

Tree Preservation Ordinance Update

**February 1, 2014 Town Council
Workshop**

Purpose and Goals of Workshop

- Purpose: Hold a Workshop with Town Council on proposed amendments to the **Existing Tree Mitigation Ordinance**
- Goal: Obtain clear direction from Town Council on Ordinance amendments

Background

- There is a long history regarding the tree ordinance including references contained in the Town's General Plan
- The topic and ordinance itself is one in which many are very passionate about the content and effect of the ordinance on maintaining the Town's general values and on personal property rights

- Town Staff were directed to bring recommended Ordinance Amendments to the October 8, 2013 Town Council meeting
- At the September 26, 2013 Planning Commission meeting, the Commission recommended on a 3-2 vote to forward the recommended amendments to the Town Council
- At the October 8, 2013 the Town Council directed that a future workshop be held to discuss the proposed amendments

General Plan References

- **Opportunities & Constraints (P.11)**

The General Plan update process has identified a number of opportunities and constraints that Loomis must address in planning for future growth.

- **Opportunities for the Town of Loomis**

Natural open spaces, trees, creeks and riparian corridors, providing habitat for wildlife.

- **Constraints and Issues facing the Town of Loomis**

Lack of street trees and landscaping in some commercial areas.

- **C. Land Use Issues and Goals (P.35)**

- **Issues**

The lack of street trees and landscaping in some commercial areas detracts from the Town's aesthetic quality.

- **Goals**

1. To preserve, maintain, and enhance creeks and riparian areas for both their aesthetic and wildlife habitat values.
3. To protect oak woodlands and significant stands of native trees.
4. To protect major landscape features within Loomis, including significant topography and rock outcroppings, open meadows and grazing areas.
5. To maintain the rural character of Loomis in new residential developments by emphasizing rural character, quality, and livability in their design, and the provision of necessary services and facilities.

General Plan References continued

- **E. Residential Land Use Policies (P. 36-38)**
- **General Policies**
- 6. The Town may approve the clustering of development, with no increase in net density, on sites where clustering is feasible, and necessary to protect sensitive natural features (such as creeks, native trees, rock outcrops) and avoid potentially hazardous areas (such as steep slopes, flood zones, and unstable soils).
- 12. Proposed development shall be planned and designed to preserve and enhance significant natural features (e.g. creeks, wetlands, native trees, rock outcrops, wildlife habitat), and retain the existing topography, to the greatest extent practical.
- 14. Loomis shall encourage the retention and enhancement of natural vegetation along major roadways in new developments as a tool for mitigating noise impacts and providing scenic open spaces.
- **F. Commercial and Industrial Land Use Policies (P. 39)**
- 5. New commercial development shall preserve and integrate existing natural features (e.g. creeks, native trees, rock outcrops) and topography into project landscaping.
- 6. Loomis shall require landscaping throughout off-street parking lots to mitigate the adverse visual impact of large paved areas and provide shading to assist in energy conservation within adjacent buildings

General Plan References continued

- **Policies (P. 115)**
- **1. Air quality.** Loomis will contribute toward the attainment of State and Federal air quality standards in the Sacramento Valley Air Basin through the following, and other feasible measures.
 - d. Recognizing that trees and other vegetation can provide a biological means of reducing air contaminants, **existing trees** should be retained and incorporated into project design wherever feasible. The additional planting of a large number of trees along roadways and in parking areas shall be encouraged.
- **5. Native tree protection.** Individual **heritage trees** and significant stands of **heritage trees** shall be preserved. Healthy **heritage trees** shall be removed or significantly trimmed only when necessary because of safety concerns, conflicts with utility lines and other infrastructure, the need for thinning to maintain a healthy stand of trees, or where there is no feasible alternative to removal. Proposed development shall be designed, constructed, and maintained to preserve individual **heritage trees** and significant stands of **heritage trees**, and provide for the protection of root zones and the continuing health of the trees. When trees are removed, they shall be replaced in sufficient numbers to maintain the volume of the Town's overall tree canopy over a 20-year period. **Tree removal** within stream corridors is also subject to the above policy on stream corridor protection.

General Plan References continued

- **Implementation Measures (P. 119)**
- 1. Amend the Zoning Ordinance to provide development standards that will implement the above policies.
- 2. The Town shall prepare and adopt a **Tree Protection Ordinance** that expands the current **Heritage Tree Ordinance**. The new ordinance should identify specific species of trees to be protected and preserved, criteria and permit requirements for tree removal, requirements for the replacement of removed trees and maintenance of the Town's overall tree canopy, and requirements for the protection of retained trees during development project construction, and their long-term maintenance.

Existing Vs. PC Proposed

Existing Ordinance

PC Proposed Ordinance

- **Protects:**
 - 1. A native oak tree with a diameter of six or more inches as measured fifty-four inches above the ground;
 - 2. A heritage, or landmark tree or grove identified by council resolution;
 - 3. Significant groves or stands of trees identified by council resolution;
 - 4. A mature tree other than those listed in subsections (A)(1) through (A)(3), that is nineteen inches or more in diameter as measured at fifty-four inches above the ground, and located on a commercial parcel, or on a residential parcel that can be further subdivided, or on a parcel in the RA, RE, or RR zones, provided that the tree is not a willow, fruit tree, eucalyptus, alder, cottonwood, or pine;
 - 5. A tree required to be planted, relocated, or preserved as a condition of approval of a tree permit or other discretionary permit, and/or as environmental mitigation for a discretionary permit; and
 - 6. A tree within one hundred feet of a perennial stream, or within fifty feet of a seasonal stream.
- **Protects:**
 - "Protected Tree" means any native (native tree defined as "oak" above) tree with a trunk that is a minimum of 6" in diameter as measured at breast height (DBH), or, any oak tree with multiple trunks that have an aggregate DBH of at least 10". This also includes trees of any species that are 18" DBH or greater or with an aggregate DBH of 24" or greater that is rated a 3, 4, or 5 by a certified arborist, or any trees preserved or replanted pursuant to Chapter 13.54.90. except for Exempt Trees and those classified as invasive species by the California Invasive Pest Council, Cal-IPC (cal.ipc.org) and non-native trees listed as not to be planted on Town-owned property in the Master Tree List.

Existing Vs. PC Proposed

Existing Ordinance

Exemptions/Exceptions

- The removal or relocation of a protected tree is exempt from the provisions of this chapter under the following circumstances.
- 1. Existing Trees on Residential Property. Removal of an existing tree of the type described in subsection (A)(4).
 - a. Trees within the RS, RM, or RH zoning districts, on a parcel that cannot be further subdivided based on the minimum lot area requirements of the applicable zoning district.
 - b. Trees on a parcel within the RA, RE, or RR zoning districts, where the total number of trees proposed for removal within any ten-year period comprise ten percent or fewer of the total number of protected trees on the parcel.
- 2. Emergency Situation. Cases of emergency where the director, town engineer, a member of a law enforcement agency, or the fire department determines that a protected tree poses an imminent threat to the public safety, or general welfare.
- 3. Traffic Visibility Obstructions. Removal or relocation of trees necessary to maintain adequate line-of-sight distances as required by the director, or town engineer.
- 4. Public Utility Damage. Removal of trees for the protection of existing electrical power or communication lines.
- 5. Nursery. Removal of trees planted, grown, or held for sale by a nursery, tree farm, or similar commercial operation.
- 6. Orchards. Removal of orchards or fruit trees grown, planted, or held for sale for cash crop or commercial purposes.
- 7. Dead or Dying Trees. Removal of trees determined by the director, or an arborist approved by the director, to be dead or dying, have become hazardous or unsightly as a result, and provide limited habitat value. (Ord. 205 § 1 (Exh. A), 2003)

PC Proposed Ordinance

Exemptions

- The following activities are considered exempt from the provisions of this Chapter:
- Parcels with a RS-10, RS-7 or RS-5 zoning designation (approximately 1/4 acre lots and smaller) that can no longer be subdivided are exempt from Tree Permit requirements.
- Pruning. Pruning of trees covered under this Chapter is exempt provided the pruning activity does not interfere with the condition of any Protected Tree.
- Emergency response and abatement as set forth in 13.54.170 of this Chapter.
- Traffic Visibility Obstructions. Removal or relocation of trees necessary to maintain adequate line-of-sight distances as required or determined by the Town Manager or Town Engineer.
- The removal of dead, dying, or hazardous trees, as determined by the Town Manager, the Town Arborist, or an arborist approved by the Town Manager (rated a 0 "dead", or 1 "dying or hazardous", or 2 "major corrective care needed") shall not require mitigation. Photographic evidence may be considered.

