

**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)