

Santa Rosa City Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ENVIRONMENTAL PROTECTION](#)**Chapter 17-24 TREES**

Article I Intent and Purpose

17-24.010 Declaration of legislative intent and purpose.

The City Council finds and declares that trees contribute greatly to the health, safety and general welfare of all of the City's citizens and that the preservation and proper maintenance of trees is a matter of citywide concern. The City Council further finds and determines that it is necessary to enact regulations prohibiting unnecessary damage, removal, or destruction of trees.

The City Council recognizes and finds that trees provide great aesthetic benefits, offer windbreaks, provide summer shade, noise abatement, and privacy screening, erosion control, act as filters against airborne pollutants, release oxygen, are wildlife habitats, and prevent landslides through their root systems. All trees perform these functions for the property on which they are growing. Trees of significant size and maturity perform these functions for all persons living in their vicinity. Trees are key elements in a 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. In addition, trees in the community and in a neighborhood provide a sense of identity and tradition and enhance property values.

The City Council further finds and declares that careless treatment and arbitrary removal of trees detracts from scenic beauty, causes erosion, increases risks of landslides, reduces property values, increases construction costs and drainage costs, and thereby further reduces the attractiveness of an area.

A purpose of the City Council in enacting the following regulations is to protect certain trees that are an essential part of the City's natural heritage, referred to in this chapter as heritage trees, wherever they may be growing in the City, while, at the same time, recognizing an individual property owner's right to utilize his or her land in a way that is otherwise allowed by law. (Ord. 2858 § 1 (part), 1990)

Article II Definitions

17-24.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section.

(A) "Accepted arboricultural standards" means those pruning standards approved in the publication "Pruning Standards" published by the International Society of Arboriculture, as the same now exists and may be revised from time to time.

(B) "Accepted arboricultural practices" means practices set forth as acceptable or better in current generally accepted textbooks on arboriculture and tree care and in current professional journals on arboriculture or university level publications on tree care.

(C) "Alter" means to take an action that could foreseeably diminish the health or vigor of a tree. "Alter" includes, but is not limited to, excessive or improper pruning of a tree, grade changes around or near a tree, excessive irrigation of a tree, and trenching in the root zone of a tree. "Alter" does not include: periodic trimming, shaping, thinning or pruning of a tree to preserve or protect its health, growth or appearance, in accordance with accepted arboricultural standards and practices; provided, however, that any, including root pruning of a heritage tree shall be done only by a certified tree worker, certified arborist, or with a certified arborist in attendance and supervising the entire process.

(D) "Certified arborist" means a person who has been tested by and is currently certified as an "arborist" by the International Society of Arboriculture or a person who, as determined by the director, is equally qualified in the field of arboriculture.

(E) "Certified tree worker" means a person who has been tested by and is currently certified as "tree worker" by the International Society of Arboriculture or a person who, as determined by the Director, is equally qualified in the field of arboriculture.

(F) "Circumference" means the circumference of a tree measured around the tree's outside bark four and one-half feet above the average natural ground level immediately surrounding the trunk of the tree.

(G) "Developed property in a R-1, R-1-6, R-1-7.5, R-1-9, PRD, or a R-1-PD zoning district" means a lot within one of these zones which is improved with a single-family dwelling and the lot, due to its size, is incapable of being further subdivided under the zoning regulations which are applicable to it. "Developed property in a R-1, R-1-6, R-1-7.5, R-1-9, PRD, or a R-1-PD zoning district" also means a lot within one of these zones which is improved with a single-family dwelling and which, due to its size, is technically capable of being further subdivided under the zoning regulations applicable to it, but which, due to the location of the dwelling on the lot, the size and condition of the dwelling, and the comparable size of the other developed lots within the neighborhood or other circumstances, such as the topography or shape of the lot, is unlikely, as determined by the director in writing, to be approved for further subdivision.

(H) "Director" means the director of the City's Department of Community Development or a person or persons within that Department designated by the Director to perform any of the discretionary duties or responsibilities of the Director and are set forth in this chapter.

(I) "Director of Recreation and Parks" means the Director of the Recreation and Parks Department of the City or a person or persons within that department designated by the department's director to perform any of the discretionary duties or responsibilities of the Director which are set forth in this chapter.

(J) "Diameter." In each instance where the diameter of a tree is listed in this chapter, the listed diameter is a tree's diameter measured four and one-half feet above the average natural ground level immediately surrounding the trunk of the tree and has been determined by dividing the tree's listed circumference, as "circumference" is defined in this chapter, by the number 3.14. In any instance where the diameter of a tree is needed to interpret or implement any provision of this chapter, it shall be determined by dividing the tree's actual "circumference," as defined in this chapter, by the number 3.14.

