

Chapter 18.45: Tree Management

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18.45.010 Purpose and Objectives

The City Council finds that trees contribute in many ways to the health, safety, and general welfare of all Redding's citizens. Trees, in addition to their aesthetic benefits and temperature moderation, are of benefit to fisheries, riparian habitat, wildlife, energy conservation, and the ecology of the area. However, the City also recognizes that even with the identification, evaluation, protection, and maintenance provisions of this ordinance, it may not be possible to preserve all healthy trees within new development projects. Given these recognized contributions and constraints, the intent and objectives of this chapter are to:

1. Protect and enhance the aesthetic qualities of the community provided by native and nonnative trees.
2. Promote a healthy and attractive urban landscape as the community grows.
3. Recognize the importance of trees as a visual and physical buffer.
4. Preserve the City's valuable natural features.
5. Require the replacement of trees that are removed, where appropriate.
6. Establish a program for the planting of trees in new developments.
7. Protect trees on undeveloped properties until such time as a development plan/building permit is approved.

8. In order to accomplish the preservation purposes of this chapter, candidate trees, as defined in Chapter 18.61, in the city are afforded special protections. The regulations require that a tree removal permit be obtained for removal of trees on vacant/undeveloped lands in order to ensure that trees can be identified and considered as candidates for preservation during the development process.

18.45.020 Subdivision and Other Development Projects

Subdivisions and other development projects subject to the provisions of this chapter shall be designed to minimize destruction or damage to trees to be preserved. With development permits for discretionary projects or when a tree(s) exceeding 6 inches dbh is proposed to be removed when a discretionary permit is not required, a site plan shall be submitted which contains all the elements required by Sections 18.45.050 and 18.45.070.

- A. Variances. To achieve the goal of preservation, the City may consider tree preservation as adequate grounds to approve zoning exceptions and variances associated with building setbacks, building separations, parking requirements, and driveway grades if it is determined that: (1) the preservation and retention of a candidate tree outweighs the disadvantages associated with any variance granted to save it and (2) there is a real expectation that the tree will survive for more than 5 years as estimated by a qualified professional.

18.45.030 Permit Required

No tree, regardless of species, that exceeds 6 inches dbh on any developed or undeveloped/vacant property in the city shall be destroyed, killed, or removed unless a tree removal permit is first obtained under the provisions of this chapter, except as may be permitted pursuant to the terms of Section 18.45.070, Discretionary Permits, or as may be expressly exempted under Section 18.45.040, Exemptions. (Note: Clearing activities that exceed one acre in area require a clearing permit in accordance with Chapter 16.12 of the Redding Municipal Code.)

18.45.040 Exemptions

- A. Removal of a tree upon the order of the City Manager, City Engineer, Development Services Director, Community Services Director, or a member of the Police or Fire Department if, in his/her determination, the condition of a tree presents an immediate hazard to life or property.
- B. The removal of trees on the following properties or areas:
 1. Developed nonresidential properties less than one acre in area, provided that no trees which have been specifically designated on the landmark and heritage trees plan (RMC Chapter 13.40) or which have been required to be preserved under the terms of the discretionary approval of a development project shall be removed.

2. Undeveloped nonresidential properties less than one acre in area, where a valid building permit has been issued for a "principal building," provided that no tree designated on the landmark and heritage tree plan (RMC Chapter 13.40) or which has been required to be preserved under the terms of the discretionary approval of a development project, shall be removed.
 3. Developed residential properties which have been developed to the maximum density allowed by the zoning of the property, provided that no trees which have been specifically designated on the landmark and heritage tree plan (RMC Chapter 13.40) or which have been required to be preserved under the terms of a discretionary approval of a development project shall be removed.
 4. Undeveloped residential properties less than one acre in area, where a valid building permit has been issued for construction of a "principal building(s)," provided that such construction will result in development for the maximum density allowed by the base zoning district and that no tree designated on the landmark and heritage tree plan (RMC Chapter 13.40) or that has been required to be preserved under the terms of the discretionary approval of a development project, shall be removed.
 5. Airport clear zones.
- C. Removal or cutting of trees within utility rights-of-way which may be deemed necessary in the opinion of a public utility to comply with applicable safety regulations, to prevent potential future interruption of service, to repair damage to facilities, or to restore interrupted service.
 - D. Removal of trees on property owned by the Federal Government, the State of California, the County of Shasta, or any school or special district.
 - E. Removal of trees when determined necessary by the Fire Department while engaged in firefighting in order to prevent the spread of fire or prevent a dangerous situation to life or property.
 - F. Street trees covered by Chapter 13.40 of the Redding Municipal Code which are approved for removal by the Community Services Department.
 - G. The removal of a tree which a qualified professional has determined to be unhealthy or, because of its characteristics, a danger to life or property. In such case, the opinion of the qualified professional shall be made available to the Director prior to removal of the tree(s).

18.45.050 Permit Application—General

Except as provided for in Section 18.45.070, Discretionary Projects, any property owner desiring to kill, destroy, or remove (hereafter referred to as "remove") one or more trees that

exceed 6 inches dbh on any parcel of land not exempted by this chapter shall file an application for a Tree Removal Permit with the Director and pay the necessary fee as established by resolution of the City Council. Said application shall be on a form prescribed by the Director and shall contain the following information:

- (1) The number, species, size, and location of each tree to be removed;
- (2) The location of existing or proposed structures;
- (3) A brief statement of the reason for removal;
- (4) The signature of the property owner authorizing such removal;
- (5) Any other pertinent information the Director may require, which may include a detailed report prepared by a qualified professional regarding the size; health; condition; and, for large sites, the general characteristics of trees proposed to be removed and those that will be retained on the site.

The Director may use this information to determine if adequate effort has been made to retain candidate trees that may be on the site.

- A. **Permit provisions.** The permit, if granted, shall entitle the property owner to remove only the trees approved for removal by the permit. Prior to the issuance of such permit, the Director or his/her representative shall visit and inspect the property, the trees in question, and the surrounding area and shall ascertain whether or not the trees may be cut down or removed.
- B. **Approval conditions.** The Director or his/her designated representative may grant the permit if the removal of the trees will not affect soil stability, surface-water quality, riparian habitat, or fisheries and one or more of the following findings is made:
 1. The condition of the trees, with respect to disease, form, general health, damage, public nuisance, danger of falling, proximity to existing structures, interference with utility services, good forestry practices, or damage to existing sidewalks and driveways, warrants their removal.
 2. The preservation of the trees unreasonably restricts the economic potential or use of the property upon which the trees are situated and/or the Director determines that sufficient effort has been made to save other candidate trees that may be on the site.
 3. The development has been designed such that suitable land will be set aside in an open-space easement which will (1) preserve as many trees as are proposed to be removed, particularly trees that could be classified as candidate trees, or (2) be particularly suitable for the planting and/or natural regeneration of trees. The set-aside area shall be

in addition to any area classified as "Greenway" under the policies of the Redding General Plan.

- C. The Director shall deny any permit to remove a tree that is listed on the landmark or heritage tree plan established by Chapter 13.40, except as may be specifically authorized by that chapter.
- D. The Director may require replanting of trees at appropriate locations on the property or off-site location to replace those that will be removed. The size and number of trees to be replanted shall be at the discretion of the Director, but shall bear a reasonable relationship to the value, size, type, and similar considerations as the tree approved for removal.

18.45.060 Tree Removal Provisions

A permit issued under Section 18.45.030 shall be valid for a period of 6 months from the date of issuance. One extension of time may be granted, not to exceed an additional 6 months, by the person or body who approved the permit for which an extension is requested.

- A. It shall be the responsibility of the person removing any tree as authorized by the tree removal permit, under this chapter, to have the tree permit and a copy of the conditions of approval imposed by the approving body at the tree removal site.
- B. The permit and any conditions of approval granted by the approving body shall entitle the applicant to remove only the tree or trees approved for such action.
- C. Before the start of any clearing, excavation, construction, or other work on the site, every tree designated for removal on the approved site plan that is outside the proposed right-of-way or easement areas shall be clearly marked in the field in a manner required by the Director. A plan shall be established for the removal and disposal of brush, earth, and other debris (1) to avoid injury to any tree not approved for removal or (2) to prevent spillage of mud or debris on City streets.

18.45.070 Permit Application—Discretionary Projects

- A. **Permit Application.** An application for a discretionary project shall also be considered an application for tree removal in those instances where trees will be affected by the development.
- B. **Project Design and Tree Preservation.** Where all identified candidate trees cannot be preserved, the design of the development should address preservation of the most desirable and significant of the healthy candidate trees, particularly stands of such trees, and the developer is expected to utilize creative land-planning and construction techniques to achieve this end.

The set-aside of a natural area or areas within a project site that is particularly suitable for the planting, retention, and/or natural regeneration of trees is considered to be a desirable means of accomplishing the goals of this chapter. Set-aside areas shall be in addition to any area classified as "Greenway" under the policies of the Redding General Plan.