Existing

- **Tree Permit Required.**
- **1. Activities Requiring a Permit.** A tree permit shall be required prior to:
 - a. The relocation, removal, cutting-down, or other act that causes the destruction of a protected tree;
 - b. Prior to any grading, paving, or other ground-disturbing activity within the protected zone of a protected tree where the encroachment exceeds twenty percent of the protected zone; and
 - c. The approval of a use permit, minor use permit, variance, or subdivision map, hereafter referred to as “discretionary projects.”

PC Proposed

- **Protected Trees, No Construction, Permit Required**
- It shall be unlawful to perform any of the following acts with respect to a Protected Tree within the Town limits without a tree removal permit issued by the Town Manager:
 - A. Move, remove, cut down, poison, set fire to or permit fire to burn in proximity to, or perform or fail to perform any act which results in the unnatural death or destruction of a Protected Tree.
 - B. Perform any activity that will interfere with the condition of any Protected Tree.
 - C. Perform any work or permit any work to be performed within the critical root zone (CRZ) of a Protected Tree which would endanger the tree.
 - D. All hired work shall conform to the most current American National Standards Institute (ANSI) Tree care standards.

Mitigation Requirements

Existing

Species of Tree to be Removed	Diameter of Tree to be Removed ⁽¹⁾	Mitigation Value (required number of replacement trees)	Required Size and Species of Replacement Trees for Mitigation Value
Blue Oak	6 to 9 inches	8	15-gallon Blue Oaks
	10 to 15 inches	12	
	16 to 25 inches	20	
	26 or more inches	26	
Valley Oak	6 to 9 inches	6	15-gallon Valley Oaks
	10 to 15 inches	9	
	16 to 25 inches	15	
	26 or more inches	19	
Live Oak	6 to 9 inches	4	15-gallon oaks
	10 to 15 inches	6	
	16 to 25 inches	10	
	26 or more inches	13	
Other protected tree	19 to 25 inches	12	15-gallon trees
	26 or more inches	15	

Mitigation Requirements

Existing Continued

- **In-Lieu Mitigation Fee.** The review authority may determine that the remedies described above are not feasible or desirable and may instead require the payment of an in-lieu fee for the cost of purchasing, planting and irrigating the number of fifteen-gallon trees required by Table 5-3. The in-lieu fee shall be calculated by multiplying the total mitigation value required by Table 5-3 for all trees to be removed, by **one hundred dollars** for the removal of one to four protected trees; **three hundred dollars** for the removal of five to nine protected trees; and **five hundred dollars** for the removal of ten or more protected trees. The in-lieu fee shall be deposited into one of the following funds, as determined by the director:
 - **1. Oak Tree Propagation Fund.** This fund shall be used to propagate and protect native oak trees. Uses of the fund include, but are not limited to, purchasing property to plant or protect native oak trees, propagating native oak trees from seed or container stock and maintaining existing native oak trees.
 - **2. Non-Native Tree Fund.** This fund shall be used to purchase and plant non-native trees within Loomis. Uses of the fund include, but are not limited to, purchasing and propagating non-native trees from seed or container stock and maintaining existing non-native trees.

Mitigation Requirements PC Proposed

Species of Trees to be Removed	Size of Trees DBH in inches	T4, T6 or T8 Tree Pots or #5/5 Gal.	OR	#15 (15 Gal.) Mitigation Trees to be Planted •	OR	24" Box Mitigation Trees to be Planted	OR	In-lieu Fee Amount \$ per inch
Blue Oak (Q. douglasii)	6-14.9	X10		x8		x6		x\$100
	15- 24.9	X16		X12		x8		x\$110
	25 -29.9	x18		X14		X10		x\$120
	30-34.9	X20		X16		X12		x\$130
	>35	X26		X20		X14		x\$140
Valley Oak (Q. Jobata)	6-14.9	x8		x6		X4		X\$90
	15- 24.9	X14		X10		x6		x\$100
	25-29.9	x16		X12		x8		x\$110
	30-34.9	x18		X14		X10		x\$120
	>35	X24		X18		X12		x\$130
Interior Live Oak (Q. wislizenii)	6-14.9	x6		X4		X2		x\$80
	15- 24.9	X10		x6		X4		x\$90
	25-29.9	X12		x8		x6		x\$100
	30-34.9	X14		X10		x8		x\$110
	>35	X18		X12		X10		x\$120
All Other Protected Species	18- 24.9	x6		X4		X2		X\$70
	25 -32.9	x8		x6		X4		x\$80
	>33	X10		x8		x6		x\$90

Mitigation

PC Proposed Continued

Use of In-lieu Fees.

