

Southern California Edison
WODUP A.13-10-020

DATA REQUEST SET A.13-10-020 WODUP ED-SCE-02

To: ENERGY DIVISION
Prepared by: Nicole Di Jerlando
Title: Environmental Project Manager
Dated: 04/02/2014

Question BIO-16:

Biological Resources

BIO-16 Tree Preservation (p. 4.4-115). Riverside County and San Bernardino County each have tree preservation policies or ordinances applicable on unincorporated lands. Please identify the portions of the project route where those policies or ordinances would apply.

We recognize that tree inventories are not yet complete and additional data on tree removal will be submitted in June 2014. To further support the environmental analysis, please provide estimates of the number of native trees that may be removed or damaged when the data is submitted.

Response to Question BIO-16:

Attached are copies of the tree preservation ordinances applicable to unincorporated lands within Riverside and San Bernardino Counties.

- Attached Ordinance No. 559 Regulating the Removal of Trees (Riverside County), Section 1 states, *"No person shall remove any living native tree on any parcel or property greater than one-half acre in size, located in an area above 5,000 feet in elevation and within the unincorporated area of the County of Riverside, without first obtaining a permit to do so, unless exempted by the provisions of Section 4 of this ordinance."*

Ordinance No. 559 does not apply to the WOD Upgrade Project as the project is not located in an area above 5,000 feet elevation within the unincorporated area of the County of Riverside. Furthermore, Section 4, Exemptions, states the provisions of this ordinance do not apply to, *"c. Any activities conducted by a public utility, subject to the jurisdiction of the Public Utilities Commission or any other constituted public agency, where, to construct and maintain safe operation of facilities under their jurisdiction, trees are removed, pruned, topped, or braced."*

- Attached Ordinance No. 499 Relating to Encroachments In County Highways (Riverside County), Section 4, Tree Removal, states, *"No person, firm, corporation, public district, public agency or political subdivision shall remove or severely trim any tree planted in the right of way of any County highway without first obtaining a permit from the County Transportation Director to do so. Such permit shall be issued without fee, if the County Transportation Director is satisfied that such removal or trimming is in the public interest or is necessary for the improvement of the right of way or the construction of improvements on adjacent land. He may impose such conditions as he deems reasonable or necessary, including requirements for the work to be done only by a*

qualified tree surgeon or tree trimmer actually engaged in that business, and for bond, insurance or other security to protect person and property from injury or damage. The provisions limiting trimming of trees shall not apply to any public utility maintaining overhead power of communication lines pursuant to franchise, where necessary to prevent interference of a tree with such installation. A permit for removal of a tree may be conditioned upon its relocation or replacement by one or more other trees of a kind or type to be specified in the permit."

- Attached San Bernardino County Development Code Chapter 88.01 Plant Protection and Management, more specifically Section 88.01.020, Applicability, states, "*The provisions in this Chapter apply to the removal or relocation of regulated trees or plants and to any encroachment (for example, grading) within the protected zone of a regulated tree or plant on all private land within the unincorporated areas of the County and on public lands owned by the County, unless otherwise specified. Nothing in this Chapter shall relieve nor be interpreted to exempt a development from complying with the applicable State or Federal laws and regulations.*" Additionally, Section 88.01.030, Exempt Activities, states, "*The provisions in this Chapter... shall not apply to the removal or regulated trees or plants that may occur in the following situations... (c) Public Utilities. Removal by a public utility subject to the jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised cable TV, where to establish or maintain safe operation of facilities under their jurisdiction, trees are pruned, topped, or braced.... (m) Oak Woodlands. Projects shall be exempt from the conditions for mitigation the conversion of oak woodland required in Subsection 88.01.050(e) (Native Tree or Plant Removal Permits Conditions of approval) if undertaken in compliance with a Natural Community Conservation Plan or subarea plan within an NCCP."*

Based on the information provided above, SCE would identify the limited areas where such ordinances may be applicable and would provide an estimate to the CPUC in August 2014 of the number of native trees that may be removed or damaged as a result of the WOD Upgrade Project.

ORDINANCE 499
(AS AMENDED THROUGH 499.13)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 499
RELATING TO ENCROACHMENTS IN COUNTY HIGHWAYS

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. GENERAL Subject to the control of the Board of Supervisors, there is hereby delegated to the County Transportation Director the administration of the use of County highways, including County roads, for excavations and encroachments; construction, operation, and maintenance of utility facilities; planting, maintenance, and removal of trees; and the issuance, modification, and revocation of permits for such uses.

Section 2.1. ENCROACHMENTS AND EXCAVATIONS No person, including firm, corporation, public utility company, public agency or district, or political subdivision, shall make any excavation or backfill in, or construct, install, or maintain any improvement, structure, or encroachment in, on, over, or under, any County highway or the right of way thereof without first obtaining from the County Transportation Director a permit therefore, or operate and maintain the same without such permit or in violation of the terms or conditions thereof. Such a permit shall be issued by the County Transportation Director only upon written application therefore, and payment of the required fee or fees. Such permit shall be issued only if the applicant is a public utility company holding a current franchise from the County of Riverside, or a public agency or district, or political subdivision having lawful authority to use the highway right of way for purposes specified, or the owner of an easement for such purpose within the highway right of way, or if the Transportation Director is satisfied that the use proposed is in the public interest and that there will be no substantial injury to the highway or impairment of its use as the result thereof, and that the use is reasonably necessary for the performance of the functions of the applicant. Every such permit shall be revocable and the uses and installations thereunder shall be subordinate to any prior right of the County to use the right of way for public road purposes. Every such permit shall be conditional upon the right of the County to require the permittee to relocate or remove the improvement, structure or encroachment at the permittee's expense for the benefit of the County or to relocate the improvement, structure or encroachment at the permittee's expense, where in the opinion of the County Transportation Director, such action is reasonably necessary to avoid, for the benefit of any public utility company, public agency or district, political subdivision, or any other person or agency having a right to use the County highway for the purpose proposed, a crossing conflict or underground interference; but the acceptance of a permit shall not be deemed a waiver by the permittee of any contractual or statutory right against any party for reimbursement of the expense of such removal or relocation. Every such permit shall be subject to such conditions as the County Transportation Director determines are necessary to assure the safety of the traveling public and the restoration of the highway, including pavement surfaces, ground surfaces, and subsurfaces within highway rights of way. The County Transportation Director may require such surety bond or deposit of money as in his judgment may be necessary to secure performance of the conditions of the permit and the replacement or restoration of the highway, including pavement surfaces, ground surfaces, and subsurfaces within highway rights of way, and any survey monuments or other improvements that may have been disturbed. The

County Transportation Director may, where convenient to road work he has programmed, or for other reasons of County convenience, arrange to do the work of replacement to pavement or restoration of the roadway at the expense of the permittee. Permittee shall backfill excavation to current County standards in accordance with County Ordinance 461. If required, permittee shall also restore the County highway or right of way to its condition prior to excavation. If any permittee shall fail to backfill any excavation or to restore the County highway or right of way to its condition prior to the excavation, the County Transportation Director shall have the right to perform said work and collect in the name of the County the cost thereof. The County Transportation Director may immediately remove and dispose of, or by notice may require the removal of, any un-permitted advertisement sign from the County highways in accordance with the Streets and Highways Code.

