



County of Santa Cruz

Department of Community Development and Infrastructure

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Matt Machado - Deputy CAO / Director

Agenda Date: June 26, 2024

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Study Session on the Proposed Revisions to the Significant Tree Protection Ordinance (Santa Cruz County Code Chapter 16.34)

Recommended Action(s):

Hold a study session on the proposed revisions to Santa Cruz County Code (SCCC) Chapter 16.34 and provide comments to staff; no formal action is required.

Executive Summary

Establishment of an in-lieu fee program to fund replacement and maintenance of the County's urban forest in rights-of-way and on publicly owned parcels can mitigate for the loss of trees where direct replacement is not feasible. Staff proposes an ordinance to establish the program in SCCC 16.34.075.

Background

In establishing the Significant Tree Protection ordinance, the Board of Supervisors determined that the trees and forest communities located within the County's Coastal Zone are a valuable resource, and that removal of significant trees could reduce scenic beauty and the attractiveness of the area to residents and visitors. They also determined that the preservation of significant trees and forest communities on private and public property is necessary to protect and enhance the County's natural beauty, property values, and tourist industry. The ordinance includes provisions for replacement of significant trees removed pursuant to the required findings in SCCC 16.34 060. Changes in state law to address the housing crisis by facilitating housing development have resulted in increasing displacement of urban trees where replacement on site is not feasible due to higher density allowances. Linear projects such as highway widening, rail trail development, and increased vegetation removal associated with protection of utilities have also had an impact on the urban forest with limited or no areas for tree replacement. Increasing storm intensity and threat of fire have also resulted in tree removal to reduce hazards and create safe space. All of these pressures on the urban forest are valid and for good cause, and will continue to impact our urban forest.

Analysis

Establishment of an in-lieu fee program to offset impacts of development is allowed under the Mitigation Fee Act, Government Code section 66000. Under this code, the local agency must identify the purpose of the fee, the use to which it will be put, and a reasonable relationship between the fee's use and the development upon which the fee is imposed. The local agency must determine that there is a reasonable relationship

between the cost of the fee and the proportionate value of the public improvement.

The purpose of this fee would be to fund the Urban Forest Management Plan to protect and enhance the urban forest and to mitigate the loss of significant trees within the Coastal Zone due to increasing pressure from development. The established fund would be used to plant and maintain trees in the public right-of-way and on public properties. A portion of the fund may be used to update the Urban Forest Management Plan and to establish an oak woodland management plan. Large-scale transportation and utility projects, as well as higher density housing have resulted in an overall loss in trees in the unincorporated coastal zone where there is not sufficient space on site for replacement trees to be planted. This program will help off-set this loss. The establishment of the fee will be based on approximating the objectively reasonable costs associated with the replacement of removed tree, including the purchasing, installing, watering until established, and initial structural pruning of a replacement tree, prior to final approval by the Board of Supervisors. The City of Santa Cruz and other local jurisdictions that have similar ordinances will be used as a reference, and input from restoration specialists and Parks staff will help define the fee. The fee study will be presented to the Planning Commission along with any changes recommended from this study session.

GENERAL PLAN CONSISTENCY

The proposed ordinance would implement Chapter 5 of the County General Plan (Agriculture, Natural Resources + Conservation Element) and would not frustrate the objectives, policies, general land uses, and programs specified in the General Plan.

LOCAL COASTAL PROGRAM CONSISTENCY

This ordinance would be applicable within the Coastal Zone, consistent with the California Coastal Act, and would be part of the County's Local Coastal Program's implementing ordinances. The ordinance would become effective within the Coastal Zone upon certification by the Coastal Commission. Following adoption of the ordinance by the Board of Supervisors, Staff would submit the ordinance to the Coastal Commission for approval in the Coastal Zone.

Environmental Review

Adoption of the proposed ordinance amendment would be exempt from CEQA under a Class 7 categorical exemption; actions by regulatory agencies for protection of natural Resources.

Submitted by:

Matt Johnston, Environmental Coordinator, Principal Planner

Reviewed by:

Stephanie Hansen, Assistant Director, CDI

Exhibits

A – Proposed ordinance amendment