- In-lieu Fees shall not be used for any other purposes other than for tree planting or propagation, purchasing, maintenance, preservation programs (including, but not limited to, land purchase and/or conservation easements), public education programs regarding trees which support the purposes of this Chapter (.e.g., workshops on proper pruning), and activities in support of the administration of this Chapter. Fees collected pursuant to this Chapter may be directed by the Town Council to non-profit organizations for the implementation of programs consistent with the purposes of this Chapter within the Town of Loomis.

Mitigation Comparison

The mitigation comparisons in the table below are based on the following “small scale” and typical “larger scale” tree removal examples:
Small Scale (2 protected trees removed): (1) 12” Live oak and (1) 16” Valley oak - Total of 28” DBH

Large Scale (12 protected trees removed): 3 Blue oaks (14”, 16”, 24”); 4 Live oaks (7”, 10”, 17”, 22”); and 5 Valley oaks (9”, 12”, 18”, 23”, 27”) - Total of 199” DBH

Example Type	Existing Town Code	PC Proposed Town Code
Small Scale (Re-plant) Total DBH-28”	Replant 15 Valley oaks and 6 Live oaks. <u>Total of 21 15-gallon oak trees.</u>	Replant 10 Valley oaks and 4 Live oaks. <u>Total of 14 15-gallon oak trees.</u>
Small Scale (In-lieu fee) Total DBH-28”	Mitigation value (MV) of 21 x \$100 = <u>\$2,100</u>	Valley oak: 16 inches x \$100 and Live oak: 12 inches x \$80 = <u>\$2,560</u>
Larger Scale (Re-plant) Total DBH-199”	64 Valley oaks, 52 Blue oaks, and 30 Live oaks. <u>Total of 146 15-gallon oaks.</u>	44 Valley oaks, 32 Blue oaks, and 20 Live oaks. <u>Total of 96 15-gallon oaks.</u>
Larger Scale (In-lieu fee) Total DBH-199”	Mitigation value (MV) of 146 x \$500 = <u>\$73,000</u>	Valley oak: 44 x per inch fee, Blue oak: 32 x per inch fee, and Live oak: 20 x per inch fee = <u>\$19,750</u>

Similar Provisions

Existing Agricultural Exemptions

- A tree permit may be granted to allow tree removal within the RA zoning district to accommodate a commercial agricultural use, without mitigation in compliance with subsections (A) through (E), subject to the following conditions:
 1. The agricultural use, as proposed and ultimately established, shall be limited to crop production, horticulture, orchards or vineyards, but shall not include grazing or other animal uses;
 2. The tree permit shall be exercised within one year;
 3. Once tree removal is commenced, the proposed replacement agricultural use shall be in place within twenty-four months of the removal of the first tree, or mitigation shall be required in compliance with subsections A through E;
 4. Once the replacement agricultural use is established, it shall be maintained for a minimum of five years. If the agricultural use is terminated before five years, and/or if a subdivision application for non-agricultural development is filed with the town within that period, or mitigation shall be required in compliance with subsections A through E; and
 5. The approved tree removal and subsequent agricultural use shall retain existing trees:
 - a. Around existing and proposed buildings;
 - b. Adjacent to parcel boundaries; and
 - c. In significant groves, as determined by the review authority. (Ord. 205 § 1 (Exh. A), 2003)

PC Proposed Agricultural Exemptions

- A Tree Permit may be granted to allow tree removal within the RA zoning district for an active agricultural use without mitigation and subject to the following conditions:
 - A. The agricultural use, as proposed and ultimately established, shall be limited to crop production, horticulture, orchards or vineyards, but shall not include grazing or other animal uses;
 - B. Only that area that will be utilized for active agriculture shall be exempt;
 - C. The Tree Permit shall be exercised within one (1) year;
 - D. Once tree removal is commenced, the proposed replacement agricultural use shall be in place within twenty-four (24) months of the removal of the first tree, or mitigation shall be required in compliance with Sections 13.54.090; An extension of 1 (one) year may be granted.
 - E. Once the replacement agricultural use is established, it shall be maintained for a minimum of ten (10) years. If the agricultural use is terminated before ten (10) years, and /or if a subdivision application for non-agricultural development is filed with the Town within that period, mitigation shall be required in compliance with Sections 13.54.090;
 - F. The approved tree removal and subsequent agricultural use shall retain existing trees:
 1. Surrounding existing buildings;
 2. Within 100' from a perennial stream;
 3. Within 10' of any property line or neighboring dwelling; and
 4. In significant groves, as determined by the Town Manager.