- C. **Tree Preservation.** Project design shall recognize the desirability of preserving trees. An analysis of trees on the site shall be undertaken to determine those which are to be considered candidate trees unless waived by the Director based on the characteristics of the site, and plans for grading and infrastructure improvements shall reflect this consideration. While each individual site will dictate the level of analysis based on such considerations as the size of the site, the number of candidate trees, opportunities for preservation, etc., the following establishes the basic process for assessment of candidate trees and stands of trees on a site. This information will provide a basis to consider potential development designs that will preserve those trees.

1. **Tree Identification and Evaluation**

- a. **Initial Mapping.** Candidate trees and groups of trees as defined in Chapter 18.61, within the boundaries of proposed project but outside of areas classified as "Greenway," shall be identified on a map. Aerial photographs accompanied by surveys and/or ground reconnaissance should be used for this mapping. The scale and detail of mapping should be commensurate with the size of the site as determined appropriate by the City. On sites with development envelopes greater than 5 acres and, at the discretion of the Director, a qualified professional as identified in Chapter 18.61 shall consult with Development Services Department staff to determine the appropriate mapping detail. The choice of whether a complete inventory or a sample is performed should be based on the size of the site, number of trees involved, and uniformity of tree conditions (e.g., species, size, health, etc.).
- b. **Evaluation.** A qualified professional shall provide an overall qualitative evaluation of trees on the site. Evaluation criteria may include:
- (1) Species
 - (2) Size (estimated or measured diameter and height)
 - (3) Health and vigor, including external signs of defect or disease
 - (4) Aesthetic quality as determined by shape, branching and color
 - (5) Ecological quality as determined by evidence of wildlife use, grove size, adjacency to water or connectivity to other habitats
 - (6) Potential hazards posed by dead branches or tops, lean or defect

- (7) Location relative to existing or potential development and the ability to provide sufficient growing space
- (8) Other considerations including local significance and functional role as a buffer between land uses. The evaluation shall include a summary recommendation regarding those trees or groups of trees most appropriate for protection. The summary may take the form of text, map, or a combination of text and map as determined appropriate by the qualified professional.

D. Designation of Preserved Trees

After determining the trees or groups of trees that will be preserved based on the mapping and evaluation process outlined above, a map and tree list shall be provided as part of the discretionary permit application materials and shall include an overlay showing the location of preserved trees and the proposed development. It shall include the following information with sufficient detail for evaluation by the body approving the discretionary permit:

1. Tree or grove designated for preservation, outside of areas classified as "Greenway" in the General Plan.
2. Tree or grove where preservation is not proposed, along with a justification for removal, provided by the project applicant.

E. Protection During Construction/Long-Term Protection and Maintenance

Project proponents shall prepare a plan for ensuring that trees designated for preservation are not damaged during construction and will be adequately protected in the long term. The plan, prepared by a qualified professional shall include tree protection measures for all trees or groups of trees where grading, fill, building, utility installation, redirection of natural drainage to or away from trees to be preserved, or similar activities will occur within a minimum distance extending:

1. Six feet out from the perimeter of the crowns of large, mature trees unless a greater distance is warranted in the opinion of the qualified professional.
2. Six feet from the perimeter of their estimated crowns at maturity in the case of smaller trees.
3. The qualified professional shall also specify appropriate construction protection measures, such as:
 - a. Provisions for flagging and protective fencing

- b. Equipment exclusion zones
- c. Grading exclusion zones
- d. Long-term maintenance recommendations

The approving entity for the permit, when approving development plans, shall determine the adequacy and appropriateness of the proposed tree protection plan as provided above. The approved discretionary permit and related materials will constitute a tree protection plan, and those trees designated to be saved shall be considered preserved trees. In addition to the tree plan, the approving entity may require such measures as necessary to ensure that the preserved trees are not involuntarily removed in the future. This shall include, but not necessarily be limited to, requiring land to be placed in open-space easements or requiring that deed restrictions be placed on private property which will prohibit the removal of a trees(s).

