
PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

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January 12, 1999

Agenda: January 25, 2000

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: Tan Oak Tree Removal

Members of the Board:

Introduction

On December 14 your Board considered a report from David Moeller, your Agricultural Commissioner, on behalf of the *Scientific Task Force On Oak Decline*. This report summarized the findings of the *Task Force* regarding the extent and cause of the decline of tan oak trees in Santa Cruz County, and the risk to California live oaks. Several recommendations were presented in support of public outreach, monitoring, further research, and specific intervention techniques for individual property owners. The recommendations for tree management on individual properties included removal of dead trees, sawing the trees to firewood length, and tightly covering the wood with thick clear plastic to confine and kill emerging beetles, which may be contributing to the tan oak decline.

A question arose regarding whether removal of dead or dying tan oak trees in riparian corridors required any type of County approval or permit. Staff recommended that your Board direct us to research this issue and report back to your Board on your January 25th agenda.

County Regulations Regarding Tree Removal

The County's land use policies regulate tree removal in certain situations. Trees in the Coastal Zone which meet the criteria set forth in Chapter 16.34, Significant Tree Protection, require a Significant Tree Removal Permit from the County prior to cutting down, removing, or substantially trimming a significant tree. Depending on the size of the tree, a tan oak may or may not be subject to these requirements. The ordinance also sets forth a provision for emergency tree removal if there is a hazardous or dangerous condition which poses a threat to life or property.

A few years back, the Planning Department, in response to a concern raised by Supervisor

Symons, developed an over-the-counter significant tree removal process for dead or dying pine trees infected with pitch canker. Ordinarily, the application and review process for a Significant Tree Removal permit requires an owner to submit a report by an arborist or forester documenting the condition of any trees recommended for removal or thinning, payment of a \$253 application fee, a site visit by staff, routing of plans to various reviewing agencies, and preparation of a report with findings and conditions, including replanting as appropriate. The simplified process only requires a property owner to submit photographic or other documentation of an infected tree, along with payment of a reduced fee of \$39 dollars, to obtain an over-the-counter Significant Tree Removal permit. This process has worked very well for trees infected with pitch canker.

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The tan oak situation is very similar, in that corrective action by a property owner may help retard the spread of the beetles which may be contributing to the decline of tan oaks. Unless there is an objection by your Board, staff will modify our current over-the-counter procedure to include tan oaks.

In addition to regulating tree removal in the Coastal Zone, the County also regulates tree removal in riparian corridors. Chapter 16.30 of the County Code, the Riparian Corridor and Wetlands Protection ordinance, restricts "development" within riparian corridors. Development activities as defined in Section 1630.030 includes "Tree and Shrub Removal- The topping or felling of any standing vegetation greater than 8 feet in height." A riparian exception is required for tree removal in riparian corridors, unless a specific exemption applies. Exemptions are set forth in Section 16.30.050. Staff reviewed the exemptions to determine whether the removal of dead or dying tan oak or California live oak trees was covered by any of the stated exemptions. There was one that we believed might apply, Subsection (d), which sets forth the following exemption: " All activities listed in the California Food and Agricultural Code pursuant to the control or eradication of a pest as defined in Section 5006, Food and Agricultural Code, as required or authorized by the County Agricultural Commissioner." The question was whether the oak bark and ambrosia beetles qualified as a pest pursuant to this exemption.

We requested the Agricultural Commissioner to provide us with a response to this issue. His conclusion was that the Agricultural Commissioner's authority would not apply to the removal of diseased or dying tan oaks. According to Mr Moeller, your Agricultural Commissioner, "Eradication", as it is used in the Food and Agricultural Code, refers to a State-declared program to eradicate a specific insect, disease, or weed pest that threatens agriculture. The tan oak problem does not satisfy this criteria. Therefore, a riparian exception is required prior to the removal of a dead or dying tan oak or California live oak tree, or any dead or dying tree in a designated riparian corridor.

There is a valid reason for retaining regulatory oversight over the removal of dead or dying trees in the County's riparian corridors. Dead trees provide habitat for certain species, and large woody debris is beneficial to aquatic systems. However, if the dead or dying tree poses a safety problem, if there is an elevated fire risk, or if the removal of a diseased tree is necessary to preserve or protect the riparian corridor, then removal is generally warranted and the required findings under the riparian corridor protection ordinance can typically be made. In our judgement, since removal of dead or diseased tan oaks has been recommended by the *Scientific Task Force*, it would be appropriate to issue riparian exceptions for this purpose.

The Planning Department will need to develop a program for tree removal in riparian corridors

similar to the one described above for over-the-counter Significant Tree Removal permits in the Coastal Zone. We envision a similar process, requiring submission of photographic or other documentation of the dead or diseased tree, with certain standard conditions to minimize any detrimental impacts to the riparian corridors. Staff would not perform a field review, nor circulate the applications to other agencies. This will greatly reduce the time and staff costs associated with issuing a riparian exception, resulting in a greatly reduced fee. The adopted fee schedule does not expressly include a fee for an over-the-counter riparian exception, but it does state that "all planning services not otherwise set forth in this schedule shall be charged at the current cost to the Department for the staff providing the service." In our judgement, the staff time involved with issuance of an over-the-counter riparian exception permit will be very similar to that which is required for the over-the-counter significant tree removal permit. Therefore, it is our intent to set the application fee at \$39 dollars for consistency purposes. With your approval, we will implement such a program administratively by February 15, 2000.

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It is therefore RECOMMENDED that your Board:

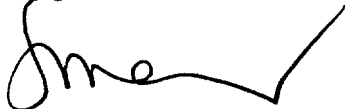
1. Accept and file this report;
2. Direct the Planning Department to expand the over-the-counter Significant Tree Removal permit process to include dead or dying tan oaks or California live oak trees;
3. Direct the Planning Department to develop and implement an expedited permit process for the removal of dead or dying tan oak or California live oaks in the County's riparian corridors; with an application fee of \$39 dollars;
4. Direct the Planning Department to include a new fee for over-the-counter riparian exceptions in the next update to the Unified Fee Schedule; and
5. Direct Planning to report back to your Board if there are any additional issues which arise during program development or implementation.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

cc: David Moeller, County Agricultural Commissioner