



Steering Committee Meeting

April 30, 2018

Review of Draft Protected Tree Ordinance

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Project Goal

Amend the County's significant and heritage tree removal ordinances, ~~and the Resource Management and Planned Agricultural District zoning ordinances~~ to improve management of individual trees and the tree canopy in the County, and to improve tree removal and trimming permit process, consistent with the County's General Plan.



Steering Committee Goal

Collaborate with County staff by providing input and guidance that helps shape amendments to the County's ordinances governing tree protection and removal in urbanized areas, in a manner consistent with the County's General Plan.



Meeting Purpose

Provide Feedback on Draft San Mateo County Protected Tree Ordinance for Urbanized Areas





Summary of Meetings

- September 29, 2016 - Project Scope
- November 17, 2016 – Geographic Policies, Trees and Development, Indigenous Tree Protection, Pruning
- January 26, 2017 - Exotic Trees, Rural Lands
- March 23, 2017 – Defensible Space, Arborist Reports
- May 25, 2017 – Replacement Planting, Off-site Replacement and In Lieu Fees
- July 28, 2017 - Summary of Findings Sent to Steering Committee



Aerial of San Mateo from: Flickr



Highlights of Committee Feedback on Findings

Responses from Committee Members:

- Grasslands were often replaced with tree canopy in urbanized areas
- The size of trees protected should vary by species
- Requiring replacement trees for removed dead trees may not be reasonable





Highlights of Committee Feedback on Findings



Responses from Committee Members:

- Novel ecosystems do not need protection
- Policies should address invasive nature of certain exotic species
- Protect riparian species only in riparian corridors, since water availability is a necessity





Highlights of Committee Feedback on Findings

Responses from Committee Members:

- Require post construction inspection to assess tree impacts, e.g., compaction
- Don't require pruning plans because it could discourage essential pruning
- Ensure replacement trees do not block access to existing solar panels
- Ensure that arborist report requirements are clear





Highlights: Proposed Protected Tree Ordinance

Chapter 1 Findings, Purpose and Intent:

- Revised to combine relevant parts of existing ordinances, and update to address climate change, green infrastructure and historic conditions; limit to urban areas

Chapter 2 Definitions:

- Added Definitions for: Arborist, Arborist Report, Building Envelope, Dead Tree, Diameter
- Removed Definitions for Significant Tree, and Redefined Heritage Tree



Image from: davesgarden.com



Highlights: Proposed Protected Tree Ordinance

Chapter 2 Definitions:

- Added Definitions for: Pollarding, Protected Tree, Severe Pruning and Topping
- Added Definitions for Tree Risk Rating, Tree Value Standard, and Urbanized Area

Chapter 2 Protected Trees:

