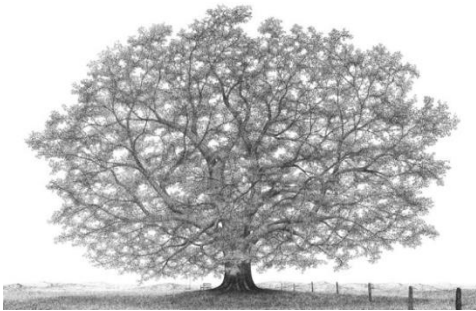




OAK TREE PROTECTION STANDARDS



**THOUSAND OAKS MUNICIPAL CODE
TITLE 9, CHAPTER 4, ARTICLE 42**

**OAK TREE PRESERVATION AND
PROTECTION GUIDELINES (RESOLUTION NO. 2010 – 14)**

THOUSAND OAKS MUNICIPAL CODE
TITLE 9, CHAPTER 4, ARTICLE 42

Sec. 9-4.4201. Purpose.

The City lies in the Conejo Valley, the beauty of which is greatly enhanced by the presence of large numbers of majestic oak trees. At one time, the area was almost completely covered by an oak forest, however, development of the City has resulted in the removal of a great number of these trees. Further uncontrolled and indiscriminate destruction of oak trees would detrimentally affect the safety and welfare of the citizens of Thousand Oaks. The preservation program outlined in this chapter contributes to the welfare and aesthetics of the community and retains the great historical and environmental value of these trees.

This chapter sets forth the policy of the City to require the preservation of all healthy oak trees, unless otherwise exempt from this chapter or reasonable and conforming use of the property justifies the removal, cutting, pruning and/or encroachment into the protected zone of an oak tree.

(§ 1, Ord. 937-NS, eff. November 14, 1986, as amended by § 3, Ord. 1534-NS, eff. April 9, 2010, and Part 3, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4202. Definitions.

- (a) "Authorized agent" means the Community Development Director.
- (b) "Clearance pruning" means removing live branches that interfere with an existing structure, walkway or driveway, or approved parking space.
- (c) "Community Development Director" means the Community Development Director or his or her designee.
- (d) "Cutting" means the detaching or separating, from a protected tree, any limb, branch or root. Cutting shall include pruning.
- (e) "Damage" means any action undertaken which causes injury, death, or disfigurement to a tree. This includes, but is not limited to, cutting, poisoning, overwatering, relocation or transplanting a protected tree, or trenching, excavating or paving within the protected zone of a tree.
- (f) "Deadwood" means limbs, branches or a portion of a tree that contains no green leaves during a period of the year when they should be present.
- (g) "Deadwooding" means removing all deadwood from a tree.
- (h) "Dead tree" is a tree that exhibits no signs of life whatsoever (e.g. green leaves or live limbs) during a period of the year when they should be present and has been determined dead by an authorized agent of the City.
- (i) "Dripline" shall mean the outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as an irregular shaped circle that follows the contour of the tree's branches as seen from overhead.

(j) “Encroachment” means any intrusion or human activity within the protected zone of an oak tree including, but not limited to, pruning, grading, excavating, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.

(k) “Ground plane improvements” are low profile improvements, such as paving stones, benches, and statuary, that do not require attachments to an oak tree, the removal of live tissue, or any grading activity.

(l) “Hazardous oak tree” shall mean any oak tree determined to be dangerous to life or property as determined by an authorized agent of the City.

(m) “Multiple trunks” refers to trees that have more than one trunk growing from one root system. The aggregate total of the trunks shall equal one tree for purposes of this chapter.

(n) “Oak tree” shall mean any oak tree of the Genus Quercus including, but not limited to, Valley Oak (*Quercus lobata*), California Live Oak (*Quercus agrifolia*) and Scrub Oak (*Quercus berberidifolia*), regardless of size.

(o) “Oak tree permit” is an entitlement issued by the City authorizing specific work within the protected zone of an oak tree.

(p) “Oak Tree Preservation and Protection Guidelines” or “Guidelines” means the policy established by the City Council and the administrative procedures and rules established by the Community Development Director for implementing this chapter.

(q) “Person” means any person, partnership, firm, corporation, governmental agency or other legal entity.

(r) “Protected zone” shall mean a specifically defined area totally encompassing an oak tree within which work activities are strictly controlled. When depicted on a map, the outermost edge of the protected zone will appear as an irregular shaped circle that follows the contour of the dripline of the tree. Using the dripline as a point of reference, the protected zone shall commence at a point five (5') feet outside of the dripline and extend inward to the trunk of the tree. In no case shall the protected zone be less than fifteen (15') feet from the trunk of an oak tree.

(s) “Pruning” is any cutting performed upon any portion of an oak tree.

(t) “Removal” means the physical removal of a tree or causing the death of a tree through damaging, poisoning, or other direct or indirect action.

(u) “Routine maintenance” means actions needed for the continued good health of an oak tree, including, but not limited to, removal of deadwood, insect control spraying, watering, and clearance pruning as defined above.

(§ 1, Ord. 937-NS, eff. November 14, 1986, as amended by § 1, Ord. 1394-NS, eff. June 21, 2002, § 3, Ord. 1534-NS, eff. April 9, 2010, and Parts 3 and 5, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4203. Oak tree preservation.

Any person who owns, controls, has custody or possession of any real property within the City that is improved or has been approved for development, or which is part of or associated with the City approved development of another piece of property, such as any parcel to be maintained as permanent open space or for recreational purposes, shall maintain all oak tree(s) located thereon in a state of good health pursuant to this chapter and the Oak Tree Preservation and Protection Guidelines adopted by City Council resolution. Failure to do so will constitute a violation of this chapter.

(§1, Ord. 937-NS, eff. November 14, 1986, as amended by § 3, Ord. 1534-NS, eff. April 9, 2010, and Parts 3 and 6, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4204. Permit required.

(a) Permit required. No person shall cut, remove, encroach into the protected zone, or relocate any oak tree on any public or private property within the City, unless a valid oak tree permit has been issued by the City pursuant to the provisions of this chapter and the oak tree preservation and protection guidelines.

(b) Scope of permit approval. An oak tree permit may authorize the removal, cutting, or encroachment within the protected zone of one (1) or more oak trees subject to the conditions set forth in said permit. An oak tree permit may also authorize future maintenance of oak trees within the permit area, such as pruning, within parameters established in an oak tree maintenance program approval in conjunction with the oak tree permit. Activities included within an approved oak tree maintenance program may be undertaken in compliance with said program without the filing and approval of a separate

oak tree permit application. Provided, however, an oak tree not covered by the initial oak tree permit may not be encroached upon without approval of a subsequent oak tree permit or modification to the original permit.

(§ 1, Ord. 937-NS, eff. November 14, 1986, as amended by § 3, Ord. 1534-NS, eff. April 9, 2010, and Part 3, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4205. Exemptions.

(a) Exemptions. A permit is not required to cut, remove, or encroach within the protected zone of any oak tree(s) under the following circumstances.

(1) Trees that do not exceed two (2") inches in diameter when measured at a point four and a half (4-1/2') feet above the tree's natural grade.

(2) Ground plane improvements that are proposed between the dripline and the protected zone limit.

(3) Clearance pruning that involves removal of live branches that do not exceed two (2") inches in diameter, except in conjunction with any new construction activity.

(4) Deadwooding.

(5) When removal is determined necessary by fire department personnel engaged in fighting a fire.

(6) Trees planted or grown in containers and held for sale as part of a licensed nursery business.

(7) Any encroachment, pruning, or removal deemed necessary by an authorized agent of the City for public safety purposes.

(§ 3, Ord. 1534-NS, eff. April 9, 2010, as amended by Parts 3 and 7, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4206. Processing of permits: Standards for granting or denying permits.

(a) Processing. The applicant shall furnish all necessary information as required by the Oak Tree Preservation and Protection Guidelines in a clear and accurate format to the Community Development Department and pay the appropriate filing fee prescribed by City Council resolution.

(1) Administrative process. Except as provided below, the Community Development Director may approve, deny, or conditionally approve a request for removal of three (3) or fewer oak trees that are less than twenty-four (24") inches in diameter when measured at a point four and one half (4-1/2') feet above the tree's natural grade on a single parcel without hearing or notice. Provided, however, that if one or more of the oak trees proposed to be removed extends into any adjoining property, the owner of said adjoining property(ies) shall be notified in writing of the request prior to the Director rendering a decision. Any decision of the Director may be appealed to the Planning Commission and the Commission's decision may be appealed to the City Council pursuant to the provisions of Article 28 of this chapter.

