

ORDINANCE NO. 89-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA CLARITA, CALIFORNIA, PERTAINING TO OAK TREE
PRESERVATION, (REPEALS ORDINANCE NO. 88-46 AND AMENDS
CHAPTER 22.56 OF THE LOS ANGELES COUNTY CODE
AS ADOPTED BY REFERENCE).

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA DOES
ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 88-46, ("An Ordinance of the City Council of the City of Santa Clarita Extending a Moratorium on the Cutting and Removal of Oak Trees and Providing this Ordinance is Adopted as an Urgency Measure Pursuant to Section 65858 of the Government Code"), as adopted by the City Council of the City of Santa Clarita, is hereby repealed.

Section 2. Title 22, Chapter 22.56.2050 through 22.56.2260 of the County of Los Angeles Planning and Zoning Code as adopted by reference by the City of Santa Clarita, is hereby amended and superceded to read as follows:

22.56.2050. Title.

This ordinance shall be known and may be cited as the "City of Santa Clarita Oak Tree Preservation Ordinance".

22.56.2060. Purpose.

The purpose of this ordinance is to protect and preserve oak trees in the City and to provide regulatory measures designed to accomplish this purpose.

The City lies in the Santa Clarita Valley, the beauty and natural setting of which is greatly enhanced by the presence of large numbers of majestic oak trees. These indigenous oak trees are recognized for their significant historical, aesthetic and environmental value. They are indicator species for the natural communities in which they exist, supporting a broad spectrum of other native plant and animal species. As one of the most picturesque trees in the Southern California area, they lend beauty and charm to the natural and man-made landscape, enhance the value of property and preserve the character of the communities in which they exist.

Development within the Santa Clarita Valley has resulted in the removal of a great number of oak trees. Further uncontrolled and indiscriminate destruction of this diminishing plant heritage would detrimentally affect the general health, safety and welfare of the citizens of Santa Clarita. The preservation program outlined in this ordinance contributes to the welfare and aesthetics of the community and retains the great historical and environmental value of these trees.

22.56.2070. Oak Tree Policy.

It shall be the policy of the City of Santa Clarita to require the preservation of all healthy oak trees unless compelling reasons justify the removal of such trees. This policy shall apply to the removal, pruning, cutting and/or encroachment into the protected zone of oak trees. The City Manager or his designated representative ("Director"), in conjunction with an oak tree preservation consultant as necessary, shall have the primary and overall responsibility to administer, evaluate and monitor this policy to assure strict compliance. Additional policy and standards shall be as set forth in the City's Oak Tree Preservation and Protection Guidelines following adoption by the City Council.

22.56.2080. Definitions.

(a) "Cutting" means the detaching or separating, either partial or whole, from a protected tree, any part of the tree including but not limited to, any limb, branch, root, or leaves. Cutting shall include pruning and trimming.

(b) "Damage" means any action undertaken which causes or tends to cause injury, death, or disfigurement to a tree. This includes, but is not limited to, cutting, poisoning, burning, overwatering, relocating or transplanting a protected tree, changing or compacting the natural grade within the protected zone of a protected tree, changing groundwater levels or drainage patterns, or trenching, excavating or paving within the protected zone of an oak tree.

(c) "Deadwood" means limbs or branches that contain no green leaves or live tissue. A tree or limb may be considered dead if it does not show evidence of any green leaves or live branches over the span of one (1) year, inclusive of prime growing weather.

(d) "Dripline" shall mean the outermost edge of the tree's canopy. When depicted on a map or on the ground, the dripline will appear as an irregularly shaped outline that follows the contour of the furthest extension of the limbs and leaf canopy.

(e) "Encroachment" means any intrusion into the protected zone of an oak tree which includes, but is not limited to, pruning, grading, excavating, trenching, dumping of materials, parking of vehicles, placement of incompatible landscaping or animal corrals, storage of materials or equipment, or the construction of structures, paving or other improvements. For purposes of this section, encroachment shall not include the action of a person physically entering the protected zone of an oak tree.

(f) "Heritage Oak Tree" shall mean any oak tree measuring one hundred eight inches (108") or more in circumference or, in the case of a multiple trunk oak tree, two (2) or more trunks measuring seventy-two inches (72") each or greater in

circumference, measured four and one half feet (4½') above the natural grade surrounding such tree. In addition, the Planning Commission and/or City Council may classify any oak tree, regardless of size, as a heritage oak tree if it is determined by a majority vote thereof that such tree has exceptional historic, aesthetic and/or environmental qualities of major significance or prominence to the community.

(g) "Oak tree" shall mean any oak tree of the genus *Quercus* including, but not limited to, Valley Oak (*Quercus lobata*), California Live Oak (*Quercus agrifolia*), Canyon Oak (*Quercus chrysolepis*), Interior Live Oak (*Quercus wislizenii*), and Scrub Oak (*Quercus dumosa*), regardless of size.

(h) "Oak Tree Preservation and Protection Guidelines" or "Guidelines" means the policy established by the City Council and the administrative procedures and rules established by the Director of Community Development for the implementation of this ordinance.

(i) "Person" means any natural person, partnership, firm, corporation, governmental agency or other legal entity, but does not include the City of Santa Clarita.

(j) "Protected zone" shall mean a specifically defined area totally encompassing an oak tree within which work activities are strictly controlled. Using the dripline as a point of reference, the protected zone shall commence at a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen feet (15') from the trunk of an oak tree.

(k) "Removal" means the physical removal of a tree or causing the death of a tree through damaging, poisoning or other direct or indirect action.

(l) "Routine maintenance" means actions taken for the continued health of an oak tree such as insect control spraying, limited watering, fertilization, deadwooding and ground aeration. For the purposes of this ordinance, routine maintenance shall not include pruning.

22.56.2090. Oak Tree Preservation.

Any person who owns, controls, has custody or possession of any real property within the City of Santa Clarita shall make a reasonable effort to maintain all oak tree(s) located thereon in a state of good health. Failure to do so will constitute a violation of this ordinance.

22.56.2100. Permit Required.

No person shall cut, prune, remove, relocate, endanger, damage or encroach into the protected zone of any oak tree on any public or private property within the City except in accordance with the conditions of a valid oak tree permit issued by the City. The applicant shall be required to furnish all

necessary information as determined by the Director together with the appropriate fee as established by Council resolution. Application materials shall include, but not be limited to, an oak tree report conforming to the Director's specifications, a survey of the tree, its dripline, and protected zone location, illustrations and justifications of the proposal and tree tagging unless waived by the Director.

22.56.2110. Exemptions.

Notwithstanding the provisions of section 22.56.2100, a permit is not required under the following circumstances:

(a) For trees that do not exceed six inches (6") in circumference when measured at a point four and a half feet (4½') above the tree's natural grade.

(b) In cases of emergency, including, but not limited to, thunderstorms, windstorms, floods, earthquakes, fires or other natural disasters or potential safety hazards, the City's oak tree consultant, authorized City official, or any member of law enforcement or law enforcement agency, forester, fireman, civil defense official or code enforcement officer in their official capacity may order or allow the removal of part or all of a protected tree if, upon visual inspection, such tree is determined to be in a hazardous or dangerous condition. If possible, prior notice to the Director shall be provided. Subsequent to the emergency action, written notification shall be provided to the Director describing the nature of the emergency and action taken.

(c) For trees planted, grown and/or held for sale as a part of a licensed nursery business.

(d) Pruning by a public service or utility necessary to protect or maintain overhead clearance for existing electric power or communication lines, or public rights-of-way, subject to prior notice to the Director in non-emergency situations. All pruning work shall follow proper arboricultural practices as approved by the Director and/or the City's oak tree consultant.

(e) Pruning of limbs or deadwood provided such live limbs do not exceed six inches (6") in circumference at the location of the cut. All pruning work shall follow proper arboricultural practices as approved by the Director and/or the City's oak tree consultant and shall not be excessive to the extent that the life of the tree is endangered.

(f) When the property owner has received written permission from the Director for the removal of a maximum of three (3) Scrub Oak (*Quercus dumosa*).

(g) Routine maintenance as defined herein.

22.56.2120. Use of explosives.

All tree fellers, tree surgeons, or any other person

using explosives within the City limits in connection with the cutting down or removal of any oak tree shall first apply to the City Manager for a permit to do so and shall furnish such bond or insurance as the City Manager shall deem necessary for the protection of the property owner or any other person from any possible damage as a result of such work.

22.56.2130. Authority.

a. The Director may approve, deny, or conditionally approve a request for the removal of three (3) or fewer oak trees on a single parcel except for Heritage Oak Trees as provided herein. The Director may also approve, deny, or conditionally approve a request for pruning or encroachment involving an unlimited number of oak trees. The decision of the Director may be appealed to the Planning Commission and the Commission's decision may be appealed to the City Council pursuant to the provisions of this code. The Director may refer any request for an oak tree permit directly to the Planning Commission if the Director determines that special circumstances may exist with regard to the status of the tree(s), special community interest, or exceptional aesthetic, environmental or historical value. Any request for removal of four or more oak trees or one or more Heritage Oak Trees on a single parcel shall be reviewed by the Planning Commission who may approve, deny or conditionally approve such request. The decision of the Planning Commission may be appealed to the City Council pursuant to the provisions of this code.

b. Notwithstanding the Director's authority under the preceding paragraph to act on requests relating to oak trees, whenever the request involves another project requiring a recommendation or approval by the Planning Commission, the Director shall refer the request to the Planning Commission.

22.56.2140. Standards.

An oak tree permit may be approved based upon one or more of the following findings by the decisionmaker:

(a) The condition or location of the oak tree(s) requires cutting to maintain or aid its health, balance or structure.

(b) The condition of the tree(s) with respect to disease, danger of falling, proximity to existing lots, pedestrian walkways or interference with utility services cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices.

(c) It is necessary to remove, relocate, prune, cut or encroach into the protected zone of an oak tree to enable reasonable use of the subject property which is otherwise prevented

by the presence of the tree and no reasonable alternative can be accommodated due to the unique physical development constraints of the property.

(d) The approval of the request will not be contrary to or in conflict with the general purpose and intent of the Oak Tree Preservation Ordinance.

(e) No heritage oak tree shall be removed unless one or more of the above findings are made and the decisionmaker also finds that the heritage oak tree's continued existence would prevent any reasonable development of the property and that no reasonable alternative can be accommodated due to the unique physical constraints of the property. It shall further be found that the removal of such heritage oak tree will not be unreasonably detrimental to the community and surrounding area.

22.56.2150. Conditions.

Conditions may be imposed on the permit at the discretion of the decisionmaker including, but not limited to, any of the following:

(a) A condition requiring the replacement or placement of additional trees on the subject property to offset the impacts associated with the loss of a tree, limbs or encroachment into the protected zone of an oak tree.

(b) The relocating of trees on-site or off-site, or the planting of new trees on-site or off-site to offset the loss of a tree. The applicant shall be responsible for periodic submission of affidavits by a certified oak tree expert at the conclusion of grading and construction one year after the planting of replacement or relocated trees and two years after the planting of replacement or relocated trees for on-site trees only. Such affidavit shall certify compliance with all conditions of the permit and the health of all replacement or relocated trees. This requirement shall be supplemented by random inspections by the City of Santa Clarita. The applicant's acceptance of an approved permit and the exercise of rights thereunder shall be deemed consent to allowing City officials reasonable access to the property for the purpose of conducting such inspections.

(c) A condition requiring an objectively observable maintenance and care program to be initiated to insure the continued health and care of oak trees on the property.

(d) Payment of a fee or donation of boxed trees to the City or other approved public agency to be used elsewhere in the City. Such fee or boxed trees shall be of equivalent value to any and all oak trees removed from the property as defined by the International Society of Arboriculture's (ISA) current edition of "Guide to Establishing Values for Trees and Shrubs", a copy of which shall be kept on file in the City's Community Development Department. The applicant shall be credited

with the value of any replacement oak trees which may be required. Such fees shall be utilized for the purpose of furthering the preservation and regeneration of oak trees, the identification and official designation of heritage oaks, the purchase, monitoring and ongoing maintenance of oak trees, landscaping and other habitat refurbishment, and for educational and informational programs related to oak trees and their preservation. As an alternative to the payment of all or a portion of the fees described above, an applicant may also be credited with the value of any accepted dedications of property within the City which are suitable for the planting and survival of oak trees. Fees imposed under this section may be reduced as mitigated by specific circumstances and corrective measures undetected by the property owner..

22.56.2160. Reimbursement.

The City's Oak Tree Consultant or the Director's designee shall review the information submitted with the oak tree permit request and make appropriate recommendations and site inspections. All consultant and/or staff time costs expended in connection with such review, including but not limited to review of submitted reports, plans, meetings, site inspections and monitoring shall be billed on an hourly basis and reimbursed by the applicant when the cost of services exceeds the cost covered by the permit fee.

22.56.2170. Non-liability of City.

Nothing in this ordinance or within the Oak Tree Preservation and Protection Guidelines shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep the oak trees upon the property and under their control in a safe, healthy condition. Except as provided in Sections 22.56.2100 and 22.56.2110, any person who feels a tree located on property possessed, owned or controlled by them is a danger to the safety of themselves, others or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

22.56.2180. Enforcement.

(a) Any person who cuts, damages, moves or removes any oak tree within the City, unlawfully encroaches into the protected zone of an oak tree or who fails to comply with conditions of approval or pay required fees or does any other act in violation of the Oak Tree Preservation Ordinance or a permit issued pursuant hereto shall be guilty of a misdemeanor.

(b) In addition to the penalty described in Section 22.56.2180 (a), the Director may suspend an oak tree permit or building permit if he determines that the permittee or owner of the real property which is the subject of the permit, or

one or more of their agents, has violated a condition of approval of an oak tree permit issued pursuant hereto or has violated any provision of this Oak Tree Preservation Ordinance (additional reference, Uniform Building Code, section 303 (e)). The Director's determination to suspend a permit shall be subject to appeal as provided in this code.

22.56.2190. Additional Permit.

Notwithstanding any action taken pursuant to Section 22.56.2180, whenever the Director determines that any person has without a permit conducted activities prohibited by this Oak Tree Preservation Ordinance, the Director may require such person to obtain an oak tree permit pursuant to this ordinance.

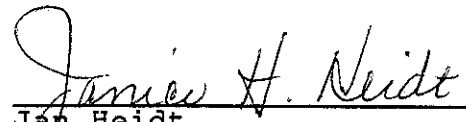
Section 3.

Title 22, Chapter 22.56, Sections 22.56. 2200 through 22.56.2260 of the Los Angeles County Code as adopted by reference by the City of Santa Clarita are hereby repealed.

Section 4. Posting.

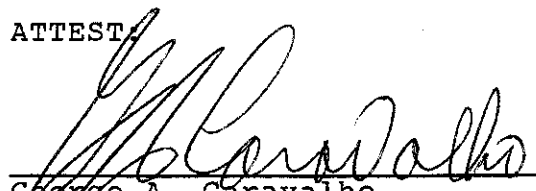
The City Clerk shall certify to the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 25th day of April, 1989.



Jan Heidt
Mayor

ATTEST



George A. Carvalho
City Clerk

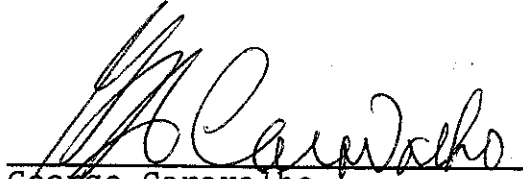
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

I, George Caravalho, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 11th day of April 1989. That thereafter, said ordinance was duly adopted and passed at a regular meeting of the City Council on the 25th day of April, 1989, by the following vote to wit:

AYES: COUNCILMEMBERS: Boyer, Darcy, Koontz, McKeon, Heidt

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


George Caravalho
City Clerk