Section 2.2. UTILITY MAINTENANCE AND RELOCATION. Each public utility company, public agency or district, or political subdivision shall maintain its public utility improvements, structures, substructures, and other facilities within County road rights of way to current utility standards and to at least current, applicable County standards, whether or not the encroachment permit for the construction or installation of subject facilities was issued to the current owner. When it is determined to be in the interest of the public and the County, the Transportation Director may allow a private developer to obtain an encroachment permit for the construction or installation of public utility facilities for subsequent ownership by a public utility company, public agency or district, or political subdivision. In such a case, the public utility company, public agency or district, or political subdivision shall obtain an encroachment permit for the operation and maintenance of said public utility facilities prior to the issuance of the construction or installation permit. Upon satisfactory construction or installation of the public utility facilities including trench backfill and overlying road surfaces, the public utility company, public agency or district, or political subdivision, not the private developer, shall operate and maintain said facilities in compliance with the aforementioned encroachment permit.

For the purpose of the design or construction of public works projects within County rights of way, the public utility company, public agency or district, or political subdivision shall, upon request by the County, identify the vertical and horizontal location of existing utilities, based on record drawings (also known as 'as-built' drawings) or, if mutually agreed upon, when it is determined there may be conflicts with existing utility facilities, by excavating and exposing the existing utility facilities. The County shall utilize information about existing utility facilities to avoid or limit design or construction conflicts in an effort to keep relocation costs to a minimum.

The public utility company, public agency or district, or political subdivision shall, upon receipt of a request from the County of Riverside to remove or relocate utility facilities that are in conflict with a public works project on public right of way, cause the conflicting facilities to be removed or relocated in a diligent manner so as to avoid any delays or costs to the public works project. The public utility company, public agency or district, or political subdivision shall reimburse the County of Riverside, upon receipt of billing, for any delays or costs attributable to the failure of the public utility company, public agency or district, or political subdivision to remove or relocate conflicting utility facilities in a timely manner.

The public utility company, public agency or district, or political subdivision owning any utility facilities situated within County rights of way shall be responsible for all costs and liability, resulting from damage to public and private property and personal injury, which is caused by the construction, installation, operation, maintenance or failure of any utility facility.

The public utility company, public agency or district, or political subdivision shall reimburse the County of Riverside for all costs incurred by the County in the protection of life and property where required due to any failure of a utility facility, or due to any unsafe construction, installation, operation, or maintenance of the utility facility, within County rights of way.

Section 3. EXCEPTIONS. An excavation or encroachment may be made without first obtaining a permit for repair or replacement of a facility previously installed only when necessary for the immediate protection or preservation of life or property, and provided that such a permit be obtained on the first business day thereafter, and further provided that said excavation is made in such manner as to give full protection to the users of such highway and the County of Riverside.

No permit shall be required for the loading or unloading of agricultural produce or produce containers. All such operations shall where possible be conducted off of the paved or traveled part of any county highway. If any part of the loading or unloading occurs on the paved or traveled portion of such highway, appropriate visible warnings shall be posted for the protection of traffic approaching from each direction, and if such operation leaves less than one traffic lane available for travel in either direction, a flagman shall be used at the sole risk of the operator. Use of warnings and flagmen shall be in accordance with published standards of the State Department of Transportation. Overnight storage of containers, agricultural products or unlicensed vehicles on the shoulder of any county highway or within eight feet of the traveled portion of such highway is prohibited. Bulk manure not in containers may be temporarily stored or stockpiled within the right of way of a county highway only when intended to be used on the abutting agricultural lands as follows:

1. On any portion of the right of way obviously not graded, improved or used for vehicle travel, sidewalk or drainage purposes.
2. On any unpaved graded shoulder of a paved highway, not closer than 4 feet from the pavement nor in such location as will impede or impair highway drainage.
3. On the graded shoulder of a highway less than 4 feet from the pavement only if there is no other location available and only if warning lights and signs to protect the traveling public are placed and maintained during any overnight storage at such place.

Section 4. TREE REMOVAL. No person, firm, corporation, public district, public agency or political subdivision shall remove or severely trim any tree planted in the right of way of any County highway without first obtaining a permit from the County Transportation Director to do so. Such permit shall be issued without fee, if the County Transportation Director is satisfied that such removal or trimming is in the public interest or is necessary for the improvement of the right of way or the construction of improvements on adjacent land. He may impose such conditions as he deems reasonable or necessary, including requirements for the work to be done only by a qualified tree surgeon or tree trimmer actually engaged in that business, and for bond, insurance or other security to protect person and property from injury or damage. The provisions limiting trimming of trees shall not apply to any public utility maintaining overhead power of communication lines pursuant to franchise, where necessary to prevent interference of a tree with such installation. A permit for removal of a tree may be conditioned upon its relocation or replacement by one or more other trees of a kind or type to be specified in the permit.

Section 5. APPLICATION. Each application for a permit under this ordinance shall be in writing in the name of the person or agency owning the encroachment and controlling the

excavation and shall be signed by such person or agency or by his or its agent authorized in writing. The application shall be submitted on a form supplied by the County Transportation Director and shall contain or be accompanied by such information as he may require. Each permit shall be in writing, signed by the County Transportation Director or his representative, on a form to be furnished by him.

Section 6. FEES.

A. The permit fees and inspection fees required by this ordinance are set forth in Appendix A and shall be paid at the time an application is filed. Notwithstanding the foregoing, any public utility company, public agency or district, or political subdivision may, with the consent of the Transportation Director, defer the payment of any such fee until the time a permit is issued. Except for the fees designated as "Deposit-based" in Appendix A, all such fees shall be nonrefundable.

B. When it is mutually agreed in writing by the applicant and the Transportation Director, any fee not designated a "Deposit-based" fee by this ordinance may be treated as a deposit-based fee and all of the provisions of Section 1.1 of Ordinance No. 671, as now adopted or hereafter amended, shall apply.

C. DEPOSIT-BASED FEES.

1. Certain functions within this ordinance are designated as requiring deposit-based fees and are identified with the legend "Deposit-based" in the tables contained in Appendix A to this ordinance.

2. Fees designated as deposit-based fees shall be subject to all of the provisions of Section 1.1 of Ordinance No. 671, as now adopted or hereafter amended.

Section 7. EXEMPTIONS.