Application/Permit Requirements

Existing

- **A. Application Contents.** Each tree permit application shall include the following information and materials.
- **1. General Content Requirements.** The application shall use the forms provided by the department, shall include an arborist's report in compliance with Section 13.54.040, and shall be accompanied by the application fee required by the town fee schedule.
- **2. Homeowner's Association Approval.** If the site is subject to conditions, covenants, and restrictions (CC&Rs) that address tree removal and are administered by an active homeowners' association, the application shall include a letter from the homeowners' association authorizing the tree removal.
- **3. Site Plan.** A tree permit application shall include a site plan with the following information, provided that the requirement for a site plan may be waived by the director if the permit is for removal of dead trees or hazardous trees.
- **a. Physical Features of the Site.** The site plan shall accurately show the location of the following existing and proposed features of the site, and structures on the site:
 - **i. Property lines;**
 - **ii. Streets, access easements and/or public or private driveways and other paved areas;**
 - **iii. Existing and proposed buildings or structures, including eaves and other architectural features, and the dimensions of the setbacks of all buildings and structures from property lines;**
 - **iv. Parking and other paved areas;**
 - **v. Land uses on the site (existing and proposed as applicable);**
 - **vi. Proposed grading and construction - including utilities, if available;**
 - **vii. Existing and proposed grades; and**
 - **viii. Chimneys.**
- **b. Tree Locations and Protected Zones.** The site plan shall show each protected tree on the site, together with the exact location of the base and dripline for each protected tree within areas of the site subject to grading, other construction or alteration of the ground surface.
- **i.** A survey of the exact horizontal and vertical locations of the protected trees trunks shall be conducted by a professional engineer or a licensed land surveyor. Each tree shall be numbered on both the site plan and grading plan. The base elevation of each protected tree shall be shown on the grading plan.
- **ii.** The exact location of the protected zone of a protected tree is crucial to evaluate impacts from construction; consequently, rough approximations will not be acceptable.
- **(A)** The radius of the protected zone is a circle equal to the trunk diameter in inches converted to feet. (For example, the radius of the protected zone of a tree with a trunk diameter of six inches is six feet.) Trunk diameter is measured at fifty-four inches above the ground.
- **(B)** In the case of a trunk that is divided into limbs at a point below fifty-four inches, the trunk diameter shall be measured at the narrowest diameter of the trunk between the base of the tree and fifty-four inches above the ground.
- In certain cases, it may be possible to physically stake the surveyed corner of a building or related improvements in the field in order to assess the potential impacts upon the trees.
- **B. Application Filing.** An application for a tree permit involving a discretionary project shall be included as part of the application for the discretionary project. An application for a tree permit not associated with a discretionary project shall be filed with the department separately. (Ord. 205 § 1 (Exh. A), 2003)

Application/Permit Requirements

PC Proposed

- **13.54.090** Permit, Application, Process, Decision.
- Any person seeking to perform any activity for which a tree Permit is required by this Chapter shall fill out an application containing the following information:
 1. Location, size and species of the tree(s) affected;
 2. The type of activity for which the permit is sought;
 3. A statement of the reasons for the activity;
 4. A written evaluation of the health and status of the tree(s) affected prepared by a registered forester or an International Society of Arborists (I.S.A.) certified arborist and evaluating the following:
 - Overall rating of tree condition, by tree number, according to the following categories:
 - **Rating #0:** This indicates a tree that has no significant sign of life.
 - **Rating #1:** The problems are extreme. This rating is assigned to a tree that has a structural and/or health problems that no amount of work or effort can change. The issues may or may not be considered a dangerous situation.
 - **Rating #2:** The tree has major problems. If the option is taken to preserve the tree, its condition could be improved with corrective work including, but not limited to: Pruning, cabling, bracing, bolting, guying, spraying, mistletoe removal, vertical mulching, fertilization, etc. If the recommended actions are completed correctly, hazard can be reduced and the rating can be elevated to a 3. If no action is taken the tree is considered a liability and should be removed.
 - **Rating #3:** The tree is in fair condition. There are some minor structural or health problems that pose no immediate danger. When the recommended actions in an Arborist report are completed correctly the defect(s) can be minimized or eliminated.
 - **Rating #4:** The tree is in good condition and there are no apparent problems that an Arborist can see from a visual ground inspection. If potential structural or health problems are tended to at this stage future hazard can be reduced and more serious health problems can be averted.
 - **Rating #5:** No problems found from a visual ground inspection. Structurally, these trees have properly spaced branches and near perfect characteristics for the species. Highly rated trees are not common in natural or developed landscapes. No tree is ever perfect, especially with the unpredictability of nature, but with this highest rating, the condition should be considered excellent.

