

**IZO Chapter 17 – Tree Preservation**

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### 17.010 Purpose

The City of Petaluma contains a variety of both native and non-native trees. Trees are an essential part of a robust strategy toward carbon neutrality in that they are carbon stock, provide on-going carbon sequestration, reduce heat island effect, provide for passive cooling, dilute pollution, and help to improve air quality. In addition, trees provide beauty and character in the community, create shade and a sense of protection along rights of way to facilitate increased use of alternative transportation, and support the City's biological resources and riparian protection.

These community benefits are invaluable to the continued health and protection of the Petaluma community, its place within the regional context, and are representative of our commitment to climate protection and carbon neutrality.

The purpose of this chapter is to shift Petaluma's prioritization of its urban canopy to recognize it as a community resource that provides oxygen, cleans the air, provides shade, cools the city, provides habitat for wildlife, increases property values, slows traffic, and improves our social and psychological wellbeing. The purpose of this chapter is to maximize tree protection, minimize tree removal, and ensure robust and immediate replacement when removal is unavoidable under the limited circumstances outlined below. This chapter provides regulations for the protection, preservation, and maintenance of all trees within City limits and to ensure not only no net loss of tree canopy but significant increase in tree canopy within Petaluma.

### 17.020 Applicability

The provisions of this Chapter shall apply to all zoning districts in the City as it relates to the removal or relocation of trees as identified in Section 17.050 (Definition). Exceptions to the provisions of this Chapter are outlined in Section 17.030 (Exemptions), however the scope of exemptions is purposefully limited to ensure the implementation and ongoing commitment to the purpose of this Chapter as outlined in Section 17.010 above (Purpose).

This Chapter is applicable to development on both private and publicly owned property, actions of individual property owners, as well as City sponsored and/or funded projects and trees located within the public right-of-way. ~~Regulations pertaining to trees located within the public right-of-way are governed by Section 13.08 of the Petaluma Municipal Code.~~

### 17.030 Exemptions

The removal or relocation of existing trees is exempt from the provisions of this Chapter, including requirement for a Tree Replacement Permit, only under the following circumstances:

A. Trunk Diameter. Trees with a trunk diameter less than six inches are not consistent with the definition of "tree" as provided in subsection 17.050 and therefore exempt from the requirements of this Chapter.

A-B. Emergency Situations. When determined in writing by the Director in collaboration with a certified arborist, cases where a tree poses an imminent threat to the public safety, or general welfare or when a private property owner or persons are threatened by imminent failure of a tree, a tree may be removed without approval of a Tree Replacement Permit.

- C. *Public Utility Protection.* Removal of trees for the protection of existing electrical power or communication lines as determined by the Director of Public Works and Utilities.
- D. *Proximity to Foundation.* Existing trees with a trunk base at grade within three feet of the foundation of an existing residential structure.
- B-E. *Proximity to Larger Trees.* Existing trees with a trunk diameter of less than 16 inches and whose base at grade is located within six feet of the base of an existing tree with a larger trunk diameter.
- C-F. *Nuisance Species.* The following species have been determined to be nuisance species in the City of Petaluma:
1. Tree of Heaven
  2. Acacia sp.
  3. Italian Cypress
  4. Plum
  5. Privet
  6. Lombardy Poplar

#### 17.040 Guidance Documents

The following documents may be used for more specific guidance for the care, preservation, and replacement of trees in the City of Petaluma.

- A. *Tree Technical Manual.* Standards, guidelines, and best management practices supplementary to this Ordinance are contained in the City of Petaluma's Tree Technical Manual. This manual is developed, maintained, and periodically updated as needed by the Tree Advisory Committee. The manual shall be readily available to the public and shall include but not be limited to standards and specifications regarding the protection of trees during construction, the maintenance and protection of existing trees, and format and content of arborist reports and plans.
- B. *List of Approved Street Trees.* Approved street trees for planting adjacent to public streets and sidewalks and including recommended spacing, planter width, and water usage. This list is developed, maintained, and periodically updated as needed by staff in consultation with the Tree Advisory Committee for approval by resolution of the City Council.
- C. *Municipal Code.* The Petaluma City Code contains ~~regulations~~ permit requirements for trees located in the public right-of-way (PMC Chapter 13.08) and designation of Heritage and Landmark Trees (PMC Chapter 8.28). Applicable sections of the Municipal Code may be used in addition to the provisions of this ordinance as applicable to a given situation. All tree related codes and regulations are aligned in the overall purpose of this ordinance as stated above in Section 17.010.
- D. *Guide for Plant Appraisal.* Comprehensive alignment of current knowledge of the approaches, processes, and methods of plant valuation. Published by the Council of Tree and Landscape Appraisers (current edition).
- E. *Blueprint for Climate Action.* Placeholder
- F. *Urban Forest Management Plan.* Placeholder

#### 17.050 Definitions

- A. *Arborist*. Professional arborist certified by the International Society of Arboriculture (ISA).
- B. *Development Permit*.
- C. *Development ~~Proposal~~Project*.
- D. *Director*. The Community Development Director or their designee.
- E. *Discretionary Development Proposal*.
- F. *Hardscape*. Any non-living, permanent, or semi-permanent elements of landscaping, which typically include, but are not limited to, driveways, walkways, patios, retaining walls, decks, curbs, and paved surfaces such as concrete, asphalt, brick, stone, or tile.
- G. *Heritage Tree*. An existing tree designated as such by the Historic and Cultural Preservation Committee consistent with the provisions outlined in Petaluma Municipal Code ~~Section~~Chapter 8.28 and based on consistency with findings outlined in subsection 8.28.060.A.
- H. *Landmark Tree*. An existing tree designated as such by the Historic and Cultural Preservation Commission consistent with the provisions outlined in Petaluma Municipal Code ~~Section~~Chapter 8.28 and based on consistency with findings outlined in subsection 8.28.060.B.
- I. *Native Tree*.
- J. *Objective Design Standard*.
- ~~J-K.~~ *Pollarding*. A pruning technique involving the removal of a tree's upper branches and canopy to promote the growth of a dense head of foliage and branches. This practice typically begins when the tree is young, with subsequent pruning cycles occurring annually or every few years. The repeated cutting encourages the development of a compact crown with many small shoots, creating a characteristic knobby or ball-like appearance at the ends of the branches. Pollarding is traditionally used to maintain tree size, manage form, or produce a regular supply of branches for harvesting. However, it is essential to note that not all tree species are suitable for pollarding, and improper execution can cause significant harm or even kill the tree.
- ~~K-L.~~ *Pruning*. The selective removal of specific parts of a tree, including branches, stems, buds, or roots, to improve or maintain the tree's health, safety, structure, and appearance. Pruning can be conducted for various reasons, such as removing dead, diseased, or damaged branches, reducing the risk of falling limbs, controlling or directing growth, improving light penetration and air circulation, and maintaining a desired shape or size. Pruning should be performed following established arboricultural standards (ANSI A300) to ensure the tree's long-term vitality and to minimize the risk of harm to the tree.
- ~~L-M.~~ *Street Tree*. A tree located within the public right-of-way, typically applicable to trees planted between a sidewalk and the roadway. May apply to trees along private streets, similarly planted between a sidewalk and roadway. The planting, removal, and modification of street trees is governed by Petaluma Municipal Code Section 13.08.
- ~~M-N.~~ *Tree*. Any native or non-native woody plant with a trunk diameter of six inches or greater and not defined as a nuisance species as defined in Section 17.030.F above.
- O. *Tree Protection Zone*.
- ~~N-P.~~ *Tree Removal*. The complete removal of a tree or any action that could foreseeably lead to the decline and death of a tree (i.e. root damage or excessive pruning as determined by a certified arborist in contract with the City of Petaluma). Generally, topping a tree or the removal of more than 1/3 of the tree's foliage in a single season shall meet this definition.

~~Q.Q.~~ Tree Value. The dollar amount determined by an ~~an~~ certified arborist using the Trunk Formula Technique described in the ~~most recent~~ current edition of the “Guide for Plant Appraisal”, published by the Council of Tree and Landscape Appraisers.

~~P.R.~~ Topping. The improper practice of cutting back the main trunk or large branches of a tree to stubs or lateral branches that are not large enough to assume the terminal role. This drastic reduction in tree height and canopy often leaves large open wounds, which can lead to decay, disease, and increased susceptibility to pests. Topping can also cause the rapid growth of weakly attached, spindly branches, leading to a dense, unstructured canopy that is prone to breakage.

~~Q.S.~~ Trunk Diameter. The diameter of the trunk of an existing tree as measured at four and one-half feet up the trunk from the highest point of grade around the base. The measurement off the ground is taken at the same angle as any lean in the trunk. If the trunk forks below three feet above grade, add the diameter of the two largest trunks. If the trunk forks above three feet above grade, the measurement is taken at the narrow point below the fork.

#### 17.060 Tree Replacement Permits

A. *Permit Required.* It is unlawful to remove or alter any tree with a trunk diameter of greater than six inches without a tree replacement permit except as may be exempted by the provisions of Section 17.030 above or for regular trimming and pruning as outlined in Section 17.080.

B. *Review Authority.*

1. If a Tree Replacement Permit is submitted with a Development Project subject to discretionary review, consistent with parameters outlined in subsection 17.090 below, the review authority shall be the same as the review authority designated for the related entitlements.
2. If a Tree Replacement Permit is submitted as a stand-alone permit without association with a Development Project on the site, the Director or their designee shall be the review authority.

C. *Findings for Approval.* A Tree Replacement Permit may only be approved if one or more of the following conditions exists:

1. The tree to be removed is dead or extremely diseased, or in such a poor structural state that it has a high likelihood of failure that cannot be mitigated through generally accepted arboricultural practices. The Director may require that the applicant provide an analysis by an Arborist to support this determination.
- ~~2.~~ Removal or alteration is necessary to prevent obstruction or interference with public utility facilities, sanitary sewer facilities, storm drains, water supply facilities, or watercourses.
- ~~2.3.~~ Removal or alteration is necessary to prevent obstruction or interference with public sidewalk and alternative solutions have been determined infeasible.
- ~~3.4.~~ Removal or alteration will enhance the health of the subject tree ~~or adjacent trees~~.
- ~~4.5.~~ The tree is of an undesirable species ~~and~~ has been deemed a fire-hazard in writing by the Petaluma Fire Department or insurance carrier ~~in writing~~.
- ~~6.~~ To allow the owner to reasonably develop and use the subject property and the owner has complied with Section 17.070 (Tree Replacement).
- ~~5.7.~~ Additional findings consistent with Municipal Code Section 8.28.00.B must be made by the Director prior to approval of a permit to remove a designated Heritage or Landmark Tree.

~~D-G.~~ Findings for Denial. Notwithstanding the findings set forth in Section 17.060.C, a Tree Replacement Permit may be denied if any one or more of the following findings is made:

1. Removal of a healthy tree or multiple trees could be avoided by reasonable alternatives such as trimming, pruning, thinning, or other reasonable treatments.
2. Revisions to a proposed project would allow an owner to reasonably develop and use the subject property without requiring the removal of a healthy tree or multiple trees.
3. Adequate measures have not been demonstrated to address drainage, erosion control, land stability, visual impacts, and wind screening issues that may arise due to tree removal.

H. Street Trees. An approved Tree Replacement Permit shall be obtained prior to issuance of an Encroachment Permit consistent with the provisions in Petaluma Municipal Code Chapter 13.08.

~~E-I.~~ Referral. At the discretion of the Director, the City may refer any permit application to a consulting arborist for review and recommendation prior to decision on the permit application.

