

Plymouth Municipal Code Chapter 8.20

TREE PRESERVATION AND TREE REMOVAL PERMITS

Sections: 8.20.010 Purpose 8.20.020 Definitions 8.20.030 Removal of Heritage and Protected Trees Prohibited Without Permit 8.20.040 Removal of Heritage and Protected Tree – Permit 8.20.050 Grading and Paving involving Heritage or Protected Trees – Permit 8.20.060 Tree Removal Permits for Trees on Undeveloped Property 8.20.070 Tree Removal Permit Application Filing Fee 8.20.080 Denial of a Tree Removal Permit; Appeal 8.20.090 Street Trees and Park Trees 8.20.100 Tree Planting – Minimum Distance from Public Curbs, Easements, And Sidewalks 8.20.200 Trees – Public Nuisance 8.20.210 Enforcement and Abatement – Public Nuisance 8.20.220 Summary Abatement – Public Nuisance 8.20.230 Public Nuisance Abatement – Cost Recovery 8.20.300 Tree Landscaping Plans and Tree Surveys Required for Subdivisions and Planned Developments 8.20.305 Replacement Trees Required 8.20.310 Tree Landscaping Plans Required for Commercial, Industrial, Parking Lot, and Multifamily Residential Construction 8.20.320 Tree Landscaping Plans for Building Permits, Site Plans, Use Permits and Grading Permits 8.20.330 Conflict between a Heritage or Protected Tree and a Planned Structure

8.20.010 Purpose The City of Plymouth has many trees within its planning area, the preservation of which is beneficial to the health and welfare of the citizens of this City to preserve the scenic beauty, prevent soil erosion, protect against flood hazards and the risk of landslides, preserve natural habitat, counteract the pollutants in the air, and maintain the climatic balance within the City. For these reasons the City Council finds it in the public interest, convenience, necessity and welfare to enact regulations to retain as many trees as possible consistent with the economic enjoyment of private property for the protection, preservation, and maintenance of: A. Native trees including live oaks, blue oaks, and other native species; B. The habitat values of oak woodlands; C. Trees of historic or cultural significance; D. Groves and stands of mature trees; and E. Trees that are associated with proposals for development.

March 29, 2016

8.20.020

8.20.020 Definitions For the purposes of this Chapter, the following definitions will apply:

A. Heritage Tree: "Heritage Tree" shall mean: 1. Any tree has a diameter of 20 inches or more measured (4) feet (6) inches from the ground on the uphill side of the tree ("dbh"); or 2. Any tree which is of historical significance, specifically designated by City action, or has taken on an aura of historical appeal, and which is indigenous to this area or has adapted exceptionally well to local climatic conditions. 3. No Foothill pine (*Pinus Sabiniana*) shall be designated as a Heritage Tree. B. Street Tree: "Street Trees" are trees located on land lying within the right-of-ways of any streets, avenues, ways, or alleys within the City. C. Irrigation: "Irrigation" means an automatically timed or manual system of pipes, valves, controllers, wiring and sprinkler heads that will provide adequate water to all newly planted

