

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 07-002 - REQUEST TO REMOVE ONE OAK TREE AT 751 LONGHORN COURT (TOM HORNE)

DATE: MAY 15, 2007

Needs: For the City Council to consider a request by Tom Horne, to remove one oak tree on the vacant lot located at 751 Longhorn Court (see attached Vicinity Map, Attachment 1).

Facts:

1. The request to remove the oak tree is in relation to Mr. Horne's submittal of a building permit to build a new house on the vacant lot.
2. The subject oak tree is a 46-inch Valley Oak (*Quercus Lobata*).
3. The lot was created with Tract 1771, where at the time of the approval of the subdivision, the tree was retained and proposed to be protected. Staff could not locate any information on the tree indicating the health of the tree at the time of the approval of Tract 1771.
4. The lot was graded at the time of the construction of the subdivision and the roads consistent with the approved grading plans. With Tract 1771, this lot was required to be graded with a stepped pad in order to accommodate the oak trees. The proposed house has been designed to conform to the existing grading.
5. An Arborist Report has been submitted by Chip Tamagni of A&T Arborists, where in his report concludes that the over-mature tree is a hazard and needs to be removed, based on the following issues:
 - a. the tree has had recent massive failures, resulting in 1/3 to 1/2 of the canopy of the tree falling off;
 - b. the remaining scaffold has multiple cavities;
 - c. the base of the tree is decayed, resulting in 30 percent cambium loss;
6. Section 10.01.050, of the Oak Tree Ordinance, allows the City Council to waive the requirement for the applicant to provide replacement trees if it can be proven by a City approved Arborist that the trees decline was from natural causes.

Based on Chip Tamagni's conclusion in the Arborist Report that the tree decline is from natural causes and not the fault of the property owner, the applicant is requesting that the Council, rather than waive the requirement for replacement trees, reduce the number of trees that would have to be provided to two 1.5-inch diameter trees rather than eight trees as required by the current Oak Tree Ordinance. Providing two replacement trees would be consistent with the replacement ratio required at the time of the approval of Tract 1771.

7. There are three other oak trees on the lot that will be protected and preserved.
8. Based on the 46-inch tree (Tree 1) still having growth and portions of the tree that appear healthy, the Director could not make the determination that the tree is "clearly dead or diseased beyond correction," and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the tree "healthy" and require that the City Council make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D.

**Analysis
And**

Conclusion: According to Section 10.01.050.D, there are several factors that the City Council needs to review when considering the removal of a "healthy" oak tree. These factors along with Staff's analysis of each factor are listed below:

D. If a request is being made to remove one or more healthy oak trees for which a permit to remove is required, the director shall prepare a report to the City Council, outlining the proposal and his recommendation, considering the following factors in preparation of his recommendation.

1. *The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation;*

Chip Tamagni from A&T Arborists submitted a report along with a request for removal on May 12, 2006. The report (Attachment 3) describes the health of the subject tree as being a 1 on a scale of 1-10, with 10 being the best. Tamagni states that the tree is in severe decline, is a hazard, and needs to be removed, based on the following reasons:

- a. the trees has had recent failures, resulting in 1/3 to 1/2 of the canopy of the tree falling off;
- b. the remaining scaffold has multiple cavities;

- c. the base of the tree is decayed, resulting in 30 percent cambium loss;
2. *The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees;*

This lot was designed in a manner anticipating the preservation of the four oak trees. The house that Mr. Horne is proposing to build on the lot has been designed to accommodate the subject tree, however as stated in the Arborist Report, based on the past failures and the current condition of the tree, it is the Arborist opinion that if the tree were to fall, the tree would target not only the new house, but also the neighboring house to the south.

3. *The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed;*

This lot is the last remaining lot in the neighborhood that has not been built on. All infrastructure, including streets, drainage systems and pre-grading of the lot have been completed. There would not be any negative effects on soil retention, water retention or surface water flows for the neighborhood, if this tree were to be removed.