A. The following shall be exempted from payment of the permit fee for an excavation or encroachment:

1. Every public district, public agency or political subdivision having lawful authority to use the right of way or highway for the purpose specified.
2. Street improvements under special assessment or improvement district proceedings conducted by the Board of Supervisors.
3. Public utility and public service facilities installed pursuant to specific contract with the County of Riverside and under the control thereof or a County Service Area thereof.
4. Paragraphs 2 and 3 of this subdivision apply only when the subject improvements are constructed by a county agency. If constructed by a private contractor, all permit and fee requirements as established by this ordinance are applicable.

B. The following shall be exempted from the payment of the inspection fee for an excavation or encroachment:

1. Street improvements under special assessment or improvement district proceedings conducted by the Board of Supervisors.
2. Public utility and public service facilities installed pursuant to specific contract with the County of Riverside and under the control thereof or a County Service Area thereof.
3. Paragraphs 1 and 2 of this subdivision apply only when the subject improvements are constructed by a county agency. If constructed by a private

contractor, all permit and fee requirements as established by this ordinance are applicable.

C. Subdivision improvements to be constructed pursuant to agreement with the County of Riverside are exempt from this ordinance.

Section 8. BLANKET PERMITS. The Transportation Director may issue to any applicant a blanket permit for a series of excavations or encroachments of the same type or types. This provision shall be broadly applied to reduce administrative costs of both County and applicant. In the event that the terms and conditions of the blanket permit are violated, it may be revoked and the permittee may be required to obtain a separate permit for each encroachment.

Section 9. PENALTIES. Any person who does any act for which a permit is required by this ordinance, without first obtaining such permit, or who, having obtained such a permit, violates any term or condition thereof and thereby jeopardizes or injures person or property, is guilty of a misdemeanor and shall be punishable by a fine of not more than \$1,000.00, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment. Nothing herein shall be deemed to deprive any person of any civil right or remedy he may have against a violator of this ordinance, nor to deprive the County of Riverside of any cause of action which it may have against such violator, regardless of any prosecution or conviction under this section.

Any person who violates the provisions of the second paragraph of Section 3 of this ordinance is guilty of a misdemeanor which shall be punishable as provided in this section.

Section 10. SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance, or the application thereof to any person, entity, or circumstances, shall be held invalid, such invalidity shall not affect the other remaining provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 4. EFFECTIVE DATE This ordinance shall take effect 60 days after adoption.

Adopted:	499	11/09/1964 (Eff 12/08/1964)
Amended:	499.1	05/20/1975 (Eff: 06/18/1975)
	499.2	06/24/1975 (Eff: Urgency)
	499.3	Item 6.1 of 03/08/1977 (Eff: 06/05/1977)
	499.4	Item 6.1 of 05/30/1978 (Eff: 06/28/1978)
	499.5	Item 6.2 of 11/25/1980 (Eff: 12/24/1980)
	499.6	03/01/1983 (Eff: 03/30/1983)
	499.7	Item 3.12 of 02/23/1988 (Eff: 03/24/1988)
	499.8	Item 3.11 of 08/13/1991 (Eff: 09/11/1991)
	499.9	Item 12.2 of 09/15/1998 (Eff: 11/12/1998)
	499.10	Item 3.41 of 02/02/1999 (Eff: 03/03/1999)
	499.11	Item 9.3 of 12/23/2003 (Eff: 02/02/2004)
	499.12	Item 9.7 of 02/24/2009 (Eff: 04/25/2009)
	499.13	Item 3.22 of 05/08/2012 (Eff: 07/07/2012)

APPENDIX A

ENCROACHMENT	Permit Fee	Inspection Fee	Unit Inspection Fee	Total Permit Fee
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MINOR

Tree planting, trimming or removal	\$69.00	\$19.00	each		varies
Minor drainage structures (Std 303/309/310)	\$69.00	4% cost			varies
Operate and maintain permits	\$69.00	\$0.00			\$69.00
Seismic refraction survey	\$69.00	\$183.00			\$252.00
Residential driveway approach	\$69.00	\$93.00			\$162.00
Blanket permit – utilities	\$69.00	\$931.00		Annually	\$1000.00
Riders (extensions of time)	\$69.00	\$0.00			\$69.00

INVOLVED

Catch basin 300 (4', 7', 14', 21', 28')	\$112.00	3% cost			varies
Drop inlet / Overside Drain	\$112.00	3% cost			varies
Water / Sewer laterals	\$112.00	\$183.00	plus	\$0.20 lf	varies
Trap Fences	\$112.00	\$183.00	plus	\$0.20 lf	varies
Monitoring Wells / soil borings	\$112.00	\$183.00			\$295.00
Landscape / irrigation	\$112.00	\$183.00	plus	\$0.20 lf	varies
Commercial driveway approach	\$112.00	\$230.00			\$342.00
Grading in right of way	\$112.00	\$183.00	plus	\$0.20 lf	varies
Curbs and gutters	\$112.00	\$183.00	plus	\$0.20 lf	varies
Concrete sidewalks	\$112.00	\$183.00	plus	\$0.20 lf	varies
Filming	\$112.00	\$91.50	per day		varies
Temporary power poles	\$112.00	\$183.00	plus	\$0.20 lf	varies
Riders (changes)	\$112.00	plus other	appl.	charges	varies
Heavy equipment crossings	\$112.00	\$91.50	per day		varies
AC Paving	\$112.00			\$0.07 sf	varies
Pedestrian benches	\$112.00	\$183.00			\$295.00
Utility service connections involving trenching	\$112.00	\$183.00	plus	\$0.20 lf	varies
County required utility relocations	\$0.00	\$0.00			no fee

EXTENSIVE

Dry / Wet Utility trenches (less than 1000 feet)	\$156.00	\$183.00	plus	\$0.20 lf	varies
Road Closures	\$156.00	\$91.50	per day		varies
Street, Water, Sewer, Storm Drain (tr's / pm's only)	\$156.00	\$0.00			\$156.00
Storm drains	\$156.00	\$183.00	plus	\$0.20 lf	varies

(initial deposit amount)

DEPOSIT BASED

Traffic signal	\$112.00	3% cost			varies
Bridges and drainage structures	\$156.00	3% cost			varies
Permanent poles / aerial cable	\$156.00	\$183.00	plus	\$0.20 lf	varies
Dry / Wet Utility trenches (1000 feet +)	\$405.00	\$183.00	plus	\$0.20 lf	Varies
Application for a franchise for a project involving a solar power plant or other use not constituting a public utility use	\$20,000				\$20,000

PENALTIES

Work done without benefit of permit (minor)	\$250.00		plus	2 X fee	varies
Work done without benefit of permit (involved)	\$500.00		plus	2 X fee	varies
Work done without benefit of permit (extensive)	\$1,000.00		plus	2 X fee	varies
Illegal cutting pavement (in addition to permit costs)	\$1,000.00		plus	\$0.25 sf	varies
Failure to notify County of work done under blanket permit	\$1,000.00			revoked	\$1,000.00

MISCELLANEOUS

Miscellaneous Plan Review / Field Review	Current DBF hourly labor / equipment usage rates				varies
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**ORDINANCE NO. 559
(AS AMENDED THROUGH 559.7)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 559 REGULATING THE REMOVAL OF TREES**

The Board of Supervisors of the County of Riverside, State of California, Ordains as Follows:

SECTION 1. Ordinance No. 559 is amended in its entirety to read as follows:

Section 1. No person shall remove any living native tree on any parcel or property greater than one-half acre in size, located in an area above 5,000 feet in elevation and within the unincorporated area of the County of Riverside, without first obtaining a permit to do so, unless exempted by the provisions of Section 4 of this ordinance.