trees within a project site. D. Park Trees: "Park Trees" are trees located in public parks, squares and all other public areas owned by the City. E. Oak Woodlands: "Oak Woodland" is an area which has a canopy cover of thirty percent (30%) or greater. F. Protected Tree: "Protected Trees" are individual trees that are native to the area and are at least nine inches measured dbh, or a non-native tree that measures sixteen inches dbh. Also included as a "Protected Tree" is any tree required to be planted, relocated, preserved as a condition of approval of a tree removal permit or other discretionary permit, to replace a tree unlawfully removed, or as an environmental mitigation, or a Street Tree as defined above. No foothill pine (*Pinus Sabiniana*) shall be designated as a protected Tree. (Ord 2011-05) G. Canopy Cover: "Canopy Cover" is the area of the property that is covered by the extended branches of a given tree or grouping of trees. For groupings of two or more trees the canopy cover shall be determined as the sum of the trees' coverage area. H. Arborist: An "Arborist" is an individual accredited / certified by the International Society of Arboriculture (ISA) as knowledgeable in the care and preservation of botanical species. I. Protected Zone: "Protected Zone" is the area under the drip line of a Heritage or Protected Tree and/or identified around a tree using the trunk diameter measured in inches to determine the radius of the protected zone on a one inch to one foot ratio. For example, a tree with a six inch diameter trunk would have a six foot radius protected zone, projected from the base of the tree. J. Remove: "Remove" means cutting a tree to the ground, extracting of a tree, or killing a tree by spraying, girdling, or any another means. K. Proper Pruning: "Proper Pruning" involved the trimming of tree branches with the objective of increasing safety, health, and aesthetics of the tree according to acceptable arboriculture principles. Proper pruning of up to 25% of the tree canopy area is permitted without a tree permit. (Ord 2011-05) L. Improper Pruning: "Improper Pruning" is pruning that is damaging to the health of trees and includes practices such as "topping", which is the removal of upright branches to reduce tree height and "tipping" which is the cutting of lateral branches to reduce tree width. These practices are not permitted with regards to protected trees. If improper pruning significantly damages or reduces the size of a tree is may be considered a "removal" and therefore subject to the related provisions of this ordinance. (Ord 2011-05) M. Significant Pruning: "Significant Pruning" means the proper removal of more that 25% of a tree's Canopy Area. (Ord 2011-05)

March 29, 2016

8.20.020

N. Undeveloped Property: "Undeveloped Property" means forested lands, farms, or other lands that have not been substantially altered from their natural state, and contain few manmade structures relative to the area of the property. O. Canopy, Canopy Area: "Canopy" means the area of a tree that consists primarily of branches and leaves. "Canopy area" means the area of land covered by the canopies of a group of trees and/or the group of trees within that area. P. Owner of a Tree: The "Owner of a Tree" is the owner of the land on which the tree is planted, excepting however, trees planted in the City's right-of-way by the City are owned by the City. Q. Tree Removal Permit: A "Tree Removal Permit"

is a permit issued by the City allowing removal of a tree or trees, significant pruning (as defined above), or grading or paving within the protected zone of a tree or trees. (Ord 2011-05) R. Oak Woodland Management Plan: An "Oak Woodland Management Plan" is a comprehensive plan, approved by the City Council, for the sustainable management of an oak woodland on public or common area land of at least 10 acres (may consist of multiple areas, but not less than 5 acres each) developed by a Registered Professional Forester. The elements of the management plan must include a description of the oak woodland using standard forestry techniques, a map of at least 1:6000 scale, a description of the biological environment and a plan of management treatments planned for a minimum of twenty (20) years. S. Registered Professional Forester: A "Registered Professional Forester" is an individual who is licensed by the State of California to practice forestry.

8.20.030 Removal of Heritage and Protected Trees Prohibited Without Permit A. It shall be unlawful for any person to remove, cause to be removed, or significantly prune any Heritage or Protected Tree from any private or public property without obtaining a tree removal permit from the City Manager or his/her designee. Any removal a tree or directing the removal of a tree without a tree removal permit is considered a code violation and subject to the provisions of Chapter 20.12 Administrative Citations of the Plymouth Municipal Code. If multiple trees are removed, each removal shall be a separate violation. Such violations shall be punishable by: (1) a fine not exceeding seven hundred fifty dollars for a first violation; (2) a fine not exceeding eight hundred fifty dollars for a second violation within one year; (3) a fine not exceeding one thousand dollars for each additional violation within one year. In addition to administrative fines, replacement trees are required for each tree removed as specified in Section 8.20.305. (Ord 2011-05) B. Exceptions. Notwithstanding the above, no tree removal permit shall be required for the removal of a Heritage Tree or Protected Tree determined to be hazardous or dangerous to life or property in emergency situations as determined, by any of the following: 1. City Manager 2. Fire Chief 3. City Engineer 4. Building Inspector 5. Public Works Director or Public Works Supervisor Also, no tree removal permit shall be required for the removal or relocation of trees necessary to maintain adequate traffic line-of-sight distances as required by the City Manager, his/her designee, or the City Engineer. In addition, no tree removal permit shall be required for the removal or less than significant pruning of Heritage or Protected trees by any public utility when it has been determined by a public utility supervisor that such trees create an emergency situation by threatening the safe and efficient delivery of the public utility's services. (Ord 2011-05)

March 29, 2016

8.20.040

8.20.040 Removal of Heritage and Protected Tree - Permit A. Except as otherwise provided within this Chapter, any person desiring to remove, or significantly prune one or more Heritage or Protected

Trees from any private or public property shall apply to the City Manager or his/her designee for a tree removal permit. The application for a tree removal permit shall be made on forms provided by the City and shall include a list of the number of tree(s) to be removed, with the species of each tree and its size measured dbh, a topographic map showing the location of the trees relative to any watercourses or natural drainage and manmade features, and explanation of the reason for the removal of each such tree. The application shall be signed by the owner of the land on which the tree is located. (Ord 2011-05) B. The Community Development Director shall review each application and shall determine: 1. The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services based on the opinion of an Arborist; 2. The necessity to remove the tree or trees in order to construct any proposed improvements to allow economic development of the property; 3. The topography of the land and the effect of the removal of the tree on erosion, soil retention, and diversion or increased flow of surface waters; and 4. What level of review is required under the California Environmental Quality Act ("CEQA"). C. The Community Development Director shall make his/her recommendations to the City Manager. The application may be approved, denied, or conditionally approved by the City Manager or his/her designee after consultation with an Arborist, the cost of which shall be paid for by the applicant in advance. The City Manager or his/her designee shall give priority to any applications for the removal of trees based on hazard or danger of disease.

8.20.050 Grading and Paving involving Heritage or Protected Trees - Permit A. Any person proposing to grade or pave within the Protected Zone of a Heritage or Protected Tree shall first apply to the City Manager or his/her designee for a tree removal permit. The application for a permit shall be made on forms provided by the City and shall indicate all protected zones in which the applicant wishes to grade and/or pave with the species of each tree and its size measured dbh, the amount of cut or fill in the protected zone, the location of the trees relative to any watercourses or natural drainage and manmade features, and explanation of the reason for the grading or paving. The application shall be signed by the owner of the land on which the tree is located. Upon request of the City Manager, the applicant shall provide a grading plan. B. The City Manager or his/her designee and the City Engineer shall review each application and shall impose limits based on the opinion of an Arborist, the cost of which opinion shall be paid for by the applicant in advance. 1. The extent of cut or fill in proximity to the tree which may be allowed without causing damage or death to the tree; 2. The limit of any paving in proximity to the tree which may be allowed without causing damage or death to the tree.

8.20.060 Tree Removal Permits for Trees on Undeveloped Property A. An application for a tree removal permit on undeveloped property must, in addition to the other required submissions, include a professionally prepared habitat analysis. A biologist shall be consulted as part of the required habitat analysis. Additional studies may also be required as determined by the City Manager or his/her designee. Sites which the City Manager, Registered Professional Forester/

March 29, 2016

8.20.060

Arborist, or Community Development Director determines to be potential oak woodlands shall be analyzed for both individual tree condition as well as potential habitats. B. This Section does not apply to trees which constitute a hazard to life and property or harbor insect(s), fungi, or disease(s) which constitute a threat to other trees within the City.

8.20.070 Tree Removal Permit Application Filing Fee A refundable deposit of \$100.00 is required to cover the initial costs of review by the City's consultants. Additional deposits may be required based on actual costs of application review. The applicant shall also pay in advance for any outside consultant reviews, studies, opinions, etc. required by the foregoing tree removal permit provisions of this Chapter. The City Council may modify the amount of the required refundable deposit by resolution.