- F. **Project Denial.** The application may be denied or the project modified if: (1) the plan is inconsistent with the City's policy of tree preservation and (2) insufficient evidence is shown that tree preservation has been considered in the design of the project. Modifications of project design may include, but not be limited to: relocation of proposed streets and easements; relocation of proposed lot lines; reduction of the number of lots/building areas proposed in the development; the use of stem wall construction techniques; or other appropriate measures.
- G. **Improvement Plans.** Subsequent to project approval, improvement plans shall be submitted to the City for approval that shall depict the location of all trees that have been required to be preserved and shall be reviewed in the context of any tree protection measures recommended by the qualified professional.
- H. **Appeals.** Appeals of conditions and/or requirements imposed on a development project by the approving authority shall utilize the procedures set forth in Section 18.11.090, Appeals, of the Redding Municipal Code.

18.45.080 Preconstruction Requirements

Before the start of any clearing, excavation, construction, or other work on the site, the recommendations of the qualified professional pertaining to tree identification, flagging, fencing, or similar items shall be in place and a pre-construction meeting held with the contractor and City staff to review any tree protection measures required.

18.45.090 Tree Protection Guidelines

The Director shall prepare and make available to the public "Guidelines for Tree Protection." The Guidelines will not replace or supplement the construction standards of Section 18.45.070D, Protection during Construction/Long-Term Protection and Maintenance, but will provide basic information that will be useful in protecting trees during and after construction.

18.45.100 Violations, Penalty

It has been determined that trees within the City are valuable assets to the community and that the public should be compensated for the loss of trees which occurs in violation of this chapter. The removal or killing of any protected tree in violation of the terms of this chapter shall be punishable by either, or a combination, of the following means at the discretion of the City:

- A. Pay a fine of up to \$2,000 per tree for the unauthorized removal or damage to trees.
- B. Provide and plant replacement trees of a number and size required by the City and thereafter maintain said trees in a live and healthy condition for a period of 3 years.
- C. Prohibit further development of the property, other than corrective-action measures, for a period of up to 2 years from the date notice of the violation is given by the City.

The penalty shall be determined by the Director; however, appeals of his/her decision shall be available as specified in Section 18.11.090, Appeals, of the code.

In instances where unlawful tree removal occurs on a developed parcel of land, the violator may seek relief from the above penalty by making application for tree removal as specified in Section 18.45.050 and making payment of twice the application fee. The City reserves the right to approve the permit subject to any or all of the above conditions as circumstances may dictate.

18.45.110 Non-liability of City

Nothing in this chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep the trees upon the property and under his/her control in a safe, healthy condition.

18.45.120 Tree Planting Requirements

The following tree planting provisions shall apply to all new construction and to those parcels which have been granted a tree removal permit. The trees shall be planted prior to the issuance of an occupancy permit in those instances where planting is in conjunction with construction under a valid building permit.

- A. Residential Development. One 15-gallon tree shall be planted for every 500 square feet of enclosed gross living area, 2 of which shall be planted in the front yard. At least one of the trees must be planted within 7 feet of the sidewalk, or otherwise required by a tree planting plan established with approval of the development.
- B. Commercial Development (Retail, Office, Heavy Commercial Uses). One 15-gallon tree shall be planted for every 1,000 square feet of gross floor area or covered space.

- C. Industrial Development. One 15-gallon tree shall be planted for every 2,000 square feet of gross floor area or covered space.

Where the number of trees required to be planted under this section differs from the number required to be planted by Chapters 13.40 and 18.41, Off-Street Parking and Loading, of the Redding Municipal Code (if applicable), the higher number shall apply. If the number of trees required above contains a fraction, such number shall be increased to the next highest whole number. Each existing, preserved tree on a parcel may be counted as 2 trees for the purpose of the above planting requirements; however, this credit shall not reduce the number of trees required by Chapters 13.40 or 18.41 of the Redding Municipal Code applicable to the project except as may be provided for in those code sections.

18.45.130 Maintenance

The property owner or his/her successors-in-interest shall be responsible thereafter for the care and maintenance of trees required to be planted under this chapter in a live and healthy condition. The replacement of trees that may die or otherwise be destroyed is explicitly a requirement of this chapter. The removal of dead wood, branches, or trees is the responsibility of the property owner upon whose property the tree originates.

18.45.140 Nonconforming Developed Parcels

Developed parcels which do not meet the tree planting requirements of this chapter, shall be required to meet the tree planting requirements of this chapter with the issuance of a building permit for any new construction on the property that is greater than 15 percent of the existing gross floor area, unless an exception to this requirement is granted by the Director based on a finding that conforming to the tree planting requirements of this chapter is physically impossible given the way the parcel is developed. If the Planning Commission can make that finding, it may approve planting fewer trees than this chapter would require for the developed parcel based on what the Planning Commission feels is physically possible for the property.