

Placer County Code, Article 12.16

TREE PRESERVATION GENERALLY

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12.16.010 Purpose and intent.

For centuries native oak trees have existed as dominant and magnificent features of the landscape of the Sierra Foothill region. Over the years trees have been cleared to accommodate agriculture, burned as firewood and removed to facilitate development. Only a portion of the original oak woodland forest remains today. The removal of oak and other native trees continues to the present time and occurs at a much faster pace than natural revegetation in areas of development.

Trees are key elements in our living system, the boundaries of which do not conform to the arbitrary property lines of individual lots and parcels, and upon which the continued health and welfare of this community depends. It is acknowledged that the preservation of trees enhances the natural scenic beauty, improves air quality, water quality, reduces soil erosion, preserves significant natural heritage values, preserves wildlife habitat, and helps to reduce energy consumption for air cooling by providing shade. Trees in a community or neighborhood also provide a sense of identity and tradition, and they enhance property values which encourages higher quality development.

As development of vacant land occurs, loss of some tree cover may be unavoidable. However, it is the county's intent to reduce the loss of trees to reasonably acceptable levels while at the same time providing for fuel reduction and fire prevention activities to protect the residents of the county from such catastrophic losses than can occur. Therefore, it has become necessary for an ordinance to be established to preserve and protect the remaining native oak and other species of trees within Placer County. The spirit of this article is to encourage an atmosphere of mutual cooperation between members of the development community, private citizens, and county officials in attempting to retain tree cover within the county. Furthermore, the article is to provide for educational programs and materials to promote an awareness of the value of trees, and provide information to the public relating to the care, maintenance, and planting of trees.

Thus, it shall be the policy of this county to preserve trees wherever feasible, through the review of all proposed development activities where trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. In the spirit of reasonableness this article does not categorically prohibit tree removal and contains numerous exemptions for specific types of activities. It is also recognized, that due to the extremely diverse terrain and vegetation within the county, different policies may be applicable to specific areas of the county. (Prior code § 36.100)

12.16.020 Definitions.

The following words are defined for purposes of this article as follows:

“Approving body” means one of the following depending on the nature of the application: board of supervisors, planning commission, board of zoning appeals, zoning administrator, design/site review committee, planning director, or county arborist (under the authority of the planning director).

“Arborist” means an individual certified as an arborist by an the International Society of Arboriculture (ISA).

“Arborist report” means a report prepared by an arborist or registered professional forester containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more trees on an individual lot or project site.

“Canopy trees” means a group of trees typically found along roadways which form a canopy over the roadway. By adoption of a resolution, the board of supervisors shall have the authority to protect specific canopy tree areas as landmark trees.

“Certification letter” means a concluding statement by an arborist stating that work that was performed was observed by an arborist and complies with the conditions of the discretionary project, the arborist report, the tree permit and this article.

“Commercial wood cutting” means cutting trees for fuelwood purposes producing in excess of two cords (two hundred fifty-six (256) ft.) of wood for sale or profit in any one-year period.

“County arborist” means a person employed by or chosen and retained by the county to review, evaluate and prepare reports and requests to remove and/or relocate protected trees. In performing his or her duties and responsibilities, the county arborist may conduct field inspections independently or in the company of county employees and/or other arborists.

“Cutting” means the detaching or separating of any limb, branch or root from a tree.

“Dead tree” means a tree that does not contain any live tissue, i.e., green leaves or live limbs.

“Deadwood” means limbs or branches that contain no green leaves or live limbs.

“Deadwooding” means the act of removing deadwood.

“Development activity” means any activity within the protected zone of a tree, which could impact the health of a tree or landmark tree, including but not limited to cutting, grading, irrigating and trenching.

“Diameter at breast height” means the diameter of a tree measured at four and one-half feet above ground level on the high side of the tree. The diameter may be calculated by use of the following formula: $DBH = \text{circumference at breast height} \div 3.142$.

“Discretionary project” means any nonministerial development project that must be approved by either the: board of supervisors, planning commission, board of zoning appeals, parcel review committee, design/site review committee or zoning administrator. Discretionary projects include, but are not limited to: conditional use permits, parcel maps, rezoning, design reviews, subdivision maps, or variances. (Discretionary projects do not include issuance of building permits, business licenses, or similar ministerial actions.)

“Drip line” means the outermost edge of a tree’s canopy as measured at the time of application for a tree permit. When depicted on a map, the dripline will appear as an irregular-shaped circle that follows the contour of the tree’s branches as seen from overhead.

“Dying/unhealthy tree” means any tree certified by an arborist or registered professional forester as being unhealthy or dying.

“Encroachment” means any development activity conducted within the protected zone of a protected or preserved tree.

“Grading” means the movement of any soil or earth material within the protected zone or protected or preserved trees.

“Irrigation” means transfer of water to a site by artificial means.

“Landmark tree” means a tree or grove of trees designated by resolution of the board of supervisors to be of historical or cultural value, an outstanding specimen, an unusual species and/or of significant community benefit. Notwithstanding any other provision of this section, a tree that is not native to California may be designated as a landmark tree. (Note: A list of culturally significant or landmark trees [i.e., palms, along English Colony Road, oak canopy tree areas, Deodar cedars on Highway 49, major heritage oak trees, etc.] shall be prepared by the county parks division as a beginning list of “Landmark Trees.”)

“Minor tree permit” means an authorization by the planning department authorizing specifically identified work or development activities to be performed within the protected zone of a protected tree. (Note: Minor tree permits are only issued for single family residential lots and other specific projects as determined by the planning director. For discretionary projects, approval or denial of tree removal is part of that discretionary action.)

“Native ground surface fabric” means the layer of topsoil, humus, and vegetation that comprises the native ground surface.

“Oak tree information packet” means a package containing certain documents which must be distributed to property owners whose lots contain native oak trees.

“Preserved tree” means a tree that has been established as one to be saved through the tree permit or discretionary project approval process.

“Protected tree” means any tree, including a landmark tree, for which a tree permit is required prior to any removal or development activity being conducted within the protected zone.

“Protected zone” means a circle, the radius of which is equal to the largest radius of a protected tree’s dripline plus one foot.

“Public land” means all land owned or controlled by public entity.

“Registered professional forester” means a person who holds a valid license as a professional forester pursuant to Article III, Chapter 2, Division I, of the Public Resources Code.

“Removal” means the physical removal of a tree.

“Riparian zone” means any area within fifty (50) feet from the centerline of a seasonal creek or stream, any area one hundred (100) feet from the centerline of a year round creek, stream, or river, and any area within one hundred (100) feet from the shoreline of a pond, lake or reservoir. At a minimum all streams, creeks, ponds, lakes, and reservoirs as shown on 7.5 minute USGS maps are included in this definition. (A riparian zone established in specific community or general plan may supersede this definition.) (Note: All trees regardless of size within riparian areas within the tree preservation zones and as a part of any discretionary project county-wide are subject to this article.)

“Routine maintenance” means actions taken for the continued health of a protected tree including but not limited to: deadwooding, mowing grass close to a tree, and application of insecticides and pesticides.

“Single-family dwelling” means a building designed for and/or occupied as a residence by one family.

“Site planning meeting” means an on-site meeting with the owners, developer and his or her contractors, and/or engineers; the arborist; and county representatives to delineate special procedures, limits of work, lines of authority and special conditions or procedures not specifically covered by ordinance.

“Tree” means a tall woody plant native to California, with a single main stem or trunk at least six inches dbh, or a multiple trunk with an aggregate of at least ten (10) inches dbh. (Note: Digger pines are exempt from this article. Also, see “riparian zone” definition.) Certain plants which are more commonly found as “brush”, such as manzanita, are not considered to be a tree in this article regardless of size. (Ord. 5041-B §§ 1, 2, 2000; prior code §§ 36.210—36.282)

12.16.030 General county-wide requirements.

A. This article is applicable to all native, landmark trees, riparian zone trees, and certain commercial firewood operations, except as exempted.

B. Riparian Zone Requirements.

1. Within any riparian zone, in all areas of the county in conjunction with any discretionary project and in any tree preservation zone for all development activity, compliance with this article for any development activity in the protected zone of a protected tree shall be required.

2. No tree permit or discretionary approval for any development activity within a riparian zone shall be approved until environmental impacts within the riparian zone are identified, an

environmental determination is made and the mitigation measures identified (Chapter 18, Placer County Code). Additionally, no development activity shall be permitted until any stream alteration agreement or mitigation agreements required by the California Department of Fish and Game have been completed.

3. Advisory Comment. This is not a categorical prohibition on any tree removal within a riparian zone but rather a requirement for review of proposed development activity and approval of a tree permit or discretionary project prior to such disturbance occurring.

C. Commercial Firewood Cutting.

1. Licensing Required. Fuel wood production is considered commercial when a party cuts firewood for sale or profit. A commercial operator shall be required to hold a Class A or B timber operator's license pursuant to the laws of the state of California and have attended the training seminar offered by the California Division of Forestry pertaining to proper forest management techniques.

2. Permit Required. A tree permit shall be required for commercial firewood cutting of any size or type of tree in all areas of the county west of the Foresthill general plan area (see map available in the planning office) when the amount of wood taken from any given site exceeds two cords or two hundred fifty-six (256) cubic feet of wood within a one year period. In reviewing a permit application, the planning department will consider the following:

- a. Whether the trees to be removed would have a significant negative environmental impact.
- b. That the proposed removal will not result in clear-cutting, but will result in thinning or stand improvement.
- c. Whether replanting is necessary to insure adequate regeneration.
- d. Whether the removal would create the potential for soil erosion.
- e. Whether any other limitations or conditions should be imposed in accordance with sound tree management practices.

f. Evaluate the resulting canopy cover.

D. Removal of More Than Fifty Percent of Trees. Except for developed, single-family residential lots that cannot be subdivided, the removal of more than fifty (50) percent of existing native trees, six inches dbh or greater, shall be subject to the issuance of a tree permit. Failure to obtain a permit prior to the removal of more than fifty (50) percent of the existing native trees in these areas may result in the denial or deferral of any application for development of that property for a period of up to ten (10) years.

