

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST TO REMOVE ONE OAK TREE – 1683 BELLA VISTA COURT (WISE)

DATE: AUGUST 19, 2003

Needs: For the City Council to consider a request to remove one Blue Oak Tree. This request was continued at the August 5, 2003 Council meeting.

Facts:

1. The City has received a written request from Cindy and Larry Wise for the removal of one 31-inch Blue Oak tree.
2. An Arborist Report was performed by Arbor Tree Surgery on June 29, 2003, where it was determined that the tree is diseased beyond correction and should be removed immediately. (See attached report)
3. In addition to the initial Arborist Report, the Arborist submitted a letter on July 29, 2003 explaining that the tree has high failure potential and needs to be removed before it causes harm or damage to the “targets” underneath it. (See attached letter)
4. According to Section 10.01.050.E.1, Exceptions to replacement requirement: a property owner may request authorization to remove a dead or diseased oak tree without the need to provide the required replacement trees if he or she can provide documentation of the arborist that the tree’s disease is not their fault.
5. Mrs. Wise is requesting exception to the replacement requirement based on her Arborist’s determination that the disease of the tree is not the property owners fault. There is another 26-inch Blue Oak Tree on site that will be preserved.
6. The City Council at their meeting on August 5, 2003, on a 2-2 vote (Councilman Nemeth was absent) was not able to make a decision on the removal based on the request not to plant replacement trees.
7. At the Council meeting on the August 5th, it was discussed that replacement trees have consistently been required by Council, and that not requiring them would set precedence. Upon further research, staff verified that on November 19, 2002, Council allowed the waiver of replacement trees for a property located at 2015 Oak Street. No other waivers of replacement trees have been filed.

Analysis**And Conclusion:**

At the City Council meeting on August 5, 2003, a majority of the Council was in favor of the tree removal, but that a decision on the requirement for replacement trees was not made. The Councilmen against the waiver of replacement trees did not want to establish a precedence.

Upon further research, staff did verify that consistent with the Oak Tree Preservation Ordinance Council has allowed the waiver of replacement trees if the decline of the tree was not the property owners fault.

If the Council concludes that the applicant does need to plant replacement trees, the applicant would need to plant or donate five (5) 1.5-inch diameter blue oak trees.

Policy

Reference: Paso Robles Municipal Code Section 10.01

Fiscal

Impact: None.

Options:

- A. Adopt Resolution No. 03-xx approving the oak tree removal request based on the arborist report identifying that the tree is in severe decline due to several factors and that there are no signs of recovery and waive the requirement for replacement trees based on the Arborist's finding that the decline of the tree is not the property owners fault.
- B Amend, modify or reject the above options.

Attachments:

1. Attachment A, Letter of request dated July 2, 2003
2. Attachment B, Arborist Report
3. Attachment C, Letter from Arborist explaining cause of decline
4. Attachment D, Letter from Arborist regarding need for immediate removal
5. Section 10.01.050E.1. Exceptions to replacement requirement
6. Resolution to Approve

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 1683 BELLA VISTA CT.
(WISE)

WHEREAS, the City has received an application submitted by Cindy and Larry Wise, to remove one (1) Blue Oak tree (the trees has a diameter of 31- inches) located at 1683 Bella Vista Ct.; and

WHEREAS, Arbor Tree Surgery prepared an Arborist Report dated June 29, 2003, stating that the tree is diseased beyond correction and should be removed immediately, and

WHEREAS, the Arborist has indicated that the trees decline was not the fault of the property owner, and

WHEREAS, the applicants have requested that the Council waive the requirement for replacement trees due to the fact that the decline of the tree is not their fault, and

WHEREAS, at the meeting on August 5, 2003, the Council was unable to make a decision on the removal request due to the request not to plant replacement trees, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of one (1) 31-inch Blue Oak trees at 1683 Bella Vista Ct.
2. Consistent with Section 10.01.050.E.1. of the Oak Tree Ordinance, that the City Council allow an exception for the requirement for replacement trees based on the Arborist indication that the trees have declined due to disease and that the decline is not the property owners fault.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 19th day of August 2003 by the following vote:

