

# Sacramento Tree Ordinances Update

## Stakeholder Advisory Committee Meeting

### September 9, 2014

*The Economics of Land Use*



*presented to*

Stakeholder Advisory Committee

*presented by*

Sacramento Tree Ordinances Update Project Team

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# Meeting Agenda

1. Self-Introductions
2. Overview of Proposed Ordinance Changes
3. Benefits of Revised Tree Ordinance
4. Draft Revised Tree Ordinance Structure and Content
5. Action Items

# Overview of Proposed Ordinance Changes

Revise City Ordinance Chapter 12.56 “Trees Generally”

Repeal the following chapters:

- Chapter 12.60 “Dutch Elm Disease” – The procedure for Dutch Elm Disease will be the same as any other nuisance under Chapter 8.04 “Nuisances Generally”
- Chapter 12.64 “Heritage Trees” – Protection of these trees (which now fall under the “Private Protected Trees” definition) incorporated into Chapter 12.56

Amend other City Ordinance sections:

- Section 2.62.030 “Powers and Duties of Parks and Recreation Commission”
- Section 8.04.100 “Nuisances Specified”

# Benefits of Revised Tree Ordinance

Clear and concise single ordinance, eliminating three separate tree-related chapters and removing outdated sections

Increases protection of trees

Reaffirms ability of City to maintain all trees in public right-of-way

Creates a separate category for outstanding specimens as Legacy Trees

Allows a requirement or a fee to replace trees that are removed

## Benefits of Revised Tree Ordinance (continued)

Increases penalties for violations of the ordinance

A more streamlined project review process that allows effective input early in the approval process

Better information as part of project submittal from an applicant requesting a tree permit

Puts the approving body in a better position to understand a project's impact to trees

# **Draft Revised Tree Ordinance Structure and Content**

# Draft Revised Tree Ordinance Structure

## Revised Chapter 12.56: Trees Generally

1. Findings and Purpose
2. Definitions
3. Inspection, Maintenance, and Removal by City
4. Capital Improvement Projects
5. Tree Permits
6. Appeals
7. Maintenance Responsibility and Liability of Property Owners and Public Utilities
8. Legacy Trees
9. Tree List
10. Violations
11. Solar Shade Control Act
12. Liability

# Draft Revised Tree Ordinance Content

## 1. Findings and Purpose

**Purpose:** To set forth the reasons the local government finds it necessary to adopt an ordinance and to set forth the goals to be achieved through the ordinance.

### Content

- City Council recognizes importance of trees
- Identifies benefits provided by trees (e.g., enhance scenic beauty of City)
- Purpose of chapter is to provide for conservation of trees, ensure the City attains the benefits of trees, and recognize and provide for the development and use of private property by:
  - Establishing and maintaining optimum sustainable amount of canopy coverage
  - Maintaining proper arboricultural practices
  - Implementing General Plan and Urban Forest Master Plan goals and objectives

# Draft Revised Tree Ordinance Content

## 2. Definitions

**Purpose:** To define key words which are used in the ordinance.

### Content

- Set of definitions provide clarity of terms used throughout ordinance
- Key Terms
  - City Street Tree
  - Legacy Tree
  - Private Protected Tree
  - Regulated Work
  - Routine Maintenance
  - Utility Easement Tree

# Draft Revised Tree Ordinance Content

## **3. Inspection, Maintenance, and Removal by City**

**Purpose:** To define the authorized tree-related activities performed by City staff.

### **Content**

- The City may inspect and perform Regulated Work or Routine Maintenance on City Street Trees and Utility Easement Trees
  - No permit is required. However, removal in conjunction with a capital improvement project requires written justification (details provided in following section)

# Draft Revised Tree Ordinance Content

## 4. Capital Improvement Projects

**Purpose:** To establish a procedure for approving or denying tree removal requests associated with City capital improvement projects.

### Content

- In the event of tree removal as part of a City capital improvement project, City project manager will provide justification to PW Director
- PW Director will make recommendation and post notice in proximity to tree with hearing date at least 10 days before City Council meeting regarding project
- City project manager will provide justification and recommendation in its project report to City Council
- City Council will approve or deny project plans including any tree removals during meeting
- Public will be able to address Council regarding tree removals at City Council meeting

# Draft Revised Tree Ordinance Content

## 5. Tree Permits

**Purpose:** To clearly identify activities for which a tree permit is required. Pertains to Regulated Work on City Street Trees and Private Protected Trees.

### Content

- Prohibits performing Regulated Work without obtaining a tree permit
- Tree permit application requirements may include: application fee; arborist report; site map; impact assessment; tree protection plan; other information deemed necessary
- Tree permit granted for City Street Trees if PW Director determines there is a need and application fee compensates City

# Draft Revised Tree Ordinance Content

## 5. Tree Permits

### Content (Continued)

- Tree permit granted for Private Protected Trees if:
  - Protected tree must be removed to use property for permitted use by right or through conditional use permit
  - Condition of tree threatens public health, safety, or welfare
  - Tree roots are causing or threatening to cause damage to main structure on property
- Tree permit also granted for Private Protected Trees if Regulated Work is necessary to preserve the tree, engage in construction activity on the property, or reduce a dangerous condition caused by the tree.
- The PW Director may require replacement or compensation, in an amount established by City Council resolution, as a condition of approval

# Draft Revised Tree Ordinance Content

## 6. Appeals

**Purpose:** To establish an appeals process for Tree Permit decisions.

### **Content**

- Applicants have a right to appeal tree permit denials
- Any person has the right to appeal a permit issuance
- The PW Director will post notice in proximity to tree
  - In the event of an appeal for a tree permit denial, notice will be provided with hearing date
  - In the event of an appeal of a tree permit issuance, notice will be posted and appeal will not be effective until expiration of 10-day notice period or final resolution of appeal

# Draft Revised Tree Ordinance Content

## 6. Appeals

### Content (Continued)

- If tree permit application is included with a discretionary permit under Title 17 (Planning and Development Code), the tree permit will be processed under the same notice, hearing, and appeal provisions as applicable under Title 17
- All other tree permit application appeals will be heard by a hearing officer

# Draft Revised Tree Ordinance Content

## **7. Maintenance Responsibility and Liability of Property Owners and Public Utilities**

**Purpose:** To identify the duties of private property owners and public utilities related to the maintenance of protected trees.

### **Content**

- Property owners with lots or portions of lots fronting any portion of a street shall:
  - Maintain any City Street Trees or Utility Easement Trees in a safe and nonhazardous condition located behind the sidewalk or behind the curb if there is not a sidewalk

# Draft Revised Tree Ordinance Content

## **7. Maintenance Responsibility and Liability of Property Owners and Public Utilities**

### **Content (Continued)**

- Property owners with lots or portions of lots fronting any portion of a street shall:
  - Maintain any unpaved portion of the adjacent right-of-way, including watering as needed and consistent with governmental restrictions, and keeping easements and unpaved areas from weeds or obstructions
  - Be responsible, at their own expense, for removal of fallen leaves and other tree debris
- Property owners are liable for damages caused by failure to provide maintenance

# Draft Revised Tree Ordinance Content

## **7. Maintenance Responsibility and Liability of Property Owners and Public Utilities**

### **Content (Continued)**

- Public Utilities must obtain permission from the PW Director before performing any maintenance that would cause injury to City Street Trees or Private Protected Trees
- Public Utilities shall not injure, cut roots, deface, prune, or scar any City Street Tree or Private Protected Tree unless its plans and procedures have been approved by the PW Director

# Draft Revised Tree Ordinance Content

## 8. Legacy Trees

**Purpose:** To establish a process for designating and declassifying Legacy Trees.

### Content

- Any person may nominate a tree as a Legacy Tree
- PW Director shall designate a Legacy Tree if the tree is in excellent health, the property owners agrees, the tree has historical significance, the tree represents an unusual species, or the tree possesses unique characteristics
- Property owners may file an application to remove Legacy Tree designation

# Draft Revised Tree Ordinance Content

## 9. Tree List

**Purpose:** To instruct the PW Director to prepare a listing of authorized trees to be planted as City Street Trees.

### **Content**

- The PW Director shall prepare a tree list consisting of trees that may be planted as City Street Trees without a permit
- Only trees included in the tree list may be planted in the public right-of-way

# Draft Revised Tree Ordinance Content

## 10. Violations

**Purpose:** To define penalties for violating provisions of the ordinance.

### Content

- Any person who violates any provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties under Chapter 1.28 "General Penalty"
  - Civil penalties are cumulative and range from \$250 to \$25,000 for each day the violation continues
- Violations are considered a public nuisance
- The election of one or more remedies will not bar the City from pursuing any other remedy for the purpose of enforcing this title

# Draft Revised Tree Ordinance Content

## **11. Solar Shade Control Act**

**Purpose:** To exempt the City from the provisions of the California Solar Shade Control Act.

### **Content**

- Retained the previous ordinance section (12.56.160 Solar Shade Control Act)

# Draft Revised Tree Ordinance Content

## **12. Liability**

**Purpose:** To disclaim City liability for any personal injury or property damage caused by trees on private property.

### **Content**

- Retained the previous ordinance section (12.56.130 Liability)

**Action Items:  
Project Next Steps  
and  
Next Steps Following Project**

# Action Items: Project Next Steps

Continued review and edit by the Draft Ordinance Review Committee (DORC)

Presentation of Revised Ordinance and other ordinance modifications to Law & Legislation

Presentation of Final Report and overview Revised Ordinance to City Council

# Action Items: Next Steps Following Project

Establish ongoing Focus Group for tree-related issues and assistance with Urban Forestry Master Plan

Prepare Tree List and Excluded Tree List

Establish tree-related fees through City Council resolution (e.g., application fee; compensation for damage or destruction of City Street Tree)

Establish potential replacement option through City Council resolution for damage of City Street Tree

# Action Items: Next Steps Following Project

Work with City departments to streamline development application and process for reviewing tree-related issues at onset of project

Prepare Urban Forestry Master Plan

- Establish Master Plan goals (e.g., canopy coverage)
- Develop metrics for evaluating City's urban forest
- Engage community

Potential update of Chapter 12.56 "Trees Generally" based on Urban Forestry Master Plan content