

Chapter 12.16

TREE PRESERVATION

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12.16.010 Purpose and intent.

A. In order to promote the public health, safety and general welfare, to enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish basic standards, measures and compliance for the preservation and protection of trees.

B. The provisions of this chapter are enacted to:

1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values;
2. Promote conservation of tree resources;
3. Authorize the planning director to administer the tree ordinance;

4. Implement the conservation goals of the General Plan. (Ord. 826 § 1 (part), 1995)

12.16.020 Definitions.

For purposes of the issuance of any permit required under this chapter, an "appeal body" means either the city council or the planning commission, as described in Section 12.16.100, whose responsibility is to hear appeals from decisions made by the approving authority.

"Approving authority" means any one of the following: city council, planning commission, or planning director or his/her designated person, or other body granted authority under this code to act on subject entitlement.

"Arborist report" means a report prepared by an arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.

"Diameter at breast height (DBH)" means the diameter of a tree measured at 4 1/2 feet above the ground while standing on the high side of the tree. The diameter shall be calculated by use of the following formula:

$$\text{diameter} = \text{circumference} / 3.142$$

"Discretionary projects" means a project which requires the exercise of judgment or deliberation when the city council or planning commission decides to approve or disapprove a particular activity. "Discretionary projects" include, but are not limited to: conditional use permits, tentative parcel maps, changes in zoning districts, tentative subdivision maps, variances or planned development permits.

"Dripline" means the outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as an irregular-shaped circle that follows the contour of a tree's outermost branches as seen from overhead.

"Enforcement authority" means the director of the department of planning, inspections and permitting or his/her designee.

"Heritage tree" means a native oak tree over 19 inches in diameter at breast height or a multitrunked native oak tree having an aggregate diameter of 38 inches or more at breast height.

"Landmark tree" means a tree or group of trees determined by the city council to be a significant community benefit.

"Master tree list" means a list prepared by the planning director which identifies the species of trees which may be planted as replacement or as street trees.

"Minor trimming" means the cutting from protected trees of: (1) dead or diseased limbs or twigs; (2) parts

which may result in damage to a dwelling; (3) parts which must be removed for safety or public utilities; or the pruning of protected trees to promote health and growth. Trimming which substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered minor trimming.

"Native oak tree" means any tree over 6 inches (DBH) of the genus *quercus* and species *lobata* (valley oak), *douglasii* (blue oak), *wislizenii* (interior live oak), or hybrids, thereof; or a multitrunked native oak tree having an aggregate diameter of 20 inches (DBH) or more.

"Owner-occupant" means any owner residing in a constructed single-family residence.

"Planning director" means the director of planning, inspections and permitting.

"Project" means an activity which has the potential for resulting in a physical change in the environment.

"Protected trees" means native oak trees, heritage trees, street trees and landmark trees.

"Protected zone" means an irregular circle around a protected tree, equal to the protected tree's dripline plus 1 foot.

"Priming and trimming standards" means those pruning standards established by the Western Chapter of the International Society of Arboriculture.

"Regulated activity" means any activity to be done to a protected tree or undertaken within the protected zone of a protected tree.

"Street tree" means any tree growing within the tree maintenance strip and contained on the master tree list.

"Tree" means a woody perennial plant with a trunk over 6 inches (DBH) or a multitrunked plant having an aggregate diameter of 20 inches (DBH) or more.

"Tree maintenance strip" means a strip of land parallel and adjacent to a public street thereto and which is twelve and one-half feet wide, measured from the property line. (Ord. 851 § 2(1), 1996)

12.16.030 Regulated activity and exemptions.

A. Tree Permit Required. Except as otherwise provided in this chapter, it is unlawful to perform any regulated activity without a tree permit.

B. Tree Permit Exemptions. The following activities may be undertaken without a tree permit:

1. Paving for streets and/or driveways under the supervision of an arborist to guarantee appropriate measures are taken to ensure tree survival;

2. Parking or operation of motor vehicles within the protected zone on existing paved areas;

3. Placement or storage of equipment or construction material within the protected zone on existing paved areas;

4. Maintenance of under-canopy landscaping for nonoak species;

5. Activities in subsection B(1) through (4) of this section within improved parking lots approved by the city;

6. Removal of limbs or trees damaged by acts of God;

7. Removal of a tree certified as being dead which poses a health and/or safety risk to the public;

8. Removal of a tree certified by an arborist to be in poor health, and a risk or hazard to the general public as determined by the planning director;

9. Minor trimming as defined in Section 12.16.020;

10. Activity which does not disturb the soil or result in physical contact to the protected tree;

11. Activity performed by a public utility necessary to comply with safety regulations or to repair or avoid the interruption of services, provided such activity is done under the supervision of a certified arborist. (Ord. 826 § 1 (part), 1995)

12.16.040 Tree permit process.

A. Applications for a tree permit shall be submitted to the planning director. The application shall be acted upon by the planning director, unless other project entitlements will be necessary in order to develop the property, in which case, the application will be acted upon by the appropriate approving authority. Said application shall contain:

1. Application Form. Application shall be made on a form supplied by the planning director. The signature of the property owner is required on the application.

2. Justification Statement. A written statement stating the justification for the tree permit.

3. Site Map. The requirement for a site map may be waived by the planning director if the application is for removal of dead or hazardous trees. A site map, if required, shall include the following information, and any other information determined by the planning director to be necessary:

- a. Physical Characteristics (Existing and Proposed).
 - i. Property lines;
 - ii. Streets, access easements and/or public or private driveways and other paved areas;
 - iii. Buildings or structures;
 - iv. Setbacks of all buildings and structures from property lines;
 - v. Parking and other paved areas;

vi. Land uses on parcel (existing and proposed as applicable);

vii. Proposed grading and construction, including utilities, if available.

b. **Tree Locations.** All trees located on the property must be depicted on the site plan map. Identify those protected trees which are to be preserved and which will be subject to regulated activity. Additionally, the site plan map shall indicate the exact location of the base and protected zone for all such trees within the project boundary. Except for applications filed by owner-occupants, a survey of the exact location(s) of such tree(s), both horizontally and vertically, shall be conducted by a professional engineer or a licensed land surveyor. Owner-occupants shall submit information concerning tree locations in a form acceptable to the planning director. The tree number(s) shall be shown on both the site plan and grading plan and on the trees themselves (attached by nonharmful methods). The base elevation of each protected tree shall be shown on the grading plan.

c. **Protected Zone of Protected Tree(s).** The exact location of the protected zone of protected trees.

4. **Preservation Program.** A program for the preservation of protected trees during and after completion of the project (including avoidance of activity within the protected zone of protected trees), which shall include the following:

a. Each tree or group of trees to be preserved shall be enclosed with high-visibility fencing prior to any grading, movement of heavy equipment, approval of improvement plans, or the issuance of any grading or construction permits. Such fence shall be removed following construction but prior to installation of landscaping material. Fencing shall enclose the entire protected zone.

b. **Parking of vehicles, equipment, or storage of material** within the protected zone of trees is prohibited at all times, except that parking shall be permitted within the protected zone of street trees as outlined in subsections (B)(2) and (3) of Section 12.16.030.

c. Signs shall be posted on all sides of fences surrounding each tree or trees stating that enclosed tree(s) are to be preserved. The signs shall state the penalty for damage to, or removal of, the protected tree. The number of posted signs required for the site shall be determined by the planning director.

5. **Arborist's Report.** Except for applications filed by owner-occupants, an arborist's report shall be submitted and shall contain such information as the planning director determines is required to evaluate tree conditions, identify measures to protect trees for preservation and to evaluate areas in which to plant replacement trees. Own-

er-occupants shall submit information concerning tree condition in a form acceptable to the planning director. The contents of the arborist's report and site plan shall include but is not limited to the following information:

a. Botanical and common name of tree(s) by tree number;

b. Location of tree(s) by tree number;

c. Diameter at breast height (DBH) by tree number, identifying whether single or multitrunked trees;

d. Protected zone radius by tree number (measure longest radius);

e. Condition by tree number based upon the following tree rating system:

i. Excellent,

ii. Good,

iii. Fair to good,

iv. Fair,

v. Fair to poor,

vi. Poor.

Tree ratings shall be based on: (1) the condition and environment of the tree's root crown; (2) the condition of the trunk, including decay, injury, callusing or presence of fungus sporophore; (3) the condition of the limbs, including strength of crotches, amount of dead wood, hollow areas, and whether there is excessive weight borne by them; (4) the condition and growth rate history of the twigs, including pest damage and diseases; (5) the leaf appearance, including abnormal size and density as well as pest and disease damage; (6) the protected zone environment, including evidence of grade changes and presence of water courses or ponding.

Using an averaging of the above factors together with the arborist's best judgment, the tree shall then be described using the above rating categories. Based upon the conditions and findings, recommendations should be made that logically follow the report conditions. Recommended mitigative measures to improve the tree's condition ratings shall be included in the report. The report should also include information regarding the tree's life expectancy under existing and planned-for conditions.

B. **Application Evaluation Criteria.** The approving authority shall review and approve, conditionally approve or deny applications in accordance with the provisions of this chapter. The following criteria will be considered in the evaluation of applications for tree permits:

1. The gross floor area of any proposed structures in relation to the size of the site and the amount of area on the parcel which does not require the removal of protected trees;

2. Design features of any proposed structures, as compared to other structures in the same vicinity which have or had protected trees on the parcel;

3. Topographic constraints, lot configuration and other physical limitations;

4. The health and structural condition of the protected trees;

5. Whether the encroachment is likely to result in the decline of the protected tree or create a risk to persons or property;

6. The approximate age of the protected tree compared with the average life span for that species;

7. Whether removal of the protected tree would encourage healthier, more vigorous growth of younger similar trees in the area;

8. The number of existing protected trees in the area;

9. The number of healthy protected trees that a given parcel of land will support with and without the proposed development;

10. The effect of removal on soil stability/erosion, particularly near watercourses or on steep slopes;

11. The potential for the protected tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures;

12. Present and future shade potential with regard to solar heating and cooling and other climatic conditions;

13. Whether there are any alternatives that would allow for the preservation of the protected tree;

14. Accepted tree management practices to ensure long-term survival of the tree;

15. Whether the tree exhibits one of the following attributes: (1) historical value; (2) excellent health rating; (3) outstanding habitat value; (4) unusual species; or (5) superior beauty;

16. Whether other discretionary entitlements are contemplated within one year;

17. Any other information which may impact the health, safety or general welfare of the public.

C. Tree Permit Provisions.

1. The approving authority's decision to approve or deny the application, including reasons for any denial shall be provided to the applicant in writing. The approving authority's decision is final upon such filing and notification pursuant to Sections 12.16.100 and 12.16.190.

2. A tree permit shall not be effective until the time in which an appeal may be filed has elapsed without an appeal having been filed. A tree permit shall be valid for 1 year or for the life of other associated project entitlements (i.e., tentative maps, conditional use permits, etc.), whichever is longer. Any changes to the project not in substantial compliance with the original approval shall require reapplication to the approving authority.

3. It shall be the responsibility of the person undertaking a regulated activity to have the tree permit at the

site. The property owner shall be ultimately responsible for complying with the requirements of the tree permit.

4. The permit shall entitle the applicant to perform only the regulated activities described in the tree permit. (Ord. 826 § 1 (part), 1995)

12.16.050 Environmental review.

Review by the approving authority is subject to the requirements of the California Environmental Quality Act (CEQA). The approving authority shall not approve an application prior to considering the applicable environmental document and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents. (Ord. 826 § 1 (part), 1995)

12.16.060 Conditions.

The approving authority shall at the time of approval impose such conditions as are necessary to ensure compliance with this chapter, state or federal laws. Such conditions shall be reasonably related to the public needs created by the proposed project. Conditions to mitigate environmental impacts of the activity shall also be imposed by the approving authority. (Ord. 826 § 1 (part), 1995)

12.16.070 Mitigation.

Except for owner-occupants of single-family residential homes, applicants who are granted permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of the regulated tree, temporary or permanent irrigation, and monitoring for a 2-year period.

A. On-Site Mitigation Plan. The on-site mitigation plan shall include, but is not limited to, the following:

1. A site plan depicting all living protected trees to remain and all living protected trees to be removed, utilizing clear and concise graphics.

2. A table indicating each protected tree to be removed by tree number, the DBH, condition, and any other information pertinent to the trees being removed.

3. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.

B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve 1 of the following methods for off-site mitigation within the city:

1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution, to cover the cost of purchasing, planting and initial care of the off-site tree plantings. Such fee shall be placed into

the tree planting and maintenance fund to purchase property for tree mitigation sites, to provide for tree planting and maintenance on public projects or for a community forestry program, if established.

2. Dedication of property for the purpose of planting trees based on the following ratio:

1 diameter inch = .004 acres of land (175 square feet)

The minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land. Off-site mitigation of this type must be approved by the city council.

3. Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.

C. Mitigation Tree Planting and Tree Preserve Replacement Ratios.

1. Mitigation for approved removal of each protected tree, including protected trees outside of the designated building envelope within the setback envelope of a custom single-family lot, as determined by the planning director, shall be based on the diameter inch measured at breast height. Replacement ratios shall be based on the size of each protected tree falling within one of the following eight categories:

a. A six- to ten-inch protected tree measured at diameter breast height equals eight fifteen-gallon native oak trees, or four twenty-four-inch box native oak trees, or fee set by city council resolution.

b. Above ten- to fifteen-inch protected tree measured at diameter breast height equals fifteen fifteen-gallon native oak trees, or six twenty-four-inch box native oak trees, or fee set by city council resolution.

c. Above fifteen- to twenty-inch protected trees measured at diameter breast height equals twenty fifteen-gallon native oak trees, or ten twenty-four-inch box native oak trees, or fee set by city council resolution.

d. Above twenty- to twenty-five-inch protected tree measured at diameter breast height equals thirty fifteen-gallon native oak trees, or fifteen twenty-four-inch box native oak trees, or fee set by city council resolution.

e. Above twenty-five- to thirty-inch protected tree measured at diameter breast height equals thirty-five fifteen-gallon native oak trees, or seventeen twenty-four-inch box native oak trees, or fee set by city council resolution.

f. Above thirty- to thirty-five-inch protected tree measured at diameter breast height equals forty fifteen-gallon native oak trees, or twenty twenty-four-inch box native oak trees, or fee set by the city council resolution.

g. Above thirty-five- to forty-inch protected tree measured at diameter breast height equals fifty fifteen-gallon native oak trees, or twenty-five twenty-four-inch box native oak trees, or fee set by the city council resolution.

h. Above forty-inch protected tree measured at diameter breast height equals thirty-five twenty-four-inch box native oak trees, or fee set by the city council resolution.

i. Mitigation for regulated activities for protected trees within the designated building envelope within the setback envelope of a custom single-family lot, as determined by the planning director, shall be one fifteen-gallon tree per protected tree.

2. Mitigation for the removal of protected trees may be in the form of preserving an existing, and sustainable preserve of oaks, subject to approval of the approving authority. At minimum, the preserved area must contain diameter inches and tree species equivalent to the inches and species of the protected trees to be removed. The preservation area must be either dedicated to the city, placed in a conservation easement, or some other method accepted by the city council to ensure preservation of the oak woodland habitat.

3. Mitigation requirements for approved removal of each protected tree that is within the easement area of overhead electrical transmission lines, as confirmed by the appropriate utility, shall be reduced by fifty percent. Applicant must provide written confirmation from the appropriate utility, to the satisfaction of the community development director, that the protected trees are within the easement area of the overhead electrical transmission lines and the utility has requested that the tree be removed.

D. Project Compliance. In order to ensure compliance with specific conditions of a tree permit, the applicant shall submit to the planning director, at the time of mitigation plan submittal, and prior to the issuance of a grading permit, a minimum one-thousand-dollar deposit (or amount deemed necessary by the approving authority on a case-by-case basis) which shall be posted and maintained to ensure the preservation of protected trees during construction. The deposit shall be posted in a form approved by the city attorney prior to any grading or movement of heavy equipment onto the site or issuance of any permits. (Ord. 1053 § 3, 2006; Ord. 826 § 1 (part), 1995)

12.16.080 Street tree planting.

A. Planting Within the Tree Maintenance Strip. Each applicant for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the

improvement of real property shall be responsible for the planting of street trees. The species of trees to be planted shall be on the master tree list. As part of the application process, the planning director shall recommend to the approving authority the size of the tree to be planted, the location within the tree maintenance strip of the planting and the stage of the development at which the tree is to be planted. There shall be no fewer than one street tree for each single-family lot and two trees on corner lots for residential lots and not less than one tree per fifty feet of street frontage planted on center for commercial and industrial parcels. In multifamily developments, the number of trees shall be determined by the planning director, provided not more than one tree for each dwelling unit may be required.

B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the planning director that adequate provision has been made for the planting and initial maintenance of the street trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the planning director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) which require the planting and maintenance of street trees and which, in the opinion of the city attorney, are enforceable by property owners or an association of owners created by such CC&Rs. (Ord. 826 § 1 (part), 1995)

12.16.090 Establishing landmark tree(s).

A. Request for Establishing a Landmark Tree. A private property owner, or interested party, may submit an application to the planning department, requesting that the city council establish by resolution a tree or group of trees as a landmark tree(s). Applications shall be made on a form supplied by the planning director and be subject to an application fee pursuant to Section 12.16.170. The city council may also, on its own motion and without the payment of a fee, commence the process of designating a landmark tree. The planning department shall notify, by first-class mail, the owner of the proposed landmark tree(s) thirty days prior to the hearing on the application. Once an application has been submitted, and prior to city council action, the tree shall have the same status as a protected tree under this chapter.

B. Designation of Landmark Trees. In order to designate a tree as a landmark tree, the city council must find that the tree is a significant community benefit because it

possesses one or more of the following attributes: (1) historical value; (2) excellent health rating; (3) outstanding habitat value; (4) unusual species; or (5) superior beauty.

If the city council designates a tree as landmark tree, the city clerk shall mail a copy of the resolution to the owner of the tree, and direct the planning director to add the tree to the list of landmark trees.

C. Declassification of Landmark Trees. An owner of a landmark tree may submit an application to the planning department, requesting that the city council declassify by resolution a tree or group of trees previously designated as a landmark tree(s). Applications shall be made on a form supplied by the planning director and be subject to an application fee pursuant to Section 12.16.170. The city council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a landmark tree. The planning department shall notify, by first-class mail, the owner of the landmark tree(s) thirty days prior to the city council meeting scheduled for the proposed action. The city council may declassify a landmark tree upon a finding that the tree(s) is no longer a significant community benefit because: (1) it has deteriorated in health or appearance; (2) it no longer has habitat value; or (3) it prevents reasonable use of the property.

D. Maintenance of Landmark Trees. After obtaining the consent of the property owner, the planning director shall cause each landmark tree to be inspected by a certified arborist annually. A report on the health of each tree and recommended maintenance shall be prepared. Copies of the report shall be provided to the city council and owners of the landmark trees. If the property owner refuses to grant such consent, the planning director shall have no further obligations under either subsection.

E. Documenting the Established Landmark Trees. The planning department shall map the location of landmark trees. (Ord. 826 § 1 (part), 1995)

12.16.100 Appeals from action on issuance or denial of a permit.

A. If the applicant for a tree permit, or other interested parties, are dissatisfied with any determination made by the planning director, such person may appeal to the planning commission. If the applicant for a tree permit, or other interested parties, are dissatisfied with any determination made by the planning commission, such person(s) may appeal to the city council. Decisions of the planning commission, when sitting as an appeal body, may not be appealed to the city council.

B. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the planning director not later than ten calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived. (Ord. 851 § 2(2), 1996)

12.16.110 Appeal fee for appeals from action on issuance or denial of a permit.

The city council shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration and processing of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal request. No appeal request shall be deemed valid unless the prescribed fee has been paid. (Ord. 851 § 2(3), 1996)

12.16.120 Appeal hearings concerning action on issuance or denial of a permit.

After the filing of an appeal within the time and in the manner prescribed by Section 12.16.100, the appeal body shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the appellant not later than ten days preceding the date of the hearing. (Ord. 851 § 2(4), 1996)

12.16.130 Actions on appeals concerning issuance or denial of a permit.

A. The appeal body shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

B. At the conclusion of the hearing, the appeal body shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the city clerk. The clerk shall serve such decision on the applicant. The decision of the appeal body shall become final upon the date of filing and service with respect to any appeal. (Ord. 851 § 2(5), 1996)

12.16.140 Enforcement.

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code.

B. The director of the department of planning, inspections and permitting shall enforce the provisions of this chapter. (Ord. 851 § 2(6), 1996)

12.16.143 Penalties.

A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, inclusive, any violation of this chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.

B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.

C. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A). The monetary sanction shall be determined by reference to the criteria set forth in Section 1.09.014, but shall be in an amount no less than two times what would have been charged as an in-lieu fee under Section 12.16.070(C) of this chapter. (Ord. 851 § 2(7) (part), 1996)

12.16.145 Enforcement procedures—Notice to correct.

A. Prior to the suspension, revocation or denial of any license or permit, or the assessment of any fee, penalty or charge, or the commencement of any other enforcement action pursuant to this chapter, the director of the department of planning, inspections and permitting shall follow the procedures set forth in Sections 1.09.020 through 1.09.048, inclusive, of the Folsom Municipal Code. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052, inclusive, of the Folsom Municipal Code shall apply.

B. Unless a tree has been removed in violation of this chapter, a notice to correct shall be served in accordance with the provisions of Section 1.09.023. The time to correct any violation of a provision of this chapter shall be no more than thirty days. If a notice to correct is not served, pursuant to Section 1.09.024(A), a notice of administrative violation shall be served in accordance with the provisions of Section 1.09.027. (Ord. 851 § 2(7) (part), 1996)

12.16.150 Mitigation fees.

Tree Planting and Replacement Fund. A tree planting and replacement fund shall be established in which mitigation fees and penalty assessments shall be deposited. The tree planting and replacement fund shall be utilized for city tree planting and revegetation projects such as parkways, parks and beautification projects, to purchase property for tree mitigation sites, to construct multi-use Class I public trails in conjunction with tree planting, revegetation projects or beautification projects, for the retention of a city arborist, or for a community forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the exception of maintenance of landmark trees and at the recommendation of the community development director, on property subject to a conservation easement. This fund shall be administered by the community development department. (Ord. 1053 § 2, 2006; Ord. 826 § 1 (part), 1995)

12.16.160 Delegation.

Whenever in this chapter an authority or power is vested in or a duty is imposed upon an officer or official, an employee subordinate to the officer or official to whom an appropriate delegation has been made shall be entitled to exercise the power or authority and perform the duty. (Ord. 826 § 1 (part), 1995)

12.16.170 Application fees.

The city council may establish a fee for the processing of an application under the provisions of this chapter by resolution, which may be amended from time to time. (Ord. 826 § 1 (part), 1995)

12.16.180 Amendment of project.

Any proposed changes in the project after approval shall be submitted to the approving authority for review. No person shall undertake activity which does not conform with the plans or conditions of the original approval, unless approved by the approving authority. The approving authority shall review any proposed changes in the same manner and pursuant to the same standards as the original application. (Ord. 826 § 1 (part), 1995)

12.16.190 Notices.

A. Except as may be required by Title 1 of the Folsom Municipal Code, any notice authorized or required by this chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally

delivered in writing to the party to whom it is directed or deposited in the United States Mail, first-class postage prepaid, and addressed to the party to whom it is directed.

B. Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the county and posted at City Hall. The same type of notice shall also be served on the property owner and upon each permittee whose permit may be affected by the action taken at the conclusion of the hearing. (Ord. 851 § 2(8), 1996)