

3315. Turnbridge Drive,
Sacramento, Calif. 95823,
Feb. 22, 1980

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City Manager Walter Slipe,
Mayor Phillip Isenberg,
All Council Members,
Gentlemen and Ms. Rudin,

Proposed Heritage Trees Ordinance

City Clerk

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CITY OF SACRAMENTO

FEB 21 1 50 PM '80

I see in the public press that the Recreation & Parks Dept. of the City of Sacramento plans to spend \$10,000 of hard to come by tax dollars to make a survey of some 2,000 "Heritage Trees" all having a circumference of 100 inches at least in the butt of the tree at 4 1/2 feet above ground. These trees are ones located on private property, namely city lots, and the ordinance would prevent owners of said lots from trimming or cutting down these "Heritage Trees" until special permission was given by a designated department of the City of Sacramento.

Now all this bureaucratic red tape in this proposed ordinance would not only raise the hackles of owners of the property on which ~~these~~ trees were discovered but would cost money to have "inspectors" checking out requests or nosing around to see if any infractions were occurring. I suppose Parks would pick up the tab out of the so-called "Future Parks Tax" (a \$385 ^aaltross has been hung around a prospective builder of a modest six room house for this "Future Parks" Tax, which apparently can be and has been used for anything but a future park. This tab has to be paid when the poor devil who wants to build a house in the City of Sacramento gets his building permit.)

At the price lots are going for now, to hog tie an owner so that he cannot remove or trim a tree on his or her property in an area zoned multi-family or commercial is simply going too far or to have some "egg head" tell him or her just how the tree has to be trimmed infringes on the rights of the property owner. As to trees, the general public, outside of some of these environmental "freaks" don't give a damn what a person does with the trees inside of his property line, but does care that those in the parking area between sidewalk and street (which belong to the city) are properly maintained so Sacramento can be still known as the city of beautiful trees.

Most property owners take care of their trees and love them so that they seldom take out one unless it is a hazard to the building or positively is in the way.

This proposed ordinance should be rejected by the City Council unless it wants to pull a stunt like the County Assessor did a few years back when he insured the passage of Prop 13 in Sacramento County by issuing a list of property tax raises a few days before the voters voted on 13. This year it is Prop 9 and that is a bad bill that should not pass unless the buregu-crats antagonize the voters by things like this "Heritage Tree" caper.

On another topic, I know that Sacramento City is a "full opportunity employer" but why does Rec & Parks hire so few young fellows who only misfortune is that they were born of the Caucasian Race? Out on the golf courses I cannot remember seeing one new white lad on the crews in the past 2 years---all seem to be from some minority? This shows me how far some of these department heads go far afield and this "Heritage Tree" bat is just another thing that raises the hackles on "old timers" in this man's town.

Yours truly

Harry H. Wrinkle
Harry H. Wrinkle



CITY OF SACRAMENTO

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DEPARTMENT OF COMMUNITY SERVICES

3520 FIFTH AVENUE
(916) 449-5200

SACRAMENTO, CA 95817

SOLON WISHAM, JR.
DIRECTOR

CITY MANAGER'S OFFICE
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CROCKER ART MUSEUM DIVISION
GOLF DIVISION
METROPOLITAN ARTS DIVISION
MUSEUM AND HISTORY DIVISION
RECREATION DIVISION
PARKS DIVISION
ZOO DIVISION

January 28, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Heritage Tree Ordinance

SUMMARY

This report recommends the adoption of a Heritage Tree Ordinance as approved by the Planning and Community Development Committee on January 16, 1980.

BACKGROUND INFORMATION

On October 2, 1979, the City Council was presented with a Heritage Tree Ordinance proposal in a report dated September 19, 1979. The report was referred to the Council Committee on Planning and Community Development for evaluation and recommendation.

The Planning and Community Development Committee conducted a public hearing on October 24, 1979, and directed minor wording changes within the proposed ordinance. After considerable public testimony, a motion to transmit the amended ordinance to the City Council failed due to the lack of a second. The staff was then directed to prepare a new ordinance which deleted the protective provisions of the original ordinance, but required the identification of heritage trees in an official register.

On January 16, 1980, the Planning and Community Development Committee reviewed two alternative ordinances dated December 5, 1979. The Committee decided on a vote of 2 ayes, 1 no, and 1 absent to recommend the attached ordinance for full Council approval.