(K) "Drip line" means an area of the ground delineated by the vertical projection of the outside periphery of the crown area of a tree down to the ground surface.

(L) "Heritage tree" means any of the following:

(1) A tree or grove of trees so designated by a resolution of the Planning Commission, upon nomination by the Director of Community Development or the Planning Commission and after the holding of a noticed public hearing, having a specific historical or cultural association or value due to its age, species, character, location, height and/or the circumstances of its planting or origin.

(2) Any of the following trees, native to the County, whether located on private or public property, which has a diameter or a circumference equal to or greater than that listed below:

Species/Common Name	Diameter	Circumference
1. Oak Family		
(a) Quercus lobata— valley oak	6"	19"
(b) Q.	18	57

agrifolia— live oak		
(c) Q. kelloggii— black oak	18	57
(d) Q. garryana— Oregon or white oak	18	57
(e) Q. chrysolepis— canyon oak	18	57
(f) Q. douglasii— blue oak	6	19
(g) Q. wislizenii— interior live oak	18	57
2. Sequoia sempervirens— redwood	24	75
3. Umbellularia californica— bay	24	75
4. Arbutus menziesii— madrone	12	38
5. Aesculus californica— buckeye	6	19
6. Pseudotsuga menzesii— douglas fir	24	75
7. Alnus oregona—red alder	18	57
8. Alnus rhombifolia— white alder	18	57
9. Acer macrophyllum— big leaf maple	24	75

(M) “Protected tree” means any tree, including a heritage tree, designated to be preserved on an approved development plan or as a condition of approval of a tentative map, a tentative parcel map, or other development approval issued by the City.

(1) When property is situated within the R-1, R-1-6, R-1-7.5, R-1-9, PRD, or R-1-PD zoning districts, a tree

designated as a “protected tree” in connection with the approval of the property’s development shall lose that designation when the property has been improved or developed as described in subsection G of Section 17-24.020 and the dwelling on the property has been occupied as a residence.

(2) For all other properties, any tree situated thereon which has been designated as a “protected tree” shall retain that designation until the tree reaches a stage of growth to come within the definition of tree as set forth in subsection P of Section 17-24.020.

(N) “Root zone” means the area of ground around the trunk of a tree which includes the drip line and an additional 10 foot wide circular strip of ground around the outside of the drip line.

(O) “Street tree” means any tree having a single trunk circumference greater than six and one-quarter inches or a diameter greater than two inches, a height of more than six feet, and one half or more of its trunk is within a public right of way or within five feet of the paved portion of a City street or a public sidewalk.

(P) “Tree” means any woody plant having a single trunk circumference of twelve and one-half inches or more, or a diameter of four inches or more or a combination of multiple trunks having a total circumference of 25¼ inches or more, or a total diameter of eight inches or more.

(Q) “Person” means any individual, or group of individuals, any partnership or corporation, or any unincorporated association. “Person” includes the City.

(R) “Remove” means the cutting down of a tree or the relocation of a tree in a manner not in accordance with accepted arboricultural practices.

(S) “Relocate” means to relocate a tree from the place where it is growing and replanting it in another location in accordance with accepted arboricultural practices and with the intent and a reasonable expectation that it will survive and grow in the new location. (Ord. 2858 § 1 (part), 1990)

Article III. Prohibitions

17-24.030 Tree alteration, removal, relocation—Permit required.

No person shall alter, remove or relocate, or permit or cause the alteration, removal or relocation, of any tree, including any heritage, protected, or street tree, situated in the City, without a permit as provided in this chapter.

(A) The provisions of this section shall not apply to the following:

(1) The alteration, removal or relocation of a tree, except a protected or heritage tree, situated on “developed property in a R-1, R-1-6, R-1-7.5, R-1-9, PRD, and R-1-PD zoning district,” unless the adopted policy statement for a particular PRD or R-1-PD zoning district states that a permit is required.

(2) The trimming or clearing of any tree’s branches or roots from interfering (a) with the lines of any public utility, City water, sewer and storm drain lines and open storm drain channels and City streets, sidewalks, curbs and gutters when necessary for the proper maintenance of such facilities, or (b) with the maintenance of adequate lines of sight along City streets and entrances to such streets, including lines of sight to traffic control signs and signals, provided that accepted arboricultural practices are utilized in each instance.