4. *The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole;*

With the removal of the subject tree, the remaining three healthy trees on the lot would be preserved and protected with the construction of a house on the lot.

5. *Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.*

See discussion above.

It would appear that the criteria outlined in the Oak Tree Ordinance justifying the removal of the tree can be met for this application. Additionally, the request by the applicant to provide replacement trees at the ratio consistent with the Ordinance at the time of the approval of Tract 1771, which would be two trees, rather than having to replace eight trees per the current ordinance, would seem reasonable since according to the Arborist Report the trees decline is not the fault of the property owner. It appears that this tree should have been removed at the time of the creation of Tract 1771, and if it were, the ordinance at the time would have only required two replacement trees.

Policy

Reference: Paso Robles Municipal Code Section 10.01.010 (Oak Tree Ordinance)

Fiscal

Impact: None.

- Options:**
- A. Adopt Resolution No. 07-xx approving OTR 07-002, allowing the removal of the 46-inch Valley oak tree, based on the tree being in poor health and low aesthetic value and that the removal is necessary in order to prevent damage to existing and proposed homes, and require two (2) 1.5-inch diameter Valley Oak replacement trees;
 - B. Amend, modify or reject the above options.

Report prepared by: Darren Nash, Associate Planner

Attachments:

1. Vicinity Map
2. Photos of Tree
3. Arborist Report, received May 12, 2006
4. Resolution to approve the removal of the tree.

H:\Darren\oaktreeremoval\Horne



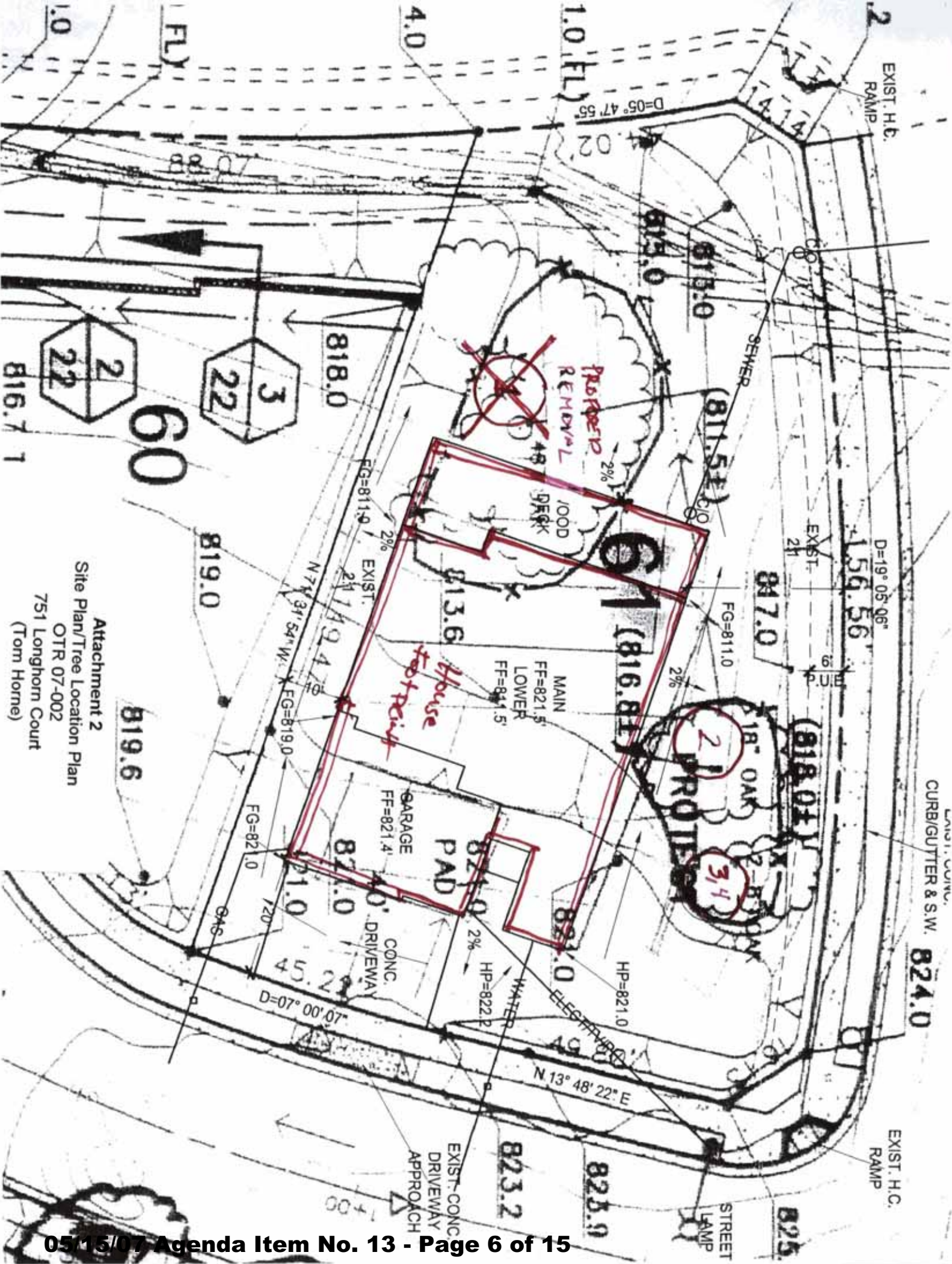
CITY OF PASO ROBLES
 ASSESSOR'S MAP COUNTY OF
 SAN LUIS OBISPO, CA
 BOOK 009 PAGE 777

