



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Fee Waiver Request - Oak Tree Removal Permit (OTR 17-018) - A request by Mark Stephenson (property owner / applicant) requesting the City Council waive the permit fees for a previously approved removal of one Live Oak tree (24-inch dbh) at 1316 Chestnut Street

Date: November 7, 2017

Facts

1. On October 10, 2017, the Council approved the removal of a 24-inch Live Oak for by Mark Stephenson, owner of the property located at 1316 Chestnut Street. (See attached Vicinity Map, Attachment 1.)
2. As part of the request for removal, Chip Tamagni, Arborist, on behalf of Mr. Stephenson, requested that the \$600 fee be waived for the removal request, however, the request for fee waiver was not included in the October 10th Staff Report. (See Chip Tamagni e-mail, Attachment 1.)
3. The request at this time is for Council to consider the fee waiver.

Options

1. Approve Draft Resolution 17-xxx, approving waiving the \$600 fee for the processing of OTR 17-018, allowing the removal of one 24-inch Live Oak tree at 1316 Chestnut Street.
2. Amend Draft Resolution 17-xxx denying the request for fee waiver based on findings to be stated in City Council motion.
3. Amend the above options.
4. Refer back to staff for additional analysis.

Analysis and Conclusions

According to Section 10.01.050.B, a property owner may make a written request for authorization to remove a dead or diseased tree without the need to provide a deposit if he or she can provide documentation from an arborist concluding that the tree's death or disease is not their fault.

In his e-mail, Chip Tamagni indicates that the decay started due to a past limb failure, which was not the owner's fault.

Option 1: As a result of Mr. Tamagni concluding that the tree's decline is a result of a past limb failure and is not the fault of the current owner, Council may conclude that waiving the processing fees for the removal is warranted.

Option 2: Council may conclude that based on the proximity of the apartment units being built adjacent to the tree that the cause of the decline of the tree could be from impacts related to development with the CRZ, including decay, and require the \$600 deposit be paid.

Option 3 / 4: Council may wish to approve an amended version of one of the options listed above or refer the item back to staff for additional analysis with the arborist.

Fiscal Impact

The purpose of permit fees is to recover staff costs for process applications. Waiver of fees shifts the \$600 cost to the General Fund. This provision in the current code can benefit from a re-examination in the proposed upgrade of the City's Oak Tree ordinance.

Recommendation

Option 1. Approve Resolution 17-xxx waiving the requirement to pay the \$600 deposit, based on the arborist's opinion that the tree's decline is not the fault of the current property owner.

Darren Nash

From: Chip Tamagni <arborist@tamagni.org>
Sent: Thursday, September 28, 2017 7:45 AM
To: Darren Nash; Mark Stephenson
Subject: Re: couple things

Darren, The decay started due to a past failure which was not the owner's fault. Disease is obvious (to us), therefore we are requesting on behalf of the owner to have council waive those fees. I am curious what a diseased tree looks like in your opinion(s) since the oak tree ordinance gives Warren the ability to allow this at staff level instead of wasting council time with this. Nonetheless, please schedule this asap before the tree collapses into the building which it may do while we wait for a date.

Thanks, Chip

On 9/27/2017 10:50 AM, Darren Nash wrote:

> Hi Chip,
>
> Warren and I had a chance to go take a look at the Chestnut Tree. Based on the tree not being dead, in needs to go to Council.
>
> We will need the \$600 removal fee.
>
> Darren Nash
> City of Paso Robles
> dnash@PRCity.com
>

Attachment 2

RESOLUTION 17-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE WAIVER OF THE FEE ASSOCIATED WITH THE REMOVAL OF
ONE 24-INCH COAST LIVE OAK TREE AT 1316 CHESTNUT STREET
(OTR 17-018 / MARK STEPHENSON)
APN: 009-031-021**

WHEREAS, Mark Stephenson has filed a request for the removal of one 24” Coast Live oak tree located adjacent to the apartment building located at 1316 Chestnut Street; and

WHEREAS, an Arborist Report prepared by Chip Tamagni, Certified Arborist has been provided which concludes that the tree has structural issues that make it prone to failure; and

WHEREAS, on October 10, 2017, the Council approved the removal of a 24-inch Live Oak for by Mark Stephenson, owner of the property located at 1316 Chestnut Street; and

WHEREAS, as part of the request for removal, Chip Tamagni, Arborist, on behalf of Mr. Stephenson, requested that the \$600 fee be waived for the removal request, however, the request for fee waiver was not included in the October 10th Staff Report; and

WHEREAS, according to Section 10.01.050.B, a property owner may make a written request for authorization to remove a dead or diseased tree without the need to provide a deposit if he or she can provide documentation from an arborist concluding that the tree’s death or disease is not their fault; and

WHEREAS, Chip Tamagni indicates that the decay started due to a past limb failure, which was not the owners fault; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Findings: Pursuant to Paso Robles Municipal Code section 10.01.050.D., and based on the entire record including all written and oral evidence presented, the City Council finds as follows:

1. Having considered the factors outlined in Section 10.01.050.B. of the Paso Robles Municipal Code, and the information provided by the Arborist in Exhibit A, the City Council finds that the decline of the tree is based on disease that is not the fault of the owner.

Section 3: Approval. The City Council of the City of El Paso de Robles does hereby:

1. Authorize the waiving the \$600 oak tree removal deposit;

APPROVED this 7th day of November, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk