

NEVADA

Protections in place:

	Oak Tree Retention/ Replacement Provisions	Oak Protection During Construction	Heritage Tree Protection	Riparian Vegetation Protections	Oak Canopy Retention Requirement	Oak Woodland Conservatio n Program
General Plan Language	Conservation Element discourages encroachment in sensitive habitats and requires retention as open space. Standards to minimize removal of existing vegetation applied to all projects include a biological inventory and a Habitat Management Plan depending on zoning.	Conservation Element requires trees to be protected during construction to prevent damage to the trees and their root systems.	Conservation Element calls for preservation of heritage (36" dbh) trees/ groves (33% canopy closure) by development standards and heritage oak ordinance.	Conservation Element prohibits removal of riparian habitat and requires clustering on 20–40 acre parcels and buffers. Land Use Element requires standards within 50-100' of streams in Community/ Rural Regions.	Conservation Element calls for minimal removal or disturbance of low elevation oak habitat	None
Specific Ordinance	Land Use code requires a Management Plan for protection of oaks (especially Blue and Valley Oak) when trees or groves are disturbed. Trees removed must be replaced on an inch for inch basis or a fee paid to the Tree Preservation Fund. Tree removal near Nevada City requires a tree removal permit for 10" dbh trees	Land Use code requires a Tree Protection Plan protecting root zones with fencing, pruning, and long-term care.	Land Use codes require impacts to landmark trees and groves to be mitigated.	None	None	None
Voluntary Guidelines	None	None	None	None	None	None

Documents reviewed:

Date of Review: July 2003

- Open Space Element
- Conservation Element
- Land Use Element
- Zoning Ordinance
- Subdivision Ordinance

- Grading and Erosion Ordinance
- Roads/Sidewalk Tree Ordinance
- Tree Removal Ordinance
- Voluntary Guidelines
- Other County Codes: Eastern Nevada County Design Standards

Summary of Oak Protection Policies:

Conservation Element, 1995	<p>HERITAGE OAKS: An objective of the Conservation Element is to identify and preserve heritage and landmark trees and groves where appropriate (13.7) and to minimize removal or disturbance of low elevation oak habitat (13.8). All native oak tree species with a trunk diameter of 36" or greater shall be protected. Comprehensive site development standards should be applied to all discretionary and ministerial projects to minimize disturbance of heritage and landmark trees and groves. These measures must include requirements for on-site vegetation inventories and mandatory clustering of development in areas likely to support such vegetation (13.8). Development in the vicinity of significant oak groves must be designed and sited to maximize long-term preservation of trees and integrity of their natural setting. The County should adopt a regulation to protect native heritage oak trees and significant oak groves.</p> <p>TREE PROTECTION: Intrusion and encroachment by incompatible land uses in sensitive habitats (13.1) will be discouraged. The County will require retention as non-disturbance open space through clustered development to avoid fragmentation of existing habitat areas. Vegetation management for habitat preservation or restoration will be allowed. Standards to minimize removal of existing vegetation and require installation and long-term maintenance of landscaping in setbacks and buffer areas shall be applied to all discretionary and ministerial projects other than single-family residences on individual lots. Tree removal may be allowed on public right-of-ways. Individual trees or groups of trees must be protected during construction to prevent damage to the trees and their root systems. Vegetation in proximity to structures must conform to applicable fire protection standards (13.2). A site-specific biological inventory to determine the presence of special status habitat may be required along with a Habitat Management Plan providing background data, impact analysis, and mitigation programs (13.2A).</p> <p>RIPARIAN HABITAT: Development projects which have the potential to remove natural riparian habitat of 1 acre or more shall not be permitted unless no suitable alternative and there is no degradation of the habitat (13.2B). Habitat that is required to be protected, restored, or created as mitigation for a project's impacts shall be monitored and maintained in accord with a Habitat Management Plan (13.4B). To minimize the loss of wildlife habitat and fragmentation clustering shall be required on parcels of 20 –40 acres in size or depending on the plan area, when such parcels are located in areas where the existing parcelization pattern in the immediate vicinity is currently 20-40 acres or more (Policy 13.4F,G). Non-</p>
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	development buffers shall be maintained adjacent to perennial stream corridors through the use of clustering, the designation of a Planned Development, or the implementation of other siting and design tools. Buffers shall be sufficient in size to protect the stream corridor for movement, as well as provide some adjacent upland habitat for foraging (13.4H).
Land Use Element, 1995	The County is to adopt Site Development Standards (1.17) to be used during the project site review process to address sensitive environmental features and/or natural constraints using clustering and open space. Standards must be applicable to all projects in Community and Rural Regions and address maintenance and enhancement of vegetation. Standards must mitigate the impact of development on landmark oaks (36" or greater at dbh) and groves (areas with 33+% canopy closure based on CDF's Hardwoods Map), and riparian corridors within 100' of streams. Standards must require field inventory and review, siting and design measures including identification of building envelopes, conservation easements/deed restrictions, specification of fencing, identification of setbacks and/or buffers, development restrictions, use of Transfer of Development Rights; and offsite mitigation banking. The County shall approve a discretionary permit only if the project meets the intent of the standards. Submittal of a clustering option of all land divisions is required within the Estate, Rural, and Forest General Plan land use designations to protect environmental features (1.18).
Land Use Codes, L-II 26 no date	<p>This section of the land use code minimizes removal of existing trees, protects existing trees during construction, preserves and minimize disturbance of landmark and heritage trees and groves from development projects through on-site vegetation inventories, mandatory clustering, and other measures necessary to protect such habitat (L-II 4.3.15).</p> <p>TREE RETENTION: The applicant must have a Biological Inventory prepared by a qualified biologist, to determine whether the resource may be affected by a proposed project. Projects may be approved only when they do not remove or disturb trees or groves, unless a Management Plan is prepared. Trees or groves determined to be dead, dying, or a hazard, or that must be removed to ensure fire safe access or provide reduce fuel, provide for site access and public right-of-way are exempted. If the above standard effectively precludes development project modifications that avoid or minimize impacts may be made. Emphasis must be placed on protecting groups of trees rather than individuals. Defined trees to be removed must be replaced on an inch for an inch basis with a combined diameter equal to the tree removed. The Plan shall provide for the long-term maintenance of the replacement trees. Management Plans must emphasize protection Blue Oak and Valley Oak because of their limited distribution in the County and status as sensitive plants worthy of special protection. If impacts remain, or replacement is infeasible, the applicant must pay current market value of the tree removed (including the cost of planting and maintenance) into a Tree Preservation Fund for the planting and maintenance of trees on public property, or purchase of replacement habitat. The standards also apply when a defined tree or grove has existed on site 3 years prior to project application as though the trees or groves were still on-site. Alternative standards may be applied to provide equal or greater mitigation.</p> <p>TREE PROTECTION: Protection of all trees and groves to be retained during and after project construction must occur</p>