THE ORDINANCE

Major provisions of the ordinance are provided as follows:

APPROVED
~~FILED~~ P.F.P.
BY THE CITY COUNCIL
CONT. TO 2-26-80
FEB 19 1980

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APPROVED
BY THE CITY COUNCIL

FEB 26 1980

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1. Authorizes a survey of the City to identify trees on public and private property that are significant specimens. The size of the trees must be at least 100" in circumference measured at 4½ feet above ground level.
2. Requires the preparation of an official register of heritage trees. Requires a notification of all property owners affected by the official register. Requires a public review of the register prior to adoption by the City Council. Requires notification of property owners affected by the adoption of the official register by the City Council.
3. Provides for the protection of identified heritage trees from removal or damage, particularly during construction activity, by the requirement of a permit from the Director of Community Services for any potentially damaging activity.
4. Provides procedure for the removal of heritage trees from the official register.
5. Provides the standard appeal procedure to the City Council on any decision of the Director.

It is estimated that at least 2,000 trees qualify for the heritage designation within the City of Sacramento. Some preliminary identification efforts by a member of the Environmental Council of Sacramento supports this estimate. The survey required by the ordinance and the public hearings on the official register will determine the exact number of trees.

The Parks Division staff estimates that a city-wide survey will require approximately three months to complete utilizing specially trained temporary personnel. Following the completion of the initial survey, and the adoption of a tree register, maintenance of the register can be performed by existing City personnel. It is anticipated that the permanent register will be programmed into the City's automated electronic data processing system.

FINANCIAL DATA

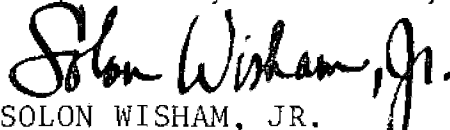
The cost of the initial tree survey required for the preparation of the official register is estimated at \$10,000. Parks Division will absorb other identified costs related to the preparation of the official register.

City Council
January 28, 1980
Page 3

RECOMMENDATION

The Planning and Community Development Committee recommends approval of the attached Heritage Tree Ordinance by the City Council.

Respectfully submitted,



SOLON WISHAM, JR.
Director of Community Services

Approved for Agenda:


WALTER J. SLIPE
City Manager

SW/ker

Attachments: Ordinance

February 19, 1980
All Districts

ORDINANCE NO. 4317 FOURTH SERIES

AN ORDINANCE ADDING ARTICLE IV TO CHAPTER 45 OF THE CITY CODE RELATING TO HERITAGE TREES, DEFINING HERITAGE TREES, ESTABLISHING A PROCEDURE FOR DESIGNATION THEREOF, AND ESTABLISHING REGULATIONS PERTAINING THERETO

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Article IV is hereby added to Chapter 45 of the Sacramento City Code to read as follows:

ARTICLE IV. HERITAGE TREES

Sec. 45.210 Intent and Purpose.

It is the intent and purpose of this article to promote the health, safety, and welfare of present and future residents of the City of Sacramento by providing for the protection of significant specimen trees existing in the City of Sacramento. The protection of heritage trees will promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise and provide shade to reduce energy consumption.

Sec. 45.211 Definitions.

For the purpose of this article, the following words and phrases shall have the meaning ascribed to them by this section unless otherwise specifically provided:

(a) "Director" shall mean the Director of the Department of Community Services or his authorized representative.

(b) "Heritage tree" shall mean any tree of a species designated by the Director with a trunk circumference of one hundred (100) inches or more measured four and one-half (4 1/2) feet above ground level, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape for its species and which has been designated on the Official Heritage Tree Register pursuant to the provisions of this Article.

(c) "Drip line area" shall mean the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

Sec. 45.212 Identification and Inventory of Heritage Trees.

The Director is authorized to identify and prepare an inventory of heritage trees within the City of Sacramento.

FILED P.F.P.
BY THE CITY COUNCIL
CONT. TO 2-26-80
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FEB 26 1980

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Sec. 45.213 Official Register.

Upon completion of the identification and inventory of heritage trees, the Director shall recommend to the City Council adoption of an Official Heritage Tree Register, identifying appropriately as to location; size, and species the heritage trees of the City of Sacramento. Where practicable, the street address of the property on which the tree stands shall be included as the location. The Director may periodically review the Register for the purpose of making additions and deletions thereto. After review and upon notification by the Director, the City Clerk shall delete from the Official Register and notify in writing the property owner of any tree that no longer meets the requirements of Sec. 45.211(b). Any appeal of such determination of the Director that a tree no longer meets the requirements of Sec. 45.211(b) shall be taken in the manner prescribed in Sec. 45.218 not later than ten (10) days after notification by the City Clerk.

Sec. 45.214 Same - Procedure for Adoption.

