



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit (OTR 18-004) - A request by Felipe Landin (property owner / applicant) requesting that the City Council allow the removal of one Valley Oak tree (23 inch dbh) at 1133 Turtle Creek Road

Date: May 1, 2017

Facts

1. The removal request has been applied for by Mr. Felipe Landin, owner of the property located at 1133 Turtle Creek Road. (See attached Vicinity Map, Attachment 1).
2. The tree requested for removal is a 23-inch diameter Valley Oak tree (*Quercus Lobata*). The tree was established prior to the construction of the house in 1981.
3. The house was built in close proximity to the tree and as the tree has grown over the years, it is now extremely close to the house and beginning to damage the house foundation.
4. Corey Meyer, Arborist has provided an Arborist Report (Attachment 2) that indicates the tree is a hazard and recommends removal based on the following:
 - is damaging the foundation
 - is structurally weak as a result of included bark;
 - if limbs were to break, could fall on house and neighbors house;
 - there has been past failures of smaller limbs landing on the roof;
5. Planning Staff visited the site to inspect the tree. Based on significant growth, the Community Development 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.

Options

1. Approve Draft Resolution 18-xxx, approving OTR 18-004, allowing the removal of one 23-inch Valley Oak tree, based on the Arborist report concluding that the tree is a hazard because of weak limb structure, and the tree is damaging the house foundation, and since there is not room to plant trees on the site, require payment for one oak replacement tree to the City’s oak replacement fund. Additionally allow for the waiver of the \$600 application deposit based on the decline of the tree not being the fault of the current owner.
2. Amend Draft Resolution 18-xxx denying the request to remove the oak tree 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.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;

Based on the tree being in poor condition and in danger of limb failure, the tree appears to be good candidate for removal.

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;

There is no development being considered for this project, the reason for the request for removal is to prevent future failure from damaging the house.

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;

The removal of the tree would not result in negative effects on soil retention, water retention or surface water flows for the neighborhood.

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;

There are four other oak trees that were planted by a previous owner along the rear yard fence of the property, within the City right of way. These trees are in good condition and are proposed to be preserved.

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

The removal of the tree will require payment for one replacement tree to the City’s oak replacement fund.

Option 1: Because of the tree having poor limb structure and included bark, and to prevent future limb failure, Council may determine that there is enough information to allow removal of the tree, based on the arborist report. Since there is no room on the lot to plant a replacement tree, require the payment for one oak replacement tree would be required as mitigation of the tree removal. Additionally, based on the decline of the tree not being the fault of the current owner, waive the \$600 application deposit.

Options 2 / 3: Council may wish to approve an amended version of the option listed above or refer the item back to staff for additional analysis with the arborist.

Fiscal Impact

There is not a fiscal impact to the City related to this oak tree removal request; however, oak trees can provide value to a property, and be an aesthetic value to the City as a whole.

Recommendation (Option 1)

1. Approve Resolution 18-xxx finding the Valley Oak tree at 1133 Turtle Creek Road to be in poor condition and likely to cause damage to the property if it were to remain, approve the removal of the tree, and require one 24-inch box replacement Valley Oak tree as mitigation to the tree removal, to be planted on site.
2. Additionally, based on the decline of the tree not being the fault of the current owner, waive the \$600 application deposit.

Attachments

1. Vicinity Map/Oak Tree Location Plan
2. Resolution 18-xxx Approval of the removal of the tree
 - a. A&T Arborist Report



Attachment 2

RESOLUTION 18-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE 23" VALLEY OAK TREE
AT 1133 TURTLE CREEK RD.
(OTR 18-004 / FELIPE LANDIN)
APN: 009-782-003**

WHEREAS, Felipe Landin has filed a request for the removal of one 23" Valley oak tree located in the rear yard of 1133 Turtle Creek Road; and

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

WHEREAS, the Arborist has indicated that the decline of the tree is not the fault of the current owner and is requesting that the City Council waive the \$600 application deposit; and

WHEREAS, the Community Development 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

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.D.1. of the Paso Robles Municipal Code, and the information provided by the Arborist in Exhibit A, the City Council finds that allowing the removal of the tree would seem to be consistent with finding D.1, based on the tree being in poor condition, and allowing for the removal of the tree would prevent the possibility future damage to the house and property. Mitigation tree will be required.