Application/Permit Requirements

PC Proposed Continued

- 5. The certified arborist or registered forester preparing the report shall not be from the tree company retained to remove the trees;
- 6. For a development project, the tree plan as provided by Section 13.54.120; and
- 7. Such other information as the Town Manager may require to effectuate the intent of this Chapter.
- 8. If the site is subject to CC&R's that address tree removal and are administered by an active homeowners' association (HOA), the application shall include written approval from the association.
- C. In reaching a decision to grant or deny a Tree Permit, the Town Manager shall take into account the following:
 - 1. The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services;
 - 2. Protected Trees shall have a higher preservation priority than others;
 - 3. The number of existing trees in the area and the effect of any proposed removal upon the public health and safety, or the prosperity, beauty and general welfare of the area;
 - 4. Mitigation measures as proposed or replacement measures; and
 - 5. Steps to avoid or minimize removal and destruction of trees.
- D. The Town Manager shall render a decision granting or denying an application for a Tree Permit within (30) thirty days from the date the completed application is received. As a condition of granting a Tree Permit, the Town Manager may require that the work be performed by a person who is qualified by education or experience to perform the work and who holds a valid business license issued by the Town for such purpose.
- E. Each application and each appeal shall be accompanied by fees as prescribed by a resolution of the Town Council. Such fees shall in no event exceed the actual cost to the Town to conduct the services required to satisfy the requirements of this Chapter.
- F. The Town Manager shall periodically present a summation of his actions to the Town Council for its review.
- G. The property owner removing a Protected Tree will make every effort to replace the tree on the property, in accordance with Section 13.54.090.
- H. All hired work shall conform to the most current ANSI tree care standards

Arborists Report/Tree Plan

Existing

- A tree permit application shall include an arborist's report, in compliance with the following requirements, where determined by the director to be necessary based on the number, type, and locations of trees on the site.
- **A. Minimum Information.** The arborist's report shall include the following information:
 - 1. Botanical name of trees by tree number;
 - 2. Common name of trees by tree number;
 - 3. Location of trees by tree number;
 - 4. Diameter at fifty-four inches above the ground, by tree number;
 - 5. Height by tree number (optional);
 - 6. Dripline radius by tree number (measure longest radius);
 - 7. Condition by tree number; and
 - 8. Recommendations.
- **B. Determination of Tree Condition.** The information on tree condition in the report shall be developed as follows:
 - 1. **Rating System.** The condition of each tree is to be considered when determining a tree's rating according to the following categories: excellent (it is rare that a tree qualifies in this category); good; fair to good; fair to poor; or poor.
 - 2. **Factors to be Considered.** At least the following factors shall be considered in light of the tree's life expectancy under existing and planned conditions when determining a tree's rating:
 - a. The condition and environment of the tree's root crown (also roots, if applicable);
 - b. The condition of the trunk, including decay, injury callusing or presence of fungus sporophores;
 - c. The condition of the limbs, including strength of crotches, amount of deadwood, hollow areas, and whether there is excessive weight borne by them;
 - d. The condition and growth rate history of the twigs, including pest damage and diseases;
 - e. Leaf appearance, including abnormal size and density as well as pest and disease damage; and
 - f. The dripline environment, including evidence of grade changes and presence of water courses or ponding.
 - 3. **Formulation of Tree Condition.** Using an averaging of the above factors together with the arborist's best judgment, the tree shall be described using the above rating categories. It is important to rate structural condition separately from the tree's vigor condition if they are different. Root crown, trunk and limb ratings relate most to structure, while twigs and foliage, including growth rate, relate most to vigor. The structure of the root crown-trunk area is of primary importance and takes precedence over any other factor. This information should not be considered to be a formula but simply a guideline to help describe a tree's condition.
- **C. Arborist's Recommendations.** The arborist's recommendations shall be developed in compliance with the following:
 - 1. **Recommendations by Tree Number.** Based upon the conditions and findings, recommendations should be made that logically follow the report conditions. For instance, if weak crotches are reported, cabling would be a logical recommendation to include in the report. These recommended mitigative measures should be spelled out and in some cases may even improve the tree's condition ratings.
 - 2. **Preservation Measures for Each Tree Not Being Removed.** The specific recommendations must consider the impacts from the activities proposed. (Ord. 205 § 1 (Exh. A), 2003