8.20.080 Denial of a Tree Removal Permit; Appeal If a tree removal permit is denied, the applicant may appeal to the Planning Commission by filing with the City Clerk a written request indicating the basis of the appeal within ten days after the denial. Such appeal shall be heard at the next regular Planning Commission meeting. (Ord 2011-05)

8.20.090 Street Trees and Park Trees A. The City may plant, prune, maintain, and remove Street Trees and Park Trees, whether owned by the City or not, as may be necessary to ensure public safety, public improvements and facilities, or to preserve or enhance the symmetry and beauty of the City's public areas. B. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that: (1) City Council has approved such planting; (2) the selection and location of such trees is in accordance with this Chapter and/or lists provided by the Community Development Director; and (3) the tree owner agrees to allow the City to prune, maintain, and remove such tree(s) as needed.

8.20.100 Tree Planting - Minimum Distance from Public Curbs, Easement, and Sidewalks The distance trees may be planted from public curbs, public easements, or public sidewalks must be in compliance with minimum distances for the listed species size classes listed in the City's list of approved trees to be planted. In no event shall any tree be planted within two feet of any public curb, public easement, or public sidewalk unless a deep water and deep root control barrier is used. New tree plantings shall not obstruct sight distance at intersections.

8.20.200 Trees - Public Nuisance A. Every owner of any tree overhanging a street shall prune its branches so that such branches shall not significantly obstruct any street light or obstruct the view of any street intersection, and so that there shall be a clean space of fourteen feet-six inches (14'6") above the surface of the street, and eight feet (8') above the sidewalk. The owner shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a threat to the safety of the public. B. Any tree which does not comply with the requirements of Section 8.20.090(A), interferes with proper traffic sight distances, or interferes with visibility of any traffic-control device or sign is a public nuisance. C. Any tree which constitutes a hazard to life and property or harbor insect(s), fungi, or disease(s) which constitute a threat to other trees within the City is a public nuisance. Any tree which is an unsafe condition or which by reason of its nature or growth is injurious to sewers, power lines, gas lines, water lines or other public improvements is a public nuisance. D. Any tree which presents a risk of damage to public improvements or facilities, or a violation of the Americans with Disabilities Act is a public nuisance.

March 29, 2016

8.20.210

8.20.210 Enforcement and Abatement – Public Nuisances The City shall send a written Notice to Abate to the owner of any tree(s) which is a public nuisance. Such notice shall describe the nature of the nuisance, the procedures required for the owner to abate the nuisance, the City's option to abate, and the procedure by which the owner can request a hearing before the City Council. The City shall also post the notice to abate on the owner's property. If the owner of the tree requests a hearing before the City Council within twenty (20) days after the mailing or delivery of the notice, the hearing shall be scheduled at the next regular City Council Meeting. The decision of the City Council shall be final. No less than sixty (60) days after the mailing or delivery of the notice, if the owner has not abated the nuisance as required, the City may abate the nuisance, provided that the City Attorney has obtained any necessary warrants.

8.20.220 Summary Abatement– Public Nuisances Any public nuisance which the Building Official, Fire Chief, City Manager, Public Works Director, Public Works Supervisor, or one of their designees, determines is immediately or potentially dangerous to the life, health or safety of the occupants of the property or to the public, may be summarily abated. Actions taken to abate the immediately or potentially dangerous nuisances may include, but are not limited to, removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the condition exists or any other abatement action determined by the Building Official, Fire Chief, City Manager, Public Works Director, Public Works Supervisor, or one of their designees to be necessary. Notice of the summary abatement shall be provided to the owner of the tree(s) as provided for in this Chapter as soon as practical. 8.20.230 Public Nuisance Abatement - Cost Recovery A. The City shall keep an itemized list of costs to be assessed to the owner of the tree(s), including, but not limited to: hearing costs; reinspection