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

1. Authorize the removal of one 23" Valley Oak tree located in the rear yard of the house located at 1133 Turtle Creek Road, based on the trees being in poor health and prone to failure, as indicated in the Arborist Report, attached as Exhibit A;
2. Require the planting of one (1) 24-inch box replacement Blue Oak tree to be planted on site at the direction of the Arborist.
3. Waive the \$600 application deposit based on the Arborist indicating that the decline of the tree is not the fault of current owner.

APPROVED this 1st day of May, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report

Meyer Tree Consulting



March 20, 2018

Community Development Dept.
City of Paso Robles
1000 Spring St.
Paso Robles CA 93446

RECEIVED
MAR 22 2018
City of Paso Robles
Community Development Dept

Re: Tree Evaluation for a Valley Oak (*Quercus lobata*) at the residence of Mr. Felipe Landin,
1133 Turtle Creek Road, Paso Robles

Background

I was contacted by Mr. Felipe Landin regarding a Valley Oak growing at his residence. This tree has a diameter at breast height (DBH) of 23 inches and is approximately 55 feet tall. The residence is part of a duplex and the tree is growing at the back corner of his house between the two residences (see photo).

Condition

This Valley Oak, although healthy, at this time is a hazard. The tree is growing extremely close to the house and a wooden fence and is starting to damage the house foundation (see photo). Structurally the tree has weak branch attachments due to included bark where they grow from the trunk (see photo). These attachments can result in splitting off in stormy conditions or from canopy weight distribution. If the branches do split off they will land on his or the neighbor's roof, fence or yard possibly causing significant damage. In the past, branches have snapped off the tree and landed on the roof. If left to grow, this Valley Oak will cause costly damage to the house in the future.

Recommendation

Removal of this Valley Oak is recommended in accordance with the City of Paso Robles Oak Tree Ordinance 10.01.030 Permit Required.

Cory Meyer

Cory Meyer
Certified Arborist WE 7678 -A





RECEIVED

MAR 22 2018

The Valley Oak is behind the duplex.

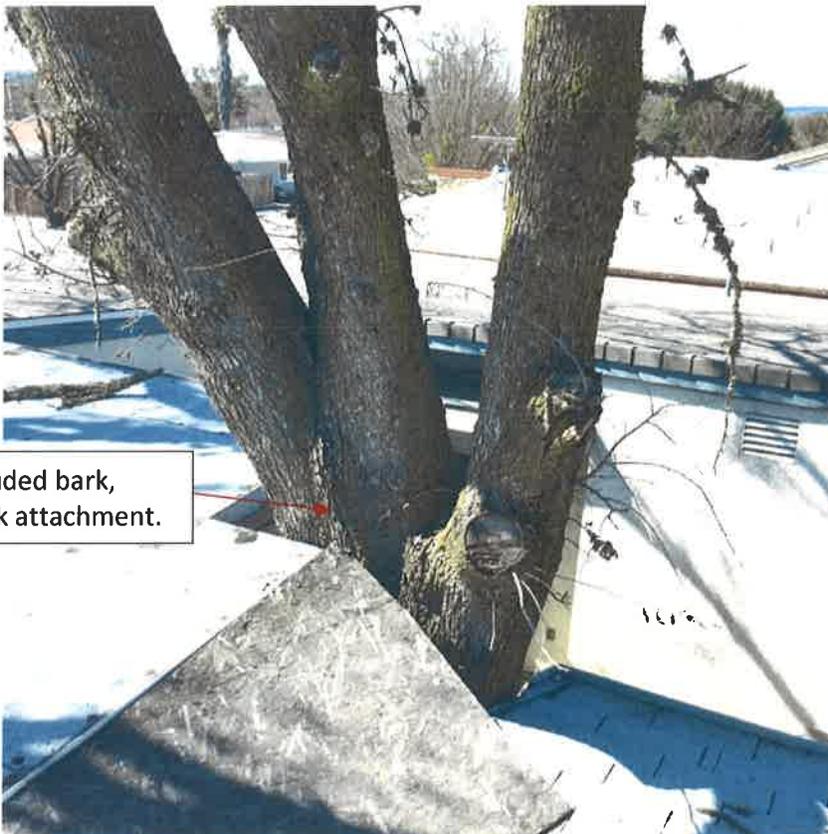
City of Paso Robles
Community Development Dept.



The house is to the left and a fence is behind the tree. The tree is starting to damage the foundation of the house.



View from the roof.



Included bark, weak attachment.

RECEIVED

MAR 22 2018

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Community Development Dept.



View from the roof.

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