Arborist Report/Tree Plan

PC Proposed

- An application for a development project shall be accompanied by a tree plan, prepared by a certified arborist, containing the following information:
- A. Contour map showing the extent of grading within any part of the CRZ, plus existing and proposed grades and the location, size, species and condition of all existing trees which are located upon the property proposed for development.
- B. Identification of those trees which the applicant proposes to preserve and those Protected Trees which are proposed to be removed and the reason for such removal.
- C. A description of measures to be followed to insure survival of Protected Trees during construction.
- D. A program for the preservation of Protected Trees during and after completion of the project, which shall include the following:
 - 1. Each tree or group of trees to be preserved shall be enclosed with a fence prior to any grading, movement of heavy equipment, approval of improvement plans or the issuance of any permits and such fence shall be removed following construction, but prior to installation of landscaping material;
 - 2. Fencing shall be located at the CRZ of the tree or trees and shall be a minimum of four (4) feet in height;
 - 3. Signs shall be posted on all sides of fences surrounding each tree stating that each tree is to be preserved;
 - 4. Any and all exposed roots shall be covered with a protective material during construction; and
 - E. A program for the replacement of any trees proposed to be removed.
 - F. All of the tree preservation measures required by the conditions of a discretionary project approval (the arborist's report and the Tree Permit, as applicable) shall be completed and certified by staff or the developer's arborist prior to issuance of a Certificate of Occupancy.

PC Proposed Additional “Exceptions/Credits”

- **A. Small Tree and Native Tree Preservation Credits (TPC).** The Town may consider the preservation of seedling and sapling native trees that are smaller than 6" DBH as a credit toward the total removed inches, in addition to Gooddings willows, red willows, fremont cottonwoods, California Sycamores, California black walnuts, foothill pines, white alders, and California buckeyes that are smaller than 18" DBH. For example, a 1" sapling (Caliper) would equal 1" of mitigation. These smaller trees are valuable because they are already established. Trees with Calipers of less than 1" shall not be eligible for credit under this provision. Retention of small blue oaks is especially encouraged. Any tree that is to be considered for preservation credit shall be evaluated, included in the arborist report, rated a 3, 4, or 5, and located in a suitable site with adequate spacing. They must be marked as protected mitigation trees (e.g. tagged or staked), and fenced during construction just as 6" or larger trees are required to be fenced. TPC shall not count if they are in a poor growing space due to position within the CRZ of another Protected Tree to be preserved, or are likely to be adversely impacted by the proposed development or they are located in a non-development zone. They shall be included as Protected Trees in all required monitoring as stated in 13.54.090 of this Chapter.
- **B. Large Parcel 10% Allowance.** On residentially zoned parcels zoned larger than RS-10 and having at least ten (10) Protected Trees, ten percent (10%) of Protected Trees may be removed over a ten- (10) year period without mitigation being required. Trees within conservation easements may be counted but not removed under this provision. A dated site map, subject to staff verification, to be kept on file at Town Hall, showing size, number, and species of all Protected Trees is required to verify the ten percent (10%). The Large Parcel 10% Allowance is subject to Town approval.
- **C. Woodland Enhancement.** Removal of Protected Trees to thin canopy density, improve overall health and spacing of remaining trees, improve species diversity, and improve habitat value shall not require mitigation. This requires a registered forester or certified arborist to provide a written recommendation and justification and is subject to review by the Town Arborist and subject to Town Manager approval.

Discussion

