



STAFF REPORT

TOWN COUNCIL MEETING OF MAY 13, 2014

TO: Town Council
FROM: Town Manager
SUBJECT: First Reading, Revised Tree Ordinance
DATE: May 1, 2014

STAFF RECOMMENDATION:

Allow staff to provide a brief report on the revisions to the Revised Tree Ordinance based on the April 22, 2014 Council meeting, open the public hearing and take public comment, discuss and approve first reading of the Revised Tree Ordinance.

BACKGROUND:

This will be the 10th public meeting since July 23, 2013 (Planning Commission) discussing the proposed revisions to the Tree Ordinance. At the April 22, 2014 Town Council meeting, several decisions were made by the Council concerning the final content of the revised tree ordinance:

A motion was made to direct staff to bring an amended ordinance, that includes all straw vote decisions made April 22, 2014, back for first reading at the May 13, 2014 Council meeting. On motion by Councilmember Morillas, seconded by Councilmember Black the motion passed by the roll call vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler

Noes: None

DISCUSSION:

This final draft incorporates the following modifications based on the actions of the Town Council at the April 22, 2014 Town Council meeting:

1. Diameter of Trees.

- a. Valley, Interior Live, and Oracle Oaks: 6 inches
- b. Blue Oaks: 4 inches

2. Size of Exempt Parcels.

- a. Removal of any protected tree will require a permit (i.e. no exemption from the general requirement to obtain a permit.)
- b. However, owners of residential parcels zoned RA [4.6 acre minimum], RE, RS 10, RS 7 or RS 5, and which cannot be further subdivided, do not have to pay for their permit and are not subject to the mitigation requirement (13.54.090.)

3. Number of Trees to be Replanted.

- a. Council approved staff recommendation on number of trees to be replanted.

4. Adding back Language Allowing Substitution of Smaller Trees.

Council approved re-inserting the language from the paragraph following the mitigation table that was shown as deleted in the workshop draft ordinance.

5. Minor Land Division (Ag Exemption).

Council approved adding the “other than a minor land division” language to Section 13.54.110.E.

Staff has included the following language in the ordinance:

“If the agricultural use is terminated before ten (10) years, and/or if a subdivision application for non-agricultural development (other than an application for a minor land division) is approved by the Town within that period, mitigation shall be required in compliance with Section 13.54.090.”

6. Defensible Space Exception.

Council approved adding to the list of exempt activities (13.54.060) “Tree removal required by state law”.

7. Heritage Tree Designation.

The approved motion was to include language similar to previous/existing ordinance, not limited to oaks.”

- a. Staff has added a definition in 13.54.010 for “Heritage Tree” that reads:
““Heritage Tree” means any tree identified by council resolution.”

- b. Staff has revised the first sentence of the definition of “Protected Tree” (13.54.010) by adding at the end of the current sentence in the draft: “, or any Heritage Tree”.

CEQA:

The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 (Action by Regulatory Agencies for Protection of the Environment) which applies to actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

FINANCIAL IMPLICATIONS:

There are no financial implications at this time. Currently, the Town, by policy, does not charge for tree application permits.