

# Sacramento Tree Ordinances Update

## Stakeholder Advisory Committee Meeting

### April 17, 2014

*The Economics of Land Use*



*presented to*

Stakeholder Advisory Committee

*presented by*

Sacramento Tree Ordinances Update Project Team

Berkeley  
Denver  
Los Angeles  
Sacramento

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# Meeting Agenda

1. Self-Introductions
2. SAC Meeting #3 Review (Gene Endicott)
3. Draft Tree Ordinance Structure and Content  
(Joe Benassini, Amy Lapin, and Jim Clark)
4. Tree Ordinance Review Schedule and Wrap-up  
(Amy Lapin)

# SAC Meeting #3 Recap

- Approximately 25 members in attendance
- Three priority issues
  - Protected Trees
  - Noticing, Appeals, and Urban Forestry Advisory Board Concept
  - Performance Standards for Tree Care Professionals
- Summary of feedback
- CWG feedback summary



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

# Draft Revised Tree Ordinance Structure

## **New Tree Ordinance Chapter: Tree Planting and Preservation**

1. Findings
2. Purpose
3. Definitions
4. Liability Limitation
5. Protected Trees
6. Director's Authority
7. Duties of Property Owners
8. Tree Permit Requirements
9. Tree Permit Applications
10. Notice Required
11. Appeals Process
12. Tree Mitigation
13. Landmark Trees
14. Urban Forestry Advisory Committee
15. Penalties and Enforcement
16. Solar Shade Control Act

# Draft Revised Tree Ordinance Content

## 1. Findings

**Purpose:** To set forth the reasons the local government finds it necessary to adopt an ordinance.

### **Content**

- Protect City's signature tree canopy and maintain City's identity as "City of Trees"
- Maintain consistency with City General Plan
- Lists benefits provided by trees (e.g., reducing urban heat island effect; absorbing carbon dioxide and pollution; enhancing the natural scenic beauty of the City)

# Draft Revised Tree Ordinance Content

## 2. Purpose

**Purpose:** To set forth the goals to be achieved through the ordinance.

### Content

- Establish and maintain the optimum sustainable amount of canopy cover on public and private lands in the City
- Maintain City trees in a healthy and nonhazardous condition through good arboricultural practices
- Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest
- Authorize the Public Works Director to administer and enforce the Tree Planting and Preservation ordinance
- Implement the urban forest and other tree-related goals of the City General Plan and approved Urban Forestry Master Plan

# Draft Revised Tree Ordinance Content

## 3. Definitions

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

### **Content**

- Expanded set of definitions to provide clarity of terms used throughout ordinance
- E.g., Arborist; City-Maintained Tree; Landmark Tree; Protected Tree; Regulated Work



# Draft Revised Tree Ordinance Content

## 4. Liability Limitation

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

### Content

- Essentially the same as previous ordinance section (12.56.130 Liability)
- Expanded to include reference to any urban forest guidelines adopted by the City

# Draft Revised Tree Ordinance Content

## 5. Protected Trees

**Purpose:** To define the types of trees that will be protected under the ordinance.

### **Content**

- Classification of trees protected under the ordinance
  - City Maintained Trees
  - Private Amenity Trees
  - Parking Lot Shade
  - Trees Preserved by a Condition of Approval
  - Landmark Trees

# Draft Revised Tree Ordinance Content

## 6. Director's Authority

**Purpose:** To identify the duties and responsibilities of the Public Works Director.

### Content

- Allows Director to exercise and enforce ordinance, as well as maintain Urban Forest and prepare a planting list for Protected Trees.
- Allows Director to classify high risk (private) trees

# Draft Revised Tree Ordinance Content

## 7. Duties of Property Owners

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

### Content

- Based on previous ordinance section (12.56.050 Duties of Property Owner/Tenant and Public Utilities)
  - Property owners responsible for maintaining parkstrips, irrigating, weeding
  - Property owners responsible are for pruning any tree on their property such that it does not obstruct streets, alleys, or traffic sign or device

