

CHAPTER ____ TREE PRESERVATION

Sec. ____ . DEFINITIONS:

For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them in this Section:

CITY: The "City" shall be defined as City of Fort Bragg planning staff, public works, planning commission, a consulting professional arborist, or a City-appointed Tree Advisory Committee serving at the discretion of the city council (or mayor).

TREE: The word "tree" shall be defined, unless otherwise indicated in this Chapter, as:

- A. Any woody plant characterized by having a single trunk of a circumference of thirty-eight inches (38") or more, measured at any point between six inches (6") and thirty-six inches (36") above ground level; or
- B. Any woody plant characterized by having a single trunk which has been found by the City of Fort Bragg to have special significance to the community, which plant shall be designated a "heritage tree."

(Ord. No. ____)

Sec. ____ . DESIGNATION OF TREE AS "HERITAGE TREE":

The City of Fort Bragg may declare any tree, regardless of size, to be a heritage tree under this Chapter if said tree is healthy and has adapted well to the climatic conditions of the area, if said tree is visually accessible from a public right-of-way and if the City finds that at least one of the following conditions exist:

- A. Said tree had special aesthetic, botanical, ecological, or historical value.
- B. Said tree is indigenous to the area;
- C. Said tree is of an age, rarity, or size;
- D. Said tree is one of a group of trees that provide a windbreak for a public area or neighborhood, or that is protecting other trees from exposure to ocean wind-related salt damage.
- E. Said tree is one of a group of trees that each is dependent on the other tree for survival.
- F. (Ord. No. ____)

Sec. ____ . PERMIT REQUIRED FOR CUTTING, REMOVAL OF TREES:

It is hereby declared unlawful for any person to cut, move, or remove or cause to be cut, moved or removed any tree, unless such person first obtains a permit from the City of Fort Bragg to do so in a manner prescribed by him for such removal.

(Ord. No. ____)

Sec. ____ . APPLICATION FOR PERMIT; INVESTIGATION; FACTORS CONSIDERED IN ISSUING PERMIT:

- A. A permit to remove a tree or trees shall only be issued by the City of Fort Bragg Planning Dept. upon application therefore, and after an investigation is made. Said application shall contain the number, location

and species of the trees to be removed, a brief statement of the reason for removal, a plot plan, as well as such other pertinent information the City deems necessary in this investigation. In making a determination in regard to the merits of the application, the City shall base its determination on the following factors:

1. Condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
 2. Necessity to remove trees in order to construct proposed improvements to allow reasonable economic enjoyment of the property upon which trees are located;
 3. Topography of land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface waters;
 4. Number of trees existing in the neighborhood on improved property and the effect of said tree removal on said neighborhood;
 5. Good forestry practices, including, but not necessarily limited to, the number of healthy trees that a given parcel of land will support.
- B. The City shall make an investigation of the site where a tree or trees is or are proposed to be removed within ten (10) days after submittal of the application by the applicant.
- C. In making investigations and in making a determination as to the merits of an application, the City shall give priority to those applications which are based on trees that are hazardous or diseased.

(Ord. No. ____)

Sec. _____. SUBDIVISIONS; DESIGNATION OF TREES TO BE REMOVED; RETAINED:

All subdivision maps or divisions of land filed for tentative approval shall clearly designate all trees upon the property proposed for subdivision or division. Those trees proposed to be removed and those trees proposed to be retained shall be shown by size and species on said map. The developer shall also mark with paint those trees proposed to be retained in the field and shall protect those trees by fencing or some similar means in order to clearly identify the area where no work is to take place. The City shall only approve trees to be planted from the approved tree list after consultation with a professional arborist or tree advisory committee.

The City shall review trees proposed for removal with respect to their current listing as heritage, legacy, or trees of special value or concern. Any proposed changes of trees to be planted or removed already designated on a tentative subdivision map or other map for the division of property, as filed and approved, shall require an application for a new permit under the provisions of Section _____. Accompanying said map shall be a statement by the developer that it is their intent to maintain those trees proposed to be retained and what procedures he proposes to effectuate such intention.

(Ord. No. ____)

Sec. _____. RESTORATION, REPLACEMENT OF DAMAGED TREES OR TREES NOT APPROVED FOR REMOVAL:

Any person who damages or destroys a tree that has not been approved for removal under the provisions of Section ____, shall, if said tree has been damaged, restore said tree to its former condition under the direction of, and to the approval of, the City, or shall, if said tree is not able to be restored to its former condition, or has been destroyed, replace said tree within one year after a determination by the City that said tree is not able to be restored to its former condition, or within one year after the destruction of said tree, with a tree that has been approved by the City.

The City shall base its approval upon the similarity of size and species of the replacement tree to the tree which was destroyed unless such a replacement would create great hardship to such person subject to the requirements of this Section.

(Ord. No. _____)

Sec. ____ . DISAPPROVAL OF APPLICATION; APPEALS:

Any person aggrieved by the action of the City of Fort Bragg shall have the right of appeal to the City Council. Such appeal shall be filed, processed and heard in accordance with the provisions of Chapter __ of this Municipal Code.

(Ord. No. ____)

Sec. _____ AUTHORITY TO EXCLUDE SUBDIVISIONS FROM OPERATION OF CHAPTER:

The City Council may, on motion, exclude any subdivision from the operation of this Chapter which is subject to site or architectural control sufficient to accomplish the purpose of this Chapter.

(Ord. No. _____)