E. The provisions of this article apply to all projects where discretionary permit approvals are required by the county provided, however, no landmark tree may be removed without obtaining a tree permit pursuant to Section 12.16.060. Except for subsection C, a landmark tree is not subject to the exemptions set forth in Section 12.16.050. (Ord. 5041-B § 3, 2000: prior code § 36.321)

12.16.040 Tree preservation zones.

Except as exempt, and as noted in Section 12.16.030, the provisions of this article are applicable to discretionary projects and to the following areas of the county: Dry Creek-West Placer community plan, Granite Bay community plan, portions of the Loomis Basin general plan, and the Auburn-Bowman community plan (see tree preservation zone map, available in the planning office). Also, see county-wide restrictions for riparian zones, commercial firewood cutting, restrictions for removal of more than fifty (50) percent of trees, and where discretionary permits are required. (Prior code § 36.320)

12.16.050 Exemptions.

A tree permit is not required for the removal of a protected tree under the following circumstances: (Except for subsection C, a landmark tree is not subject to the exemptions set forth below.)

A. Trees damaged and determined to be of immediate danger to either people or site improvements by thunderstorms, windstorms, floods, earthquakes, fires or other natural disasters. Upon discovery of a condition justifying removal, the planning department should be notified as soon as possible of the condition and action taken.

B. Tree removal necessary to comply with CDF fire safety regulations (i.e., clearing around homes) or tree removal undertaken as a part of a fuel reduction/fire safety/fire protection program in conformance with commonly accepted CDF policies.

C. When removal is determined to be necessary by fire department personnel actively engaged in fighting a fire.

D. When compliance would interfere with activities of a public utility necessary to comply with applicable safety regulations and/or necessary to repair or avoid the interruption of services provided by such a utility. Routine repair and maintenance of utilities would be exempt; new construction projects (i.e., the installation of high power, transmission line corridor) are subject to review.

E. Trees (1) that have been identified by an arborist, forester, or county arborist/licensed landscape architect as “dying” or “unhealthy,” (2) dead trees or (3) trees that are in a hazardous condition presenting an immediate danger to health and property.

F. Lots designated for commercial tree removal (i.e., Christmas tree farms, approved timber harvest plans, timber preserve zoned lands, approved logging operations, etc. (Note: Does not include commercial firewood cutting unless specifically exempt by state or federal permits and Eucalyptus or Poplar firewood plantations.)

G. Bona fide active agricultural uses as defined by the county agricultural commissioner are exempt, except commercial cutting of firewood, and development activity within a riparian zone are not exempt. (Also, see county-wide requirements, Section 12.16.030.) (Ord. 5041-B § 4, 2000: prior code § 36.330)

12.16.060 Tree permit required.

Except as provided under “exemptions,” no person, firm, corporation or county agency shall conduct any development activities within the protected zone of any protected tree on public or private land, or harm, destroy, kill or remove any protected tree unless authorized by a tree permit or as permitted pursuant to approval of a discretionary project. A minor tree permit may also be issued “in the field” by the county arborist, thus eliminating the need for an individual to apply in person at the planning department. Tree removal shall also be reviewed as a part of discretionary project review. This type of review is primarily for commercial projects, industrial projects, major subdivisions, public projects, or other projects that are also associated with a discretionary permit. This type of review is completed concurrently with the discretionary permit and requires more detailed information than a minor tree permit (see below).

A. Minor Tree Permit. (i.e., issued for single-family residential lots and projects where no other discretionary permits are required, etc.) Any person desiring to conduct any development activity or remove one or more protected trees, where such development activity or removal is not associated with a discretionary project, shall make application to the planning department for a minor tree permit not less than ten (10) days prior to the date the applicant wishes to conduct the development activity. Said application shall contain:

1. A brief statement of the reasons for the development activity;
2. Written consent of the owner of record of the land on which the proposed development activity is to occur;
3. If necessary, an arborist’s report relating to the tree(s) in question; and
4. Other pertinent information as deemed necessary by the planning department or county arborist;
5. Violations that occur with minor tree permits may be required to submit information equal to that normally required for discretionary projects (as listed in subsection B of this section);
6. The required filing fee of twenty-five dollars (\$25.00).

Note: A minor tree permit may be issued for the purpose of maintaining existing trees in a healthy condition on land that may be developed in conjunction with a discretionary project.

