



Public Works Department, Park Division  
965 Fir Street, Chico CA 92928  
(530) 896-7800

Agenda Prepared: 08/04/17  
Agenda Posted: 08/7/17  
Prior to: 5:00 p.m.

**CITY OF CHICO**  
**BIDWELL PARK AND PLAYGROUND COMMISSION (BPPC)**  
**TREE COMMITTEE**

Regular Meeting Agenda  
August 10, 2017, 6 p.m.

Municipal Center - 421 Main Street, Conference Room 1

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*Materials related to an item on this Agenda are available for public inspection in the Park Division Office at 965 Fir Street during normal business hours or online at <http://www.chico.ca.us/>.*

**1. CALL TO ORDER**

**2. REGULAR AGENDA**

All items listed under the Regular Agenda are in the order which is believed are of interest to the public or which require Committee action at this meeting. The items will be considered in the order listed unless the Committee members request a change. Any person may speak on items on the Regular Agenda.

**2.1. CONSIDERATION OF REVISIONS TO CHICO MUNICIPAL CODES (CMC) CHAPTERS 14.40 AND 16.66**

Chico Municipal Code (CMC) Chapter 14.40 entitled "Street Trees" establishes regulations controlling and governing the planting, removal and maintenance of trees and shrubs on city-owned property and right-of-way. CMC Chapter 16.66 entitled "Tree Preservation Regulations" provides for the protection of City and private trees during the development processes. At its 6/26/17 meeting, the Bidwell Park & Playground Commissioner forwarded review of these CMC Chapters for possible revisions to the Committee.

**Recommendation:** Staff recommends that the committee review and provide input on staffs proposed revisions and/or provide other revisions to Chico Municipal Code (CMC) chapters 14.40 and 16.66

**3. BUSINESS FROM THE FLOOR**

Members of the public may address the Committee at this time on any matter not already listed on the agenda; comments are limited to three minutes. The Committee cannot take any action at this meeting on requests made under this section of the agenda.

**4. ADJOURN**

Unless otherwise noted, adjourn to the next regular meeting tentatively scheduled for September, 14 2017 at 6:00 p.m. in Conference Room 2, of the Chico Municipal Center building located at 421 Main Street, Chico, California.



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DATE: 8/10/17  
 TO: Bidwell Park and Playground Commission (BPPC) Tree Committee  
 FROM: Richie Bamlet, Urban Forest Manager  
 SUBJECT: Consideration of Revisions to Chico Municipal Codes (CMC) Chapters 14.40 and 16.66

**RECOMMENDATION:**

*Staff recommends that the Committee review and provide input on staffs proposed revisions and/or provide other revisions to Chico Municipal Code (CMC) chapters 14.40 and 16.66.*

**BACKGROUND:**

CMC Chapter 14.40 entitled “Street Trees” establishes regulations controlling and governing the planting, removal and maintenance of trees and shrubs on city-owned property and right-of-way. CMC Chapter 16.66 entitled “Tree Preservation Regulations” provides for the protection of City and private trees during the development processes. A copy of Chapter 14.40 and 16.66 are attached as Attachments A and B respectively.

At its 6/26/17 meeting, Commissioners provided Staff with CMC sections that they consider to be important and need to be revised. The revisions as pertaining to trees are listed, not in order of priority, in the table below.

BPPC CMC REVISION LIST				
Item	Commissioner	CMC Code Section	Title	Specific Topics Noted
1	McReynolds	14.40.120	Street Trees	Director Definition
2	McReynolds	14.40.150	Street Trees	Revise Tree Plant calculation
3	McReynolds	14.40.300	Street Trees	Reduce Site Clearance
4	Reddemann	14.4	Street Trees	Tracking Tree Planting/Compliance
5	Stoller	14.4	Street Trees	Update Approve Street Tree List
6	Stoller	14.4	Street Trees	Streamline Permitting
7	Stoller	16.66	Tree Preservation Regulations	Streamlined Permitting Process
8	McReynolds	16.68	Heritage Trees	Reduce Application fee

**DISCUSSION:**

**1. Director Definition – Article III 14.40.120. B**

Comments received from the Commissioner or public – “The director shall bring all applications...” needs to be amended to read, “The Urban Forester shall bring...and other references to the “director” need to be looked at to see if “Urban Forester” is more appropriate.

Staff’s Comments – It is the City’s policy to have CMC related decisions be decided by the Department Director, or “designee”

**2. Tree Planting Calculations - 14.40.150 Permit – Conditions upon issuance**

Comments received from the Commissioner or public - “In light of our deficit of over 3000 empty tree planting sites, the “condition upon granting of a removal permit” needs to be at least two trees planted for everyone [tree] removed until the City gets caught up on its sapling population”

Staff's Comments – Urban Forest Manager (UFM) suggests taking this provision a step further. It is noted that line 3 of this section states that the Director “may impose upon the granting of such permit such additional conditions as the director deems reasonable”. It is suggested that to attain parity amongst the various bodies and persons wishing to remove trees that the following language from CMC **16.66.085 Tree replacement Sections A and B** should apply to removal permits issued under 14.40:

**Section A** provides for one tree to be planted for every six inches of diameter removed. Discussion is sought as to whether this is a reasonable and relevant use of discretionary conditions that can be imposed by the director under 14.40.

**Sections B** provides for payment of an in-lieu fee established by an adopted fee schedule. The current fee is \$360 for every six inches removed.

**3. Site Clearance - - t14.40.300 Branches to be trimmed.**

Comments received from the Commissioner or public - the current Code states “It shall be unlawful for any person in the city to permit branches of trees or shrubs growing or being on private property to extend within ten feet from the ground over any portion of the sidewalk or street “...” Signs clearance is only 7'. Let's give our trees the same allowance as signs. Change this 10' clearance requirement to 7'.

Staff's Comments - It is common language in many other cities municipal codes to cite required clearances of 7 ½ feet above the sidewalk and 14 ½ feet over the roadway. Staff is recommending that this be the new standard on the Code.

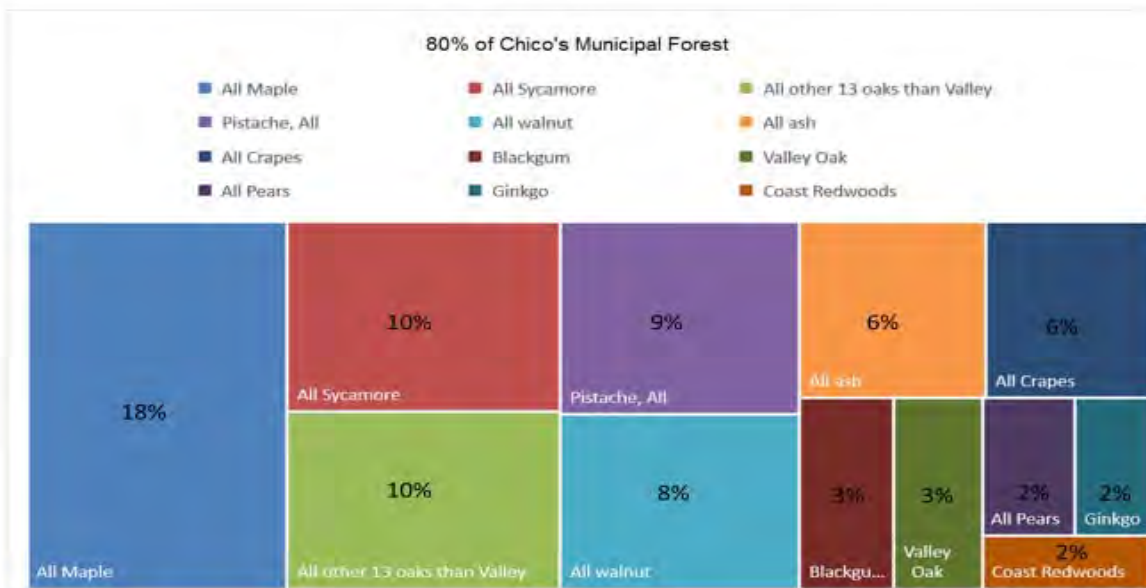
**4. Permit Compliance Tracking.**

Comments received from the Commissioner or public – Is there any follow up to ensure that replacement trees are replanted after removals

Staff's Comments -Staff seeks input into tracking for compliance of tree planting. Staff also seeks Committee input on how city staff can encourage and facilitate more tree planting and public engagement within the community.

**5. Updated Street Tree List Needed**

Staff's Comments – The UFM has started the examination process of the current Street Tree List. This research also relates to commonly cited guidelines as to the amounts of any species that should be represented in a healthy and resilient urban forest. A broad breakdown of Chico's Urban Forest is presented in the table below



The table below outlines conventional thinking as it relates to canopy composition of a healthy and resilient urban forest.

Species Diversity Recommendations	
Author	Diversity Recommendations
<b>Barker (1975)</b>	No single species should make up more than 5% of the total species richness
<b>Miller and Miller (1991); Smiley, Kielbaso and Proffer (1986)</b>	No species shall exceed 10% of the population
<b>Moll (1989)</b>	No species should exceed 5% and no genus should exceed 10%
<b>Santamour, F.S. (1990)</b>	Plant no more than 10% of any species, no more than 20% of any genus and no more than 30% of any family.
<b>Ball, J (2016) Forestry Prof South Dakota State Uni</b>	No More than 5% of the urban forest from any one <b>genus</b>
<b>Citations:</b>	
Barker, P.A. 1975. Ordinance control of street trees. Journal of Arboriculture. 1(11):212-215.	
Moll, G. 1989. Improving the health of the urban forest. Pp. 119-130. In Moll, G. and S. Ebenreck (eds.). Shading our Cities: A Resource Guide for Urban and Community Forests. Island Press. Washington, D.C	
Miller, R.H., and R.W. Miller. 1991. Planting survival of selected street tree taxa. Journal of Arboriculture. 17(7):185-191.	
Santamour, F.S. 1990. Trees for urban planting: diversity, uniformity, and common Sense. Proceedings of the 7th Conference of the Metropolitan Tree Improvement Alliance. 7:57-65.	

As can be seen from a comparison of the canopy analysis and various canopy composition recommendations, Chico's canopy is overly represented by maples. Sycamores, pistachios and oaks are approaching the limit of Moll's 1989 recommendations. Crapes also exceed the species recommendation. Discussion is sought on the possibility of limiting certain species use to promote species diversity resiliency of the urban forest. Attachment C is Barkers paper from 1975 for background reading.

## 6. Streamlining Tree Permits – CMC 14.40 Street Trees

Staff would like to discuss ideas with the Committee that may help streamline the permit process for residents and businesses wishing to trim the city tree.

## 7. Streamlining Permits – 16.66 Development Projects

Staff have started investigating how the permit process can be streamlined and will discuss these at a future meeting.

## 8. Heritage Tree Permit Application - The current fee for the Heritage tree program is \$166.

Comments received from the Commissioner - The current 'required fee' is prohibitive. Amend this to be a \$65 or less. There [are] not nearly enough Heritage Trees designated.

## 9. Other Potential CMC Requests

In addition to the above suggested revisions, Staff seeks input from Committee on the following:

1. Parity of fines imposed for unauthorized removals as found in 14.40 and 16.66.
  - a. Currently under CMC 14.40 fines imposed for unauthorized removals are \$300 for a first offence, \$600 for a second offence and \$1200 for a third offence.
  - b. Under CMC 16.66.130 Violation- Penalty the civil penalty for "major damage" is \$5000 or twice the appraised value. The civil penalty for "minor damage" is \$1000 per tree.
2. Determine who is the responsible party when an unauthorized tree removal is carried out by a contracted service.

3. Handling of billboards and signs for line of sight/ tree conflicts and removal/pruning requests.
4. Review of ordinance 19.68 as it relates to trees during development.
5. Revisions to the Tree Replacement In-Lieu Fee as relates to 16.66. Currently the fee is \$368 per six inches of tree removed.
6. The idea of extending language in 14.40.180 to other activities such as pruning. Presently, a property owner is responsible for removal of a tree when the removal is for the sole convenience of the property owner.
7. Consider merging CMC 14.40 and 16.66 into an overall “tree law” under one CMC Chapter.

**Attachments:**

- Attachment A CMC code 14.40
- Attachment B CMC code 16.66
- Attachment C Barker (1975) – Ordinance Control of Trees

**Chapter 14.40****STREET TREES<sup>4</sup>****Section:****ARTICLE I. GENERALLY**

- 14.40.010 Short title.  
 14.40.020 Regulations generally.  
 14.40.030 Adoption of street tree plan.

**ARTICLE II. DEFINITIONS**

- 14.40.040 Generally.  
 14.40.050 Commission.  
 14.40.055 Director.  
 14.40.060 Enforcing authority.  
 14.40.070 Planting area.  
 14.40.080 Street tree list.  
 14.40.090 Street tree plan.  
 14.40.100 Superintendent.  
 14.40.110 Property owner.

**ARTICLE III. PLANTING OR REMOVING**

- 14.40.120 Permit - Required.  
 14.40.130 Permit - Application.  
 14.40.140 Permit - Fee.  
 14.40.150 Permit - Conditions upon issuance.  
 14.40.160 Permit - Conditions imposed deemed order by commission.  
 14.40.170 Removal by city - City's expense.  
 14.40.180 When property owner responsible for cost of removal.  
 14.40.190 Cost of planting generally.  
 14.40.200 Neglect of property owner to perform work - Action by city.  
 14.40.210 Manner of sending notice for cost of work - Hearing.  
 14.40.220 Notice of lien - Preparation and filing.  
 14.40.230 Special assessment.  
 14.40.240 Delinquency - Amount to be added to taxes.  
 14.40.250 Collection of amount of lien - Manner.

**ARTICLE IV. ADDITIONAL REGULATIONS**

- 14.40.260 Advanced deposit on work performed by city.  
 14.40.270 Power of authority to act independently for removal.  
 14.40.280 Persons convicted for chapter violations not exempt from charge or debt payment.  
 14.40.290 Nuisances declared.  
 14.40.300 Branches to be trimmed.  
 14.40.310 Maintenance.  
 14.40.320 Unlawful acts.

**ARTICLE V. HEARING - APPEAL****14.40.330 Hearing.****14.40.340 Appeal.****14.40.350 Failure of commission to act on permit - Action by council.****ARTICLE I. GENERALLY****14.40.010 Short title.**

This chapter may be officially referred to and cited as the “Tree Law of the City of Chico.”

(Prior code §23.50 (Ord. 852 §10))

**14.40.020 Regulations generally.**

The commission may adopt by resolution, such standards, specifications and other regulations controlling and governing the planting, removal and maintenance of trees and shrubs as are not inconsistent with other provisions of this code and as are necessary or convenient for carrying out the purposes of this chapter. Such standards, specifications and regulations so adopted shall be kept on file in the office of the general services department and in the office of the building and development services department.