(a) Upon receipt of the recommendation of the Director, the Council shall set the same for hearing. At least fifteen (15) days in advance of the hearing, notice thereof shall be sent by mail, postage prepaid, to all owners of property on which trees are located which are recommended by the Director to be included on the Official Register as heritage trees. As used herein, property owner means the person to whom the property is assessed as shown on the latest equalized assessment roll of the County of Sacramento. In addition, notice of hearing shall be published once in the official newspaper of the City not less than fifteen (15) days before the hearing.

(b) After the hearing thereon, the Council may adopt, modify and adopt or reject the recommendation of the Director. Adoption of the designation of trees as heritage trees shall be by resolution and shall contain findings of fact in support of each designation. Such resolution shall be the Official Register of Heritage Trees.

(c) The Official Heritage Tree Register may be amended from time to time for the purposes of designating additional trees as heritage trees. In such case, the procedure set forth in subdivisions (a) and (b) of this section shall apply.

Sec. 45.215 Notification of Designation.

The owner of property on which is located any tree designated in the Official Register as a heritage tree shall be notified of that fact by mail, postage prepaid, within thirty (30) days after such designation.

Sec. 45.216 Protection of Heritage Trees During Construction Activity.

During construction activity on any property upon which is located a heritage tree, the following rules shall apply. Unless the express written permission of the Director is first obtained, no person shall:

(a) Change the amount of irrigation provided to any heritage tree from that which was provided prior to the commencement of construction activity;

(b) Trench, grade or pave into the drip line area of a heritage tree;

(c) Change, by more than two (2) feet, grade elevations within thirty (30) feet of the drip line area of a heritage tree;

(d) Park or operate any motor vehicle within the drip line area of any heritage tree;

(e) Place or store any equipment or construction materials within the drip line area of any heritage tree;

(f) Attach any signs, ropes, cables or any other items to any heritage tree;

(g) Cut or trim any branch of a heritage tree for temporary construction purposes;

(h) Place or allow to flow into or over the drip line area of any heritage tree any oil, fuel, concrete mix or other deleterious substance.

Where written permission of the Director is sought under this section, the Director may grant such permission with such reasonable conditions as may be necessary to effectuate the intent and purpose of this article.

Sec. 45.217 Permits for Activities Affecting Heritage Trees.

(a) None of the following activities shall be performed unless a permit therefor is first applied for by the property owner or person authorized by the property owner and granted by the Director, subject to appeal provisions in Section 45.218:

(1) the removal of any heritage tree;

(2) pruning of any segment of a heritage tree greater than thirty-six (36) inches in circumference or the placement of any chemical or other deleterious substance by spray or otherwise on any heritage tree;

(3) disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.

(b) The permit shall be granted by the Director if he finds:

(1) in the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the City of Sacramento Zoning Ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling, or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Sec. 45.211(b);

(2) in the case of any other activity for which a permit is required, that such activity is necessary either to preserve the heritage tree or to engage in construction activity on the property.

(c) In the case of removal of any heritage tree under subsection (b)(1) above, the Director shall not act on such an application until a hearing is held thereon. Notice of the time and place of the hearing shall be posted in a conspicuous place on the real property upon which the heritage tree is located and shall be mailed to the applicant and to all owners of real property located within a five hundred (500) foot radius of the real property upon which the heritage tree is located. Notices shall be posted and mailed at least ten (10) days in advance of the hearing. As used herein, owner means the person to whom the property was assessed in the latest equalized assessment roll of the County of Sacramento unless the Director has knowledge of a person other than such assessee claiming record ownership of the property.

(d) The Director shall not act on any permit application unless the Director has first given the permit applicant an opportunity to be heard thereon. Notice of the time and place at which the applicant may be heard shall be given to the applicant by mail, postage prepaid, at the address shown for the purpose in the application at least ten (10) days in advance thereof.

(e) The decision of the Director may be to grant, grant with conditions or deny any permit applied for and shall be rendered within fifteen (15) days after the application is filed. It shall be in writing and shall state the reasons therefor. Such decision shall be mailed postage prepaid to the property owner.

(f) The City Clerk shall delete from the Official Heritage Tree Register any heritage tree for which a permit to remove is granted pursuant to this section.

Sec. 45.218 Same - Appeal of Decision.

Any person dissatisfied with the decision of the Director taken under this article may appeal such decision to the City Council. Such appeal shall be in writing, stating the reasons therefor, and shall be filed with the City Clerk not later than ten (10) days after the date of the Director's decision. The City Clerk shall set the appeal for hearing within forty-five (45) days after the appeal is filed. Notice of time and place of the hearing shall be given to the appellant at least ten (10) days in advance thereof by mail, postage prepaid. The decision of the City Council shall be final.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK