



**Rancho Murieta  
Association**

# Rancho Murieta Association Tree Preservation Policy

Drafted: May 4, 2004  
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## **GENERAL POLICY**

The Rancho Murieta Association (RMA) wishes to preserve the native trees and mitigated trees within its jurisdiction, which is consistent with the general development plan approved by the County of Sacramento. Tree preservation is intended to maintain a healthy, active population of trees while balancing a program to prevent hazards against persons and property as the community increases in population. Accordingly, the drive for tree preservation will be greatest within the common area and landscaped areas, but to a lesser extent on sites where dwellings and other structures are planned for future development.

### **I. DEFINITIONS**

#### **A. ARCHITECTURAL REVIEW COMMITTEE (ARC)**

The Architectural Review Committee (ARC) is that committee of the Rancho Murieta Association (RMA) having authority for approval of architectural & landscape plans.

#### **B. ARBORIST**

An arborist is certified by the ISA (International Society of Arboriculture).

NOTE: The RMA office maintains a list of certified arborists serving the area.

#### **C. COMMON AREA TREE**

A common area tree is a one with one-half, or more, of its trunk located on common area, unless improvements have been made within its dripline by someone other than RMA.

#### **D. dbh**

“Diameter at Breast Height” (dbh) is the diameter of a tree measured at four and one-half feet above the ground while standing on the high side of the tree. The diameter may be calculated by use of the following formula: diameter equals circumference divided by 3.146.

#### **E. DESIGNATED AREA**

Shall mean all areas within RMA boundaries not limited to new development. All trees, whether on common or private property, are aesthetically a community interest and all decisions relating to their health are to be and forever remain a concern of the Rancho Murieta Association.

**F. DISCRETIONARY CUTTING**

The Architectural Committee may approve, depending on the evidence, that a tree or trees may be cut without charge or penalty, i.e., discretionary cutting. Discretionary cutting shall be based on the decision criteria as noted under the Tree Maintenance Regulations, Section III.

**G. DRIPLINE**

A circle that lies parallel to the outer most canopy of a tree.

**H. DRIP LINE RADIUS**

The measurement from the trunk of the tree to the furthest point of foliage.

**I. GROUND SURFACE COVER**

The topsoil, humus, vegetation, leaves and other natural litter that normally accumulates under the oak tree that contain the micro-organisms necessary to decompose the vegetative matter that supplies nutrients to the oak. For purposes of replacement, the Ground Surface Cover is considered to be natural oak compost, shredded mulch or wood chips.

**J. HERITAGE OAK**

A heritage oak is an oak measuring at least 18” dbh at four and one half feet above the ground measured on the high side of the trunk.

**K. LANDSCAPE ARCHITECT**

Shall be licensed by the State of California.

**L. MITIGATION TREES**

These are replacement trees that are protected and monitored by RMA and the County of Sacramento. See Exhibit “A”.

**M. NATIVE TREES**

Shall include any of the following: Valley Oak (*Quercus lobata*), Interior Live Oak (*Quercus wislizenii*), Blue Oak (*Quercus douglasii*), or Oracle Oak (*Quercus morehus*).

**N. PRIVATE LAND**

Shall include all land owned by a separate interest, and not designated common area.

**O. RANCHO MURIETA ASSOCIATION (RMA)**

The homeowners' association of Rancho Murieta named Rancho Murieta Association.

**P. RMA JURISDICTION**

The jurisdiction of the RMA includes all trees in the common area and all native trees on privately owned lots and within the annexed properties.

**Q. SOIL COMPACTION**

Compressing the soil within drip line causing damage to the root area, ie. storage of any materials, driving a vehicle and placing of any weight within the dripline.

**R. TREE PERMIT**

A tree permit is an authorization by RMA for the pruning and/or removal of a tree.

**II. PERMITS**

Tree Permits must be obtained and mitigation may be required prior to the following:

- A. Removal of any native tree with tree diameter of 3" or more at breast height.
- B. Pruning of any *branch over 3" in diameter on any* native trees.
- C. Pruning or removal of any mitigation trees.

Note: Obtain a Fee Schedule from the RMA for the cost of permits.

Note: There are several governing agencies that are involved in the permit process. Please see map on Exhibit B to determine the agency that governs your property and how to proceed with the permit process.

### III. GENERAL GUIDELINES

Owners shall be responsible for maintenance and removal of all trees within their lot limits and their landscape improvement areas, whether or not prior permits exist.

- A. At the time architectural plans are approved, the Architectural Review Committee (ARC) will provide the owner with recommendations for tree preservation, that are consistent with currently recommended practices by a certified arborist.
- B. This policy and its accompanying regulations and recommendations apply from the moment the property falls within the RMA's jurisdiction. Subsequently, architectural plans and approvals must address the subject of fencing around dripline of all native trees to control trenching, grading, filling, surface drainage, parking of vehicles and delivery of building materials, in order to fulfill the policy objectives.
- C. During construction and landscaping, RMA will make periodic inspections to determine whether recommended tree maintenance practices are being followed. Shortfalls will be noted, filed, and sent to the property owner or contractor.
- D. Should any native tree die after recommended maintenance practices were not followed, owners will be fined per the fee schedule plus the applicable mitigation fee. (A current fee schedule is available at the RMA office.)
- E. Owners who have been fined as per D, above, may request the RMA obtain the services of a certified arborist to inspect the tree to determine whether the death of the tree was clearly affected by the failure to follow recommended practices.
  - 1. If the certified arborist's report determines that maintenance shortfalls did cause the tree's death, then the fine will stand, and the cost of the arborist's report will be borne by the owner plus any required mitigation fees.
  - 2. If the certified arborist's report determines that maintenance shortfalls clearly did not cause the tree's death, then the fine will be lifted, and the cost of the arborist report shall be borne by the association and no mitigation will be required.

#### **IV. FINES**

Fines collected for noncompliance with this policy will be reserved in the tree mitigation fund for the purpose of reforestation in common areas and parks. The General Manager or his/her designee shall be responsible for regulating and implementing this policy in the following manner:

- A. Make recommendations to the Maintenance Committee regarding regulations, tree maintenance, and policy changes for RMA Board approval.
- B. Approve architectural and landscape plans, with respect to all pertinent tree preservation objectives including those listed in III.

#### **V. INSPECTIONS**

The RMA may conduct periodic inspections to identify hazards to trees, persons, and property.

The RMA may conduct regular audits of the process, outlined in this document at least annually, and report results and recommendations to the RMA Board.

# **TREE MAINTENANCE REGULATIONS**

## **I. PREAMBLE**

These regulations provide the specific measures by which the RMA will execute its Tree Preservation Policy except for those measures to be taken if failure to follow the accompanying Tree Maintenance Recommendation results in the death of a native tree. Such measures are included in the Tree Maintenance Recommendations.

## **II. APPLICATION PROCEDURE**

- A. Any person desiring to remove and/or prune any native or mitigation tree located on any lot or common area parcel within Rancho Murieta shall make a tree permit application to the RMA office not less than twelve (12) working days prior to the time desired to take such action. Said application shall contain:
1. A completed tree permit form
  2. Plan of proposed work
  3. An Arborist's report paid for by the applicant may be required at the discretion of the RMA.

## **III. DECISION CRITERIA**

- A. No permit to remove a native tree or mitigation tree shall be issued until the approving body has determined in writing that the tree is appropriate for removal based upon the following criteria:
1. Would the preservation of the tree unreasonably compromise an owner's development of his/her land?  
**Note:** For example, is the tree so situated on the lot that the approved home or driveway cannot be reasonably altered or relocated to allow for the tree preservation?
  2. The condition of the tree with respect to general health, disease, damage, or danger of falling.
  3. The number of existing trees in the area and the effect of the tree removal upon the health and survival of a more promising, healthier tree or group of trees.



4. The effect of tree removal on soil stability/erosion, particularly near water ways or on steep slopes. If trees are removed from these areas, mitigation and seeding may be required to prevent soil erosion.
  5. The potential for the tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures.
  6. The size (dbh) of the tree.
- B. If the applicant does not agree with the findings of the approving body with regard to the condition of the tree or if the approving body determines that a more independent review of the tree condition is necessary, a certified arborist may be requested, the expense of which shall be borne by the applicant. The arborist's report will be considered by the approving body in re-evaluating the previous decision.
- C. An independent architect's evaluation, the expense of which shall be borne by the applicant, may be necessary, should there be conflicting opinion involving design potential on a given lot. Final decision, after reports herein mandated are complied with, remains at the discretion of the ARC.

#### **IV. TREE PERMIT PROVISIONS**

- A. Prior to issuance of any permit authorizing the removal of trees covered by these policies, red construction tape shall be placed around the tree to be removed at least (3) days prior to removal.
- B. If a permit is denied, RMA shall provide written notification, including the reasons for denial to the applicant.
- C. A copy of a tree removal permit and the conditions for approval of architectural plans, which relate to tree maintenance, must be kept at the site at which related operations occur.
- D. A granted permit shall be valid for a period of one year from the date of issuance. A time extension up to six (6) months may be granted if it is determined by the RMA, in writing, that the circumstances have not changed.
- E. It shall be the responsibility of the person pruning, trenching, grading, landscaping, removing surface fabric or filling within a tree drip line to have a copy of the approved permit.

- F. The permit, or the conditions of approval granted by the approving body, shall entitle the applicant to remove only the tree or trees approved for removal. Mitigation or reforestation will be detailed during the permit process.
- G. For those trees within the private property line that are approved for removal for the purpose of constructing a swimming pool, mitigation is required, unless the tree is determined discretionary by an evaluation for the decision criteria or there is no reasonable alternative for saving the tree through adjusting the size, shape, or location for the pool, or by moving the tree.

## **V. TREE MAINTENANCE**

- A. The owner will be responsible for the maintenance of all trees within their property or landscaping limits. When a tree's base is within the property boundaries of a lot, it is the responsibility of the owner to maintain the tree. This includes pruning the tree to prevent infringement over walkways and roads. When a tree is on RMA property and has no improvements within the drip line, it is the responsibility of RMA to maintain the tree with the exception that if the tree overhangs a structure it is the responsibility of the owner of the structure.
- B. In the event of any ditching, trimming, filling, or vehicle parking in the drip line of the tree or other disturbances within the drip line of the tree, fines may be imposed according to the RMA approved schedule of fines existing at that time. RMA enforcement officers may inspect building and landscaping sites during construction and will notify owners when such practices are found. The owner may appeal the fine according to the provisions of the Tree Preservation Policy. If the disturbances result in the death of the tree, mitigation fees will be assessed in addition to any fines.

## **VI. CONSIDERATION OF PERMITS**

- A. It shall be the responsibility of the applicant to obtain a permit or other approval pursuant to the provisions of this policy. No approval permit is valid unless it is in writing with the appropriate signatures by the approving body.
- B. In order to preserve or protect trees subject to this policy, the approving body shall have the authority to recommend and require reasonable modifications in the plans, including without limitation, changes in the site location on a lot for any improvement.
- C. All mitigation fees and fines assessed for violating this policy, except for the permit fees, shall be deposited in the Tree Preservation Fund Described below.

## VII. TREE PRESERVATION FUND

- A. Tree preservation fund is established for Rancho Murieta Association for the purpose of preserving and mitigating the native trees and their environment at Rancho Murieta.
- B. All monies received from applicants for Tree Policy fees/fines shall be forwarded to the RMA for deposit in the Rancho Murieta Association Tree Preservation Fund. Fees to include the following:
  - 1. Tree mitigation fees
  - 2. Fines
- C. Under no circumstances shall these funds be used for any purpose inconsistent with the preservation of native trees and their environment.
- D. Uses of this fund include, but are not limited to the following:
  - 1. Establishing and maintaining a native plant nursery for the purpose of propagating and/or growing oak trees and drought tolerant plants to be replanted in designated reforestation area.
  - 2. Maintenance of existing native trees in common areas.
  - 3. Direct purchase of mitigation trees for replanting in designated areas.
  - 4. Preserving and restoring the native environment under existing native trees including mulching where surface fabric has been lost.
  - 5. Consultations with certified arborists.
  - 6. Costs associated with educating the residents of Rancho Murieta on tree preservation.
  - 7. Any variations of use of these funds will be approved by the RMA Board of Directors.