F. Expiration. A Tree Replacement Permit shall be valid for one year from the date of approval unless otherwise provided for as part of entitlements approved for an associated Development Project.

#### **17.070 Tree Replacement.**

If a tree is approved for removal pursuant to Section 17.060 above, such approval shall include requirement for tree replacement consistent with the following standards:

A. Any tree removed because it was dead, dangerous, or a nuisance species as determined in Section 17.030.F, shall be replaced with one 15-gallon tree.

B. All other tree removals approved but not associated with a Development Project shall be replaced at a ratio of one tree (minimum 15-gallon) per three inches of trunk diameter or portion thereof or as can be reasonably supported on the site as determined by the Director.

C. Heritage and Landmark Trees. The removal of a designated Heritage or Landmark Tree shall be replaced in kind with a minimum 24-inch box specimen of similar character as approved by the Review Authority and in compliance with Municipal Code Section 8.28.100.B.1.

~~B-D.~~ Development ~~Proposals~~Project. All tree removals associated with an approved Development Project shall be replaced at a one-inch to one-inch trunk diameter basis based on the following ratios:

1. 15-gallon replacement tree = 21-inch replacement trunk diameter
2. 24-inch box replacement tree = 82-inch replacement trunk diameter
3. 36-inch box replacement tree = 163-inch replacement trunk diameter
4. 48-inch box replacement tree = 244-inch replacement trunk diameter

~~C-E.~~ Street Trees. ~~As outlined in PMC Section 13.08, the~~The removal of any street tree shall be replaced at a one-to-one ratio with a suitable replacement species consistent with the List of Approved Street Tree, deemed suitable in the available planter strip or tree well, consistent with the existing street

tree palette or as otherwise approved as part of coordinated streetscape design, in compliance with adopted tree planting standards, and as approved by the Director of Public Works or designee through an Encroachment Permit. The Director may consult with the Director of Public Works and/or Director of Parks and Recreation as applicable to the specific context.

**D.F. Location.** All tree replacements shall occur on the same site and in close proximity to the trees approved for removal, except:

1. If the required tree replacement cannot be fully replaced on site or in reasonable proximity to the site, the Review Authority may approve payment of a tree in-lieu fee consistent with the fee established by the City Council and as automatically increased each fiscal year to provide for purchase and installation of replacement trees through established tree planting programs.

**G. Timing.** All replacement trees required by the provisions of this ordinance shall be planted within 60-days of the tree removal or before final inspection pursuant to a valid building permit unless otherwise approved by the Director due to seasonal planting requirements consistent with good forestry practices.

**E.H. Maintenance.** The property owner shall be responsible for appropriately maintaining all replacement trees to ensure survival.

#### **17.080 Tree Trimming and Pruning**

No permit shall be required for regular maintenance except that:

- A. Topping is prohibited, and
- B.** Pruning involving more than 25% of above ground mass per year is prohibited.

#### **17.090 Preservation of Existing Trees in Development Projects**

All Development Projects shall be designed to recognize the City's goal to preserve existing tree canopy and demonstrate consideration and incorporation of design principles to implement the objectives outlined in Section 17.010 to the greatest extent feasible.

- A. *Permit Required.* All Development Projects that propose removal of any existing trees on the project site shall require concurrent review of a Tree Replacement Permit.
- B. *Recent Tree Removal.* An application for a Development Project shall be denied if submitted within 24 months of illegal tree removal activities, or within 24 months of an approved Tree Replacement Permit on a site where the tree removal was approved without consideration of the Development Project application, unless one of the following conditions applies:
  1. The approved Tree Replacement Permit and the Development Project application are unrelated, such that any approval or permit for the project would not have required removal of the tree(s) that was the subject of the tree removal permit;
  2. The approved Tree Replacement Permit was an emergency tree removal permit issued pursuant to Section 17.030.**B**;



3. Approval of the requested Development Project application is necessary for the health or safety of those occupying existing improvements on the site; or  
3.4. Unless otherwise in conflict with State law.

- C. *Review Authority.* Consistent with Section 17.060.B, a Tree Re List of Permit associated with a Development Project shall be reviewed at the discretion of the review authority for the associated entitlements as outlined in Chapter 24.
- D. *Site Design Principles.* Development Projects shall incorporate the following principles to make the best effort to maximize tree protection to the greatest extent feasible:
1. The design of every development project shall recognize the desirability of preserving trees to the greatest extent possible. The design of the grading and site improvements shall make best efforts to employ the following safeguards:
    - a. Protection of sufficient growing areas as required by individual species;
    - b. No disruption or removal of structural roots or majority loss of feeder roots;
    - c. Metal fencing of trees at or beyond their drip lines during grading and construction activities;
    - d. No ~~ornamental landscape~~, filling, cutting, development, or compaction of soils within the drip line of existing trees except as provided for in the approved Tree Protection Plan; and
    - e. Other measures required by the particular species of tree(s) to be preserved as recommended by the consulting arborist, horticulturist, or landscape architect.
    - e.f. New utilities shall be routed outside the dripline of existing trees and away from anticipated root zones of proposed trees.
  2. It is recognized that the preservation of all existing trees on a development site may sometimes conflict with reasonable land developmental considerations (e.g., adequate drainage, grading, circulation, safety, and provision of utilities). However, the design of the development project shall address preservation of the most desirable and significant of existing healthy trees even if creative land planning techniques are necessary to achieve this goal.
  3. Street Trees along the project frontages shall be preserved as feasible and all improved streetscapes shall incorporate street tree plantings consistent with the approved List of Street Tree, consistent with all streetscape standards, and designed to maximize the growth and maintenance of proposed street tree plantings.
- E. *Project Arborist Requirements.* An arborist report shall be submitted with all Development Projects that potentially affect existing trees on the project site, which includes the following standards:
1. Arborist reports shall be prepared by an arborist and presented to the review authority for review as part of the discretionary review process for a Development Project.
  2. At the discretion of the Director, the City may require peer review of any arborist report submitted for a development proposal at the sole expense of the applicant.
  3. Recommendations from the project arborist shall be incorporated into the final project plans.
- F. *Tree Preservation and Protection Plan Required.* A Tree Preservation and Protection Plan is required as part of any Development Project application when there are existing trees within 30 feet of any proposed construction, grading, or demolition. The preparation and criteria of all Tree Preservation and Protection Plans shall be consistent with the provisions outline in Section 17.120.



G. *Supplemental Findings.* No tree removal shall be approved as part of a Development Project without the review authority first making all of the following findings:

1. The Development Project demonstrates consideration of tree preservation goals as outlined in Section 17.010.
2. The Development Project demonstrates compliance with one or more of the required findings for approval of the Tree Replacement Permit as outlined in Section 17.060.C.
3. None of the findings for denial outlined in Section 17.060.D apply to the Development Project.
4. The design of the Development Project maximizes preservation of existing trees on the site in balance with reasonable land development considerations.
5. The Development Project adequately incorporates recommendations contained in the project arborist report.
6. The Development Project includes a detailed Tree Protection Plan and has been conditioned accordingly to ensure appropriate safeguards are in place during grading and construction to ensure successful preservation of existing trees to remain.
7. The associated landscape plan for the Development Project incorporates the Tree Protection Plan and applicable mitigation measures from the project's environmental review.

H. *Standard Conditions of Approval.* For Development Projects that include preservation of existing trees, the following standard conditions of approval shall be considered and incorporated into the approval record (approval letter/resolution) as applicable to the project specific context to ensure successful tree preservation through the construction process:

1. All work within the Tree Protection Zone shall implement the recommendations of the project arborist as included in the project's Tree Protection Plan, consistent with subsection 17.120 below.

1.2. Prior to initiation of any construction activity on the site, including demolition or grading, temporary protective fencing shall be installed at each tree identified for preservation consistent with the following standards:

- a. Protective fencing shall be installed at the Tree Protection Zone (TPZ) as illustrated on the approved Tree Preservation and Protection Plan, Improvement Plan, and similar.
- b. Protective fencing shall be metal and a minimum of four-feet high to serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.

2.3. The Tree Protection Zone (TPZ) shall be illustrated on the Site Plan and represent the area around each tree, or group of trees, to be protected at all times with tree protection fencing.

- a. No encroachment into the TPZ is allowed at any time without approval from the project arborist.
- b. Any unauthorized entry into the TPZ is a violation of this Ordinance and shall be subject to enforcement through civil, criminal or administrative remedies, including applicable penalties.

3.4. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area at all times until the project is complete, and shall instruct personnel and subcontractors as to the purpose and importance of fencing and preservation.

4.5. No grading shall occur within the protective barriers without prior approval by the Director.

5.6. No attachments or wires other than those of a protective or non-damaging nature shall be attached to a tree.

~~6.7.~~ Excavation or landscape preparation within the protective barriers shall be limited to the use of hand tools and small hand-held power tools and shall not be of a depth that could cause root damage.

~~7.8.~~ When the existing grade around a protected tree is to be raised the project arborist shall provide written directions on which method(s) may be used to drain liquids away from the trunk.

~~8.9.~~ When the existing grade around a protected tree is to be lowered the project arborist shall provide written directions on which method(s) may be used (terracing, retaining wall, etc) to allow the dripline to be left at the original grade.

~~9.10.~~ No equipment, solvents, paint, asphalt, or debris of any kind shall be placed, stored, or allowed within the protective barrier.

- I. *Security Deposits.* A security deposit may be required at the discretion of the Director to cover the value of trees for preservation during the construction process, consistent with the following criteria:
  1. The security deposit shall be collected prior to the issuance of a building permit for any construction on the site, including grading, demolition or improvements, and shall be accompanied by a signed agreement on a form provided by the City.
  2. The security deposit shall be collected as a cash deposit equal to 20% for the first \$100,000 of tree value, thereafter tree valuations more than \$100,000 shall be 10% of the valuation in excess of \$100,000.
  3. City of Petaluma sponsored and/or funded projects are exempt from security deposit requirements.
  4. The applicant may request release of the security deposit after final inspection and determination that all trees identified for preservation remain in good condition at the conclusion of construction activity on site.
  5. If any tree fails to survive, or declines to a point where it is deemed to not be expected to survive, the City may:
    - a. Use the security deposit of the dead or declining tree(s) to purchase new trees for on or off-site use; or
    - b. Require the applicant to replacement the trees on site prior to refunding the security deposit.
  6. In the event that replacement cannot be accomplished on-site, the City shall retain all or a portion of the security deposit to fund tree planting programs within public rights-of-way, parks, public landscape areas, or other areas as deemed appropriate by the City of Petaluma.
  7. If a tree or trees, that have been designated to be protected, are determined to have failed or died on their own and not through impacts from development, the security deposit shall not be used for replacement. This determination shall be made at the discretion of the Director and may include the requirement for an evaluation by a consulting arborist.

**17.100 Preservation of Existing Trees in Ministerial Permits.** Tree preservation remains an important part of all development permits, whether there is a discretionary review process or ministerial review of a permit. To ensure appropriate awareness of existing trees and needed tree protection measures as part of preservation for all permits, the following are required with all applications for building, grading, demolition or other construction related permits:

- A. A site plan that identifies all existing trees within 30 feet of proposed construction activity, including trenching, utilities, grading, etc.

B. Tree protection fencing and other tree preservation measures to ensure that the proposed work does not impact existing trees on the site.

A.C. Identification of trees proposed for removal, existing trees to be preserved, and new tree planting proposed.

**17.110 Preservation of Existing Trees on vacant lots.** No tree located on a vacant lot shall be cut or otherwise damaged or destroyed without an approved tree removal permit, unless otherwise exempted pursuant to Section 17.030.

#### **17.120 Tree Preservation and Protection Plan**

- A. All Tree Protection and Preservation Plans shall be prepared by an arborist and clearly include the following data:
1. Arborist name and company as appropriate
  2. Arborist certification number
  3. Contact information for the project arborist
  4. Date of plan
- B. All Tree Protection and Preservation Plans shall include the following:
1. The location of all existing trees on the site whose trunk is within 30 feet of the proposed work, including trees proposed for preservation, removal, and transplant.
  2. All trees located on immediately adjacent sites if they overhang the project site.
  3. Description of the project site, the date of inspection, and a summary of the total number of trees present, to be removed, and to be preserved.
  4. A site plan that identifies the location of each tree, including each tree's reference number and defines the Tree Protection Zones.
  5. Assessment data for each existing tree on the site.
  6. Comments and observations regarding the health and structure of each existing tree.
  7. Estimate of the impacts of the proposed development activities on the long-term health and structural integrity of each existing tree.
  8. Recommendation for removal or preservation of each tree based on anticipated development impacts.
  9. Any recommendations for modifications to reduce impacts to existing trees to further maximize tree protection.
  - 9.10. Prescriptive requirements for any work proposed within the dripline of existing trees.

#### **17.130 Appeals Extensions, Revocation**

A. Appeals. As prescribed in Section 24.090.

B. Expiration/Extension. A Tree Replacement Permit shall be exercised within one year from the date of approval or other time limit established through a discretionary permit approval. If a Tree Replacement Permit is not exercised within the established time frame the permit shall expire.

C. Performance Guarantee. The applicant/owner may be required to provide adequate performance security for the faithful performance of conditions of approval imposed as part of the Tree Replacement Permit associated with a Development Project as prescribed in Section 17.090.I.

D. *Construction Monitoring.* Monitoring of tree protection and restoration measures specified as a condition of approval shall be performed by site inspection conducted by the Director, including the discretion to designate responsibility to the City’s consulting arborist.

E. *Revocation.* A Tree Replacement Permit may be revoked or modified based on any of the following findings:

1. The Director cannot support the original findings made with the approval of the Tree Replacement Permit;
2. The Tree Replacement Permit was issued based on misrepresentation or fraud;
3. The Tree Replacement Permit has not been implemented in a timely manner;
4. The applicant has not satisfied or has violated a condition of approval associated with the approved Tree Replacement Permit;
5. The issuance of the Tree Replacement Permit was done in violation of any code, law, ordinance, or statute;
6. The issuance of the Tree Replacement Permit is detrimental to public health, safety, or welfare;  
or
- 1-7. The Tree Replacement Permit constitutes a nuisance.

#### **17.140 Enforcement**

Any person who cuts, damages, or removes a tree in violation of this Chapter may be criminally prosecuted as a misdemeanor. A violation of this Chapter shall also constitute a public nuisance and may be abated and/or enforced through civil, criminal, or administrative proceedings in accordance with Title 1 of the Petaluma Municipal Code. In addition to other remedies available, a violation of this Chapter during construction may result in an immediate stop work order until permits are obtained and required mitigation procedures are in place.

If a civil or administrative action is brought by the City, a penalty may be assessed against anyone who violates any provision of this Chapter or any approved Tree Protection and Preservation Plan.

Where a tree is illegally removed, or damaged to a degree that survival is not expected, the penalty shall include full replacement value of each tree removed or damaged or \$500, whichever is greater, and shall be paid to the City. Replacement values shall be developed using the Trunk Formula Technique described in the most recent edition of the “Guide for plant Appraisal”, published by the Council of Tree and Landscape Appraisers.

Where a tree is illegally damaged and the damage cannot be fully corrected but the tree is expected to survive, then the penalty shall include full replacement value times the percentage of the tree damaged.

A civil or administrative action may also be implemented to provide appropriate relief to abate, enjoin, or otherwise compel the cessation of such violation.