B. Tree removal associated with a discretionary project (i.e., permits issued for subdivisions, commercial, and industrial projects, etc.). Any person desiring to conduct a development activity within the protected zone of a protected tree pursuant to a discretionary project shall submit the following information as a part of the application for the discretionary project:

1. Justification Statement. A written statement by the applicant or an arborist stating the justification for the requested development activity. Statements should establish how any remaining protected trees in the vicinity of the project or construction site will be protected and that any construction or use will be done with approved preservation methods.
2. Site Plan Map. A site plan map shall include the following information:
 - a. Physical Characteristics. The body of the map should accurately portray the following existing and proposed features:
 - i. Property lines;
 - ii. Streets, access easements and/or public or private driveways and other paved areas;
 - iii. Buildings or structures;
 - iv. Setbacks of all buildings and structures from property lines;
 - v. Parking and other paved areas;
 - vi. Land uses on parcel (existing and proposed as applicable);
 - vii. Proposed grading and construction - including utilities, if available;
 - viii. Proposed building envelopes.
 - b. Tree Locations. All protected trees within fifty (50) feet of any development activity, including future homesites in subdivisions located on the property, must be depicted on the site plan map. Additionally, the site plan map shall indicate the exact location of the base and dripline for all protected trees within the project areas. A survey of the exact location(s) of the protected tree(s) shall be conducted by a California professional engineer or California professional land surveyor. The tree number(s) shall be shown on both the site plan and grading plan. The base elevation of each protected tree shall be shown on the grading plan. Certain projects, as required by the approving body, may be required to submit a current aerial photograph of the site (i.e., parcels with high density trees). (Note: Applications with high density of trees or other special circumstance may request a waiver or modification to tree location requirements.)
 - c. Protected Zone of Protected Tree(s). The exact location of the protected zone of a protected tree is crucial in order to evaluate any impacts resulting from construction. Consequently, rough approximations will not be acceptable. In certain cases, it may be required to physically stake the surveyed corners of building(s) or related improvements in the field in order to assess the potential impacts upon the trees.
3. Arborist Report. See definition in Section 12.16.020.
4. Filing Fee. A surcharge of fifty dollars (\$50.00) shall be added to all discretionary permits subject to the requirements of this article. (Prior code § 36.400)

12.16.070 Tree permit applications—Review methodology.

- A. General.
 1. Evaluation of development activity associated with a discretionary project shall be the sole responsibility of the approving body approving the project. After occupancy has been granted or a notice of completion filed, the planning director shall assume responsibility for ensuring continuing compliance.
 2. Exception. Requests for encroachments of up to twenty (20) percent of the protected zone of a protected tree may be processed by the planning director. In cases where requests for encroachments are denied by the planning director, the applicant shall have the right to appeal to the board of zoning appeals. Appeal must be made in writing within ten (10) days and accompanied by the appropriate appeal fee.
 3. Tree permits shall not be issued for parking or storing of vehicles, trailers, equipment, construction materials or temporary structures within the protected zone of a protected tree.

B. Application Review. Upon receipt of an application for a tree permit, the planning department shall review the application for accuracy and completeness and make an inspection of the project site. If the application is incomplete, it will be returned to the applicant and no action will be taken until all of the required information has been received by the county.

C. Environmental Determination. An environmental determination may be required pursuant to the California Environmental Quality Act. The issuance of a minor tree permit shall be exempt from environmental review when it is related to an activity listed in Section 18.36.050 of this code.

D. Approval.

1. In passing judgment upon permits or applications required pursuant to the provisions of this chapter, the approving body may impose such reasonable conditions of approval as are necessary to protect the health of the protected tree, the public and the surrounding property or environmental features.

2. An approved minor tree permit shall be valid for a period of six months from the date of issuance. An extension of time may be granted by the planning director for a period of up to an additional six months. Approval of tree removal associated with discretionary projects shall be valid only as long as the approval for the discretionary project is valid.

3. The applicant shall have the minor tree permit and a copy of the conditions of approval imposed by the approving body at the construction site. For discretionary projects, a copy of the conditions of approval shall be kept on-site during the construction phase of the subject.

4. For trees designated to be saved within fifty (50) feet of any development activity, or as recommended by the arborist, or as required by the approving body, a minimum four-foot tall brightly colored synthetic fence shall be installed at the outermost edge of the protected zone of each protected tree or groups of protected trees. The fence shall not be removed until written authorization is received from the planning director. Exceptions to this policy may occur in cases where protected trees are located on slopes that will not be graded. However, approval must be obtained from the planning department to omit fences in any area of the project. The fences must be installed in accordance with the approved fencing plan prior to the commencement of any grading operations or such other time as described by the approving body. The developer shall call the planning department for an inspection of the fencing prior to initiation of grading operations.

For discretionary projects, signs must be installed on the fence in four locations (equidistant) around each individual protected tree. The size of each sign must be a minimum of two feet by two feet and must contain the following language:

“WARNING THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM PLACER COUNTY”

On fencing around a grove of protected trees, the signs shall be placed at approximately fifty (50) foot) intervals.

5. For discretionary projects, once approval has been obtained, the fences must remain in place throughout the entire construction period and may not be removed without obtaining written authorization from the planning department.

6. For discretionary projects, (single-family residences exempt) a ten thousand dollar (\$10,000.00) deposit (or an amount deemed necessary by the approving body based upon the size and scale of the project in relation to the tree removal/tree protection to be required) may be required to be posted and maintained to insure the preservation of protected trees during construction. The deposit shall be in the form of a certificate of deposit, cash deposit, or letter of credit from a bank, and shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any tree permit condition regarding tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the approving body in addition to other applicable penalties. Appeals may be made pursuant to the procedure outlined in this article.

7. In cases where a tree permit has been approved for construction of a retaining wall(s) within the protected zone of a protected tree, the applicant will be required to provide for immediate protection of exposed roots from moisture loss during the time prior to completion of the wall. The retaining wall should be constructed within seventy-two (72) hours after completion of grading.

8. If approved, preservation devices such as aeration systems, oak tree walls, drains, special paving and cabling systems must be installed per approved plans and certified by the developer's arborist.

9. For discretionary projects, certification letters are required for all development activity conducted within the protected zone of protected trees. The developer's arborist will be required to submit a certification letter to the planning department within five working days of completion of such development activity attesting that all of the work was conducted in accordance with the appropriate permits and the requirements of this article.

10. The following information, if applicable, must be located on-site:

- a. Arborist's report and all future modifications.
 - b. Tree location map with a copy of the tree fencing plan.
 - c. Tree permit and inspection card.
 - d. Approved construction plans.
 - e. Tree preservation guidelines.
 - f. Approved planting and irrigation drawings.
- E. Denial and Appeal.

1. If an application for a tree permit is denied, the approving body shall provide written notification, including the reasons for denial, to the applicant.

2. Appeal of a decision made by an approving body shall be made as provided in Section 1400 of the Placer County Zoning Ordinance.

3. All appeals must be made in writing within ten (10) calendar days of the denial stating the facts and grounds of appeal and accompanied by the appropriate appeal fee. Denials issued by the arborist may be appealed to the planning director within ten (10) days without paying an appeal fee.

F. Tree Permit Construction Phase.

1. All work conducted within the protected zone of any protected tree shall be performed as required by this article and as required in project approval.

2. For Discretionary Projects, as a part of the application, the developer will be required to submit a utility trenching-pathway plan for approval following approval of the project improvement plans. The trenching-pathway plan shall depict all of the following systems: storm drains, sewers, easements, water mains, area drains, and underground utilities. Except in lot sale subdivisions, the trenching-pathway plan must show all lateral lines serving buildings. To be completely effective, the trenching-pathway plan must include the surveyed locations of all protected trees on the project as well as an accurate plotting of the protected zone of each protected tree.

The trenching-pathway plan shall be developed considering the following general guidelines:

a. The trenching-pathway plan must be developed to avoid going into the protected zone of any protected tree on its path from the street to building.

b. Where it is impossible to avoid encroachment, the design must minimize the extent of such encroachment. Encroachments and mitigation measures must be addressed in a supplemental arborist's report.

3. Certification of Tree Work. All of the tree preservation measures required by the conditions of the discretionary project approval, the arborist's report and the tree permit, as applicable, shall be completed and certified by the developer's arborist prior to issuing an occupancy permit.

G. Information to be Included in Arborist Report.

1. Botanical name of tree(s) by tree number.
2. Common name of tree(s) by tree number.
3. Location of tree(s) by tree number.
4. Diameter at breast height (DBH) by tree number.

5. Height by tree number (optional).
6. Dripline radius by tree number (measure longest radius).
7. Condition by Tree Number. The condition of each tree is to be considered when determining a tree's rating system:
 - a. Excellent (It is rare that a tree qualifies in this category.)
 - b. Good.
 - c. Fair to good.
 - d. Fair.
 - e. Fair to poor.
 - f. Poor.
8. 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.
9. Specific and general information about preservation measures to be taken for each tree not being removed. (Prior code § 36.500)

12.16.080 Replacement program and penalties.

- A. The approving body may condition any tree permit or discretionary approval involving removal of a protected tree upon the replacement of trees in kind. The replacement requirement may be calculated based upon an inch for an inch replacement of the removed tree(s) and may require minimum fifteen (15) gallon size trees. The total of replacement trees may be required to have a combined diameter of the tree(s) removed. A minimum of fifty (50) percent of replacement trees shall be of a similar native tree. Replacement trees may be planted on-site or in other areas to the satisfaction of the planning department. Such replanting must not result in the over-planting of a site such that an unsafe fire condition is created.
- B. The approving body may, instead of requiring replacement trees, require implementation of a revegetation plan. The county will require the developer to enter into a written agreement with the county obligating the developer to comply with the requirements of the revegetation program. A security deposit shall be required to insure that the agreement is fulfilled. The revegetation program may include the propagation of native oak trees from seed or saplings using currently accepted methods.
- C. The approving body may decide that if the project site is not capable of supporting all of the replacement trees, the applicant shall pay to Placer County the current market value, as established by an arborist, forester, or registered landscape architect, of the replacement trees, including cost of installation, to go into a tree preservation fund (see subsection I of this section).
- D. In addition, any protected or preserved tree shall not be damaged during construction. A penalty, payable to the county, in the amount of fifty dollars (\$50.00) per scar will be required. If necessary, an arborist report may be required to be filed by the applicant to determine the extent of damage.
- E. Any person, firm, or corporation that does not apply for a tree permit prior to removal of protected trees, and where no security deposit has been posted, shall replace trees as noted in subsection A, B, or C of this section, in addition to paying a fine of the current market value of the replacement trees.
- F. Any person, firm, or corporation that removes or destroys any tree or trees that have been designated to be saved by an approving body shall be fined up to three times the current market value of the replacement trees and the cost of replacement, and/or replace up to three times the number of trees required by this article.
- G. Except as provided in this article, if trees are removed without prior approval of an approving body, the approving body may choose to deny or defer approval of any application for development of that property for a period of up to five years.

H. The Board of Supervisors may consider the rezoning of a parcel or parcels of land on which a violation of this article has occurred.

I. Tree Preservation Fund. A tree preservation fund is established for Placer County. The moneys received in lieu of replacement of illegally removed or damaged trees shall be forwarded to the county treasurer for deposit in the tree preservation fund. Under no circumstances shall the funds collected by the county treasurer for deposit into the tree preservation fund be directed to any other fund to be used for any other purposes other than the planting of or maintenance of trees on publicly owned property, easements of rights-of-way, or used for educational programs or materials. A certain percentage of the fund (as determined by the board of supervisors) may be used for enforcement of the article and/or land acquisition.

J. A violation of this article shall be punishable as a misdemeanor or an infraction at the discretion of the county counsel and/or the district attorney.

K. Survivability.

1. Any person, firm or corporation that is required to replant, relocate or revegetate as a condition of his or her tree permit or discretionary project approval will be required to provide appropriate irrigation and maintenance for the trees. To assure survivability, a maintenance agreement shall be entered into and a deposit established by the approving body, not greater than the replacement costs, shall be posted with the county. The deposit shall be retained until the county arborist certifies the conditions of the tree permit are satisfied. After three years, an arborist or forester employed by the developer will identify to the county the condition of the replanted trees or revegetated area.

2. Any five gallon size tree or greater that was replanted or relocated that is dead after three years, must be replaced in kind with equal sized healthy replacements. Revegetated areas or areas where trees smaller than five gallon size were replanted must have at least seventy-five (75) percent of the trees still alive after three years.

3. Failure to provide adequate irrigation and maintenance for the replanted or relocated trees, or the revegetated areas, or the failure to replace trees which have not survived, will result in forfeiture of all or part of the survivability deposit. (Prior code § 36.600)

12.16.090 Administrative remedies.

A. Suspension, Revocation and Restoration. In addition to any other penalties allowed by this code, the approving body may suspend any tree permit for a discretionary project upon a finding at a public hearing that a violation of conditions of approval has occurred.

B. Appeal. Appeal may be made directly to the planning department, within ten (10) days of imposition of conditions. An appeal shall state the facts and grounds of appeal and shall be accompanied by the appropriate appeal fee. Appeals shall be subject to the provisions set forth in Section 1400 of the Placer County Zoning Ordinance.

C. Stop Work Orders. Whenever any construction or work is being performed contrary to the provisions of this article or conditions of the appropriate discretionary project, the planning director may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation and the risk to the trees. No work shall be allowed until the violation has been rectified and approved by the planning department or the county's arborist.

D. Public Education. It is recognized that the loss of native oaks is, in part, a result of the lack of public awareness on oak tree preservation. In order to heighten public awareness on this subject, the following programs shall be established as a part of this article.

1. A minimum of ten (10) percent of the funds collected in the tree preservation fund shall be used to promote and establish educational programs, and develop educational materials. Examples would be:

a. Educational materials to be handed out with building permits and to be made available to the general public (i.e., brochures on development near native oak trees).

- b. Promoting elementary and secondary school programs on native oak trees (i.e., acorn or tree planting programs).
- c. Funding to pay for brochure inserts into local newspapers for general public distribution.
- 2. Developers or sellers of lots within major subdivisions shall be required to distribute educational material to buyers at the closing of escrow.
- 3. The county shall, as a condition of all major subdivisions, require that CC & R's have restrictions which protect native oaks that are designated to be saved (i.e., limited watering around oaks, etc.). (Prior code § 36.700)

12.16.100 Review of ordinance.

After one year of implementation of this article the county shall conduct a review to identify areas of concern, deficiencies, administration difficulties, etc., and report to the board of supervisors. The board, at that time, may consider any recommended changes or improvements necessary. (Prior code § 36.800)

Article 12.20

**TREE PRESERVATION IN AREA
EAST OF SIERRA SUMMIT**

Sections:

- 12.20.010 Findings.**
- 12.20.020 General provisions.**
- 12.20.030 Definitions.**
- 12.20.040 Permit procedure.**
- 12.20.050 Standards for tree cutting and issuance and revocation of permits.**
- 12.20.060 Removal of diseased or hazardous trees.**
- 12.20.070 Authority to stop work.**
- 12.20.080 Variances.**
- 12.20.090 Exemptions.**
- 12.20.100 Violation constitutes a misdemeanor.**