- Protected Trees: Indigenous (10" dia), Other species (12" dia & 18" Redwood),





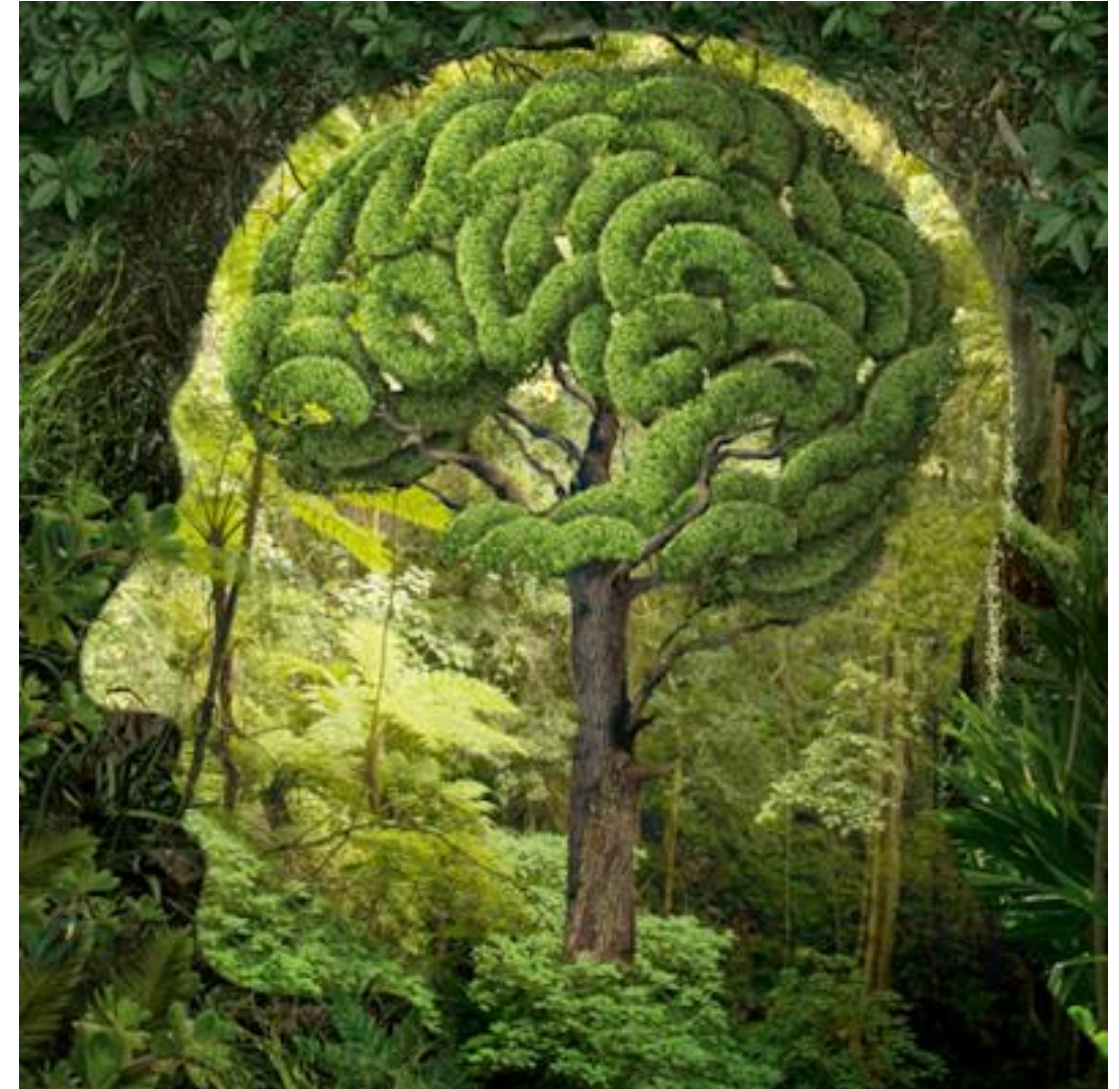
Highlights: Proposed Protected Tree Ordinance

Chapter 2 Protected Trees:

- Existing Trees on Development Sites and Replacement Trees
- Trees Designated for Carbon Sequestration, and Interdependent Stands of Trees

Chapter 2 Heritage Trees:

- Designated by Board of Supervisors, Citizens Can Recommend





Highlights: Proposed Protected Tree Ordinance

Chapter 3 Permits, Exemptions, Applications Conditions of Approval, Posting, Emergencies and Appeals:

- Over-the-Counter Permits for Select Exotic Species and Certain Natives, Limited Numbers
- Strong Arborist Report and Credential Requirements
- Pruning Plans and Updated Posting Requirements





Highlights: Proposed Protected Tree Ordinance

Chapter 3 Permits, Exemptions, Applications Conditions of Approval, Posting, Emergencies and Appeals:

- Posting of All Sites and Trees for **All** Permits
- Robust Replacement Planting Requirements, Including Prohibitions for Certain Species as Replacements
- Clearer Standards of Review, Findings





Highlights: Proposed Protected Tree Ordinance

Chapter 3 Permits, Exemptions, Applications Conditions of Approval, Posting, Emergencies and Appeals:

- Criteria and process for Emergency and Hazardous Trees
- Migratory Bird Treaty Act compliance and Pest/Disease BMPs required
- **Chapter 4: Inspections Violations:**
No Changes





10 Minute Break



Scenario One – Hazard Tree

Scenario:

Property owner requests a permit to remove a 38-inch Oak with a 42-foot canopy on a developed lot. The owner contends that the tree is a hazard and must come down as quickly as possible.



Scenario One – Hazard Tree

Current Regulations:

Section 12,020.1 (*Exemptions*) – Tree cutting to remove a hazard to life and personal property as determined by the Community Development Director, Director of Public Works, or Officer of the California Department of Forestry and Fire Protection.



Scenario One – Hazard Tree

Problem:

Current regulations provide no standards for “hazard to life or property”:

- No uniform process for determining the level of threat.
- No threshold for determining the level of threat that qualifies a tree for immediate removal.
- No required replanting or application fee.



Scenario One – Hazard Tree

Proposed regulations:

Added definition for EMERGENCY:

A serious, unexpected, and often dangerous situation requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. An emergency tree situation typically means a tree that meets the “extreme” or “high” risk characteristics as defined by the International Society of Arborists. Pursuant to this section the Community Development Director determines when an emergency situation exists, based on information provided by the property owner or applicant.



Scenario One – Hazard Tree

Proposed regulations:

Amended definition for HAZARD TREE:

A tree that meets the “extreme” or “high” risk characteristics as defined by the International Society of Arborists and may include dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or property (a target) that have the potential to cause death, injury or property damage if they fail.



Scenario One – Hazard Tree

Proposed regulations:

Added section to address EMERGENCY situations:

- Emergency tree may be removed without prior County review or approval.
- Will not require an arborist report before the removal in this instance, but applicant must provide documentation to support emergency claim.
- After the fact permit is required including tree replacement plan.
- If documentation does not support claim of an emergency, the action will be treated as a violation of this ordinance.



Scenario One – Hazard Tree

Proposed regulations:

Added section to address HAZARDOUS TREE situations:

- For instances where a tree does not show clear evidence of imminent failure but could still present a hazard due to failing health/defects and the proximity and nature of potential targets.
- Creates an expedited process that eliminates noticing and appeal periods.
- Applicant must submit an ISA Basic Tree Risk Assessment Form prepared by an arborist who is ISA TRAQ (Tree Risk Assessment Qualification) certified.



Scenario One – Hazard Tree

Proposed regulations:

Added section to address HAZARDOUS TREE situations:

- Trees must have a risk rating of “high” or “extreme” to qualify for the emergency process.
- This expedited process is still subject to permitting fees and tree replacement requirements, as appropriate.
- Trees that fall below the “high” risk rating are subject to the normal permitting process for removal.



Scenario 2

A developer proposes to remove 4 protected trees and three un-protected trees on a three-lot site to construct two homes.

| Tree | Reason for Removal | Replacement Requirements | New Application Requirements | Other New Requirements |
|---|--|--------------------------------------|---|--|
| 36-inch Valley Oak w/38-foot canopy | Health | Two 24-inch box | Robust arborist report; Remedial measures for trees proposed for removal because of health/hazard; Demonstrate >25% impact on building envelope; Posting site and trees; TRAQ Analysis for hazard trees; Mitigation requirements for temporary equipment access/use; Potentially a level 3 assessment for hazard trees; | Arborist Certification Requirements; Utilization of Phytophthora best management practices; Compliance with Migratory Bird Treaty Act; Replanting invasive exotics (Acacia) prohibited; More robust and objective findings required to allow removal; Tree Appraisal of protected trees to remain (so if harmed, value established); |
| 10-inch Coast Live Oak w/18-foot canopy | In way of proposed construction | One 24-inch box | | |
| 14-inch Redwood w/18-foot canopy | In way of proposed construction | One 24-inch box | | |
| 12-inch Bailey Acacia w/ 20-foot canopy | In way of proposed construction | One 24-inch box | | |
| 16-inch Apple tree w/ 18-foot canopy | Health | One 24-inch box | | |
| 44-inch Coast Live Oak w/50 foot canopy | In way of proposed construction | Three 24-inch box or two 36-inch box | | |
| 30-inch California Bay w/32-foot canopy | Hazard-Health (concern about phytophthora) | Two 24-inch box | | |



Thank you.

For more information about this project, please contact:

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