	<p>consistent with a Tree Protection Plan specifying measures including a tree protection zone, method (typically fencing), work required prior to construction (pruning, bracing systems, mulch, pest management, irrigation, fencing installation), and construction plans. Post-construction protection measures and specifications shall detail. water needs, monitoring, and maintenance to ensure long-term care.</p> <p>TREE REPLACEMENT: Where an environmentally sensitive resource has been removed from the site in anticipation of development within one year prior to submittal of a land use application, the developer shall fund a native plant restoration program at a 3:1 ratio of habitat restored to habitat lost. The restoration program shall include hiring a specialist to identify a suitable replacement site preferably on the project site or within the vicinity, prepare a restoration, monitoring, and maintenance plan, initiate the restoration, and conduct a five-year maintenance and monitoring program. The developer shall record a conservation easement on the selected property to preserve the restored habitat in perpetuity. The applicant shall be responsible for all costs.</p> <p>TREE REMOVAL: Tree removal near Nevada City is not allowed outside Timberland Preserve Zones (TPZ) within the Nevada City Sphere of Influence without a tree removal permit except with a Use Permit, Development Permit or Subdivision, on developed residentially-zoned property, or when hazardous. Trees with dbh less than 10” and where 20% of the trees over 8” dbh are proposed to be removed every 5 years are also exempt as are parcels undergoing a 3 acre or more conversion regulated with a THP, or trees in a public right-of-way. A tree removal application must include an inventory of on-site trees, including the percentage of trees over 10” dbh to be removed, and the size, species and condition of each tree and purpose of the removal, and size and species of replacement trees. Trees proposed for removal must be marked for field inspection. A tree may be removed only when it is dead, diseased, or crowded, interfering with existing utilities or structures, obstructing improvements that cannot be redesigned, or inhibiting sunlight necessary for solar access.</p> <p>HERITAGE TREES: Landmark trees are oaks over 36" dbh and landmark groves are hardwood tree groves with greater than 33% canopy closure, or any trees or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government. Heritage trees and groves are hardwood trees or groups of trees designated by the Board of Supervisors to be of historical or cultural value, outstanding specimens, unusual species, or of significant community benefit due to size, age, or other unique characteristic and considered to be in good health.</p>
Eastern Nevada County Design Standards	<p>Guidelines for landscaping include retention of significant existing vegetation. Developers should avoid placing backfill into, driving construction equipment through, bumping trees with construction equipment and/or driving over the top of their roots, burning or storing supplies areas, changing site grades, spilling chemicals, fuels, or concrete in protected areas. Landscape plans should retain major trees (larger than 6” dbh) whenever possible. The site plan should show all major trees and indicate those that will be saved and those that will be removed. Any vegetation that is removed without specific approval beyond those established limits of disturbance should be replaced in kind. Buildings should be located outside</p>

	<p>the drip line of "major" trees. Grading should not occur within the drip line of a "major" tree that merits preservation or within 50 feet of the bank of a riparian corridor. Any trees damaged during the clearing operation should be repaired as soon as final clearing has been completed. After construction temporary barriers, surplus materials and all trash should be removed from the site. Retained trees should get foliar and root feeding or branch and foliage thinning to withstand "post operative shock". All plans submitted for review should include a map showing the proposed project in relation to all adjacent properties and a description of native plant stands.</p>
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Contact Information:

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County Contacts:

- No contacts
- Policies provided by county staff
- Policies discussed with county staff
- Policy inventory reviewed by county staff