TRACT 1771-3, R.M. Bk. 19, Pg. 47

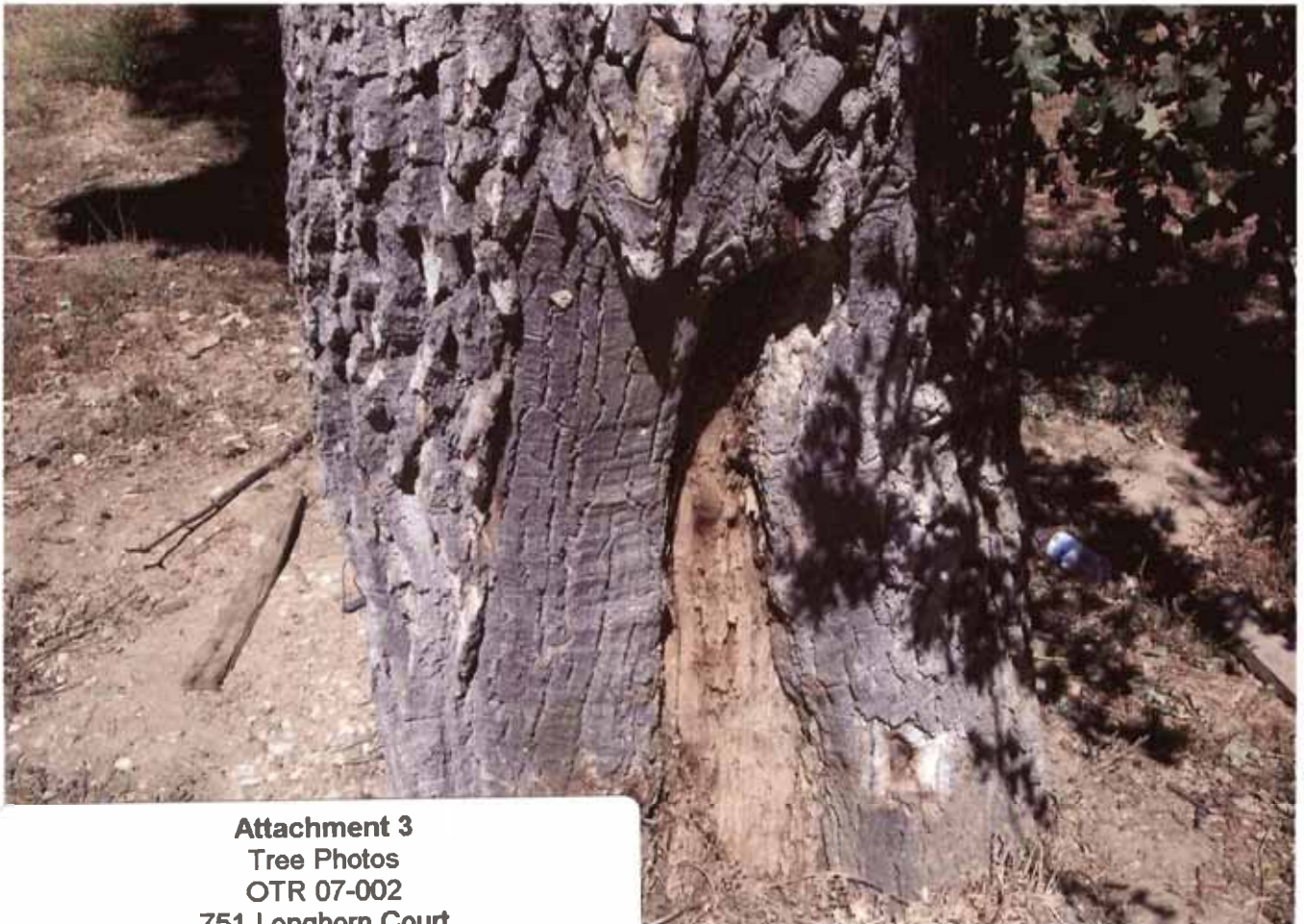
Vicinity Map
 OTR 07-002
 751 Longhorn Court
 (Tom Horne)