12.20.010 Findings.

The governing body of the county of Placer finds that in order to prevent the wanton and unnecessary cutting of healthy trees in the developed and developable areas of the area east of the Sierra summit, to provide for the conservation of as many healthy trees in the area east of the Sierra summit as possible consonant with permissible development, to provide for the control of disease and insect infestation in the area east of the Sierra summit, and in order to effectuate the adopted regional plan, it is necessary to adopt the ordinance codified in this article establishing minimum standards and providing regulations governing the preservation of trees on land devoted or to be devoted primarily to uses other than the commercial harvesting of timber in the Tahoe Basin, providing for the issuance of permits, providing for minimum standards and conditions of approval of permits including restrictions on attachment of appurtenances, providing for removal of diseased, infested or hazardous trees, providing for variances, providing for stop orders, providing that violations of the provisions of this ordinance shall constitute a misdemeanor, and providing for other matters properly relating thereto. (Prior code § 20.1)

12.20.020 General provisions.

A. Compliance. The cutting, moving, removing, killing, or materially damaging of live trees six inches d.b.h. or over, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees shall be in compliance with the terms of this article, and permits respecting the same shall be granted or denied in conformity with the provisions of this article, provided, however, that

this article shall not apply to lands devoted to the growing and harvesting of timber for commercial purposes for which permits have been granted permitting timber harvesting. All such tree cutting shall also conform to the provisions of all other agency ordinances, rules, regulations, and policies.

B. The provisions of this article establish the minimum standards applicable in Ranges 15, 16, and 17 East.

C. Interpretation and Severability. The provisions of this article shall be liberally construed to effectuate their purposes. If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

D. Short Title. This article may be cited and referred to as the tree conservation ordinance. (Prior code § 20.5)

12.20.030 Definitions.

For the purposes of this article, certain terms or words used herein shall be interpreted as follows: words in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word “shall” is mandatory, not permissive, unless the context indicates that a directory meaning is intended.

“Agency” means the county of Placer.

“d.b.h.” means diameter at breast height; the diameter of a tree measured at four and one-half feet above the ground on the high side of the tree. Circumference of nineteen (19) inches at dbh may be treated as the equivalent of six inches dbh.

“Grading ordinance” means the county of Placer grading ordinance.

“Lands devoted to the growing and harvesting of timber for commercial purposes” means such lands that are devoted principally to the production of raw material for the forest products industry, or for silvicultural purposes including Christmas tree harvest, but not including lands undergoing land use conversion or lands where timber is cut for fuel purposes.

“Land use conversion” means the conversion to other uses of timberland as defined by statutes and regulations of California and Nevada and for which a timberland conversion certificate or approval is required by such statutes or regulations.

“Land use ordinance” means the Placer county zoning ordinance.

“Permit-issuing authority” means the county of Placer department of public works.

“Person” means an individual, partnership, corporation, business association, or group of individuals, and any governmental entity.

“Subdivision ordinance” means the county of Placer subdivision ordinance. (Prior code § 20.10)

12.20.040 Permit procedure.

A. When Required. No person shall cut down, move, remove, kill, or materially damage any live tree six inches dbh or over, or attach any appurtenance to a tree, without first having obtained a tree cutting permit from the permit-issuing authority, unless such tree is located on lands devoted to the growing and harvesting of timber for commercial purposes for which permits have been granted permitting timber harvesting. Such permit shall be unnecessary for the removal of trees proposed to be removed as approved in connection with the approval by the agency of a tentative map under the subdivision ordinance, except where such subdivision involves a land use conversion, or for the removal of trees as permitted under a permit issued pursuant to the grading ordinance, provided, however, that the standards contained in this article shall also be applicable to the approval of a tentative and final subdivision map and to the issuance of a grading permit.

B. Application Form. Applications required by this article shall be made as provided by the applicable provisions of the rules and regulations of practice and procedure of the agency and rules and procedures of the permit-issuing authority.

C. Information Report.

1. All Applications. All applicants for tree cutting permits shall file a report with the permit-issuing authority that states:
 - a. The name, address, and the phone number of the applicant, and the owner of record of the land on which the tree cutting is proposed;
 - b. The consent of the owner of record of such land, if such owner is a person other than such applicant;
 - c. The location of the land on which the cutting is proposed;
 - d. The purpose of such tree cutting;
 - e. The dates on which cutting and removal operations will take place;
 - f. A drawing acceptable to the permit-issuing authority at a scale adequate to show the height, species, dbh, and location of all trees on the site over six inches dbh proposed to be cut, and a drawing or sketch indicating the general location, characteristics and densities of trees proposed to be left on the site.
2. Applications Involving Land Use Conversions. Applicants for tree cutting permits, where the purpose of such tree cutting is to accomplish a land use conversion, in addition to the information required pursuant to subsection (C)(1) of this section, shall submit:
 - a. A detailed statement describing how the standards and criteria of Section 12.20.050 shall be satisfied;
 - b. A copy of the document approving the land use conversion issued by the applicable State Division of Forestry;
 - c. In lieu of the drawing required by subsection (C)(1)(f) of this section, a map acceptable to the permit-issuing authority at a scale adequate to show the location of proposed and existing buildings and driveways, the location of proposed utility trenches, and the height, species, dbh, and location of all tree over six inches dbh proposed to be cut, and a drawing or sketch indicating the general location, characteristics and densities of trees proposed to be left and planted on the site, provided, however, in the case of a subdivision, such information may be contained in the tentative map and the vegetation preservation and protection plan as required by the subdivision ordinance. (Prior code § 20.15)

12.20.050 Standards for tree cutting and issuance and revocation of permits.

- A. Permit Duration. All tree cutting authorized by a tree cutting permit shall be completed within the length of time specified by the permit-issuing authority, not to exceed ninety (90) days.
- B. Extension. An extension of the permit may be granted upon a showing by the permittee that the work was delayed by reasons beyond the permittee's control or that an extension will not increase the risk of environmental damage caused by the tree cutting.
- C. Permit Conditions. A tree cutting permit may be issued upon any conditions necessary to assure compliance with the standards and criteria of this article and any other agency ordinance, rule, regulation or policy, or any provision of the adopted regional plan.
- D. Permit Card. A permit card issued to the permittee by the permit-issuing authority, and stating any conditions of approval, shall be displayed by the permittee in a conspicuous place at the cutting site, provided, however, that the tree cutting permit may be part of a building permit which is displayed at the site.
- E. Revocation of Permit. The permit-issuing authority shall revoke any permit whenever there has been a false statement or representation in the application as to any material fact on which the permit was based.
- F. Minimum Standards and Conditions of Approval.
 1. Existing healthy trees and native vegetation on the site shall be preserved in accordance with standards contained in an agency-approved design manual, if any, and shall be protected by adequate means during any construction.
 2. Existing trees shall be preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.

3. Appurtenances, except utility connections, such as television antennas, signs, and outdoor lights shall not be attached to trees.
4. Tree cutting within the one hundred (100) year floodplain of a perennial or intermittent stream shall be limited to cutting diseased or hazardous trees or to thinning needed to protect the health and vigor of remaining trees.
5. Damage to trees not to be cut and to residual vegetation shall be avoided. Damaged trees shall be repaired with tree sealer and any necessary tree surgery.
6. No tree shall be felled into a perennial or intermittent stream without specific approval of the permit-issuing authority.
7. Any stump to be left in the ground shall be treated with approved chemicals or methods to prevent the spread of forest tree diseases.
8. Ground skidding shall not be allowed.
9. Slash, debris, and nonmerchantable timber generated by the operation shall be disposed of in the manner and to a location approved by the permit-issuing authority.
10. All tree removal sites shall be winterized before the end of the construction season, or stabilized before the end of the construction season so as to prevent erosion and soil loss from the site.
11. In the case of land use conversion, approval shall be conditioned on compliance with all requirements of the timberland conversion certificate issued by the appropriate State Division of Forestry. (Prior code § 20.20)

12.20.060 Removal of diseased or hazardous trees.

- A. The permit-issuing authority may determine, on the advice of the appropriate State Division of Forestry, or other competent authority, that a tree or trees on private or public land is diseased, insect infested, or hazardous to the public, and may declare such diseased, infested, or hazardous condition to constitute a public nuisance. Upon making such a determination, the permit-issuing authority or the agency shall, by written notice, notify the owner of the land on which the tree or trees is located of the condition and of his duty to abate it within a specified period of time. If the owner refuses or fails to respond within the time specified, the permit-issuing authority shall abate the nuisance and charge the owner the cost, which shall be a lien on the owner's property.
- B. In cutting trees for land use conversion, all diseased, infested, or overmature trees shall be removed prior to construction.
- C. All diseased and bug-infested trees shall be treated prior to removal by approved methods to prevent the spread of such disease or infestation. (Prior code § 20.25)

12.20.070 Authority to stop work.

- A. Whenever any tree cutting or other activity regulated by this article is being done contrary to the provisions of this article, rule, or regulation, or any other law, the permit-issuing authority or the agency by its executive officer or designee may issue a written notice to the responsible party to stop work on such tree cutting or other activity. The notice shall state the nature of the violation.
- B. A notice to stop work as provided in subsection A of this section shall stay in effect until revoked by the issuing authority, provided, however, that the party to whom the notice was issued may obtain review of the action. Such review in the case of a notice to stop work issued by the permit-issuing authority shall be as provided by such authority. (Prior code § 20.30)

12.20.080 Variances.

The permit-issuing authority may grant variances from the terms of this article only if it is found that because of special circumstances applicable to the property involved a strict application deprives such property of privileges enjoyed by other similarly situated property and the applicant shows that he cannot make any reasonable use of the property if such regulations are applied. Where such conditions are found, the variance permitted shall be the minimum departure from existing regulations necessary to avoid such

deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. In no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by other similarly regulated properties. (Prior code § 20.35)

12.20.090 Exemptions.

The provisions of this article shall not be applicable to lands owned by the United States Government, or to trees cut in emergencies involving lives or persons and public safety including the suppression of wild fires. (Prior code § 20.40)

12.20.100 Violation constitutes a misdemeanor.

Violation of any provision of this article is punishable as provided in Article 1.24. (Prior code § 20.45)