# Draft Revised Tree Ordinance Content

## 8. Tree Permit Requirements

**Purpose:** To clearly identify activities for which a tree permit is required or exempted.

### Content

- Tree permit is required to perform “Regulated Work” on “Protected Trees”
- Tree permit is required to plant trees or other landscaping feature in any park strip, streetscape, or on City-owned property unless there is a valid contract with City or discretionary project approval
- Tree permit is exempted under specific scenarios (e.g., minor pruning, routine maintenance, utility work, imminent high risk)
- Discretionary projects – reference to the provisions of Title 17, requires project arborist

# Draft Revised Tree Ordinance Content

## 9. Tree Permit Applications

**Purpose:** To ensure the maintenance and sustainability of Protected Trees within the City's urban forest.

### Content

- Tree permit process and application requirements, owner agent, administrative and discretionary
- Arborist Report and Tree Protection Plan requirements for development projects

# Draft Revised Tree Ordinance Content

## 10. Removal of Protected Trees: Notice Required

**Purpose:** To specify how the City will inform the community of actions pertaining to the removal of Protected Trees.

### Content

- Noticing Procedures
  - Method of noticing, posting, mail, possible opt-in list on website
  - Notice timing (proposed 14-day period in advance of hearing/action)
  - Standardized format of notice (displaying time and date of hearing; procedure for appeal)

# Draft Revised Tree Ordinance Content

## 11. Appeals Process

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

### Content

- Types of decisions subject to appeal
- Procedure for filing an appeal
  - Tree Permit decisions can be appealed by the applicant or any person who is a resident, property owner, or business owner with a physical address within the City
- Time limitations for appeals and responses to appeals
- Rules governing the hearing process, unless provided for elsewhere



# Draft Revised Tree Ordinance Content

## 12. Tree Mitigation

**Purpose:** To protect existing Protected Trees and to prevent net loss of existing tree canopy in the City.

### Content

- In the scenario in which applicants are granted Tree Permits to remove Protected Trees
  - May require bonding
  - Allows for a full range of mitigation options (e.g., on-site or off-site protection or planting new trees; in-lieu fee)
  - Mitigation compliance and monitoring

# Draft Revised Tree Ordinance Content

## 13. Landmark Trees

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

### Content

- Nominations from resident or property owners
- Advisory Committee Reviews
- Historic Preservation Classifies
- City to Maintain Tree
- Declassification
- Documentation by City

# Draft Revised Tree Ordinance Content

## 14. Urban Forestry Advisory Committee

**Purpose:** To establish an urban forestry advisory committee.

### **Content**

- Responsibilities and authority (e.g., input towards policy, practices, and procedures; education and outreach; research assignments; define guidelines for hiring tree-care professionals; Master Plan guidance, low-level appeals)
- Composition of committee members
- Rules which govern the committee (e.g, committee member terms and removal; meeting frequency; committee reporting procedures)

# Draft Revised Tree Ordinance Content

## 15. Penalties and Enforcement

**Purpose:** To define penalties for violating provisions of the ordinance and to designate the position responsible for enforcing the ordinance.

### Content

- Legal categorization of violations
  - Violating provisions of ordinance or conditions of a Tree Permit is a misdemeanor
  - Unauthorized removal, destruction or disfigurement may carry a civil penalty (e.g., fine equal to value of destruction)
- Legal means for stopping and correcting situations which constitute violations
- Designation of authority responsible for enforcing penalties

# Draft Revised Tree Ordinance Content

## **16. 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)

# Wrap Up/Next Steps

- **Upcoming SAC Meeting**
  - Thursday, May 29
- **Commission/Council Process (Tentative Schedule)**
  - Parks and Recreation Commission (May 2014)
  - Planning Commission (May 2014)
  - Historic Preservation Commission (May 2014)
  - Draft Ordinance Review Committee (June 2014)
  - Council Law and Legislation Committee (August 2014)
  - City Council (September 2014)