(2) Planning Commission process. Any request for removal of any non-exempt oak tree twenty-four (24") inches or greater in diameter when measured at a point four and one half (4-1/2') feet above the tree's natural grade, and/or four (4) or more non-exempt oak trees on a single parcel shall be reviewed by the Planning Commission following a public hearing, which hearing shall be held in conjunction with the Commission's consideration of other entitlement applications for a project related to the request, if any. The Commission may approve, conditionally approve, or deny the permit application. The decision of the Commission may be appealed to the City Council pursuant to the provisions of Article 28 of this chapter. Notice of all hearings required hereby shall be provided in the manner set forth in Chapter 12 of Title 9 of this Code.

(b) Standards. An oak tree permit may be approved based upon one of the following findings by the decision maker:

(1) The condition or location of the oak trees requires cutting to maintain or aid its health, balance, structure, or to maintain adequate clearance from existing structures.

(2) The condition of the tree(s) with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas such as parking lots, pedestrian walkways, interference with

utility services, or is causing or is likely to cause substantial property damage based on sufficient evidence and/or documentation and said damage cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices.

(3) A permit may be approved when necessary to remove, relocate, cut or encroach into the protected zone of an oak tree to enable the reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the tree. Reasonable use of the property shall be determined in accordance with the Oak Tree Preservation and Protection Guidelines.

(4) Approval of the request is not contrary to or in conflict with the general purpose and intent of this chapter.

(§ 1, Ord. 937-NS, eff. November 14, 1986, as amended by § 2, Ord. 1178-NS, eff. May 28, 1993, and § 2, Ord. 1394-NS, eff. June 21, 2002, as amended by Part 1, Ord. 1446-NS, eff. November 25, 2005, § 3, Ord. 1534-NS, eff. April 9, 2010, and Parts 3 and 8, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4207. Conditions on removal.

Conditions that may be imposed on the permit at the discretion of the decision maker include, but are not limited to, any of the following:

(a) A condition requiring the replacement or placement of additional oak tree(s) on the subject property or at an appropriate location on public property to offset the permitted removal of the tree(s). Replacement shall be in accordance with this Chapter and the standards provided by the oak tree preservation and protection guidelines, subject to approval by the Community Development Director.

(b) The relocation of a tree on-site or off-site.

(c) A condition requiring that a maintenance and care program be initiated to ensure the continued health and care of oak tree(s) for which pruning or encroachment is permitted, as well as other on-site oak trees on the property.

(Part 3, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4208. Non-liability of City.

Nothing in this chapter or within the oak tree preservation and protection guidelines shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any property shall have a duty to keep the oak trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned or controlled by them is a danger to the safety of themselves, others or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

(§ 1, Ord. 937-NS, eff. November 14, 1986, as amended by § 3, Ord. 1534-NS, eff. April 9, 2010, and Part 3, Ord. 1610-NS, eff. January 15, 2016)

Sec. 9-4.4209. Enforcement.

(a) Violation, penalty. Any person who cuts, damages, moves, or removes any oak tree within the City or encroaches into the drip line of an oak tree in violation of this chapter shall be deemed guilty of a misdemeanor and upon conviction, may be punished as set forth in Chapter 2 of Title 1 of this Code.

(b) Stop work notice. Whenever any construction or work is being performed contrary to the provisions of this chapter, oak tree preservation guidelines, oak tree permit, or conditions of any applicable underlying development permit, the Community Development Director may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation or danger and no work shall be allowed until the violation has been rectified and approved by the Community Development Department.

(c) Violation, restitution. It has been determined that the oak trees within the City are valuable assets to the citizens of this community and to the citizens of the Conejo Valley, and as a result of the loss or damage to any of these trees, the public should be recompensed. In addition to any penalties provided by subsection (a) above, any person who cuts, damages or removes any tree in violation of the terms of this chapter is responsible for proper restitution and may be required to replace the oak tree(s) so removed or damaged, by the donation of or by replanting two (2) or more oak trees of reasonable equivalent size and value to the tree damaged or removed. The number, size and location of said equivalent replacement oak tree shall be determined by the Community Development Director.

(§ 1, Ord. 937-NS, eff. November 14, 1986, as amended by § 3, Ord. 1534-NS, eff. April 9, 2010, and Part 3, Ord. 1610-NS, eff. January 15, 2016)