

## **ORDINANCE NO. 04-24**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING SECTIONS 12.32.070, 12.32.080, 12.32.090 AND 12.32.110 OF THE ORANGE MUNICIPAL CODE RELATED TO TREE REMOVAL PROCESS.**

**THE CITY COUNCIL OF THE CITY OF ORANGE DOES ORDAIN AS  
FOLLOWS:**

#### **SECTION I:**

The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) because it is not a "project" as defined in Guideline 15378.

#### **SECTION II:**

Section 12.32.070, "Tree Preservation – Criteria for Permits," Section 12.32.080 "Tree Preservation – Permit Conditions," Section 12.32.090 "Tree Preservation – Referral to Other Departments," and Section 12.32.110 "Tree Preservation – Subdivisions or Grading Plan – Procedure and Requirements" of the Orange Municipal Code are hereby amended to read as follows:

##### **12.32.070 – Criteria for Permits.**

The Director of Public Works, in determining whether or not to issue a permit, shall base their decision upon the following:

- A. The condition of the tree with respect to disease, general health, danger of falling, proximity to existing or proposed structures, and interference with utility service;
- B. The topography of land and the effect of the tree removal on erosion, soil retention and the diversion or increased flow of surface waters;
- C. The number of trees existing in the neighborhood, the standards, if any, in the neighborhood relating to the existence and distribution of trees, and the effect of tree removal upon property values in the area, and upon the public health, safety, prosperity, beauty and general welfare of the area;
- D. The number of healthy trees that the parcel of land upon which such tree is growing will support and other good forestry practices.

##### **12.32.080 – Permit Conditions.**

In granting a permit, the Director of Public Works may attach reasonable conditions to ensure compliance with the intent and purpose of this chapter, including conditions to ensure the

planting of replacement trees. Standards for trees to replace those trees for which a removal permit has been issued in the course of residential development shall be established from time to time by resolution of the City Council. The granting of a permit to remove any tree or trees may be conditioned upon compliance with said resolution.

**12.32.090 – Referral to Other Departments.**

The Director of Public Works may refer an application to any other department, or commission or committee for a report and recommendation.

**12.32.110 – Subdivisions or Grading Plan – Procedure and Requirements.**

A. In the case of a subdivision, or grading plan, the grading plan shall show the location of each tree proposed to be removed. If the City approves the subdivision map, or grading permit, the Director of Public Works may, in their discretion, relieve the applicant of the necessity to apply for a separate permit for tree removal.

B. No permit shall be granted to remove healthy non-hazardous trees from any real property unless another use is to be commenced on the real property within 90 days after removal of such trees.

**SECTION III:**

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION IV:**

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Daniel R. Slater, Mayor, City of Orange

**ATTEST:**

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Pamela Coleman, City Clerk, City of Orange

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mike Vigliotta, City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     )  
CITY OF ORANGE         )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2024, and thereafter at the regular meeting of said City Council duly held on the \_\_\_\_ day of \_\_\_\_\_, 2024, was duly passed and adopted by the following vote, to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:  
ABSTAIN:       COUNCILMEMBERS:

\_\_\_\_\_  
Pamela Coleman, City Clerk, City of Orange