Section 2. DEFINITIONS

For the purposes of this ordinance, the following definitions apply:

- A. Native Tree** shall include both any woody plant which is indigenous to Riverside County, and all smog-resistant species introduced as part of a reforestation program, which have one well-defined stem that at maturity normally attains a height of at least 15 feet and which is not less than 6 inches in diameter measured 4 feet above the ground.
- B. Person** means any person, firm, corporation or association.
- C. Remove a Tree** means any activity by which the death of a tree is caused within a reasonably short period of time. Such activities include, but shall not be limited to, cutting down, falling, pushing over, digging up, burning, poisoning or severely pruning a tree to the extent that the tree cannot survive.
- D. Tree Expert** means a California Registered Professional Forester, or an arborist certified by the Western Chapter of the International Society of Arboriculture. A California Registered Professional Forester is any person qualified to consult, investigate, evaluate, plan or supervise forestry activities in the State of California as defined and explained by the Professional Forester's Law (Public Resources Code, Division 1, Chapter 2.5, Article 3, Section 750 et seq.)

Section 3. PURPOSE

The purpose of this ordinance is to ensure that the timberlands of the County will be protected and the ecological balance of such timberlands will be preserved by regulating the removal of living native trees on parcels or property greater than one-half (1/2) acre in size and located in the unincorporated area of the County of Riverside above 5,000 feet in elevation. The Board of Supervisors further finds and declares that in view of the proximity of the timberlands to urban centers of expanding population, and the unique nature of the timberlands themselves, this ordinance is necessary to protect and preserve such lands to serve the interests and provide for the welfare of the people of Riverside County.

Section 4. EXEMPTIONS

The provisions of this ordinance do not apply to:

- A.** Any timber operations conducted under the Forest Practice Act (Division 4, Chapter

- 8 of the Public Resources Code)
- B. Any tree removed on lands owned by the United States Government or the State of California.
 - C. Any activities conducted by a public utility, subject to the jurisdiction of the Public Utilities Commission or any other constituted public agency, where, to construct and maintain safe operation of facilities under their jurisdiction, trees are removed, pruned, topped, or braced.
 - D. All trees removed by any federal or state agency.
 - E. Any tree required to be removed by other codes, ordinance or laws of Riverside County, the State of California, or the United States of America.
 - F. Any tree which the California Department of Forestry and Fire Protection recommends be removed because it is diseased, dying or dead or otherwise detrimental to the forest health.
 - G. Any tree which constitutes an immediate threat to the public health, safety or general welfare and requires emergency removal.
 - H. Any tree removed because of a stand management or stocking control program accompanied by the written plan prepared by a California Registered Professional Forester and approved by the California Department of Forestry and Fire Protection or its designee.
 - I. Any tree removed from property subject to a conditional use permit, public use permit or variance which contains conditions regulating the removal of trees, providing such permit or variance has been duly approved in accordance with the provisions of Riverside County Ordinance No. 348.
 - J. Any tree which the fire protection agency having jurisdiction requires be removed as part of an approved fire hazard reduction program.
 - K. Any tree within twenty (20) feet of an existing, structure permitted or approved by the County of Riverside.

Section 5. APPLICATION TO REMOVE A LIVING NATIVE TREE

- A. Applications for a permit to remove one or more living native trees shall be made in writing to the Planning Director on the form provided by the Riverside County Planning Department. The application shall be accompanied by a filing fee set forth in County Ordinance No. 671 and an environmental assessment pursuant to the Rules to Implement the California Environmental Quality Act. No application shall be considered complete and acceptable for filing nor shall the time limitation for processing the application begin until all procedures are complete according to the Riverside County Rules to Implement the California Environmental Quality Act. No application shall be accepted unless it contains all required information which shall include but not be limited to: a map showing the location and size of the trees to be removed and the trees to remain; and a statement detailing the number of trees to be removed, the reason for removal, the applicant's intent regarding the future use of the property; and any other information required by the Planning Director.
- B. Once an application for a permit has been determined to be complete, the Planning Director shall have 60 calendar days to approve, conditionally approve or deny the application. The reasons for approval, conditional approval or denial shall be specified in writing. A copy of these specifications shall be mailed to the applicant.
- C. The Planning Director may approve the removal of one or more living native trees when the following findings are made:

1. The removal will not significantly increase soil erosion or the flow or surface water; and;
2. In order to further the health of the forest community, because:
 - (i) the trees are growing too close to existing structures, or
 - (ii) the stocking density considering the amount of land involved, is so crowded that the health and vigor of other trees on said land or adjoining lands are impaired, or;
3. The location of the tree or trees to be removed occupies the site of a proposed approvable structure or paved area, provided that no permit for removal of trees shall be issued unless the project is designed to minimize the removal of trees, such that no fewer than 50% of all trees, excluding those in dedicated road right of ways, remain uncut and 1/2 of these trees are located in the front yard area or are entirely visible from the roads providing access to the property, or;
4. The tree or trees to be removed are located on residentially zoned property with an existing dwelling permitted or approved by the County of Riverside.

Section 6. APPEAL

- A. An applicant may appeal the decision of the Planning Director to the Planning Commission. An appeal shall be made to the Commission, upon the form provided by the Planning Department, and shall be filed with the Planning Director within 10 calendar days after the date of the Planning Director's decision. Upon receipt of the completed appeal, the Planning Director shall cause the matter to be set for hearing before the Planning Commission not less than 10 days nor more than 45 days thereafter and shall give written notice of the hearing to the appellant. The Planning Commission shall render its decision within 30 days following the close of the hearing on the appeal.
- B. Upon being notified of the decision of the Planning Commission, the applicant may appeal its decision to the Board of Supervisors. Any such appeal shall be made directly to the Board of Supervisors and must be filed within 10 calendar days after the date of the decision of the Planning Commission and must be in writing on the forms provided by the Planning Department. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than 5 days nor more than 30 days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within 30 days following the close of the hearing on the appeal.
- C. Failure to file an appeal within the time periods and as required by Section 6 subdivisions a. and b. shall result in a waiver of the right to an appeal.

Section 7. TREATMENT OF SEVERED MATERIAL

In order to protect trees from insects and disease and to minimize the accumulation of combustible fuels, the following shall apply to any tree which is removed within the geographic area covered by this ordinance, unless the removal is conducted pursuant to the Forest Practices Act of the State of California.

- A. All stumps shall be cut as close to the ground line as practical, with a maximum stump height of twelve (12) inches.
- B. All conifer tree stumps shall be treated by applying a minimum one-quarter (1/4) inch thick coating of powdered borax.
- C. Any material which is to be utilized as firewood or for other purposes shall not be piled against other conifer trees.
- D. All slash generated shall be either removed from the site within thirty (30) days of creation, or chipped and spread out after a minimum fourteen (14) day drying period. Any slash chipped shall be chipped no later than thirty (30) days or less than fourteen (14) days after creation.

Section 8. ENFORCEMENT, LEGAL PROCEDURES AND PENALTIES

- A. The Sheriff, District Attorney, County Counsel, Director of Transportation, County Fire Chief, Clerk of the Board of Supervisors, Planning Director and all County officials charged with the issuance of licenses and permits, or the enforcement of State fire laws, may enforce the provisions of this ordinance.
- b. The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.
- c. In addition to the imposition of any of the remedies and penalties contained in Ordinance No. 725, for every tree illegally removed, a minimum five (5) gallon size tree of the same species from a commercial nursery stock shall be planted in the location of the removed tree within six months. If, in the opinion of a Tree Expert, a replacement tree of the same species would not be in the interest of the public health, safety and general welfare, another species recommended by the Tree Expert may be substituted.

Section 9. PROCEDURES, REMEDIES AND PENALTIES.

The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

Section 2. This ordinance shall take effect 30 days after its adoption.

Adopted: 559 12/07/1976 (Eff: 01/06/1977)

Amended: 559.1 06/04/1985 (Eff: 07/04/1985)

559.2 Item 3.8 of 04/22/1986 (Eff: 06/01/1986)

559.3 Item 9.3 of 05/05/1987 (Eff: 07/04/1987)

559.4 Item 3.1h of 05/02/1988 (Eff: 07/01/1988)

559.5 Item 3.11h of 03/28/1989 (Eff: 04/27/1989)

559.6 Item 3.43 of 03/05/1991 (Eff: 04/04/1991)

559.7 Item 3.29 of 08/12/1997 (Eff: 09/10/1997)

(725 – Amended Sec. 9) (Eff: 10/26/2000)

CHAPTER 88.01 PLANT PROTECTION AND MANAGEMENT

Sections:

- 88.01.010 Purpose
- 88.01.020 Applicability
- 88.01.030 Exempt Activities
- 88.01.040 General Permit Application and Review Requirements
- 88.01.050 Native Tree or Plant Removal Permits
- 88.01.060 Desert Native Plant Protection
- 88.01.070 Mountain Forest and Valley Tree Conservation
- 88.01.080 Riparian Plant Conservation
- 88.01.090 Tree Protection from Insects and Disease

88.01.010 Purpose

This Chapter provides regulations and guidelines for the management of plant resources in the unincorporated areas of the County on property or combinations of property under private or public ownership. The intent is to:

- (a) Promote and sustain the health, vigor and productivity of plant life and aesthetic values within the County through appropriate management techniques.
- (b) Conserve the native plant life heritage for the benefit of all, including future generations.
- (c) Protect native trees and plants from indiscriminate removal and to regulate removal activity.
- (d) Provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources.
- (e) Protect and maintain water productivity and quality in local watersheds.
- (f) Preserve habitats for rare, endangered, or threatened plants and to protect animals with limited or specialized habitats.

Adopted 4011 (2007)

88.01.020 Applicability

The provisions in this Chapter apply to the removal or relocation of regulated trees or plants and to any encroachment (for example, grading) within the protected zone of a regulated tree or plant on all private land within the unincorporated areas of the County and on public lands owned by the County, unless otherwise specified. Nothing in this Chapter shall relieve nor be interpreted to exempt a development from complying with applicable State or Federal laws and regulations.

Adopted 4011 (2007)

88.01.030 Exempt Activities

The provisions in this Chapter, except those of Section 88.01.090 (Tree Protection From Insects and Disease), shall not apply to the removal of regulated trees or plants that may occur in the following situations. Removal actions shall not authorize the removal of perch trees within an identified American Bald Eagle habitat.

- (a) **Timber operations.** Removal as part of a timber operation conducted in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).
- (b) **Government owned lands.** Removal from lands owned by the United States, State of California, or local governmental entity, excluding Special Districts (i.e., Special Districts shall be subject to the provisions of this Division.).
- (c) **Public utilities.** Removal by a public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised cable TV, where to establish or maintain safe operation of facilities under their jurisdiction, trees are pruned, topped, or braced.
- (d) **State agencies.** Removal by, or under the authority of, the State of California:
 - (1) Department of Forestry and Fire Protection.
 - (2) Forest Improvement Program.
 - (3) Agricultural Conservation Program.
- (e) **Government laws.** Removal required by other codes, ordinances, or laws of the County, State, or United States.
- (f) **Emergency.** Removal of native trees and plants that are an immediate threat to the public health, safety, or welfare and that require emergency removal to prevent probable damage to a structure or injury to people or fenced animals.

- (g) **Forest stocking control program.** Removal as part of a stocking control program prepared by a California Registered Professional Forester.
- (h) **Fire hazard reduction program.** Removal as part of a fire hazard reduction program approved by the Fire Chief.
- (i) **Bona fide agricultural activity.** Removal as part of a bona fide agricultural activity, as determined by the Director, which is one of the following:
 - (1) Conducted under a land conservation contract.
 - (2) An existing agricultural activity, including expansions of the activity onto undisturbed contiguous land.
 - (3) A proposed bona fide agricultural activity (i.e., an agricultural activity that is served by a water distribution system adequate for the proper operation of the activity).
 - (A) The Director shall be given 30 days' written notice of the removal describing the:
 - (I) Location of the land.
 - (II) Nature of the proposed activity.
 - (III) Proposed sources of water for the activity.
 - (B) The Director shall notify the landowner in writing before the elapse of the 30-day period if, in the opinion of the Director, the activity is not a bona fide agricultural activity, or else the activity shall be deemed bona fide.
- (j) **Parcel less than 20,000 square feet developed with primary structure.** Removal on parcels that have a net area of 20,000 square feet or less and that are developed with a primary structure, other than a sign structure.
- (k) **Located within 20 feet of permitted structure.** Removal from a parcel of a regulated native plant or tree that is within 20 feet of a structure that was constructed or set down on the parcel under a County development permit.
- (l) **Private fuel wood.** Removal of two or fewer regulated native trees in the Mountain Region or Valley Region per year per acre for private fuel wood purposes. The year shall be measured as the last 12 consecutive months.

- (m) **Oak woodlands.** The following projects shall be exempt from the conditions for mitigating the conversion of oak woodlands required in Subsection 88.01.050(e) (Native Tree or Plant Removal Permits Conditions of approval), below, in compliance with Public Resources Code 21083.4:
- (1) Projects undertaken in compliance with a Natural Community Conservation Plan or subarea plan within a Natural Community Conservation Plan, as approved in compliance with Fish and Game Code Section 2800 *et seq.*, that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this Chapter.
 - (2) Affordable housing projects for lower income households, as defined in Health and Safety Code Section 50079.5, that are located within a city's sphere of influence.
 - (3) Projects on agricultural land within an Agricultural Land Use Zoning District that includes land used to produce or process plant and animal products for commercial purposes.
 - (4) Projects undertaken in compliance with a State agency's regulatory program certified in compliance with Public Resources Code Section 21080.5.

Adopted 4011 (2007)

88.01.040 Regulated Trees and Plants and General Permit

- (a) **Regulated trees and plants.** A regulated tree or plant shall be any of the those trees or plants identified in:
- (1) Section 88.01.060(c) (Regulated desert native plants);
 - (2) Section 88.01.070(b) (Regulated trees); or
 - (3) Section 88.01.080(b) (Regulated riparian plants).
- (b) **Permit for removal required.** A Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Requirements) shall be required for the removal of regulated tress and plants.
- (c) **Conditions of approval.** The permits required by this Chapter may be subject to conditions imposed by the applicable review authority as identified in Subsection 88.01.050(e) (Tree or Plant Removal Permits - Condition of approval).

Adopted 4011 (2007)

88.01.050 Tree or Plant Removal Permits

- (a) **When Tree or Plant Removal Permit required.** A Tree or Plant Removal Permit shall be required for the removal of a regulated tree or plant as identified in this Chapter.
- (1) **Removals in conjunction with land use application or development permit**
Director approval. The Director may approve the removal of regulated trees or plants when requested in conjunction with a land use application, a Building Permit, and all other development permits (e.g., Grading Permits, Mobile Home Setdown Permits, etc.). An approved land use application and/or development permit shall be considered to include a Tree or Plant Removal Permit, if the land use application or development permit specifically reviews and approves the removals. The review of a land use application or development permit shall consider and require compliance with this Chapter.
- (2) **Removals not in conjunction with land use application or development permit**
Director approval. The Director may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants requested not in conjunction with a land use application or development permit.
- (3) **Removals to mitigate fire hazards**
Fire Chief approval. The Fire Chief may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants when requested for the purposes of mitigating fire hazards and independent of a land use application or development permit.
- (b) **Expert certification.** The applicable review authority may require certification from an appropriate arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and in compliance with this Chapter. The certification shall include the information in compliance with Department procedures.
- (c) **Preconstruction inspections.** A preconstruction inspection before approval of development permits shall be required in areas with regulated trees or plants to determine the presence of regulated trees and plants. The preconstruction inspection may be combined with any other required inspection.
- (d) **Duration of Tree or Plant Removal Permits.**
- (1) **Removals in conjunction with land use application or development permit.** The duration of a Tree or Plant Removal Permit, when issued in conjunction with a land use application and/or a development permit, shall have the same duration of the associated application or permit, unless otherwise specified.

- (2) **Removals not in conjunction with land use application or development permit.** The applicable review authority shall specify the expiration date for all other Tree or Plant Removal Permits.
- (e) **Conditions of approval.** A Tree or Plant Removal Permit may be subject to the following conditions imposed by the applicable review authority:
- (1) **Types of conditions.** The conditions may specify criteria, methods, and persons authorized to conduct the proposed activities in addition to the requirements in this Chapter.
- (2) **Transplanting or stockpiling.** Where indicated in this Chapter, regulated trees and plants may be required to be transplanted and/or stockpiled for future transplanting.
- (3) **Performance bonds.** The review authority may require the posting and maintenance of a monetary security deposit where necessary to ensure the completion of the required mitigation measures in compliance with Section 86.06.050 (Performance Guarantees).
- (4) **Conversion of oak woodlands.** If a project will result in a conversion of oak woodlands that will have a significant effect on the environment and is not exempt under Subsection 88.01.030(m) (Exempt Activities Oak woodlands), one or more of the conditions in this Subsection may be imposed in compliance with Public Resources Code Section 21083.4. For the purposes of this Subsection, "oak" shall mean a native tree species that is in the genus *Quercus*, which is not designated as Group A or Group B commercial species under regulations adopted by the State Board of Forestry and Fire Protection in compliance with Public Resources Code Section 4526, and which is five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. The applicable review authority may require certification from a Tree Expert that the proposed mitigation measures are appropriate, supportive of a healthy oak woodland environment, and in compliance with this Subsection. The certification shall include the information in compliance with Department procedures. The conditions that may be imposed include one or more of the following:
- (A) **Preservation.** Preserve existing oak woodlands by recording conservation easements in favor of the County or an approved organization or agency.
- (B) **Replacement or restoration.** Replace or restore former oak woodlands. The review authority may require the planting and maintenance of replacement trees, including replacing dead or diseased trees. The replacement ratio and tree sizes shall be based on the recommendation of an

Oak Reforestation Plan prepared by a registered professional forester. The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted.

- (C) **In-lieu mitigation fee.** Contribute in-lieu mitigation fee to the Oak Woodlands Conservation Fund, established under Fish and Game Code Section 1363 for the purpose of purchasing oak woodlands conservation easements. A project applicant who contributes funds in compliance with this Subsection shall not receive or use a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The in-lieu fee for replacement trees shall be calculated based upon their equivalent value as established by the International Society of Arboriculture's (ISA) current edition of *Guide to Establishing Values for Trees and Shrubs*, etc.)
 - (D) **Other mitigation measures.** Perform other mitigation measures as may be required by the review authority (e.g., inch-for-inch off-site replacement planting; transfer of development rights, enrollment of project with offset provider for carbon credits in greenhouse gas emission registry, carbon reduction, and carbon trading system; etc.).
- (f) **Findings for Tree or Plant Removal Permits.** The applicable review authority may authorize the removal of a regulated tree or plant only if the following findings are made:
- (1) **Findings for removals in the Valley Region, Mountain Region, and Desert Region.** The removal of the regulated tree or plant is justified for one of the following reasons:
 - (A) The location of the regulated tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area, or other approved improvement or ground disturbing activity and there is no other alternative feasible location for the improvement.
 - (B) The location of the regulated tree or plant and/or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property and there is no other alternative feasible location for the improvement.
 - (C) The location of the regulated tree or plant is hazardous to pedestrian or vehicular travel or safety.
 - (D) The regulated tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks,

curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures, or municipal improvements.

- (E) The condition or location of the regulated tree or plant is adjacent to and in such close proximity to an existing or proposed structure that the regulated tree or plant has or will sustain significant damage.
- (2) **Additional findings for removals in the Mountain Region.** In the Mountain Region only, the applicable review authority shall also make all of the following findings:
- (A) Where improvements are proposed, the design of the improvements ensures that at least the following minimum percentage of the subject parcel will be maintained or established in a natural undeveloped vegetated or revegetated condition sufficient to ensure vegetative coverage for a forest environment, as determined by the applicable Review Authority.
 - (I) Twenty percent of commercial, industrial, and administrative/professional uses.
 - (II) Thirty-five percent of multi-family residential uses.
 - (B) At least one half of natural areas for all uses, except single family residential uses, will be located in the front setback area or located so that significant portions are visible from the public right-of-way on which the improvements are to be located.
 - (C) A perch tree within a federally identified American Bald Eagle habitat will not be removed unless an adequate substitution is provided.
 - (D) A Registered Professional Forester has certified in writing that the condition or location of a regulated tree is contributing to overstocked tree stand conditions and that its removal will improve the overall health, safety, and vigor of the stand of trees containing the subject tree.
- (3) In the Desert Region only, the applicable Review Authority shall also make the following findings:
- (A) Joshua trees that are proposed to be removed will be transplanted or stockpiled for future transplanting wherever possible.
 - (B) In the instance of stockpiling, the permittee has complied with Department policy to ensure that Joshua trees are transplanted appropriately. Transplanting shall comply with the provisions of the Desert Native Plants

Act (Food and Agricultural Code Section 80001 et seq.), as required by Subsection 88.01.060(d) (Compliance with Desert Native Plants Act).

- (C) No other reasonable alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting one or more of the following criteria:
 - (I) A circumference measurement equal to or greater than 50 inches measured at 4.5 feet above natural grade level.
 - (II) Total tree height of 15 feet or greater.
 - (III) Trees possessing a bark-like trunk.
 - (IV) A cluster of 10 or more individual trees, of any size, growing in close proximity to each other.
- (g) **Plot plan requirements.** Before the issuance of a Tree or Plant Removal Permit, a plot plan shall be approved by the applicable Review Authority for each site indicating exactly which trees or plants are authorized to be removed. The required information shall be added to any other required plot plan.
- (h) **Construction standards.** During construction and before final inspection under a development permit, the following construction standards shall apply, unless otherwise approved in writing by an arborist, registered professional forester, or a Desert Native Plant Expert:
 - (1) **Enclosures.** The trunks of regulated trees and regulated plants shall not be enclosed within rooflines or decking.
 - (2) **Attachments.** Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live regulated tree or plant.
 - (3) **Grade alterations.** No grade alterations shall bury any portion of a regulated tree or plant or significantly undercut the root system within the dripline.
- (i) **Enforcement.**
 - (1) **Other applicable Code provisions.** The provisions of Chapter 86.09 (Enforcement) shall apply to this Chapter.
 - (2) **Enforcement authorities.** The authorities responsible for the enforcement of the provisions of this Chapter shall be the same as the review authorities responsible for permit approvals as specified in this Section. In addition, the provisions of

this Chapter may be enforced by the California Department of Forestry, where applicable.

- (3) **Extension of time.** If property is subject to snow, flooding, or other conditions that render compliance with the provisions of this Chapter within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.
- (4) **Powers of enforcement officers.**
 - (A) A peace officer or any authorized enforcement officer may in the enforcement of this Section:
 - (I) Make arrests without warrant for a violation of this Chapter that the officer may witness.
 - (II) Confiscate regulated native trees or plants, or parts of them, that are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this Chapter.
 - (B) In addition, a designated enforcement officer shall be authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within or entering the State, which is suspected of containing or having present regulated plants in violation of this Chapter in order to examine permits and wood receipts and observe tags and seals and to otherwise enforce the provisions of this Chapter.
- (5) **When enforcement officer vested with power of peace officer.** When power or authority is given by this Chapter to a person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. A person in whom the enforcement of a provision of this Chapter is vested shall have the power of a peace officer as to that enforcement, which shall include State or Federal agencies with which cooperative agreements have been made by the County to enforce the provisions of this Chapter.
- (6) **Written permission of landowner required for removal.** No person shall remove or damage all or part of any regulated tree or plant on the property of another person without first obtaining notarized written permission from the landowner and required permits, wood receipts, or tags and seals. In addition, it shall be unlawful for a person to falsify a document offered as evidence of permission to enter upon the property of another to harvest all or parts of a regulated tree or plant, whether alive or dead.

- (7) **Permit available for display and inspection.** No person, except as provided in this Chapter, shall harvest, offer for sale, destroy, dig up or mutilate, or have in his or her possession a regulated plant or tree, or the living or dead parts of them, unless the plant or tree was harvested under a valid permit and, where applicable, a valid wood receipt on his or her person. A person shall exhibit the permit, wood receipt, tags and/or seals upon request for inspection by an authorized County enforcement officer or any peace officer. No wood receipt or tag and seal shall be valid unless it is issued with a valid permit and the permit bears the wood receipt number or tag number on its face. Required tags and seals shall be attached securely to a regulated desert native plant.
- (8) **Land Disturbance.** No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in the removal of any regulated native trees or plants. Said approval may be in the form of a development permit or a Tree or Plant Removal Permit issued by the appropriate authority.
- (j) **Penalties.** Penalties shall be those specified in Chapter 86.09 (Enforcement) and shall include the following and any other penalties specified by individual Sections of this Chapter.
- (1) **Fine for illegal removal.**
- (A) In addition to other penalties and fees imposed by this Development Code or other law, a person, firm, or corporation convicted of a violation of the provisions of this Chapter shall be guilty of a misdemeanor upon conviction.
- (B) When one or more plants or trees are removed in violation of the provisions of this Chapter, the removal of each separate plant or tree shall be a new and separate offense.
- (C) The penalty for the offense shall be a fine of not less than \$500 nor more than \$1,000, or six months in jail, or both.
- (D) Payment of a penalty shall not relieve a person, firm, or corporation from the responsibility of correcting the condition resulting from the violation.

(2) Replacement program for illegal removal.

- (A) In addition to other penalties imposed by this Development Code or other law, a person, firm, or corporation convicted of violating the provisions of this Chapter regarding improper removal of regulated native trees or plants shall be required to retain, as appropriate, a Tree Expert or Desert Native Plant Expert to develop and implement a replacement program.
- (B) The expert shall determine the appropriate number, size, species, location, and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.
- (C) If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g., public parks) may be substituted at the direction of the court.
- (D) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of a replacement program and failed within two years.

(3) Revocation of permits.

- (A) Upon conviction of a violation of this Chapter, all Tree or Plant Removal Permits issued to the convicted person, firm, or corporation shall be revoked.
- (B) No new or additional Tree or Plant Removal Permits shall be issued to the permittee for a period of one year from the date of conviction.
- (C) Additionally, in the Desert Region the permittee shall be required to surrender unused wood receipts or tags and seals to the Director.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

88.01.060 Desert Native Plant Protection

This Section provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to augment and coordinate with the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act.

- (c) **Regulated desert native plants.** The following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits). In all cases the botanical names shall govern the interpretation of this Section.

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- (1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(A) *Dalea spinosa* (smoketree).

(B) All species of the genus *Prosopis* (mesquites).

- (2) All species of the family *Agavaceae* (century plants, nolinias, yuccas).

- (3) Creosote Rings, 10 feet or greater in diameter.

- (4) All Joshua trees.

- (5) Any part of any of the following species, whether living or dead:

(A) *Olneya tesota* (desert ironwood).

(B) All species of the genus *Prosopis* (mesquites).

(C) All species of the genus *Cercidium* (palos verdes).

- (d) **Compliance with Desert Native Plants Act.** Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

Adopted 4011 (2007)

88.01.070 Mountain Forest and Valley Tree Conservation

This Section provides regulations to promote conservation and wise use of forest resources in the Mountain Region and native tree resources in the Valley Region. The provisions are intended to augment and coordinate with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.) and the efforts of the State Department of Forestry and Fire Protection to implement and enforce the Act.

- (a) **Applicability.**

- (1) **Private harvesting.** The provisions of this Section apply to the private harvesting of all trees growing on private land and on public land in the unincorporated Mountain Region and Valley Region.
 - (2) **Commercial harvesting.** The commercial harvesting of trees shall be prohibited, except as allowed by and authorized by the State Department of Forestry and Fire Protection in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).
- (b) **Regulated trees.** The following trees shall only be removed with an approved Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Permits):
- (1) **Native trees.** A living, native tree with a six inch or greater stem diameter or 19 inches in circumference measured 4.5 feet above natural grade level.
 - (2) **Palm trees.** Three or more palm trees in linear plantings, which are 50 feet or greater in length within established windrows or parkway plantings, shall be considered to be heritage trees and shall be subject to the provisions of this Chapter regarding native trees.
- (c) **Tree protection from insects and disease.** For regulations on the treatment and disposition of felled trees, see Section 88.01.090 (Tree Protection from Insects and Disease).

Adopted 4011 (2007)

88.01.080 Riparian Plant Conservation

This Section provides regulations to promote healthy and abundant riparian habitats that protect watersheds; control transmission and storage of natural water supplies; provide unique wildlife habitats for rare, endangered and threatened plants and animals; provide attractive environments; control natural soil erosion and sedimentation to protect stream banks subject to erosion and undercutting; and provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Section are intended to augment and coordinate with the responsibilities of the California Department of Fish and Game.

- (a) **Applicability.**
- (1) **Applicable areas.** The provisions of this Section shall apply to all riparian areas located on private land in all zones within the unincorporated areas of the County and to riparian areas on public land owned by the County, unless exempt as specified by Section 88.01.030 (Exempt Activities) and by Subsection (2) (Exemptions), below.

(2) **Exemptions.** The provisions of this Section shall not apply to:

- (A) Emergency Flood Control District operations or water conservation measures established and authorized by an appropriate independent Special District.
- (B) An area that has an existing man-made impervious structure, which is greater than 120 square feet in roof area, between the area proposed to be disturbed by a development permit and the bank of a subject stream, as measured in a straight line perpendicular to the centerline of the stream.

(b) **Regulated riparian plants.**

(1) **Vegetation described.** The removal of vegetation within 200 feet of the bank of a stream, or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall require approval of a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits) shall be subject to environmental review.

(2) **Streams.** For the purposes of this Section, streams include those shown on United States Geological Survey Quadrangle topographic maps as perennial or intermittent, blue or brown lines (solid or dashed), and river wash areas.

(c) **Preconstruction inspections.** Preconstruction inspections shall include the verification of the presence of riparian vegetation.

(d) **Conditions of approval.** Conditions of approval for removal of riparian vegetation may be imposed in addition to, and in combination with, any condition imposed in compliance with Section 88.01.050 (Tree or Plant Removal Permits).

Adopted 4011 (2007)

88.01.090 Tree Protection from Insects and Disease

This Section provides regulations for the treatment and disposition of felled trees in the Mountain Region to protect against damaging insects (e.g. bark beetles) and diseases. The intent is to mitigate the serious danger posed to forests from coniferous trees that are cut in land clearing operations and are then allowed to remain exposed and untreated against noxious insects, which then multiply in the felled trees to later attack and damage healthy coniferous trees.

(a) **Applicability.** The provisions in this Section apply to coniferous trees located on land in the Mountain Region. Every person, firm, or corporation, whether as principal, agent, or employee, that has control of, right of entry on, or access to land in the Mountain Region shall comply with this Section.

- (b) **Treatment of felled trees.** Except as otherwise provided by this Section, felled coniferous trees, portions of trees, and stumps shall be treated in compliance with at least one, or a combination, of the following methods and the method in Subsection (c) (Stump treatment), below, within 15 days after a coniferous tree has been cut.
- (1) Remove to a solid waste disposal site specifically designated by the County for this type of use.
 - (2) Burn sufficiently to consume the bark, when allowed by the Fire Department and the Air Pollution Control District.
 - (3) Lop and scatter material less than four inches in diameter so that it is piled no higher than 24 inches above the ground, when allowed by the Fire Department.
 - (4) Remove the bark
 - (5) Chip or grind.
 - (6) Split and scatter with bark toward the sun for a minimum of 45 consecutive days or until final inspection is completed, whichever is less.
 - (7) Stack in the sun and cover with six mil clear plastic, which has a continuous seal from the outside and for at least 180 days.
 - (8) Spray with a commercial insecticide, as approved by the Agricultural Commissioner for these insects and purposes.
 - (9) Treat under any other method approved by the enforcement officer in writing.
- (c) **Stump treatment.** Fresh cut stumps of live coniferous trees shall be protected from infection by Annosus Root Rot (*Fomes annosus*) with borax powder (granular tech, 10 mole) as soon as possible after felling, covering the entire newly exposed cut and/or broken surface completely with a thin uniform layer of white borax within two hours.
- (d) **Inspections.** In the case of construction activity, the Building Official shall not approve development permit inspections until felled coniferous trees, portions of trees, and stumps are treated in compliance with this Section.
- (e) **Certificate of compliance.** Where trees have been treated by an approved method and the evidence of treatment is not readily observable to the inspector on the construction site, the Building Official shall require a permittee to obtain a certificate that the treatment has been completed in an acceptable manner. The certificate may be from one of the following authorities:

- (1) Fire Chief.
 - (2) Agricultural Commissioner.
 - (3) Appropriately certified Pest Control Adviser as defined in Food and Agriculture Code Section 11401 et seq.
 - (4) Qualified Applicator as defined in Food and Agriculture Code Section 11401 et seq.
- (f) **Extension of time of enforcement.** If compliance with Subsection (b) (Treatment of felled trees) and Subsection (c) (Stump treatment) within the specified time periods is impractical because of inaccessibility to the cut timber due to snow or flooding, an enforcement officer may extend the period of time for compliance.

Adopted 4011 (2007)

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