fees; posting of notices fees; and costs for equipment, contractors or consultants, material and City staff incurred by the City from the time of initial inspection and identification of the nuisance condition until completion of the abatement by the City or by the owner or responsible party. Once the abatement is completed, the City shall mail the owner of the tree an itemized invoice indicating the total abatement costs due. The owner of the tree shall pay the abatement costs within thirty (30) calendar days from the date on the invoice, unless an extension of time in which to pay has been granted by the City Manager or his/her designee in writing. B. Within fifteen (15) calendar days of the date of the invoice, the owner of the tree(s) may request in writing a hearing before the City Council to contest the amount of the invoice. If a request for the hearing is timely received, a hearing regarding the amount of the invoice shall be held at the next regular City Council meeting. C. If payment of the invoiced abatement costs is not received by the City within sixty (60) calendar days of the date on the invoice, a hearing before the City Council for the purpose of adopting a resolution confirming and assessing the abatement costs shall be set. Such hearing shall be for the sole purpose of the City Council assessing the unpaid costs as a lien and/or special assessment against the parcel or real property on which the tree(s) that were the subject of the nuisance abatement are located. A notice shall be delivered to the owner of the tree(s) which were abated either in person or by certified mail with a return receipt, specifying the time and place when the City Council will hear and pass upon the City's report of the abatement costs, together with any objections or protests, if any, which may be raised by the owner of the tree(s) which were abated. D. The City Council, by resolution, may confirm the report of abatement costs and declare the costs of abatement as a special assessment against the parcel of property upon which the nuisance condition was abated. After adoption of the resolution by the City Council, the City Clerk shall forward to the County Recorder one certified true copy of the resolution of the City Council confirming the report of abatement costs with the report of abatement costs attached thereto as an exhibit. The City Clerk also shall file a notice of lien certificate acceptable to the County Recorder.

8.20.300 Tree Landscaping Plans and Tree Surveys Required for Subdivisions and Planned Developments. A. All subdivision maps, planned development plans, or grading plans filed for tentative approval shall include a tree landscaping plan prepared by a landscape architect, licensed landscape contractor, or Arborist. The tree landscaping plan shall indicate all existing trees to remain (either individually or by reference to specific canopy areas), and all proposed tree landscaping to be installed after the construction of improvements to the property. The tree landscaping plan shall indicate the method of protection during construction, subject to approval of the City, for all trees to remain and shall include a plan showing the currently undeveloped and developed parcels, and the parcels proposed for development which clearly indicates all trees or canopy areas to be removed. Conceptual plans with adequate notes and visual examples will be acceptable at the tentative map approval stage if they contain all information requested by the City Manager and Community Development Director, or Planner. (Ord 2011-05) B. Prior to the removal of any tree or approval of grading plans, improvement plans, or a building permit, a detailed tree survey shall be conducted and submitted to the Community Development Director or Planner for review. The tree survey shall cover all areas proposed for disturbance with an additional twenty-five foot buffer area beyond each area proposed for disturbance.

The tree survey shall include all information required for a tree removal permit under this Chapter, and any additional information requested by the Community Development Director or Planner. (Ord 2011-05) C. A minimum of two trees shall be installed for each subdivision lot. Owner is required to install trees of type and size indicated on the approved landscape plans prior to issuance of the certificate of occupancy. An existing Heritage Tree that is protected according to this Chapter and located within the first 30 feet of the front yard may be used to satisfy this requirement in place of installing a new tree. (Ord 2011-05) D. Once a tree landscaping plan has been approved, no changes shall be permitted in the approved plan, without prior review of the City. The approved tree landscaping plan together with the tree survey approved by the Community Development Director or Planner, shall constitute a tree removal permit for any trees designated for removal on the plan and tree survey. (Ord 2011-05) E. Each Developer shall install an irrigation system for the landscaped common areas within the subdivision. The irrigation system shall be designed to provide adequate water to the various areas of the site including the areas with oak trees. The system shall be designed with zones as necessary to address the various needs of the different plant species. (Ord 2011-05) 8.20.305 Replacement Trees Required A. For every 6 inches in diameter of Protected Tree removed, one replacement tree shall be planted as a replacement (e.g., if a Protected Tree with an 18 inch diameter is removed, three replacement trees must be planted). (Ord 2011-05) B. Replacement trees are to be at least five gallons, with a trunk caliper of one inch or greater. (Ord 2011-05) C. If the installation of replacement trees is determined to be infeasible by the City, an in-lieu fee, as deemed appropriate by City Staff based on current market value of like sized replacement trees, may be paid. (Ord 2011-05)

March 29, 2016

8.20.310

8.20.310 Tree Landscaping Plans Required for Commercial, Industrial, Parking Lot, and Multifamily Residential Construction A. All commercial, industrial, parking lot, and multifamily residential construction plans shall include tree landscaping and irrigation plans to be prepared by a landscape architect, licensed landscape contractor, or Arborist. The tree landscaping plan shall indicate all existing trees to remain (either individually or by reference to specific canopy cover areas), and all proposed tree landscaping to be installed after the construction of improvements to the property. The tree landscaping plan shall indicate the method of protection during construction, subject to approval of the City, for all trees to remain and shall include a plan showing the currently undeveloped and developed parcels, and the parcels proposed for development which clearly indicates all trees or canopy areas to be removed. A detailed tree survey shall be approved by the Community Development Director or Planner prior to the removal of any trees or trees designated for removal on a tree landscape plan. (Ord 2011-05) B. For every Protected Tree removed, replacement trees are required as specified in Section 8.20.305. (Ord 2011-05) C. An approved irrigation system will be required to ensure the survival of the replacement trees for the first three years. The City encourages the use of a water-conserving

system design and materials and the use of a drip irrigation system where appropriate. Changes in the trees to be removed as designated on the approved tree landscape plan and tree survey, shall only be permitted upon approval of the City. Any replacement tree that does not survive, or is determined to be diseased within the first three years shall be replaced at the expense of the Developer /owner. (Ord 2011-05) D. Every parking lot shall have at least one tree (minimum trunk caliper not less than one inch) planted for every three parking spaces, so as to achieve a minimum of 50% shading of the lot within 15 years. Every parking lot shall include adequate curb planting areas and an irrigation system to ensure survival of the trees for the first three years. Existing trees which are not removed shall be credited towards tree requirements in the following manner at 1:1/2 ratio, e.g., an existing healthy tree with sixinch minimum trunk diameter measured dbh is equal to three trees to be installed (parking lots only). (Ord 2011-05)

8.20.320 Tree Landscaping Plans for Building Permits, Site Plans, Use Permits and Grading Permits No building permits, site plans, use permits, or grading permits for any type of improvements will be issued unless a tree landscaping plan has been approved by the City. The tree landscaping plan shall be prepared in a professional manner, and the City may require that it be prepared by a landscape architect, licensed landscape contractor, or Arborist. The tree landscaping plan shall indicate all existing trees to remain (either individually or by reference to specific canopy cover areas), and all proposed tree landscaping to be installed after the construction of improvements to the property. The tree landscaping plan shall indicate the method of protection during construction, subject to approval of the City, for all trees to remain and shall include a plan showing the currently undeveloped and developed parcels, and the parcels proposed for development which clearly indicates all trees or canopy areas to be removed.

8.20.330 Conflict between a Heritage or Protected Tree and a Planned Structure In case of conflict between the proposed structure location and a Heritage or Protected tree, all reasonable alternatives shall be considered for location of the structure prior to removal of a Heritage or Protected tree or trees.

March 29, 2016