REVISIONS	TECH	DATE
	SMW	07-29-01
	JAM	01-21-02
	HK	04-18-02

50 0 100 200
 THIS MAP IS PREPARED FOR
 ASSESSMENT PURPOSES ONLY



Attachment 2
 Site Plan/Tree Location Plan
 OTR 07-002
 751 Longhorn Court
 (Tom Horne)



Attachment 3
Tree Photos
OTR 07-002
751 Longhorn Court
(Tom Horne)

A & T ARBORISTS

P.O. BOX 1311 TEMPLETON, CA 93465 (805) 434-0131



Tree Preservation Plan For Schad-Horn Residence Paso Robles, CA

RECEIVED

MAY 12 2006

BUILDING DIVISION

9-08-05

Prepared by A & T Arborists
and Vegetation Management

Chip Tamagni
Certified Arborist #WE 6436-A

A handwritten signature in black ink, appearing to read "Steven Alvarez".

Steven Alvarez
Certified Arborist #WE 511-A

Tract # _____

PD # _____

Building Permit # _____

Attachment 4
Arborist Report
OTR 07-002
751 Longhorn Court
(Tom Horne)

Project Description: This project is located along Brahma Way in Paso Robles, California. The site is an empty lot with one over-mature valley oak (*Quercus lobata*) and three blue oaks (*Quercus douglasii*). The project was originally designed to save all trees on site. However, after visiting the site, the 46 inch valley oak needs to be removed as it presents a serious hazard. This tree has a recent (within the last year) massive failure (1/3 – 1/2) of the canopy. The remaining scaffold has a cavity ten feet off the ground along with three more along its length. All four cavities present a individual failure hazard. There is also decay at the base of the tree resulting in 30% cambium loss. All the cavities are from natural decline. The arborists could have mitigated the construction within the CRZ of this tree. This tree will not only target the new home but is currently targeting the neighbor's property. There isn't a feasible home orientation that will be out of the target of failure. This lot is the only undeveloped lot in the neighborhood and we have witnessed the neighborhood kids playing around this hazard tree. It is a serious liability and we recommend removal due to the past failure history of this tree. We strongly recommend city staff look at this tree on site as the pictures don't show the extent of decline. Included are pictures illustrating the scaffold cavity and past failure on the other scaffold along with the decay at the base of the tree. The remaining blue oaks have received some minor vandalism to the trunk area. Developing this lot will allow these trees to heal without further damage.