## **VIII. APPEAL**

- A. Any decision regarding a request for removal, restorations or assessment of a native tree may be appealed to the ARC Committee, and then to the RMA Board of Directors.
- B. All appeals must be submitted in writing to the RMA Board of Directors within fifteen (15) days of the date on which the original decision was rendered, briefly stating the facts and grounds of appeal, and signed by the applicant.
- C. Upon receipt of said appeal the RMA Board of Directors shall agendize the item to be heard no later than forty-five (45) days.
- D. The RMA Board of Directors shall, at the time of setting the date of the hearing, mail a copy of the appeal, together with a notice of hearing, to the appellent.
- E. The RMA Board of Directors may affirm, reverse or modify any former actions by the RMA staff or ARC consistent with this policy.

## **IX. DEVELOPMENT CONTROL MEASURES**

- A. Approval of architectural plans, landscaping plans, and tree permits will require specific tree maintenance guidelines issued in writing by the ARC. Variations to the tree maintenance guidelines must be submitted in writing to the ARC.
- B. Builder is required to install and maintain a sign noticing the tree dripline. The sign may be supplied by RMA. The sign shall remain in place until all building improvements are completed.
- C. All remaining native and mitigation trees on and around the site that may be impacted by construction shall be required to have temporary fences where designated by RMA.

## **X. TREE PRESERVATION DEPOSIT**

- A. A security deposit may be required for any project for which a permit or other approval is required pursuant to provisions of this policy. The purpose of such deposit shall be to guarantee the applicant's compliance with conditions of approval and policy provisions regarding tree protection and preservation. A security deposit may also be required at the discretion of the approving body to insure completion of any additional work specified as a condition of permit approval.
- B. The deposit, when required, may be up to the amount equal to the mitigation fees as specified on the fee schedule.

- C. The deposit shall be paid in cash.
- D. The terms and conditions of the deposit shall be determined by the RMA and shall be stated in the conditions of approval.
- E. Within 90 days after completion of work, RMA shall determine if the conditions of approval have been met. At that time an arborist's report may be required and the deposit will be returned, less the cost of the report, cost of any repairs or upkeep needed to the trees and their surroundings, and less any determined decline in the value of the tree affected.

## **XI. EMERGENCIES**

If a tree is hazardous or dangerous and requires immediate action for the safety of structures or human life, such tree may be removed with permission of RMA or the Fire District.

## **XII. STOP WORK ORDER**

- A. A Stop Work Order shall be issued for any non-compliance to this policy.
- B. A Stop Work Order shall set forth the alleged violations and may list remedies to be taken to correct the violations.
- C. The person receiving a Stop Work Order shall immediately cease any work as described on the Stop Work Order and report in writing to the officer, person or body issuing the order within (2) working days specifying the steps to be taken to correct the violations.
- D. A Stop Work Order, if requested by the party affected, may be extended to provide an opportunity for a hearing before the appropriate committee. During the period of such extension, the authorized representative shall review the matter as herein provided.
- E. A Stop Work Order issued pursuant to this section may be withdrawn by the authorized representative or the officer who issued it upon a finding that the circumstances giving rise to the order no longer exist.

### **XIII. ASSESSMENTS/REMEDIES FOR VIOLATIONS**

Following the issuance of a Citation of Stop Work Order, or when it is found that work occurred in violation of the Tree Preservation Policy, the RMA shall:

- A. Require conditions of restoration
  - 1. Said restoration may include a requirement to replace in-kind, at the violator's sole expense, any native trees which have been removed or where impacts to a native tree are to the point where eventual death is likely or when the damage requires the tree to be removed as determined by a certified arborist or the RMA.
  - 2. The replacement order shall consist of a requirement to replant native trees with a combined diameter equal to twice the total combined diameter of the affected trees. (Based on the formula: 15 gallon tree = 1 inch dbh.)
  - 3. If the project site where the violation occurred cannot support all of the required replacement trees, the violator shall be assessed, in addition to the cost of the replacement trees that can be supported, a mitigation fee as per the fee schedule and any applicable fines.
  
- B. And/or violations not requiring reforestation
  - 1. A written notice of the violation and assessment imposed, if any, shall be sent by the RMA, to the owner/member giving ten (10) days to bring the violation into compliance, stating the time frame such remedy shall be done and/or satisfy the assessments.
  - 2. In the absence of acceptance of the responsibility by the owner/member within the ten (10) days, RMA will levy an assessment equal to the cost of bringing the violation into compliance and shall include administrative and/or legal expenses incurred as a result of such action.

### **XIV. CUMULATIVE PENALTIES**

The remedies provided for herein shall be cumulative and not exclusive.

## TREE MAINTENANCE RECOMMENDATIONS

### **I. GENERAL INTENT AND PURPOSE**

The intent of these recommendations is to mitigate damage to the native trees in Rancho Murieta and to maintain the trees as well as can be reasonably consistent with planned development. These recommendations are intended to be consistent with the Tree Preservation Policy and Tree Maintenance Regulations.

Lot owners should recognize that failure to follow these recommendations may result in the imposition of a fine. A fine will not be assessed, however, when prior to action being taken in violation of these recommendations, either:

- A. The RMA provides a specific written exception to the recommendation, or
- B. The RMA determines, in writing, that an individual tree is a discretionary tree based on the decision criteria of the Tree Maintenance Regulations

### **II. RECOMMENDATIONS**

Note: The following are general recommendations to protect native tree and to aid in their preservation. Detailed recommendations and requests will be outlined on each tree permit.

- A. Grading
  - 1. It is the intent of this policy to not allow grade cuts or fills within the drip line of native trees.
  - 2. Roots over 2” in diameter encountered during approved grading shall not be broken off or shattered with the equipment but shall be cut off cleanly with a handsaw and under the supervision of qualified representative of RMA or certified arborist.
  - 3. If it is determined that the grade changes may constitute a serious threat to a tree, the RMA may require additional drainage work.
  - 4. If any ground cover under a drip line of a tree is removed, except within the foundation line of the home, driveway, or swimming pool, it is required to be replaced within 48 hours. Ground cover replacement should be natural oak compost, shredded mulch, or wood chips.

B. Trenching

1. Efforts should be made to avoid trenching under the drip line of trees. All proposed utility trenching within the drip line of a tree must be shown on the applicant's plans prior to approval.
2. If trenching is approved by the RMA to install underground utilities or to excavate a footing within the drip lines of a tree, the trench should be hand dug and under the supervision of a qualified representative of the RMA or a certified arborist.
3. Major roots two inches or greater in diameter encountered in the course of trenching adjacent to trees which are not to be removed, shall not be cut and shall be kept moist and covered with earth as soon as possible. Roots one inch to two inches in diameter, which are severed, shall be cut clean by hand. The roots shall be kept moist and covered with burlap to prevent dehydration until the trench can be filled.

C. Landscaping

1. If planting is approved within the drip line of a native tree, all plantings must be 10 feet away from the trunk of the tree and only drought tolerant plants will be allowed (see dripline definition).
2. It is recommended that no irrigation be placed under the drip line of a native oak tree. When irrigation is approved, it must be drip irrigation and efforts should be made to minimize the water after drought tolerant plants are established (see dripline definition).
3. Landscaping beneath a native tree may include non-plant material as listed below in order of preference:
  - a. Shredded mulch, bark chips, wood chips, and natural oak compost.
  - b. Wood or composite decks on a pier block foundation system.
  - c. Decomposed granite, not closer than 10 feet from the trunk of tree, as approved by RMA.
  - d. Interlocking pavers or brick with a sand base. No mortared joints closer than 10 feet from the trunk of the tree.
  - e. Other materials approved by an arborist

Note: The RMA office can provide a list of permitted drought tolerant plants.



- D. If work is performed within the dripline of a Heritage oak tree, it must be performed under the direct supervision of a certified arborist (see dripline definition).
- E. General
  - 1. The RMA may require the applicant to retain a certified arborist or have an RMA representative on site during any construction within the drip line of a native tree (see dripline definition).
  - 2. The RMA will require the owner/builder to have temporary fences placed at the outer edge of the drip line radius of all remaining native trees on and around the site that may be impacted by construction as determined by the RMA (see dripline definition).
  - 3. Motorized vehicles are not allowed under the drip line of any native trees on common area land or on private land (see dripline definition).
  - 4. The landowner is responsible to prevent any degree of soil compaction within the drip line of any native tree (see dripline definition).

### **III. FAILURE TO COMPLY WITH RECOMMENDATIONS**

- A. Any action or lack of action by an owner/member which creates or perpetuates an adverse condition impacting a native or mitigated tree on their own property or on adjacent property, common or private, is the responsibility of the owner of the lot creating or perpetuating the problem.
- B. Owners, builders, contractors or sub-contractors who do not follow the guidelines set by RMA for the preservation of native trees, shall be subject to fines or expulsion from the community.
- C. If tree recommendations are not met or a tree should die subsequent to the inspection, RMA will assess a fine against the owner at the penalty rule in effect at that time (A current fee schedule is available at the RMA office).
- D. Should the owner wish to dispute a fine he/she may submit a letter to the Tree Committee and request the RMA to appoint a certified arborist report on the tree. If the arborist report states that the owner/builder is negligent, they will be responsible for the cost of the report.

**IV. EFFECTIVE DATE**

These Recommendations shall be effective immediately upon adoption. Adopted by the Rancho Murieta Association Board of Directors on \_\_\_\_\_.

Rancho Murieta Association

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

## **TREE PRESERVATION FEE AND FINE POLICY**

1. Tree Mitigation Fee -- \$105 per diameter inch of tree measured at four and one half feet above the ground while standing on the high side of the tree.
2. Tree removal without permit -- \$250 - \$1500 fine plus tree mitigation fee.
3. Tree removal from common area -- \$250 - \$2500 fine plus tree mitigation fee.
4. Failure to properly dispose of tree debris -- \$100 fine.
5. Trimming of tree without permit -- \$50 - \$1400 fine.
6. Failure to corden off trees during construction -- \$500 fine.

## EXHIBIT “A”

Tree species, which are suitable for replacement/mitigation.

- |     |  |  |
|-----|--|--|
| 1.  | Blue oak   | <i>Quercus douglassi</i>                 |
| 2.  | Interior live oak  | <i>Quercus wislizenii</i>                |
| 3.  | Valley oak   | <i>Quercus lobata</i>                    |
| 4.  | Oracle oak   | <i>Quercus morehus</i>                   |
| 5.  | Canyon oak   | <i>Quercus chrysolepis</i>               |
| 6.  | California sycamore  | <i>Platanus racemosa</i>                 |
| 7.  | Oregon ash   | <i>Fraxinus latifolia</i>                |
| 8.  | Box elder  | <i>Acer negundo californicum</i>         |
| 9.  | California white alder   | <i>Alnus rhombifolia</i>                 |
| 10. | California buckeye   | <i>Aesculus californica</i>              |
| 11. | Western redbud   | <i>Cercis occidentalis</i>               |
| 12. | Brown dogwood  | <i>Cornus glabrata</i>                   |
| 13. | Mock orange  | <i>Philadelphus lewisii californicus</i> |
| 14. | Other locally native species approved<br>by the County Planning Director |  |