(Prior code §23.51 (Ord. 852 §11, Ord. 2364 §155))

**14.40.030 Adoption of street tree plan.**

The commission shall adopt as a resolution a city-wide street tree plan controlling and governing the planting of trees and shrubs in public areas. Such plan shall specifically set forth the several species of trees or shrubs which may be planted or placed in the specified areas or locations in the city. Copies of such plan shall be filed in the office of the general services department and in the office of the building and development services department. Copies of such plan shall at all times be made available in such offices to property owners within the city.

(Prior code §23.51-1 (Ord. 852 §12, Ord. 2364 §156))

**ARTICLE II. DEFINITIONS****14.40.040 Generally.**

For the purposes of this chapter, the words and phrases defined in Sections 14.40.050 to 14.40.110 shall have the meanings respectively ascribed to them in such sections.

(Prior code §23.49 (Ord. 852 §2))

**14.40.050 Commission.**

“Commission” shall mean Bidwell Park and Playground commission of the city.

(Prior code §23.49 (Ord. 852 §2))

**14.40.055 Director.**

“Director” shall mean the director of the general services department.

(Ord. 2364 §157)

**14.40.060 Enforcing authority.**

“Enforcing authority” shall mean Bidwell Park and Playground commission, acting through the director.

(Prior code §23.49-2 (Ord. 852 §4, Ord. 2364 §158))

**14.40.070 Planting area.**

The phrase “planting area” shall include (A) all public rights-of-way; (B) the area between the private property line and the adjacent street curbing; if no curbing exists, then “curbing” shall mean the line where a curb would be installed under existing regulations of the city; (C) other public areas and ways set aside for planting.

(Prior code §23.49-3 (Ord. 852 §5, Ord. 2364 §159))

**14.40.080 Street tree list.**

“Street tree list” shall mean a list of species of trees or shrubs adopted by the Bidwell Park and Playground commission pursuant to this chapter, available for planting in different areas of the city in accordance with the street tree plan. Copies of such list shall be kept on file in the office of the general services department and the office of the building and development services department.

(Prior code §23.49-4 (Ord. 852 §6, Ord. 2364 §160))

**14.40.090 Street tree plan.**

“Street tree plan” shall mean a uniform city-wide plan for street tree planting of shrubs or trees, as adopted by the Bidwell Park and Playground commission, pursuant to this chapter, a copy of which shall be filed with the general services department and the office of the building and development services department. Such plan may consist of several parts adopted at different times for different sections of the city.

(Prior code §23.49-5 (Ord. 852 §7, Ord. 2364 §161))

**14.40.100 Superintendent.**

*Repealed by Ord. 2364 §162*

(Prior code §23.49-6 (Ord. 852 §8))

**14.40.110 Property owner.**

“Property owner” shall mean the owner of property abutting the planting area upon which the removal or planting is to be performed. In case of doubt, the owner shall be deemed to be the person or persons shown to be the owner of such property upon the last equalized assessment roll of the county unless, in case of actual transfer, notice containing the name and address of the new owner or owners shall have been received by the city.

(Prior code §23.49-7 (Ord. 852 §9))



**ARTICLE III. PLANTING OR REMOVING****14.40.120 Permit - Required.**

No trees or shrubs shall be planted in or removed from any planting area in the city unless:

- A. A written permit therefor is authorized by the commission or the city council and is issued by the director; or
- B. Such planting or removal is required by order of the commission or the city council.

The director shall bring all applications for permits to the attention of the commission and shall issue such written permit when and as directed by the commission or the city council.

The planting of a tree or shrub in conformity to the street tree plan as adopted and amended by the commission shall be deemed to be authorized by the commission and no further authorization for the granting of a permit shall be necessary.

(Prior code §23.52 (Ord. 852 §13, Ord. 2364 §163))

**14.40.130 Permit - Application.**

Every person required to have a permit pursuant to Section 14.40.120, shall apply to the director, using the appropriate forms as prescribed by the city manager. As relates to such tree or shrub, only those defined as a property owner, a public utility, or a person acting in a governmental capacity shall apply.

(Prior code §23.53 (Ord. 852 §14, Ord. 2268, Ord. 2364 §164))

**14.40.140 Permit - Fee.**

At the time of making such application the applicant shall pay to the city such fees, if any, as may be determined by the commission and adopted by resolution thereof.

(Prior code §23.53-1 (Ord. 852 §15))

**14.40.150 Permit - Conditions upon issuance.**

All regulations adopted by the commission pursuant to this chapter are conditions upon the issuance of any permit, unless specifically waived by the commission, or the council. The director may impose upon the granting of such permit such additional conditions as the director deems reasonable. Among others, the director may require, as such a condition upon the granting of a removal permit, the replanting of a tree or shrub in place of that removed. The director shall, when removal is being permitted for convenience of owner to make way for construction, require, as a condition, that the removal shall not take place until the work of construction is commenced, unless otherwise authorized by the commission or the council.

(Prior code §23.53-2 (Ord. 852 §16, Ord. 2268, Ord. 2364 §165))

**14.40.160 Permit - Conditions imposed deemed order by commission.**

The imposition, by the director, of conditions upon the granting of a permit, shall be deemed to be an order of the commission for the purposes of Section 14.40.330.

(Prior code §23.53-3 (Ord. 852 §17, Ord. 2364 §166))

**14.40.170 Removal by city - City's expense.**

Whenever, pursuant to a permit granted or commission order, a tree or shrub is to be removed, such removal shall be by the city and at city expense, unless the commission shall find that such tree or shrub is not dead or dying and its continued existence does not create a dangerous or defective condition upon public property, in which case its removal shall be deemed to be for the convenience of the property owner.

(Prior code §23.54 (Ord. 852 §18))

**14.40.180 When property owner responsible for cost of removal.**

Whenever removal is for the convenience of the property owner, the work of removal shall be done by the property owner at such property owner's expense. However, the city may perform such work at the request of property owner and charge the cost thereof to the property owner.

(Prior code §23.54-1 (Ord. 852 §19, Ord. 2268))

**14.40.190 Cost of planting generally.**

All planting or replanting, pursuant to this chapter, shall be done by the city or at city expense, except when replanting has been a condition of the granting of a permit. In the latter case, the city shall perform such work either at the request of the property owner or after such property owner's neglect to perform, the cost of such work to be charged to the property owner as herein provided. The terms "work" and "cost of such work" as used herein include not only labor but the supplying of the tree or shrub to be planted. This section shall not apply to planting required pursuant to the subdivision law of the city.

(Prior code §23.54-2 (Ord. 852 §20, Ord. 2268))

**14.40.200 Neglect of property owner to perform work - Action by city.**

Should the property owner be required, as a result of any conditions imposed pursuant to this chapter, to perform work as defined in Section 14.40.190, and neglect to perform such work for a period of sixty days after the removal for which this planting is a condition, then the director, shall, upon order of the commission, cause such work to be performed by the city and charge the property owner the cost thereof.

(Prior code §23.54-3 (Ord. 852 §21, Ord. 2364 §167))

**14.40.210 Manner of sending notice for cost of work - Hearing.**

In all cases wherein the work of removal, planting, or replanting is performed by the city and at the expense of the property owner, upon completion of such work, the finance director shall cause a notice of the cost of such work, which shall include the cost of any tree or shrub or other materials used, to be given by mailing a postcard to the property owner at such property owner's last known address, as the same appears on the last equalized assessment roll pursuant to which city taxes were last assessed, or the name and address of the person owning such property as is shown on the records in the office of the city clerk. The notice shall specify the following:

- A. An itemized statement of the costs being so charged to the property owner; and
- B. The day, hour and place when the commission will hear and pass upon the report of the director of the cost of such work, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work, and any other interested person.

At such hearing, the commission, after hearing all objections and protests made, shall have the power to finally fix and determine the amount required to be paid by such

property owner. The amount so determined to be owed by such property owner, shall be due and payable and shall constitute a lien against such property from and after 10 days after the conclusion of such hearing and the making of such determinations. However, if this hearing shall be deemed to be a hearing pursuant to Section 14.40.330 and the property owner shall have a right to appeal to the council pursuant to Section 14.40.340. If such appeal shall be brought pursuant to Section 14.40.340, then such amount as determined by the commission shall not become due nor shall a lien be imposed as hereinabove set out. Upon such council's determination of the matter as provided in Section 14.40.340, the amount so determined by such council to be owed by such property owner shall be thereafter forthwith due and payable and shall constitute a lien against such owner's property abutting the planting area in which such work was done. (Prior code §23.54-4 (Ord. 852 §22, Ord. 2113 §1, Ord. 2268, Ord. 2364 §168))

**14.40.220 Notice of lien - Preparation and filing.**

Within ten days after the amount determined to be owed shall have become due and payable and shall have constituted a lien, the director shall cause to be prepared and filed with the city finance director, a notice of the amount determined to be due and owing to the city from the property owner. Such notice shall set forth the name of the owner, the property to be assessed, the amount of the cost of work owed by such owner. (Prior code §23.54-5 (Ord. 852 §23, Ord. 2113 §1, Ord. 2364 §169))

**14.40.230 Special assessment.**

If the amount determined to be due and owing shall not have been paid within ten days after its determination by the commission or city council (if appeal was made) then it shall constitute a special assessment against the parcel of property which abuts the planting area in which the work was done. (Prior code §23.54-6 (Ord. 852 §24))

**14.40.240 Delinquency - Amount to be added to taxes.**

The finance director, after receiving the notice provided for in Section 14.40.220 and ascertaining that the same has not been paid within ten days required in Section 14.40.230, shall add the amount of the assessment to the next regular bill for taxes levied against such parcel of land. If city taxes are collected by the county officials, a notice of the lien shall be delivered to the county auditor, or such other county officer performing the duties of a county auditor, pursuant to an agreement between the city and the county. (Prior code §23.54-7 (Ord. 852 §25, Ord. 2113 §1))

**14.40.250 Collection of amount of lien - Manner.**

Thereafter, the amount of the lien shall be collected at the same time in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes. (Prior code §23.54-8 (Ord. 852 §26))

**ARTICLE IV. ADDITIONAL REGULATIONS****14.40.260 Advanced deposit on work performed by city.**

Notwithstanding provisions in this chapter to the contrary, whenever the cost of any work to be performed by the city is to be paid for by a property owner, the finance director may require the property owner to deposit with the city the amount of the estimated cost of such work prior to its performance. If the actual cost of such work exceeds the deposit, the difference shall be collected as hereinabove provided. If the deposit exceeds the actual cost of such work, the difference shall be refunded to the property owner. No interest shall be payable on any such refund.

(Prior code §23.55 (Ord. 852 §27, Ord. 2113 §1))

**14.40.270 Power of authority to act independently for removal.**

The director, and the city manager shall each, independently, have the authority to remove a tree or shrub, without the authorization or direction of either the commission or the council, and regardless of the issuance or nonissuance of a permit, if any of such three persons determines that the immediate removal of such tree or shrub is necessary for the maintenance of public safety. In making this determination, such officer shall consider all other means available to maintain public safety. Such officer shall incur no civil or criminal liability as a result of any determination such officer makes hereunder regardless of the correctness thereof.

Such officer shall report to the commission upon any removal made pursuant to this section at its next regular meeting following such removal. The report may be submitted in writing without the appearance of such officer unless the commission otherwise requests.

(Prior code §23.56 (Ord. 852 §28, Ord. 2268, Ord. 2364 §170))

**14.40.280 Persons convicted for chapter violations not exempt from charge or debt payment.**

Conviction and punishment of any person under the terms of this chapter shall not exempt or excuse such person from the payment of a charge or a debt against such person created pursuant to the provisions of Sections 14.40.180 and 14.40.190.

(Prior code §23.57 (Ord. 852 §29))

**14.40.290 Nuisances declared.**

Any tree or shrub growing or standing in the public area fronting private property which, in the opinion of the commission, creates a dangerous or defective condition or endangers the security or usefulness of any public street, sewer or sidewalk is hereby declared to be a public nuisance.

(Prior code §23.58 (Ord. 560 §10))

**14.40.300 Branches to be trimmed.**

It shall be unlawful for any person in the city to permit branches of trees or shrubs growing or being on private property to extend within ten feet from the ground over any portion of the sidewalk or street.

(Prior code §23.59 (Ord. 224 §211))

**14.40.310 Maintenance.**

The director shall propagate, plant, replant, remove, prune, care for, and maintain the trees and shrubbery on the streets, along the sidewalks and in the parking areas of the city, except as in this chapter such duty is imposed on a property owner. The director shall report to the commission from time to time regarding work done pursuant to this section. Such work shall, at all times, be subject to the control and direction of the commission.

(Prior code §23.59-1 (Ord. 852 §30, Ord. 2268, Ord. 2364 §171))

**14.40.320 Unlawful acts.**

No person shall abuse, destroy or mutilate any tree, shrub or plant growing in a public area, attach thereto or place thereupon any rope, wire (other than one used to support or aid the tree or shrub), sign, poster or handbill, cause or permit any wire charged with electricity to come into contact with such tree or shrub or to allow any gaseous liquid or solid substance which is harmful to such tree or shrub to come in contact with their roots or leaves.

(Prior code §23.60 (Ord. 224 §213, Ord. 355 §213, Ord. 560 §11))

**ARTICLE V. HEARING - APPEAL****14.40.330 Hearing.**

Should any person be aggrieved by reason of any order of the commission made pursuant to this chapter, such person shall be entitled to a hearing before the commission in person and with counsel, if desired. Such hearing shall be granted upon written request made within 10 days from receipt of notice of the order of the commission. The commission shall set and hold such a hearing within 35 days from the date of such request. Such request shall be in writing and signed by the person requesting the hearing and shall set forth the reasons or grounds for protest against the commission order. No special form of request shall be required. The commission shall make a final determination upon such hearing within 35 days of the date upon which such hearing was terminated.

(Prior code §23.61 (Ord. 852 §31), Ord. 2268)

**14.40.340 Appeal.**

Any person aggrieved by any order of the commission or of the director, made pursuant to this chapter (except any order made pursuant to Section 14.40.270) shall have the right to appeal such determination to the city council pursuant to the provisions contained in Chapter 2.80 of this code. A person aggrieved is a person who is significantly affected by the action appealed from. Significant effect refers to an effect significantly greater than the effect that the action appealed from has generally upon all citizens of the city.

There is no right to appeal from any action taken pursuant to the provisions of Section 14.40.270 of this code, nor is there any right to appeal with respect to an application of the kind referred to in Section 14.40.350 of this code.

(Prior code §23.62 (Ord. 1072 §2, Ord. 2004 §14, Ord. 2364 §172))

**14.40.350 Failure of commission to act on permit - Action by council.**

Notwithstanding other provisions of this code to the contrary, when the capital projects services director or some other authorized officer of the capital projects services department, makes application under the provisions of this chapter for the removal of

## ATTACHMENT A

Chico Municipal Code

STREET TREES

trees or shrubs for the purpose of making way for public works, that application shall be brought before the commission at its next regular meeting following the making of such application. The commission may either authorize and direct the granting of such permit as applied for (including the imposition of waiving of conditions as requested in the application) or the commission may make its recommendations concerning such application and cause the same to be transmitted to the city council. The city council shall consider such application and such recommendations of the commission at its next regular meeting. The city council shall thereafter take such action as it deems appropriate. If the commission shall fail within thirty-five days after its first regular meeting following the making of the application to either grant such permit or make its recommendations and transmit them to the city council, then the city council may deem such failure as a recommendation of denial and may proceed to act upon such application as it deems appropriate. No determination or order made by the commission under this section shall be appealable.

(Prior code §23.63 (Ord. 852 §3, Ord. 2364 §173))

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## Chapter 16.66

### TREE PRESERVATION REGULATIONS

**Section:**

<b>16.66.010</b>	<b>Title.</b>
<b>16.66.020</b>	<b>Purpose and intent.</b>
<b>16.66.030</b>	<b>Applicability.</b>
<b>16.66.040</b>	<b>Exemptions.</b>
<b>16.66.050</b>	<b>Definitions.</b>
<b>16.66.060</b>	<b>Tree removal permit required.</b>
<b>16.66.070</b>	<b>Tree removal permit application.</b>
<b>16.66.080</b>	<b>Tree removal permit review.</b>
<b>16.66.085</b>	<b>Tree replacement.</b>
<b>16.66.090</b>	<b>Appeals.</b>
<b>16.66.100</b>	<b>Protection of trees during construction.</b>
<b>16.66.110</b>	<b>Protection plan required prior to issuance of permit.</b>
<b>16.66.120</b>	<b>Enforcement.</b>
<b>16.66.130</b>	<b>Violation—penalty.</b>
<b>16.66.140</b>	<b>Additional provisions.</b>

**16.66.010 Title.**

This chapter shall be known as the Tree Preservation Regulations.  
(Ord. 2286)

**16.66.020 Purpose and intent.**

The propagation, maintenance, and preservation of trees enhances the scenic beauty, increases property values, encourages quality development, prevents soil erosion, counteracts pollution in the air, and helps to maintain the climatic balance within the city. The council finds that establishing regulations controlling the removal of and the preservation of trees within the city will further the maintenance and advancement of these public values. In establishing these regulations, it is the city's intent to preserve as many trees as possible consistent with the reasonable use and enjoyment of private property, to provide for a healthy urban forest, and to absorb carbon dioxide to help reduce urban impacts on global warming.  
(Ord. 2286, Ord. 2402)

**16.66.030 Applicability.**

This chapter applies to (a) all undeveloped private property within the city which is 10,000 square feet or greater in size and (b) all property that requires discretionary approval of a land use entitlement.  
(Ord. 2286, Ord. 2402)

**16.66.040 Exemptions.**

The following shall be exempt from the provisions of this chapter:

- A. Cemetery, public school, university, and city property; and
- B. Tree work performed by public utilities in public utility easements or public rights of way.

(Ord. 2286)

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### 16.66.050 Definitions.

For the purposes of this chapter:

- A. "Arborist" means a certified arborist who is registered with the International Society of Arboriculture, or a member in good standing with the American Society of Consulting Arborists.
- B. "Damage" means:
  - 1. "Minimal Damage" means any intentional action or gross negligence which causes injury to or disfigurement of a tree that will not result in the destruction of the tree, as certified by the urban forest manager or an arborist.
  - 2. "Major Damage" means any intentional action or gross negligence which causes injury to, disfigurement, destruction, or effective removal of a tree as certified by the urban forest manager or an arborist
- C. "Development" means any improvement of real property which requires the approval of grading permits, building permits, encroachment permits, parcel or tentative subdivision maps, planned development permits, or use permits.
- D. "Diameter at breast height" or "DBH" means the diameter of a tree at four and one-half feet above adjacent ground.
- E. "Director" means the director of the general services department or a designee.
- F. "Drip line" means the area within a circle defined by a radius measured from the trunk to the outermost branch, plus an additional 10 feet.
- G. "Effectively remove" includes, but is not limited to, any extreme pruning that is not consistent with standard arboriculture practices for a healthy tree and that results in the tree's permanent disfigurement, destruction, or removal pursuant to this chapter.
- H. "Private property" means property owned by a private person or entity. "Private property" does not include property owned by the state or federal government, or by any local public agency.
- I. "Protect" means the protection of an existing tree from damage and stress such that the tree is likely to survive and continue to grow normally in a healthy condition, through measures that avoid or minimize damage to branches, canopy, trunk, and roots of the tree. Such measures may include, but are not limited to, installation of tree protective fencing, mulching and watering of roots, supervision of work by an arborist, installation of aeration or drainage systems, root pruning, and use of nondestructive excavation techniques.
- J. "Remove" or "removal" means cutting a tree to the ground, extraction of a tree, or killing of a tree by spraying, girdling, damaging the roots of a tree, or any other means.
- K. "Tree" or "trees" means any of the following:
  - 1. Any live woody plant having a single perennial stem of 18 inches or more in diameter, or multistemmed perennial plant greater than 15 feet in height having an aggregate circumference of 40 inches or more, measured at four feet six inches above adjacent ground;
  - 2. Any tree that meets the following criteria:



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12-inch DBH or greater	6-inch DBH or greater
All Oaks ( <i>Quercus</i> )	Blue oak ( <i>Q. douglassii</i> )
Sycamores ( <i>Platanus racemosa</i> )	Canyon live oak ( <i>Q. chrysolepsis</i> )
Oregon ash ( <i>Fraxinus latifolia</i> )	Interior live oak ( <i>Q. wislizenii</i> )
Big leaf maple ( <i>Acer macrophyllum</i> )	California buckeye ( <i>Aesculus californica</i> )
	Madrone ( <i>Arbutus menziessii</i> )
	Toyon ( <i>Heteromeles arbutifolia</i> )
	Redbud ( <i>Cercis occidentalis</i> )
	California bay ( <i>Umbellularia californica</i> )
	Pacific dogwood ( <i>Cornus nuttallii</i> )

3. Any tree or trees required to be preserved as part of an approved building permit, grading permit, demolition permit, encroachment permit, use permit, tentative or final subdivision map; or
  4. Any tree or trees required to be planted as a replacement for an unlawfully removed tree or trees.
- L. "Tree" or "trees" does not include the following tree species: Ailanthus, Chinese Tallow, Fremont Cottonwood or Poplar, Privet, Box Elder, Silver Wattle, Black Acacia, English Hawthorn, Russian Olive, Olive, Red Gum, Tasmanian Blue Gum, Edible Fig, English Holly, Cherry Plum, Black Locust, Peruvian Peppertree, Brazilian Peppertree, Western Catalpa, Chinese Elm or Winged Elm; or the following fruit and nut trees: Almonds, Apples, Apricots, Avocados, Cherries, Chestnuts, Mandarins, Nectarines, Olives, Oranges, Peaches, Pears, Pecans, Persimmons, Pistachios, Plums or English Walnuts.
- (Ord. 2286, Ord. 2364 §336, Ord. 2402)

**16.66.060 Tree removal permit required.**

- A. No person shall remove, cause to be removed, or effectively remove any tree from any property which is subject to this chapter without obtaining a permit from the director.
  - B. Emergency exception. A permit is not required for removal of a tree that presents an immediate hazard to life or property, as determined by the city manager, director, police chief, fire chief, capital projects services director, building and development services director, urban forest manager, code enforcement officer, public utility companies, or their designees.
- (Ord. 2286, Ord. 2364 §337, Ord. 2402)

**16.66.070 Tree removal permit application.**

- A. Any person wishing to remove one or more trees shall apply to the director for a permit. The application for a permit shall be made on forms provided by the general services department and shall include the following:
  1. A drawing showing all existing trees six inches or larger that may be affected by tree removal, and the location, type, and size of all tree(s) proposed to be removed;
  2. A brief statement of the reason for removal;

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3. If the tree(s) are proposed for removal because of a failing condition, an arborist's determination of the state of health of the tree(s) may be required;
  4. Written consent of the owner of record of the land on which the tree(s) are proposed to be removed;
  5. A tree removal permit fee in amount established by resolution by the city council to cover the cost of permit administration. An additional deposit may be required by the director to retain an arborist to assist the city in assessing the condition of the tree(s); and
  6. Other pertinent information as required by the director.
- B. Any person submitting a tree removal application in conjunction with an application for any development shall provide to the director the plan specifying the precise location, size, species, and drip-line of all existing trees on or adjacent to the property. The plan shall also show existing and proposed grades and the location of proposed and existing structures. The plan submitted shall be the same plan approved by the body having final authority over the development application.

(Ord. 2286, Ord. 2364 §338, Ord. 2402)

### **16.66.080 Tree removal permit review.**

- A. The director shall inspect the property and evaluate each application which is not in conjunction with development. In deciding whether to issue a permit, the director shall base the decision on the following criteria:
1. The condition of the tree or trees with respect to health, imminent danger of falling, proximity to existing or proposed structures, and interference with utility services or public works projects;
  2. The necessity to remove the tree or trees for reasonable development or improvement 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 stream waters; and
  4. Availability of reasonable or feasible alternatives.
- B. The director shall render a decision regarding an application that is not associated with an application for development, within 10 working days after the receipt of a complete application, or within 10 working days of the completion of the review under the California Environmental Quality Act (CEQA).
- C. The director shall issue a permit if:
1. The tree is determined to be dead;
  2. The tree is dying or diseased and removal is recommended by an arborist;
  3. The tree presents a danger to health and safety;
  4. The tree presents a danger to property improvements or structures;
  5. The tree interferes with public utilities in a manner that does not allow pruning as an option; or
  6. The tree interferes with the development or improvement of the property and there are no feasible alternatives available.
- D. If an application to remove a tree is being requested in conjunction with development, then the decision on the tree removal permit shall be rendered simultaneously with the decision on the development and shall be made by the body having final authority over the development application after consideration of the recommendation of the director. In deciding whether to approve a tree removal permit under this subsection, the body having final authority over the development application shall consider the

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criteria set forth in subsection C, above.

- E. The director may refer any application to any city department for review and recommendation.

(Ord. 2286, Ord. 2402)

### **16.66.085 Tree Replacement.**

If the director or the body having final authority over a development application grants a tree removal permit, then the director or body shall include a condition that the removed trees be replaced as follows:

- A. On-site. For every six inches in DBH removed, a new 15 gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
- B. Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.

Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by this code. Removal of a Heritage Tree that has been so designated by the City Council pursuant to Chapter 16.68, that is removed pursuant to a tree removal permit, shall be exempt from this section.

(Ord. 2402)

### **16.66.090 Appeals.**

- A. Any decision of the director, pursuant to this chapter, may be appealed to the council. Appeals shall be in writing, shall be signed by the applicant, shall state the reasons the appeal is made, and be filed with the city clerk within 10 calendar days of written notification of the decision by the director. Any appeal shall be accompanied by an appeal fee in the amount established by resolution of the council.
- B. Appeals shall be conducted in accordance with the procedures set forth in this code. The decision of the council shall be final.

(Ord. 2286)

### **16.66.100 Protection of trees during construction.**

All applicants for demolition permits, grading permits, building permits, use permits, planned development permits, or parcel or tentative subdivision maps, on property containing one or more trees shall prepare a tree protection plan pursuant to Section 16.66.110. The tree protection plan shall comply with the city's "Best Practices Technical Manual: Tree Preservation Measures," as amended, and the approved parcel or tentative subdivision map, if applicable.

(Ord. 2286, Ord. 2402)

### **16.66.110 Protection plan required prior to issuance of permit.**

- A. A plan to protect trees as described in Section 16.66.100 of this chapter shall be submitted to the director prior to the issuance of demolition permits, grading permits, building permits, use permits, planned development permits, or parcel or tentative subdivision maps. The plan shall ensure that the tree(s), including the root system,

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will be adequately protected from potential harm during demolition, grading, and construction that could cause damage to the tree(s). Such harm may include excavation and trenching, construction and chemical materials storage, storm water runoff and erosion, and soil compaction. The plan shall be submitted by the applicant and approved by the director. The director may refer the plan to a city-selected arborist for review and recommendation. The cost of this review shall be borne by the applicant requesting a permit.

- B. The director may require that an arborist be present on the project site during grading or other construction activity that may impact the health of the tree(s) to be preserved. The director may also require that an arborist review and inspect projects and certify that the tree protection plan has been properly implemented. The cost of the review, inspection and certification shall all be borne by the permittee.
- C. Minimal or major damage to any tree(s) during construction shall be immediately reported to the director so that proper treatment may be administered. The director may consult with a city-selected arborist to determine the appropriate method of repair for any damage. The cost of any treatment or repair shall be borne by the permittee. Failure to notify the director of damage to tree(s) may result in the issuance of a stop work order.
- D. The permittee shall remain responsible for the health and survival of all trees under the tree protection plan within the development for a period of three years following acceptance of the public improvements of the development.
- E. The director may waive the requirement for a tree protection plan if the director determines that the demolition, grading, or construction activity is minor in nature and that the proposed activity will not significantly modify the ground area within or immediately surrounding the drip line of the tree(s).

(Ord. 2286, Ord. 2402)

### **16.66.120 Enforcement.**

The director shall be responsible for the enforcement of this chapter.

(Ord. 2286)

### **16.66.130 Violation—Penalty.**

- A. Any person who unlawfully removes, destroys, or causes major damage to any tree shall pay a civil penalty equal to twice the amount of the appraised value of each tree or \$5,000.00 per tree, whichever is greater. For purposes of calculating the penalties for each tree, the current edition of the “Guide for Establishing Values of Trees and Other Plants,” as amended, by the Council of Tree and Landscape Appraisers shall be presumed to provide the appropriate basis for determining penalties.
- B. Any person who unlawfully causes minimal damage to any tree shall pay a civil penalty of \$1,000.00 for each tree damaged.
- C. If any person commits three minimal damage violations within a 24-month period, all subsequent minimal damage violations within such 24-month period shall be penalized as major damage violations.
- D. In addition to the abovementioned penalties, any person violating any portion of this chapter that results in the loss of a tree, shall be required to replace said tree with a new tree and/or additional plantings, of the same species, or other species as may be determined by the director. The director shall determine the size and location of

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replacement tree(s). The director may refer to the recommendation of a city-selected arborist.  
(Ord. 2286)

### **16.66.140 Additional Provisions.**

The provisions of this chapter shall supplement but not supplant other provisions of this code relating to the preservation of trees.  
(Ord. 2286)

# ORDINANCE CONTROL OF STREET TREES

by Philip A. Barker

An important part of county or municipal code is the ordinance that provides for the planting and maintenance of street trees. Regardless of who conceives it or draws it up, a tree ordinance is, in effect, a manifesto from the citizens specifying to the public officials the manner in which the street trees in their community should be planted and maintained. The beauty and comfort of the community, which an affective tree ordinance can help to assure, is undeniably, the basis for which it is brought into existence. Usually few residents are well informed about street trees and so, advisedly, the drafting of such an important part of the code is carried out under the guidance of certain public officials. Currently, numerous cities and counties, through their public officials, are interested either in up-dating their tree ordinance or in adopting one for the first time. In doing so it is common practice to search other ordinances for sections worthy of inclusion in their own.

## Existing Tree Ordinance Provisions

Almost unanimously, the existing tree ordinances delegate to a public official, such as a director of parks and recreation or a director of public works, responsibility for planting and maintaining the street trees. Moreover, these same ordinances frequently provide for the issuance of permits which enable, and often require, property owners to carry out these delegated responsibilities. Sometimes, too, tree ordinances provide for a listing of trees that may and may not be planted. By referring to such a list, property owners may then select one for planting along the street in front of their property. Provision for issuing permits to enable property owners to prune the street trees is also contained in some ordinances.

Admittedly the issuance of permits as noted above has the value of enabling property own-

ers to assume some personal interest in the well-being of the street trees in front of their property. Such interest is certainly to be encouraged. There are, however, certain built-in hazards of the permit system. Not the least of these is the improper pruning that street trees frequently receive at the hands of property owners unskilled in the fundamentals of tree growth. For most satisfactory framework branch development, it is desirable that trees receive so-called training pruning during the first three to five years after they have been planted in the landscape. When done properly, such pruning diminishes the possibility of dangerous limb breakage as the trees increase in size. Ideally this type of pruning, as well as other pruning practices, needs to be done by a skilled pruner.

Based on over-all community beauty and safety of the trees therein, the most effective street tree programs are those in which the city or county assumes full responsibility; where the necessary work is done either on a contractual basis or with its own personnel.

## Trees in Older Urban Areas

Normally, cities and counties have two somewhat contrasting situations for which a single tree ordinance is designed to function. One is the older areas, where the imposing problems are the maintenance and replacement of old and often decadent trees. The high cost of both of these operations in a city's older areas requires progressive solutions. An important consideration here is the trees' effective longevity. Like buildings, many should be amortized and replaced as their maintenance cost, hazard, and unattractiveness increase to a point of diminishing returns. To do this requires a vigorous and continual "sales" program on informing residents about the liabilities inherent in decadent trees, and the value of quality replace-

ment trees. On the other hand, some trees like many of the oaks attain their greatest charm and value with age. Just as vigorous campaigns need to be waged for the preservation of these community heritages, but usually on an individual tree basis.

Maintenance of a community's trees that are reaching maturity must include an occasional pruning. It is of paramount importance that a community do, or contract to be done, only that kind of pruning that, in addition to eliminating any hazardous conditions, also retains the natural character and beauty of each tree. Reducing a tree to mere limb stubs, is not good pruning. If such drastic treatment is necessary, then spare the landscape of a caustic blemish by removing the tree entirely. So-called drop-crotch pruning, as practiced by competent arborists, can provide the desired safety and also preserve the natural beauty in a tree.

### **Trees in Newer Urban Areas**

Concomitant with the needs for dealing with tree problems of older areas are the more pressing ones of the new areas, where decisions must be made about the kinds of trees to be planted, the number of kinds that should be planted along any street, their spacing, who shall plant them and how, and, of primary importance, the availability of them in the nurseries. Once the trees are planted, the die is cast — the character of a community's landscape for the next 50 or even 100 years has been created. For this reason, especially, primary attention and expenditures should be directed toward trees in the subdivision developments.

As pointed out above, many ordinances control the selection of trees for planting by the simple expediency of providing a list of what is often called official trees from which a subdivider or anyone else may select the trees for planting. This procedure is comparable in principle to a listing of several road surfacing materials, such as gravel, asphalt, or concrete, and then permitting the free choice and use of them by each property owner. Selection of trees from such a list often results in the planting of only

a few kinds of trees - those that are most readily available at the lowest price. Seldom has such a practice resulted in tree-lined avenues of appealing beauty. On the other hand, it has often created serious maintenance problems. For this reason, the practice of enabling property owners to select a tree from a list of official trees has inherent shortcomings.

### **Tree Population Density Plan**

A solution to the problem is to specify in the tree ordinance that selection and planting is to be based on tree population density. Revolving around an up-to-date tree inventory, it would provide that, in a given period of time, a particular kind of tree could be planted to a certain maximum population density within a community. For example, in a community where the total tree population within a given 5 year period was expected to reach 10,000, there could be planted by the end of that period 500 of whichever trees may have been scheduled for planting to a 5% density.

Coupled with the population density plan would be a master list of trees grouped in categories according to the extent to which they could be planted. A prototype of such a master list, applicable in this case to a city of Central California, is presented as Appendix A. The four categories in which the trees are listed and the maximum population density (MPD) for trees within each category is as follows: Liberal Use, MPD 5%; Limited Use, MPD 2%; Candidate Use, MPD 0.3% and Deferred Use, MPD adequate for the period. At the end of any period, possibly a 5 year period, the master tree list would be reviewed and the trees shifted to different categories depending upon their performance during the previous period and upon the projected total tree population at the end of the next period.

If the projected total tree population for the succeeding period was only a nominal increase the trees that had been listed under Liberal Use during the previous period may be shifted to Deferred Use, as with trees in other categories which had been planted to the maximum popu-

lation density. But, with the rapid rate of subdivision development today, it is probable that trees listed under Limited Use and those under Candidate Use which performed satisfactorily, could be shifted to categories of higher use densities.

As already stated, the Deferred Use category would contain trees that shall not be used during the forthcoming period. The reasons are various. In some cases they might be nonexistent in the area and the listing of them would simply signify that they were considered to be either too tender or that they have some undesirable characteristics. Regarding tenderness, for instance, the jacaranda, *Jacaranda acutifolia*, while a handsome tree in the milder parts of California, would not be sufficiently hardy in colder climates. The same is true for Brazilian peppertree, *Schinus terebinthifolius* and for most species of *Pittosporum*. Branches of certain species of *Evodia*, such as Korean-ash, *E. hupehensis*, break off so readily in wind that their use is precluded. The pecan, *Carya illinoensis*, may become so seriously infested with aphids to ever warrant its use as a street tree. Trees like the planetree, *Platanus acerifolia*, would be placed in the Deferred Use category for a different reason - because they are already over-planted. Trees fitting all of these examples so far given would undoubtedly always remain in the Deferred Use category, although not necessarily.

Numerous tree ordinances contain a list of prohibited trees which include many of those just mentioned. However, use of this term could have antagonizing connotations to a person who has great admiration for a tree which another person, better informed perhaps, might consider totally unworthy for street tree use. Because of these possible differing viewpoints, the Deferred Use category seems to be a more diplomatic way to curb a tree's use.

Assigning trees to these various categories for a particular period should be done by a competent public official preferably under the direction of the park director. Conceivably, the decisions of the park director could be over-ridden by the property owners, which, of course, is the desirable privilege of a democracy. In

final analysis, all Deferred Use trees would be subject to recall by the citizens into one of the other three categories.

Such a master tree list should provide adequate flexibility for the planting of numerous kinds of trees and it should simultaneously eliminate the wholesale planting of only a few kinds. Further, it should serve as a guide by which competent public officials may select what might be called the official tree or trees for a particular street. The effectiveness of the list would depend upon the maintenance of an up-to-date tree inventory. A current accounting of all trees planted and removed would be necessary. As mentioned before, rather than leaving the choice to the property owner, a public official should designate which tree or trees would be the official one for any of the streets.

#### **Monotypic Planting Recommended**

The number of kinds of trees that might be specified for planting along any street could vary, of course, even with the population density system. Frequently one hears admonitions against the so-called monotypic planting along streets. But for practicality of tree maintenance and for greatest avenue attractiveness, there is ample evidence to justify the planting of a single kind or alternate kinds of trees along a street. Furthermore, the beauty of a street canopied with single kind of tree is unsurpassed.

#### **Equivalent Tree Cost to Developers**

In new subdivisions, particularly those financed under FHA terms, street trees are most often planted by the developer. If public officials were to specify an official tree for each new street, the desirability of this practice being already pointed out, inequities could occur if one developer had to plant trees which cost him \$3.00 each and another developer required to plant \$9.00 trees. A solution to this is for the city or county having jurisdiction over the area being developed, to assume responsibility itself for purchasing, planting, and maintaining all street trees; this program to be funded in part



by street tree assessments paid by the developer. A few cities already are making such assessments, on either a per lot or a lot-front footage basis. Because lots vary in size, the lot-front footage assessment seems preferable. Either way, the assessment amounts to \$10.00-\$15.00 per lot. The advantages that derive from a street tree assessment are many, for both the developer and city and county. First, all developers pay relatively the same, regardless of the differential cost of different kinds of trees which might be planted. Also, trees need not be planted until a house is occupied, resulting in better tree survival. Further, tree planting may be scheduled during the winter months only, again to assure best tree performance.

This plan does not obligate the city or county to do the actual planting, for, if preferred, it could have the planting done on a contractual basis. If however, its work force had certain slack season, it could do the tree planting at these times.

Over and above any advantages already cited, city or county responsibility for street

tree planting has the decided advantage of acquiring various kinds of trees, otherwise unavailable, by either purchasing for future delivery or by letting production contracts for them. Using either method, a city or county could, by projecting ahead a few years, estimate the probable total number of trees needed and order accordingly.

With any effort as with any commodity, there are quality differences. It should be remembered that the appearance of any community, its landscape and its trees, is the first thing noticed by any visitor. Adequate water mains and sewers, along with other valuable assets, will mean little to a visitor, or a resident, if the landscape features are unattractive. The trees in any community are, in general, one of its principal prides. This pride, can reach its greatest fruition where tree selection and tree maintenance are of high quality.

*USDA Forest Service  
Forestry Sciences Laboratory  
Logan, Utah*

#### APPENDIX A.

#### Prototype of a Master List of Trees for Street Use in a Central California City

Legend: (evg.), evergreen; \*, Suitable only in parkways four feet wide or more.

**Liberal Use** — Population not to exceed 5% of total street trees within city.

Celtis australis*	Ligustrum lucidum (evg.)
Gleditsia triacanthos, selected clones*	Pistacia chinensis, male selections*
Lagerstroemia indica	

**Limited Use** — Population not to exceed 2% of total street trees within city.

Alnus cordata*	Pinus canariensis (evg.)*
Alnus rhombifolia*	Pinus pinaster (evg.)*
Cinnamomus camphora (evg.)*	Prunus cerasifera, purple-leaved selections
Cedrus deodars (evg.)*	Quercus agrifolia (evg.)*
Crataegus phaenopyrum	Quercus ilex (evg.)*
Fraxinus holotricha	Quercus palustris*
Koelreuteria paniculata	Quercus suber (evg.)*
Laurus nobilis (evg.)	Sophora japonica*
Liquidambar styraciflua*	Tilia euchlora*
Maytenus boaria (evg.)	Zelkova serrata

**Candidate Use** — Population not to exceed 0.3% of total street trees within city.

<i>Acer buergerianum</i>	<i>Lithocarpus densiflora</i> (evg.)
<i>Acer campestre</i>	<i>Liriodendron tulipifera</i> *
<i>Acer trautvetteri</i>	<i>Maackia amurensis</i>
<i>Acer truncatum</i>	<i>Maclura pomifera</i> , male selections*
<i>Acer pseudoplatanus</i> *	<i>Malus</i> spp., crab apple selections
<i>Aesculus carnea</i> , selected clones*	<i>Morus alba</i> , male selections*
<i>Albizia julibrissin</i>	<i>Morus nigra</i> , male selections*
<i>Arbutus unedo</i> (evg.)	<i>Osmanthus americanus</i> (evg.)
<i>Broussonetia papyrifera</i> *	<i>Parkinsonia aculeata</i> f (evg.)
<i>Carpinus</i> spp.	<i>Pinus radiata</i> (evg.)
<i>Casuarina stricta</i>	<i>Pistacia vera</i> , male selections
<i>Ceratonia siliqua</i>	<i>Prunus laurocerasus</i> (evg.)
<i>Chilopsis linearis</i>	<i>Pyrus kawakami</i>
<i>Corylus colurna</i>	<i>Pyrus calleryana</i> 'Bradford'
<i>Crataegus lavallei</i>	<i>Quillaja saponaria</i> (evg)*
<i>Crataegus mollis</i>	<i>Rhus lancea</i> (evg.)
<i>Crataegus succulenta</i>	<i>Sapium sebiferum</i>
<i>Eriobotrya deflexa</i> (evg.)	<i>Schinus polygamus</i> (evg.)
<i>Erythea edulis</i> (palm)	<i>Taxodium distichum</i> *
<i>Euccomia ulmoides</i>	<i>Tilia cordata</i> *
<i>Fagus sylvatica</i> , selected clones*	<i>Tristania laurina</i> (evg.)
<i>Fraxinus ornus</i>	<i>Umbellularia californica</i> (evg.)*
<i>Ginkgo biloba</i> , male selections*	Other promising trees as available
<i>Gymnocladus dioicus</i>	

**Deferred Use** — Population along streets within city adequate for the period.

<i>Acer saccharinum</i>	<i>Pistacia chinensis</i> , seedlings
<i>Acacia</i> spp.	<i>Platanus</i> spp.
<i>Carya illinoensis</i>	<i>Populus</i> spp.
<i>Catalpa</i> spp.	<i>Pterocarya stenoptera</i>
<i>Celtis occidentalis</i>	<i>Robinia pseudoacacia</i>
<i>Crataegus oxycantha</i> , all selections	<i>Salix</i> spp.
<i>Evodia</i> spp.	<i>Schinus molle</i>
<i>Fraxinus velutina</i>	<i>Schinus terebinthifolius</i>
<i>Fraxinus velutina</i> 'Modesto'	<i>Tilia americana</i>
<i>Grevillea robusta</i> (evg.)	<i>Tilia platyphyllos</i>
<i>Jacaranca acutifolia</i>	<i>Ulmus</i> spp.
<i>Juglans</i> spp.	<i>Pittosporum</i> spp.
<i>Melia azedarach</i>	