



TO: Planning Commission
FROM: Planning Department
DATE: July 17, 2013
SUBJECT: Proposed Draft Tree Ordinance, Discussion

RECOMMENDATION:

Take public comment, review the proposed draft Tree Ordinance, discuss and give recommendation to staff to forward to the Town Council.

DISCUSSION:

Over the years, the Planning Commission has, off and on, had discussions on revising the Town's current Tree Ordinance. The Planning Commission has previously reviewed the draft Tree Ordinance that was developed by the Planning Commission Subcommittee (Commissioners Thew and Wilson as well as Rocklin resident Shawna Martinez). After thorough analysis of surrounding jurisdiction's Tree Ordinances, as well as the Subcommittee's draft Tree Ordinance and the Town's current Tree Ordinance, staff has developed a more uniform, concise, and legally defensible draft Ordinance for the Planning Commission's review and recommendation to the Town Council.

Staff has included the following Subcommittee recommendations in the draft Ordinance that are not already expressed in the Town's current Tree Ordinance:

- Mitigation table for protected tree removal (replanting and in-lieu fees);
- Tree rating system (#1-5 instead of poor, fair, good, etc);
- Exempting 0.25-acre or less parcels that cannot be further subdivided;
- The purpose and intent of the tree ordinance;
- Allowing in-lieu fees to be utilized for public education programs regarding trees (i.e. workshops on proper pruning techniques) as well as arborist fees (plan review);
- Violations and penalties for illegal removal;
- Potentially, the Agricultural Exemption (see paragraph below)

As you will see in the attached draft Tree Ordinance, Section 13.54.100 (page 6) has been left blank. This section is reserved for text pertaining to Conditions for Tree Removal to Accommodate Agriculture. There are minor differences in the language proposed by the Subcommittee when compared to the language in the Town's current Tree Ordinance. See the next page, specifically the highlighted portions, to view the minor differences. Discuss which version, or revised version, the Planning Commission wishes to include in the draft Ordinance.

EXISTING ORDINANCE LANGUAGE:

Conditions for Tree Removal to Accommodate Agriculture. 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.

SUBCOMMITTEE PROPOSED LANGUAGE:

Conditions for Tree Removal to Accommodate Agriculture. A Tree Removal Permit may be granted to allow tree removal within the RA zoning district to accommodate an active commercial 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 commercial agriculture shall be exempt;
- c. The Tree Removal Permit shall be exercised within one year;
- d. 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 as in Section 13.54.050;
- e. Once the replacement agricultural use is established, it shall be maintained for a minimum of ten years. If the agricultural use is terminated before ten 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 Section 13.54.050;
- f. The approved tree removal and subsequent agricultural use shall retain existing trees:
 1. Surrounding existing buildings;
 2. Within 100' from a perennial stream (see Applicability: 13.56.020);
 3. Within 10 feet of any property line or neighboring dwelling; and
 4. In significant groves, as determined by the review authority.

July 23, 2013 Planning Commission

Also attached you will find two (2) comparison tables (includes Subcommittee proposed) that lists each jurisdictions mitigation requirements for replanting and the paying of in-lieu fees. In addition, staff has provided a sample tree removal comparison table, one being a small scale removal (2 protected trees removed) and the second being a typical large scale removal (12 protected trees removed).

ATTACHED:

1. Draft Tree Ordinance (July 2013)
2. Mitigation Replanting Requirements by Jurisdiction
3. Mitigation In-Lieu Fee Requirements by Jurisdiction
4. Sample Tree Removal Comparison Table by Jurisdiction

RECOMMENDATION:

Take public comment, review the proposed draft Tree Ordinance, discuss and give recommendation to staff to forward to the Town Council.

TOWN OF LOOMIS

ATTACHMENT 1

ORDINANCE NO.: _____

AN ORDINANCE OF THE TOWN OF LOOMIS REPEALING AND REENACTING CHAPTER 13.54 OF THE MUNICIPAL CODE RELATING TO TREE CONSERVATION

Section 1. Chapter 13.54 of the Town’s Municipal Code is hereby repealed and reenacted as follows:

TREE CONSERVATION

Sections:

- 13.54.010 Purpose and Intent.
- 13.54.020 Definitions.
- 13.54.030 Responsibility.
- 13.54.040 Town Manager duties.
- 13.54.050 Landmark, significant, heritage trees—Permit required.
- 13.54.060 Landmark, significant, heritage trees—Construction—Permit required.
- 13.54.070 Permit—Application—Decision.
- 13.54.080 Removal of trees—Mitigation and replacement.
- 13.54.090 In-lieu Fees.
- 13.54.100 Developments—Tree plan.
- 13.54.110 Mitigation of Other Trees.
- 13.54.120 Implementing Regulations.
- 13.54.130 Liability—Responsibility.
- 13.54.140 Emergency response and abatement.
- 13.54.150 Stop-work order.
- 13.54.160 Appeals.
- 13.54.170 Violation—Penalty.

