

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: July 9, 2024

SUBJECT: Introduce Ordinance Amending Chapter 8.48, Heritage Tree Ordinance, of the Temecula Municipal Code in its Entirety to Establish the City of Temecula Protected Tree Ordinance

PREPARED BY: Julie Tarrant, Principal Management Analyst

RECOMMENDATION: That the City Council introduce an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING CHAPTER 8.48, HERITAGE TREE ORDINANCE, OF THE TEMECULA MUNICIPAL CODE IN ITS ENTIRETY SO AS TO ESTABLISH THE CITY OF TEMECULA PROTECTED TREE ORDINANCE AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15378 (B)(5) AND 15061 (B)(3)

SUMMARY OF

ORDINANCE: An Amendment to Chapter 8.48, Heritage Tree Ordinance, of the Temecula Municipal Code, in its entirety, so as to establish the City of Temecula Protected Tree Ordinance and Finding that this Ordinance is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15378 (b)(5) and 15061 (b) (3). The Amendment will incorporate the City's Urban Forest Management Plan (UFMP) which sets forth the City's policies and guidelines for planting and maintenance programs for the care and protection of its trees. The Public Works Director shall periodically update and make revisions and amendments to the plan, subject to City Council approval. This plan shall include the species, sizes, and locations of street trees to be planted. The Amendment will set forth that trees on the street tree master list shall be designated by the Director and approved by the City Council. The list shall be reviewed periodically by the Director and planning commission and shall be kept on file in the Director's office.

Additionally, the Amendment is established to recognize oak tree species (*Quercus spp.*), California bay laurel (*Umbellularia californica*), California black walnut (*Juglans californica*), toyon (*Heteromeles arbutifolia*), and California sycamore (*Platanus racemosa*) trees, and other mature trees as significant valuable ecological resources as well as valuable environmental assets of special significance to the community. The Amendment also includes the application of management techniques to control the pruning, cutting, shaping, and for the removal or relocation of Protected Trees. The preservation program outlined in this Chapter will contribute to the welfare and aesthetics of the community and retain the historical significance of these trees.

BACKGROUND: On July 14, 2009, the City Council adopted the Heritage Tree Ordinance, adding Chapter 8.48 to Title 8 of the Temecula Municipal Code. On March 15, 2019, the Department of Public Works applied to the California Department of Forestry and Fire Protection (CAL Fire), for the Temecula UFMP and Inventory project, for consideration of grant funding from the 2019/20 CAL Fire Urban and Community Forestry Program. On March 20, 2019, the City was notified that it had been awarded grant funding in the amount of \$323,930 for the project.

The project was to include the planting of approximately 300 trees, to develop a tree inventory and canopy assessment, preparing an Urban Forest Management Plan, update ordinance and policy updates, and providing tree-planting events for community input. In addition, as part of the grant program guidelines and overall project close out requirements, the City is to formally adopt the Urban Forest Management Plan.

The Public Works Department staff, along with Dudek, a consulting services firm, developed and completed the City of Temecula's UFMP. The UFMP provides an outline of Temecula's urban forest that will be implemented over the next 40 years, including a strategic plan with goals, objectives, and actions based on identified needs. The UFMP incorporates the current Street Tree Master Plan, the City's existing tree inventory and canopy analysis, and key findings as to current practices, plans, policies, and ordinances. In accordance with the Urban and Community Forestry Program Grant Guidelines, applicants must agree to officially adopt the UFMP as a guiding policy document in an ordinance, a general plan element, or other binding, enforceable way as approved by CAL Fire. On February 27, 2024, the City Council approved Resolution No. 2024-15 to adopt the Urban Forest Management Plan in accordance with the CAL Fire 2019/2020 Urban and Community Forest Program Grant Guidelines.

On March 20, 2024, staff provided a staff report and brief presentation regarding the Amendment to Chapter 8.48 to the Planning Commission, and after considerable review, multiple questions posed, and recommendations made by Members of the Planning Commission, staff was asked to take the additional time needed to address the Commissioners requests and bring the item back for consideration at a later meeting.

On April 17, 2024, staff met with the Planning Commissions Municipal Code Maintenance Sub-Committee, including Commissioner's Hagel and Ruiz. At the meeting, staff presented the list of the most pertinent issues brought about at the March 20, 2024 meeting, and reviewed each topic with the Commissioner's. Items discussed included additional fire hardening, health & safety

concerns, clarification of the permit application and approval processes, violations, enforcement, and restitution, and on-site and off-site removal or relocation specifications.

On June 19, 2024, staff provided a brief staff report and presentation in continuance of the Protected Tree Ordinance Amendment, Chapter 8.48 to the Planning Commission, whereas the Planning Commission unanimously approved to recommend that the City Council adopt an Ordinance amending Chapter 8.48 of the Temecula Municipal Code, as the Protected Tree Ordinance.

In accordance with the California Environmental Quality Act, the proposed project has been deemed to be categorically exempt from further environmental review as there is no possibility the proposed ordinance would have a significant impact on the environment pursuant State CEQA Guidelines Sections 15061 (b)(3) and 15378 (b)(5). The amendment to Chapter 8.48 of the Temecula Municipal Code makes revisions to the Heritage Tree Ordinance and updates to tree care and preservation regulations. The amendment does not permit any physical changes to the environment and no construction of any kind will occur due to the passage of this Ordinance. A Notice of Exemption will be prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

FISCAL IMPACT: None

ATTACHMENTS:

1. Ordinance
2. Ordinance with Markups
3. CEQA – Notice of Exemption
4. Notice of Public Hearing