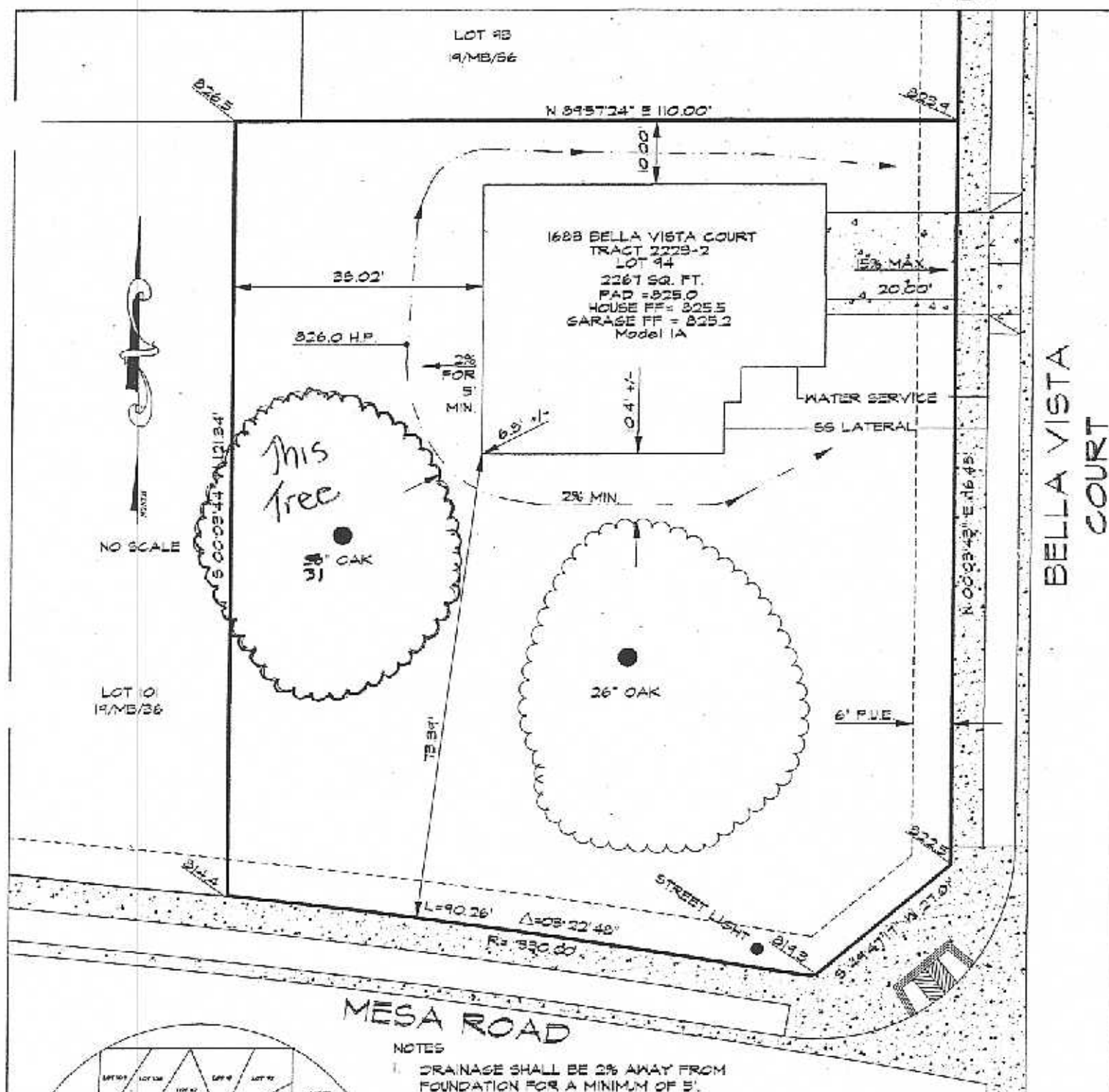
AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Wise

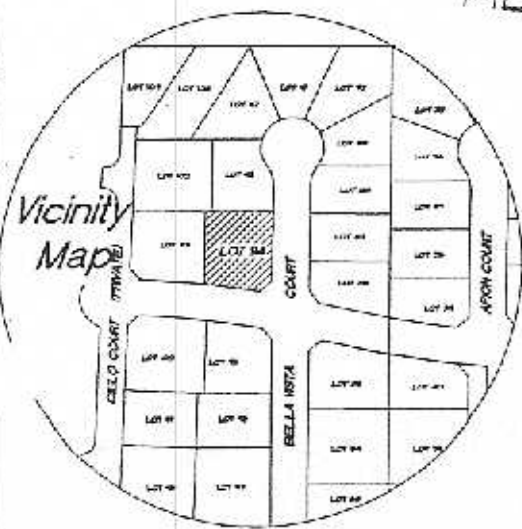


BELLA VISTA COURT

MESA ROAD

NOTES

1. DRAINAGE SHALL BE 2% AWAY FROM FOUNDATION FOR A MINIMUM OF 5'.
2. CU YARDS CUT NA
CU YARDS FILL NA
3. ALL GRADING AND DRAINAGE SHALL CONFORM TO CHAPTER 10 OF THE U.B.C.
4. WORK IN THE PUBLIC R/W REQUIRES AN 'ENCROACHMENT PERMIT' FROM THE ENGINEERING DIVISION.
5. SIDEYARD IMPROVEMENTS SHALL NOT OBSTRUCT DRAINAGE.
6. OVERALL DRAINAGE SHALL BE AT 2% SLOPE, 1% WITH PRIOR APPROVAL FROM THE CITY ENGINEER.
7. 2' MIN. SETBACK FROM P/L TO TOP OR TOE OF SLOPE.



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