13.54.010 Purpose and Intent.

The Town of Loomis is unique in the region in preserving the rural character of its community. It is recognized that the preservation of trees enhances the natural beauty of the Town, sustains long-term potential increases in property values, maintains the environment, tempers the effect of extreme temperatures, creates the identity and quality of the Town which is necessary for successful businesses to continue, improves the attractiveness of the Town to visitors and increases the oxygen output of the area which is needed to combat air pollution. For these reasons, the Town council finds that in order to promote the public health, safety and general welfare of the Town, while at the same time recognizing individual rights to develop private property in a manner which will not be prejudicial to the public interest, nor prohibit development of private property, it is necessary to enact regulations governing the removal and preservation of landmark, significant or heritage trees on private and public property within the Town.

13.54.020 Definitions.

As used in this chapter the following words and terms shall have the following meanings:

“Construction activity” means the incorporation of labor and materials to build any structure requiring permanent or temporary location.

“Development project” shall be as defined at Government Code Section 65928.

“Drip line area” means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Heritage tree” means any native tree with a trunk of 6 inches or more at diameter breast height (d.b.h.) which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape for its species. The d.b.h. of multi-trunk trees shall be based upon the sum of the diameters of all the trunks.

“Landmark tree” means any tree, grove, or stand of trees which is especially prominent, stately, or which is of historical significance, as designated by resolution of the Town Council.

“Maintain” or “maintenance” means and includes major trimming or pruning, and any other similar act which promotes the life, growth, health or beauty of trees, excepting only watering, unless specifically so stated. Major trimming and pruning means the removal of branches of 3 inches in diameter or greater.

“Native tree” means a living tree (or hybrids thereof) of the interior live oak (*Quercus wislizenii*), valley oak, California white oak (*Quercus lobata*), blue oak (*Quercus douglasii*), *Quercus x morehus* (Oracle Oak), and California sycamore (*Platanus racemosa*).

“Owner” means the legal owner of real property fronting upon any street as shown on the last equalized assessment roll.

“Significant tree” means any tree with a trunk of 18 inches or more at d.b.h. other than a heritage tree, willow, fruit tree, eucalyptus, alder, cottonwood, or pine, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape for its species. The d.b.h. of multi-trunk trees shall be based upon the sum of the diameters of all the trunks.

“T4, T6, T8 tree pot” means a tree container that has a top width of 4-inches (T4), 6-inches (T6) or 8-inches (T8).

“Town Manager” means the Town Manager or his or her designated representative.

“Tree permit” means written authorization by the Town Manager to perform an activity on a landmark, significant or heritage tree.

13.54.030 Property Owner Responsibility.

- A. It is the responsibility of the property owner to maintain all trees on his or her property. The property owner must ensure that the trees on his or her property do not pose a danger to his or her own property or the property of others. Property owners have the burden of demonstrating compliance with this Chapter.
- B. Property owners that do not maintain trees on their property and, as a result, create an emergency, will be subject to the provisions of Section 13.54.130.

13.54.040 Town Manager duties.

The Town Manager shall perform the following duties:

- A. Determine and take inventory of suitable and desirable species of specified trees and the areas in which and the conditions under which such trees shall be planted. The Town Manager may consult with those familiar with the subject of such plantings. The Town Manager shall report his findings in writing to the Town Council. When approved by the Town Council, the report shall be known as the “master tree list,” and shall be placed on file with the Town Clerk and shall thereafter be the official determination of the Town Manager.

Revisions or changes in the master tree list may be made from time to time by the Town Manager with the approval of the Town Council.

- B. Supervise and control the preservation and protection of landmark, significant or heritage trees.
- C. Perform other duties as set forth in this chapter:

13.54.050 Landmark, significant, heritage trees—Tree Permit required.

It shall be unlawful to perform any of the following acts with respect to a landmark, significant or heritage tree within the Town limits without a tree 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 landmark, significant or heritage tree.
- B. Perform any activity that will interfere with or retard the natural growth of any landmark, significant or heritage tree.
- C. Perform any work or permit any work to be performed within the drip line area of a landmark, significant or heritage tree which would endanger the tree.
- D. Trim or prune any branch of a landmark, significant or heritage tree that is three (3) inches in diameter or greater.
- E. Maintenance work on a heritage tree (i.e. use of chemicals).
- F. Parcels with a RS-10, RS-7 or RS-5 zoning designation (approx. ¼ acre and smaller) that can no longer be subdivided are exempt from tree permit requirements.

13.54.060 Landmark, significant, heritage trees—Construction—Tree Permit required.

During construction activity on any property upon which a landmark, significant or heritage tree is located, it is unlawful for any person to perform any of the following acts without a tree permit issued by the Town Manager, which permit shall not be denied if the activities are deemed necessary for the project and proper care is taken to protect any landmark, significant or heritage tree:

- A. Change the appropriate amount of irrigation or drainage water provided to any landmark, significant or heritage tree.
- B. Trench, grade, pave or otherwise damage or disturb any exposed roots within one foot outside the drip line area of a landmark, significant or heritage tree.
- C. Park or operate any motor vehicle within one foot outside the drip line area of any landmark, significant or heritage tree.
- D. Place or store any equipment or construction materials within one foot outside the drip line area of any landmark, significant or heritage tree.
- E. Place, apply or attach any signs, ropes, cables or any other items to any landmark, significant or heritage tree.
- F. Cut or trim any branch of a landmark, significant or heritage tree that is three (3) inches in diameter or greater.
- G. Place or allow to flow any oil, fuel, concrete mix or other deleterious substance into or over within one foot outside the drip line area of any landmark, significant or heritage tree.
- H. Parcels with a RS-10, RS-7 or RS-5 zoning designation (approx. ¼ acre and smaller) that can no longer be subdivided are exempt from tree permit requirements.

13.54.070 Permit—Application—Decision.

A. Any person seeking to perform any activity for which a tree permit is required by this chapter shall contact the Town Manager to discuss the proposed activity, and, if deemed necessary by the Town manager, the Town Manager will inspect the site of the proposed activity. After initial consultation between the applicant and the Town Manager, the Town Manager shall advise the applicant whether a permit is required. If so, the applicant shall be required to make a formal written application for a tree permit and pay an application fee. The application shall be signed by the property owner or his authorized agent.

- B. The application shall contain the following information:
1. Location, size and species of the tree;
 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), prepared by a registered forester or an International Society of Arborists (I.S.A.) certified arborist;
 - a. Overall rating of tree condition, by tree number, according to the following categories:
 - Rating #1: Extremely Poor (dead, dying and/or dangerous)
 - Rating #2: Poor (major problems)
 - Rating #3: Fair (minor problems)
 - Rating #4: Good (no apparent problems)
 - Rating #5: Excellent (no problems)
 5. The certified arborist preparing the report cannot be from the tree company potentially employed to remove the trees;
 6. For a project requiring a development permit, the tree plan as provided by Section 13.54.100; and
 7. Such other information as the Town Manager may require.
- 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, and whether or not the tree acts as a host for a plant which is parasitic;
 2. The species of tree (native oaks, heritage and landmark 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. Before any tree permit is denied, the Town Manager shall consider the adverse impacts of such denial on the future development of the site, including the increased costs of development and construction, the reduction in the size of the proposed structure or structures, and other adverse economic impacts on the landowner or developer.
- E. The Town Manager or his designated representative shall render a decision granting or denying an application for a tree permit within 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, in the opinion of the Town Manager, is qualified by education or experience to perform the work and who holds a valid business license issued by the Town for such purpose.
- F. Each application and each appeal shall be accompanied by fees as prescribed by 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.
- G. The Town Manager shall periodically present a summation of his actions to the Town Council for its review.
- H. The property owner removing a landmark, significant, or heritage tree will make every effort to replace the tree on the property, in accordance with Section 13.54.080.

13.54.080 Removal of trees—Mitigation and replacement.

When the Town Manager has granted a tree permit to remove a landmark, significant or heritage tree, said permit shall require the applicant to replace the tree with a living tree (or trees) of the same species on the property or within the Town of Loomis, in a location approved by the Town Manager. Said location will be

specified in the tree permit. The replacement requirement shall be calculated as provided by Table 5-3. The property owner will replace the tree(s) and continue to replace the replacement tree(s) if the tree(s) die(s) any time within three (3) years of the initial planting. Replacement shall not be required if a tree is in need of removal solely because it poses a risk to persons or property or if the tree acts as a host for a plant that is parasitic.

Table 5-3: Tree Removal Mitigation Table

Species of Trees to be Removed	Size of Trees DBH in inches	T4, T6 or T8 Tree Pots	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 (<i>Q. douglasii</i>)	6 – 14.9	x 10		x 8		x 6		x \$100
	15 - 24.9	x 16		x 12		x 8		x \$110
	25 – 29.9	x 18		x 14		x 10		x \$120
	30 – 34.9	x 20		X 16		x 12		x \$130
	>35	x 26		x 20		x 14		x \$140
Valley Oak (<i>Q. lobata</i>)	6 – 14.9	x 8		x 6		x 4		x \$90
	15 - 24.9	x 14		x 10		x 6		x \$100
	25 – 29.9	x 16		x 12		x 8		x \$110
	30 – 34.9	x 18		x 14		x 10		x \$120
	>35	x 24		x 18		x 12		x \$130
Interior Live Oak (<i>Q. wislizenii</i>)	6 – 14.9	x 6		x 4		x 2		x \$80
	15 - 24.9	x 10		x 6		x 4		x \$90
	25 – 29.9	x 12		x 8		x 6		x \$100
	30 – 34.9	x 14		x 10		x 8		x \$110
	>35	x 18		x 12		x 10		x \$120
All other protected species	18 - 24.9	x 6		x 4		x 2		x \$70
	25 – 32.9	x 8		x 6		x 4		x \$80
	>33	x 10		x 8		x 6		x \$90

Note: Diameter shall be measured at a point 4.5 feet above the ground at the base of the tree.

For each species and size class, 1 or a combination of columns may be used to determine total mitigation. Up to 50% of the required replacement trees may have T4, T6, T8 tree pots (oaks) or a #5/5 gallon (other species) container size, where the review authority determines that long-term tree health and survival will be improved by starting with a smaller container size, and that each tree with a container size less than #15 will not be in a location where it will be more subject to damage while it is becoming established than a larger tree.

If the property owner is unable to replace the tree on his or her property or within an area approved by the Town

Manager, the Town Manager shall require the property owner to pay an in-lieu fee to the Town. An in-lieu fee payment shall not be required if the tree is in need of removal solely because it poses a risk to persons or property, if it is diseased (as diagnosed by a certified arborist) and is not treatable, if the tree acts as a host for a plant that is parasitic, or, if the tree is causing or has a high degree of probability to cause significant property damage (i.e. damage to a building).

13.54.090 In-lieu Fees.

In-lieu fees shall not be used for any other purposes other than for tree planting, purchasing, maintenance, preservation programs (including, but not limited to, conservation easements), public education programs regarding trees which support the purposes of this chapter (i.e. workshops on proper pruning), and activities in support of the administration of this Chapter (i.e. Town Arborist review of tree plans). 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 Section.

13.54.100 Conditions for Tree Removal to Accommodate Agriculture

13.54.110 Developments—Tree plan.

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 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 landmark, significant or heritage 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 landmark, significant or heritage trees during construction.

D. A program for the preservation of landmark, significant or heritage 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 one foot outside of drip line of the tree or trees and shall be a minimum of six 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.

13.54.120 Mitigation of Other Trees.

When mitigation is required by the California Environmental Quality Act or any other regulation for the removal of any tree, such mitigation shall be provided consistent with Sections 13.54.080 and 13.54.090.

13.54.130 Implementing Regulations.

The Town Council may adopt implementing regulations to effectuate the intent of this Chapter.

13.54.140 Liability—Responsibility.

This chapter shall not be construed to impose any liability upon the Town, its officers or employees for the performance of any act or the failure to perform any act under this chapter, and shall not relieve the owner from the duty to keep any tree upon his or her property in such condition as to prevent it from causing damage or constituting a nuisance. By enactment of this chapter, the Town is not assuming responsibility for the

maintenance of landmark, significant or heritage trees, nor relieving the property owner of the duty to maintain such trees at his own expense. Furthermore, it shall be the obligation and duty of each owner to demonstrate compliance with this Chapter.

13.54.150 Emergency response and abatement.

A. An owner is not precluded by this chapter from taking action, in the event of an emergency, which would otherwise violate the terms of this chapter, if such action is necessary to minimize danger. In the event such emergency action is taken, the owner shall notify the Town Manager or his representative by the next working day. The burden is on the owner to demonstrate that any action taken complies with Section. For purposes of this section, “emergency” means imminent threat to life or property.

B. In the event that an owner has not maintained trees for which the owner is responsible and the trees pose an imminent danger to persons and/or property, constituting an emergency, the Town Manager may commence abatement proceeding pursuant to Section 7.04.030 of the municipal code. At the owner’s expense, the tree shall be removed or have the dangerous condition otherwise rectified.

C. In the event that an owner has not maintained trees for which the owner is responsible and the trees and the condition does not pose an imminent threat to persons and/or property, but has the potential to pose such a threat, the Town Manager shall give the owner thirty days to eliminate the potentially dangerous condition. If the condition has not changed in thirty days the Town Manager may commence abatement proceedings pursuant to Section 7.04.030 of the municipal code.

13.54.160 Stop-work order.

Whenever the Town Manager determines that an action being taken is in conflict with this chapter, he shall cause to be issued a stop work order which shall prohibit such action. Such stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The person receiving the stop work order shall report in writing to the Town Manager within forty-eight hours regarding the steps to be taken to correct the violations or to appeal the posting of the stop work order. The stop work order shall remain in effect until a finding is made that the circumstances giving rise to its order no longer exist. Any party receiving a stop work order may appeal through the process outlined in Section 13.54.160.

13.54.170 Appeals.

Any person dissatisfied with the decision of the Town Manager made under this chapter may appeal such decision to the Town Council. Such appeal shall be in writing, stating the reasons therefore, and, except as otherwise provided herein, shall be filed with the Town Clerk not later than fifteen days after the date of the Town Manager's decision. All appeals shall be conducted in accordance with Chapter 13.74 of the Municipal Code. The decision of the Town Council shall be final.

13.54.180 Violation—Penalty.

Any person, corporation or other legal entity who violates or fails to comply with any chapter of this provision shall be subject to a fine of one hundred (\$100) dollars for the first offense, two hundred dollars (\$200) for the second offense, and five hundred (\$500) dollars for the third offense and each subsequent offense thereafter. Each person, corporation or other legal entity is guilty of a separate offense for each and every tree each and every day, during any portion of which violation of this chapter is committed, continued or permitted by any such person, corporation or legal entity, and such person, corporation or legal entity shall be punished accordingly.

In addition to the general penalty set forth above, any condition caused or permitted to exist in violation of this chapter shall be deemed a public nuisance and may be summarily abated by the Town in accordance with Section 7.04.020, Nuisance Abatement, and other applicable provisions of law.

Section 2. Posting. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the _____, 2013, and was ADOPTED AND ORDERED published and posted at a meeting of the Council held on the ____ day of _____, 2013, by the following roll call vote:

AYES:
NOES:
ABSENT:

By: _____
Mayor


ATTEST:

By: _____
Crickett Strock, Town Clerk

Species to be Removed	Existing Town Code	Staff Proposed	Subcommittee Proposed	City of Auburn	City of Rocklin	City of Roseville	City of Citrus Heights	City of West Sacramento	Placer County
Blue Oak	*DBH = <u>Mitigation Value (15-gallon replacement)</u> 6-9" = 8 10-15" = 12 16-25" = 20 26"+ = 26	→	<u>DBH =</u> <u>Mitigation Value (15-gallon replacement):</u> 6-14" = 8 15-24" = 12 25-29" = 14 30-34" = 16 35"+ = 20	Mitigation is provided at a rate of 1" for every 2" of trees removed. Replacement oak trees must have a combined DBH of the tree(s) removed.	<u>Developed residential lot =</u> Replace each heritage oak (24" + DBH) with 5 onsite; non-heritage tree (6" + DBH) with 2 onsite.	Mitigation is provided on an inch by inch basis. Replacement oak trees must have a combined DBH of the tree(s) removed.	Mitigation is provided on an inch by inch basis. Replacement oak trees must have a combined DBH of the tree(s) removed.	Mitigation is provided on an inch by inch basis. Replacement oak trees must have a combined DBH of the tree(s) removed.	Mitigation is provided on an inch by inch basis. Replacement oak trees must have a combined DBH of the tree(s) removed.
Valley Oak	*DBH = <u>Mitigation Value (15-gallon replacement)</u> 6-9" = 6 10-15" = 9 16-25" = 15 26"+ = 19	→	<u>DBH =</u> <u>Mitigation Value (15-gallon replacement):</u> 6-14" = 6 15-24" = 10 25-29" = 12 30-34" = 14 35"+ = 18	A 15-gallon tree is equal to 1" mitigation. [e.g.: 14" DBH oak tree = 7" of replacement trees (7 15-gallon oaks)].	<u>Developed non-residential lot =</u> Replace each tree removed with 1 tree onsite (15-gallon).	A 15-gallon oak is equal to 1" mitigation; a 24" box tree is equal to 2" mitigation; and a 36" box tree is equal to 3" of mitigation.	A 15-gallon oak is equal to 1" mitigation; a 24" box tree is equal to 2" mitigation; and a 36" box tree is equal to 3" of mitigation.	A 15-gallon oak is equal to 1" mitigation; a 24" box tree is equal to 2" mitigation; and a 36" box tree is equal to 3" of mitigation.	(See text in the row above).
Live Oak	*DBH = <u>Mitigation Value (15-gallon replacement)</u> 6-9" = 4 10-15" = 6 16-25" = 10 26"+ = 13	→	<u>DBH =</u> <u>Mitigation Value (15-gallon replacement):</u> 6-14" = 4 15-24" = 6 25-29" = 8 30-34" = 10 35"+ = 12	(See text in the rows above).	<u>Undeveloped residential lot =</u> When ≤20% of oaks onsite are removed, replant at 2:1. When over 20%, replacement trees must have a total DBH of trees removed.	(See text in the rows above).	(See text in the rows above).	(See text in the rows above).	(See text in the top row).
Other Protected Tree	*DBH = <u>Mitigation Value (15-gallon replacement)</u> 19-25" = 12 26"+ = 15	→	<u>DBH =</u> <u>Mitigation Value (15-gallon replacement):</u> 18-24" = 4 25-32" = 6 33"+ = 8	(See text in the rows above).	<u>Undeveloped non-residential lot =</u> No mitigation required. Incentives are given for saving oak trees.	(See text in the rows above).	(See text in the rows above).	(See text in the rows above).	(See text in the top row). Att. 2

*Diameter at breast height (DBH) is measured at a point 4.5 feet above the ground at the base of the tree.

MITIGATION IN-LIEU FEE:

Existing Town Code Mitigation In-Lieu Fee	Staff Proposed Mitigation In-Lieu Fee	Subcommittee Proposed Mitigation In-Lieu Fee	City of Auburn Mitigation In-Lieu Fee	City of Rocklin Mitigation In-Lieu Fee	City of Roseville Mitigation In-Lieu Fee	City of Citrus Heights Mitigation In-Lieu Fee	City of West Sacramento Mitigation In-Lieu Fee	Placer County Mitigation In-Lieu Fee
In-lieu fee is calculated by multiplying the total mitigation value required by Table 5-3 for all trees to be removed, by \$100 for the removal of 1-4 protected trees; \$300 for the removal of 5-9 protected trees; and \$500 for the removal of 10+ protected trees.		In-lieu fee is calculated by multiplying the DBH of each protected tree removed by the dollar amount per inch as proposed in the Subcommittee's draft Table 5-3.	In-lieu fee as set by City Council Resolution, currently \$50 per inch of required replacement trees.	In-lieu fee as set by City Council Resolution, currently \$96 per inch of required replacement trees (when applicable).	In-lieu fee as set by City Council Resolution, currently \$118 per inch of required replacement trees.	In-lieu fee as set by City Council Resolution, currently \$298 per inch of required replacement trees.	In-lieu fee as set by City Council Resolution, currently \$325 per inch of required replacement trees.	In-lieu fee is based on the current market value, as established by an arborist, forester, or registered landscape architect, of the replacement trees, including cost of installation.

Auburn + \$96 + **Roseville** + \$118 + **Citrus Heights** + \$298 + **West Sacramento** = \$887 ÷ 5 = **\$177.40 per inch**

Average

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The mitigation comparisons in the table below are based on the following "small scale" and typical "large 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	Staff Proposed	Sub-committee Proposed	City of Auburn	City of Rocklin	City of Roseville	City of Citrus Heights	City of West Sac.	Placer County
Small Scale (Re-plant)	Replant 15 Valley oaks and 6 Live oaks. <u>Total of 21</u>	➔	Replant 10 Valley oaks and 4 Live oaks. <u>Total of 14</u>	Replant 8 Valley oaks and 6 Live oaks. <u>Total of 14</u>	All residential lots = <u>4</u> 15-gallon oaks; Developed non-residential lots = <u>2</u> 15-gallon oaks; Undeveloped non-residential lots = <u>0</u>	<u>28</u> 15-gallon trees; or <u>14</u> 24-inch box trees; or <u>10</u> 36-inch box trees (or a combination of).	<u>28</u> 15-gallon trees; or <u>14</u> 24-inch box trees; or <u>10</u> 36-inch box trees (or a combination of).	<u>28</u> 15-gallon trees or <u>10</u> 24-inch box trees (or a combination of).	Replant a total of <u>28</u> 15-gallon oak trees.
Total DBH-28"	15-gallon oak trees.		15-gallon oak trees.	14" x 50	No fee for undeveloped non-residential lots. 28" x \$96 per inch = <u>\$2,688</u> for all other lots.	28" x \$118 per inch = <u>\$3,304</u>	28" x \$298 per inch = <u>\$8,344</u>	28" x \$325 per inch = <u>\$9,100</u>	Based on current market value.
Small Scale (In-lieu fee)	Mitigation value (MV) of 21 x \$100 = <u>\$2,100</u>	➔	Valley oak: MV of 10 x \$100 and Live oak: MV of 4 x \$80 = <u>\$1,320</u>	14" x 50 per inch = <u>\$700</u>	Undeveloped residential lots = <u>24</u> 15-gallon oaks; Developed residential lots = <u>30</u> 15-gallon oaks; Developed non-residential = <u>12</u> 15-gallon oaks; Undeveloped non-residential lots = <u>0</u>	<u>199</u> 15-gallon trees; or <u>100</u> 24-inch box trees; or <u>67</u> 36-inch box trees (or a combination of).	<u>199</u> 15-gallon trees; or <u>100</u> 24-inch box trees; or <u>67</u> 36-inch box trees (or a combination of).	<u>199</u> 15-gallon trees or <u>67</u> 24-inch box trees (or a combination of).	Replant a total of <u>199</u> 15-gallon oak trees.
Total DBH-199"	64 Valley oaks, 52 Blue oaks, and 30 Live oaks. <u>Total of 146</u> 15-gallon oaks.	➔	44 Valley oaks, 32 Blue oaks, and 20 Live oaks. <u>Total of 96</u> 15-gallon oaks.	Replant 45 Valley oaks, 27 Blue oaks, 28 Live oaks. <u>Total of 100</u> 15-gallon oaks.	Undeveloped residential lots = <u>24</u> 15-gallon oaks; Developed residential lots = <u>30</u> 15-gallon oaks; Developed non-residential = <u>12</u> 15-gallon oaks; Undeveloped non-residential lots = <u>0</u>	<u>199</u> 15-gallon trees; or <u>100</u> 24-inch box trees; or <u>67</u> 36-inch box trees (or a combination of).	<u>199</u> 15-gallon trees; or <u>100</u> 24-inch box trees; or <u>67</u> 36-inch box trees (or a combination of).	<u>199</u> 15-gallon trees or <u>67</u> 24-inch box trees (or a combination of).	Replant a total of <u>199</u> 15-gallon oak trees.
Large Scale (In-lieu fee)	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>\$9,320</u>	99.5" x 50 per inch = <u>\$4,975</u>	No fee for undeveloped non-residential lots. 199" x \$96 per inch = <u>\$19,104</u> for all other lots.	199" x \$118 per inch = <u>\$23,482</u>	199" x \$298 per inch = <u>\$59,302</u>	199" x \$325 per inch = <u>\$64,675</u>	Based on current market value.
Total DBH-199"		➔							

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*The tree inches expressed in the small and large scale examples are as measured at 4.5 feet above the ground at the base of the tree (diameter at breast height-DBH).