(3) A removal or alteration of any tree necessitated by a hazardous or dangerous condition of, or caused by the tree, or a portion thereof, which requires immediate action to protect life or property. Such a tree, including a street, protected, or heritage tree, may be altered or removed by City personnel without a permit, or by the property owner with the prior written permission given by the head of any one of the following City departments: the Police Department, Fire Department, Public Works Department, Utilities Department, Recreation and Parks, Community Development, or City Manager. Decision making authority in such situations may be delegated to field personnel by the head of each such Department or by the City Manager.

(4) Trees, other than heritage trees, situated within City owned parks and other City owned or controlled places when altered, removed, or relocated by City employees or by contractors retained by the City.

(5) Exempt Trees. The following species of tree and any additional species, as determined by resolution of the City Council from time to time, are exempt from the provisions of this chapter (except for those that may exist as street trees) and a permit is not required for their alteration, removal or relocation: acacia, silver maple, poplar, ailanthus, hawthorn, fruitless mulberry, ligustrum, pyracantha, Monterey pine, Monterey cypress, and fruit and nut trees, except walnut trees which are not exempt. (Ord. 2858 § 1 (part), 1990)

Article IV. Permits

17-24.040 Permit category I—Tree alteration or removal or relocation permits—Application for property where no additional development is proposed.

(A) Any person desiring to alter, remove, or relocate any tree or a heritage tree which is situated on developed land for which a permit is required under the provisions of this chapter shall apply in writing to the director to do so. The application shall state the number and identify the location of each tree and heritage tree sought to be altered, removed, or relocated, shall contain a statement of the reason(s) the permit is requested, and shall contain such other pertinent information as the Director may require. The application may also include documentation of any type, including written recommendations from a certified arborist concerning the health, quality and desirability of alternatives to the tree or trees in question. The necessity for the alteration, removal or relocation of each tree and heritage tree shall be demonstrated to the Director by the applicant.

(B) Upon receipt of an application, the Director shall make a determination as to the acceptability of the requested tree alteration, removal, or relocation based on the following considerations:

(1) The overall condition of the tree, including any diseases and pests that may be attacking it, the tree's age with respect to its projected lifespan, the area the tree would hit if it, or any substantial part of it, were to fall, its symmetry and aesthetics, its proximity to existing structures, and any interference it has caused with underground or overhead utility lines.

(2) The topography of land and the effect the tree alteration, removal, or relocation may have on possible erosion or soil retention problems or on increasing the flow or the diversion of surface waters.

(3) The number, species, size, and location of other existing trees in the area and the effect the requested action will have on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the City.

(4) Whether the request is supported by good urban forestry practices and standards such as, but not limited to, the number of healthy trees that a given parcel of land will support.

(C) Prior to making a determination on the application, the director shall inspect the tree(s) sought to be altered, removed or relocated. The Director may also refer the application to another Department, Board, Commission or Committee of the City, as he deems appropriate, and may cause such additional investigation to be made which he deems necessary in order to make an informed decision on the application.

(D) If the Director approves an application to alter, remove, or relocate a tree, he shall issue a permit, subject to such conditions as he deems appropriate, which may include the planting of replacement trees, or moving the tree to a more suitable location on the site if such is economically feasible.

(E) A permit granted under the provisions of this section shall be valid for a period of 60 days from the date of issuance unless a longer period is stated in the permit. If the work authorized by the permit is not commenced prior to the expiration date, the permit shall become null and void. Once the work authorized by a permit is commenced, it shall be expeditiously pursued to completion.

(F) A permit granted under the provisions of this chapter shall be retained on the project site and shall be made available upon request prior to, during, and following the actual tree alteration, removal, or relocation activity for a period of 30 days. (Ord. 3699 § 1, 2005; Ord. 2858 § 1 (part), 1990)

17-24.050 Permit category II—Tree alteration, removal or relocation on property proposed for development—Requirements.

(A) All development proposals and subdivision applications shall clearly designate all trees and heritage trees on the property by trunk location and an accurate outline of each tree's drip line and shall indicate those trees which are proposed to be altered, removed, or relocated and those trees proposed to be designated protected trees. The reasons for the proposed removal of any tree shall be stated in writing. The development plan or tentative subdivision map shall indicate the genus and species, the shape, the drip line and the trunk circumference of each tree and heritage tree. These tree delineations must also be shown on every page of the development and improvement plans where any work is proposed within the root zone of any tree. The owner of the property and the person in control of the proposed development shall protect and preserve each tree and heritage tree situated within the site of the proposed development during the period the application(s) for the proposed development is being considered by the City. The proposed development shall be designed so that:

(1) The proposed lots and/or improvements preserve and protect any heritage trees to the greatest extent possible.

(2) The road and lot grades protect heritage trees to the greatest extent possible and the existing grade shall be maintained within each such tree's root zone.

(B) If the proposed project is approved, the recordation of the final map or issuance of a grading permit or building permit for the project shall constitute a permit to alter, remove, or relocate any trees designated for alteration, removal, or relocation upon the project's approved plans. Any change in the trees to be altered, removed, or relocated as designated on the approved development plan or tentative map shall only be permitted upon the written approval of the Director or, when the Director determines that the proposed change may be substantial, by the Planning Commission.

(C) Tree Replacement Program. A person owning or controlling a development project shall be required to replace trees and heritage trees approved for removal as part of the approval of the project in accordance with subdivision 1; each protected tree removed or damaged shall be replaced in accordance with subdivision 2.

(1) For each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director.

(2) For each six inches or fraction thereof of the diameter of a tree which was not approved for removal, four trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director.

(3) If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City.

(D) Protected Trees. The following requirements shall apply to every person who develops any property upon which a protected tree is located:

(1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree shall be securely fenced off at the "protected perimeter," which shall be either the root zone or other limit as may be established by the City. Such fences shall remain continuously in place for the duration of all work undertaken in connection with the development. The area so fenced off shall not be used as a storage area or altered or disturbed except as may be permitted under this subsection.

(2) If the proposed development, including any site work for the development, will encroach upon the

protected perimeter of a protected tree, special measures shall be utilized, as approved by the Director or the Planning Commission, to allow the roots to obtain oxygen, water, and nutrients as needed. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the Director, shall be minimized and subject to such conditions as may be imposed by the Director. No significant change in existing ground level shall be made within the drip line of a protected tree. No burning or use of equipment with an open flame shall occur near or within the protected perimeter. All brush, earth and other debris shall be removed in a manner which prevents injury to the protected tree.

(3) No oil, gas, chemicals or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter of any protected tree, or at any other location on the site from which such substances might enter the perimeter of a protected tree. No construction materials shall be stored within the protected perimeter of a protected tree.

(4) Underground trenching for utilities shall avoid major support and absorbing tree roots of protected trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many units as possible. Trenching within the drip line of protected trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.

(5) No concrete or asphalt paving shall be placed over the root zones of protected trees. No artificial irrigation shall occur within the root zone of oaks.

(6) No compaction of the soil within the root zone of protected trees shall occur.

(7) If the trees proposed to be removed can be economically relocated, the developer shall move the trees to a suitable location on the site shown on the approved plans. (Ord. 2858 § 1 (part), 1990)

Article V. Street Trees

17-24.070 Street trees and plantings on and adjacent to public streets and sidewalks.

(A) Resolution of Approved List of Street Trees. The City Council shall adopt by resolution a list of trees which may be planted within the planting strip adjacent to City streets or within five feet of the paved portion of a City street or a public sidewalk. A planting strip, as used in this section, is the open soil area that may exist between the curb and a sidewalk. The Council's list of permitted street trees may be amended from time to time by resolution and may also specify minimum distances that shall be maintained between the various kinds of trees listed.

(B) Prohibition on the Planting of Unapproved Trees and Certain Plants. Except as provided in Section 17-24.070(A), no trees shall be planted in a planting strip or within five feet of the paved portion of a City street or a public sidewalk. No other landscaping planted within a planting strip or within five feet of the paved portion of a City street, may exceed 24 inches in height, measured from the paved street grade. (Ord. 2858 § 1 (part), 1990)

17-24.075 Street tree removal—Permit required—Conditions.

No tree growing within a planting strip or within any public right-of-way shall be removed or altered by or at the instigation of the abutting property owner or anyone other than a duly authorized officer, agent or employee of the City, except upon issuance of a permit therefor by the Director of Recreation and Parks who may require, as a condition of permitting the removal or alteration of a tree, the posting of security for such work and the planting, at the expense of the permittee, of a tree to replace the one removed, which tree shall be selected from the list approved under Section 17-24.070(A), and planted with the spacing and in the manner approved in accordance with Section 17-24.070(A). The Director of the Recreation and Parks Department shall establish in writing a policy thereon and the Director of Recreation and Parks in issuing and denying permits and fixing conditions thereof under this chapter shall follow insofar as possible the written policy.

17-24.080 Tree removal—Permit—Term.

A permit approved by the Director of Recreation and Parks under the provisions of this article shall be valid

for a period of 60 days from its issuance unless a longer term is set forth in the permit. If the work to be done under the terms of the permit is not commenced prior to its expiration and thereafter expeditiously pursued, the permit shall become null and void.

17-24.082 Appeals.

Any decision made by the Director of Recreation and Parks under this article may be appealed to the Planning Commission by an interested person within the time and in the manner set forth in Section 17-24.090.

17-24.085 Trimming trees and hedges abutting side walks.

An owner or occupant of a lot shall keep all trees and hedges situated on the lot which abut upon or overhang a public sidewalk properly trimmed so that the same shall not interfere with the free use of the sidewalk. Such trimming shall not require a permit. (Ord. 2858 § 1 (part), 1990)

Article VI. Appeals

17-24.090 Appeals.

Any decision made by the Director under the provisions of this chapter may be appealed to the Planning Commission by any interested person. The appeal must be filed in writing with the secretary of the Planning Commission within 10 days of the decision. The written appeal shall state all facts and each ground upon which the appeal is based and shall be signed by the applicant. The Planning Commission shall hold a noticed public hearing before making a decision on the appeal. An appeal of the Planning Commission decision may be made to the City Council by any interested person by filing the appeal in writing with the City Clerk within 10 days of the Planning Commission's decision. (Ord. 2858 § 1 (part), 1990)

Article VII. Enforcement

17-24.100 Violation.

Every person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 3238 § 28 (d), 1996; Ord. 2858 § 1 (part), 1990)

17-24.110 Criminal penalty for violation.

A violation of any provision of this chapter is subject to Chapter 1-28 of the City Code. (Ord. 3699 § 2, 2005; Ord. 2858 § 1 (part), 1990)

17-24.120 Injunctions.

In addition to all other actions and remedies, civil or penal, authorized by law, the City Attorney is authorized to file an action in court seeking injunctive relief to enjoin a violation of any provision of this chapter or to prevent a threatened violation of any provision of this chapter. The injunctive relief sought in any such action may be prohibitory, mandatory, or both. (Ord. 2858 § 1 (part), 1990)

17-24.130 Replacement trees.

In lieu of prosecution under Section 17-24.110, any person who alters, removes, or relocates a tree, or who permits or causes to be altered, removed or relocated any tree in violation of any provision of this chapter, may petition the Director for permission to replace each tree so altered, removed, or relocated, with four replacement trees for each six inches or fraction thereof of the diameter of each tree which was altered, removed or relocated without a permit, each of the same genus and species, each of a minimum 15-gallon container size, to be planted on the property on which the violation was committed. If approved by the City Attorney, the Director may grant the petition, with or without conditions, if he finds that the proposed replacement trees will substantially restore the property environmentally to a condition equal to its condition prior to the violation. Each such replacement tree shall be deemed and considered a "protected tree" under the provisions of this chapter. The conditions

imposed by the Director may include requirements for security to insure the tree's successful establishment and proper care for a stated period of time. The Director may also authorize the planting of a lesser number of larger trees or a larger number of smaller trees than specified if he finds that either adjustment will be more beneficial to the permanency of all trees on the property. (Ord. 3699 § 3, 2005; Ord. 2858 § 1 (part), 1990)

17-24.140 Violation—City approvals.

The owner or occupant of any property on which a violation of the provisions of this chapter was committed, if such violation was committed by the owner or a lawful occupant thereof, or committed with the permission or consent of either such person, shall be denied, for a period of two years from the date of the City's discovery of such violation, any approval or permit which otherwise might have been issued by the City for the development or further improvement of such property. Prohibited approvals or permits shall include, but not be limited to, conditional use permits, variances, and building or demolition permits. The provisions of this section shall not apply to any approval or permit which is needed or required to maintain the health or safety of those occupying existing improvements on the property. If the violation has been established by the final judgment of a court, the Director shall, by appropriate notice to the owner of the property and the pertinent City departments and agencies, implement the provisions of this section. If an alleged violation of this chapter has not been the subject of a court proceeding, the Director, in his or her discretion, may hold a hearing on the alleged violation, giving the property owner reasonable advanced notice thereof and a summary of the facts which indicate a violation has occurred, which notice and summary shall meet any procedural due process requirements that are determined to be applicable. Following the hearing at which the owner shall be allowed to present testimony, argument and evidence and to refute the evidence presented by the City, the Director, based on the evidence presented at the hearing, shall determine in writing whether a violation of this chapter occurred on the property involved, and if so, whether it was committed by the property owner or a lawful occupant of the property, or with the permission or consent of either such person. A copy of the Director's determination shall be immediately mailed or delivered to the property owner. If the Director determines such a violation was committed by the owner or such occupant or with the permission or consent of either, he or she shall implement the provisions of this section by notice as set forth above. Notice of a violation of a provision of this chapter may be recorded in the office of the County Recorder to implement the provisions of this section. (Ord. 2858 § 1 (part), 1990)