Specific Mitigations Pertaining to the Project: Tree #2 will have a less than 10% crz impact during the over-excavating process. The fencing shall be a minimum of 12 feet from the trunk (14' crz). The grading shall be monitored for any root pruning needed. All applicable mitigation measures described below shall be followed.

The term "critical root zone" or CRZ is an imaginary circle around each tree. The radius of this circle (in feet) is equal to the diameter (in inches) of the tree. For example, a 10 inch diameter tree has a critical root zone with a ten foot radius from the tree. Working within the CRZ usually requires mitigations and/or monitoring by a certified arborist.

All trees potentially impacted by this project are numbered and identified on both the grading plan and the spreadsheet. Trees are numbered on the grading plans and in the field with an aluminum tag. Tree protection fencing is shown on the grading plan. In the field oak trees to be saved have yellow tape and trees to be removed have red tape attached to the tag. The large valley oak still has yellow tape on the tree until the removal is approved. Both critical root zones and drip lines are outlined on the plans.

If pruning is necessary for building, road or driveway clearance, removal of limbs larger than 6 inches in diameter will require a city approved permit along with a deposit paid in advance (to the City of Paso Robles). The city will send out a representative to approve or deny the permit. Only 25% of the live crown may be removed. No pruning should be necessary for tree #2.

Tree Rating System

A rating system of 1-10 was used for visually establishing the general health and condition of each tree on the spreadsheet. The rating system is defined as follows:

<u>Rating</u>	<u>Condition</u>
0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.
4	May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
5	Relatively healthy tree with little visual, structural and/or pest defects and problems.
6	Healthy tree that probably can be left in its natural state.
7-9	Has had proper arboricultural pruning and attention or have no apparent structural defects.
10	Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

Aesthetic quality on the spreadsheet is defined as follows:

- **poor** - tree has little visual quality either due to severe suppression from other trees, past pruning practices, location or sparse foliage
- **fair** - visual quality has been jeopardized by utility pruning/obstructions or partial suppression and overall symmetry is average
- **good** - tree has good structure and symmetry either naturally or from prior pruning events and is located in an area that benefits from the trees position
- **excellent** - tree has great structure, symmetry and foliage and is located in a premier location. Tree is not over mature.

The following mitigation measures/methods must be fully understood and followed by anyone working within the critical root zone of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

1. It is the responsibility of the **owner or project manager** to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the critical root zone of any native tree and confirm they are trained in maintaining fencing, protecting root zones and conforming to all tree protection goals. It is highly recommended that each contractor sign and acknowledge this tree protection plan.
2. Any future changes (within the critical root zone) in the project will need Project Arborist review and implementation of potential mitigation measures before any said changes can proceed.

3. **Fencing:** The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked (with t posts 8 feet on center) at the edge of the critical root zone or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. Weather proof signs shall be permanently posted on the fences every 50 feet, with the following information:

Tree Protection Zone
No personnel, equipment,
materials, and vehicles are
allowed
Do not remove or re-position
this fence without calling:
A & T Arborists
434-0131

4. **Soil Aeration Methods:** Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

5. **Chip Mulch:** All areas within the critical root zone of the trees that can be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

6. **Trenching Within Critical Root Rone:** All trenching within the critical root zone of native trees shall be **hand dug**. All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading contractor(s) must take place prior to work start.

7. **Grading Within The Critical Root Zone:** Grading should not encroach within the critical root zone unless authorized. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.

8. **Exposed Roots:** Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.

9. **Paving Within The Critical Root Zone:** Pervious surfacing is preferred within the critical root zone of any native tree. If pavers are required, the areas are outlined on the grading plans. Pavers must be interlocking with a minimum of 10% void

space backfilled with pea gravel. Geo textile fabric shall be permeable. Depending on use within the CRZ, pavers may or may not be required. Not required for this project.

10. Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

11. Existing Surfaces: The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans and approved by the arborist.

12. Construction Materials And Waste: No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials either.

13. Arborist Monitoring: An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the **owner(s) or their designee** to inform us prior to these events so we can make arrangements to be present. All monitoring will be documented on the field report form which will be forwarded to the project manager and the City of Paso Robles Planning Department.

- pre-construction fence placement inspection
- all grading and trenching identified on the spreadsheet
- any other encroachment the arborist feels necessary

14. Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) shall be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

15. Pruning Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.

16. Landscape: All landscape within the critical root zone shall consist of drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

17. Utility Placement: All utilities, sewer and storm drains shall be placed down the roads and driveways and when possible outside of the critical root zones. The arborist shall supervise trenching within the critical root zone. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over roots larger than 3 inches in diameter.**

18. Fertilization and Cultural Practices: As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

The included spreadsheet includes trees listed by number, species and multiple stems if applicable, scientific name, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of critical root zone impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning, aesthetic value and individual tree notes along with canopy spread.

If all the above mitigation measures are followed, we feel there will be no long-term significant impacts to the native trees.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez
Certified Arborist #WC 0511

Chip Tamagni
Certified Arborist #WE 6436-A

A handwritten signature in black ink, appearing to read 'Chip Tamagni', with a large, sweeping flourish at the end.

TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE CONDITION	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW
1	VO	<i>Q. lobata</i>	46	1	R	25%	GR		NO		poor	hazard tree	40/39
2	BO X 2	<i>Q. douglasii</i>	14	3	I	<10%	GR	F, M	YES		good	vandalized	26/20
3	BO	<i>Q. douglasii</i>	7	3	A	0%		fencing	NO		good	vandalized	18/12
4	BO	<i>Q. douglasii</i>	10	3	A	0%		fencing	NO		good	vandalized	18/15
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20													

1 = TREE # MOSTLY CLOCKWISE FROM DUE NORTH
 2 = TREE TYPE: COMMON NAME IE W.O.= WHITE OAK
 3= SCIENTIFIC NAME
 4 = TRUNK DIAMETER @ 4"
 5 = TREE CONDITION: 1 = POOR, 10 = EXCELLENT
 6 = CONSTRUCTION STATUS: AVOIDED, IMPACTED, REMOVAL
 7 = CRZ: PERCENT OF IMPACTED CRITICAL ROOT ZONE
 8 = CONSTRUCTION IMPACT TYPE: GRADING, COMPACTION, TRENCHING
 9 = MITIGATION REQUIREMENTS: FENCING, MONITORING, ROOTPRUNING,
 10 = ARBORIST MONITORING REQUIRED: YES/NO
 11 = PRESCRIBED PRUNING: CLASS 1-4
 12 = AESTHETIC VALUE
 13 = FIELD NOTES
 14 = NORTH SOUTH/EAST WEST CANOPY SPREAD

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE OAK TREE AT 751 LONGHORN COURT
(TOM HORNE)

WHEREAS, Tom Horne has submitted a request to remove a 46-inch Valley Oak Tree; and

WHEREAS, the removal of the tree is in relation to the construction of a single family home on the vacant lot; and

WHEREAS, the Director could not make the determination that the tree is “clearly dead or diseased beyond correction,” and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the tree “healthy” and require that the City Council make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D; and

WHEREAS, Chip Tamagni of A & T Arborists submitted an Arborist Report addressing the condition of the tree, concluding that the tree needs to be removed based on the tree is in poor health, (rated 1 out of scale of 1-10, 10 being the best), has had past failures and has severe decay in the main scaffold; 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) 46-inch Valley Oak tree based on the tree being in poor health and low aesthetic value and that the removal is necessary in order to prevent damage to existing and proposed homes;
2. Require the planting of two (2) 1.5-inch diameter Valley Oak replacement trees; to be planted at the direction of the Arborist. The decision to allow the replacement of two trees rather than, eight trees (per the current Ordinance) is based on the decline of the tree is due to natural causes and not the fault of the property owner, therefore if this tree was removed at the time of the creation of the subdivision, two trees would have been the replacement requirement.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 15th day of May 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk