



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Agriculture/Weights & Measures
Department No.: 051
For Agenda Of: October 6, 2015
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required:

TO: Board of Supervisors
FROM: Department Cathy Fisher, Agricultural Commissioner 681-5600
Director(s) Glenn Russell, PhD, Director, Planning & Development
Contact Info: Debbie Trupe or Kendra Stites, 681-5600
SUBJECT: 2015 Oak Tree Protection and Regeneration Program Status Report

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receives the 2015 status report on the Oak Tree Protection and Regeneration Program.
- B. Determine that these actions are organizational and administrative activities and are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5).

Executive Summary and Discussion:

On April 22, 2003, the Board of Supervisors adopted the Oak Tree Protection and Regeneration Program to primarily address removals of deciduous and non-deciduous (live oak) oak trees on agricultural and mountainous land in the inland rural areas of the County. One of the components of the Program is a review system, whereby the Board of Supervisors would be periodically updated on the status of the Program, its effectiveness, and its impact on oak tree habitat in the project area. The initial review took place two years after adoption of the Program, on May 10, 2005 (Attachment A). Periodic reviews are to take place every five years thereafter. This status report is such a review. Depending on the results of the review, the Board could initiate program changes or continue the Program unchanged.

Oak Tree Program:

Program Goal-

The goal of the Program is to sustain and, where possible, enhance the native oak resources of Santa Barbara County. It seeks to ensure that there is no net loss of native oak trees and that, if possible and with the help of incentives, the number and extent of valley, blue, and live oak trees increases. The Program addresses deciduous and live oak removals for both agricultural purposes and non-agricultural purposes where a development permit is not required. An Oak Tree Specialist position was created in the Agricultural Commissioner's Office to oversee the Program, work with landowners to develop mitigation measures, and encourage voluntary protection and regeneration efforts. This position was eliminated during the economic downturn.

Program Components-

The Program is governed by, "The Guidelines for Native Oak Tree Removal" (attachment B) which are found in Appendix A of Chapter 14, (Grading Code) of the Santa Barbara County Code. Appendix A is administered by the Agricultural Commissioner's Office. The Program is also governed by the "Deciduous Oak Tree Protection and Regeneration Program", Article IX of Chapter 35 of the Santa Barbara County Code, which is administered by Planning and Development. Additionally, Section 24A-2 of Chapter 24A of the Santa Barbara County Code provides the Agricultural Commissioner's Office with enforcement authority involving native oak tree removal violations under the Program. The Program only applies to the removal of oak trees in the inland area when no other discretionary development permits are required. If oak trees are to be removed as part of a development project requiring discretionary land use permits, such removals will be subject to relevant County policies and ordinances and will also be considered as part of the CEQA environmental review process.

The Program has two basic parts, the Deciduous Oak Program (Section I) and the Live Oak Program (Section II). In addition, the program has Program Basics (Section III) that includes definitions, program review requirements, replanting standards, and Management Plan Standards.

The Deciduous Oak Program applies to the removal of species such as Valley and Blue Oaks. Deciduous oak tree removals for agricultural purposes are either exempt from any requirements (Tier 1), require landowner regeneration and self-certification (Tier 2), require a management plan administered by the Agriculture Commissioner's Office (Tier 3), or a discretionary permit from Planning and Development (Tier 4). The number of deciduous oak tree removals that correspond to the four tiers depends on the lot size and the number of oak tree removed. For example, for lots less than 50 acres in size, only a single deciduous oak tree removal during the thirty year removal period is subject to the Tier 1 exemption from any requirements, while as many as 19 deciduous oak tree may be removed from a lot greater than 899 acres and still be subject to the Tier 1 exemption. At the high end of the continuum of removals, Tier 4 removals require a discretionary permit from Planning and Development. For lots less than 50 acres in size, the removal of more than 8 deciduous oak trees triggers the permit requirements, while for lots greater than 899 acres, the removal of 154 or more deciduous oak trees triggers the need for a discretionary permit. For the removal of deciduous oak trees for non-agricultural purposes, the requirements for the various tiers are triggered by significantly fewer deciduous oak tree removals, depending on lot size, and Tier 2 removals require replanting.

The Live Oak Program applies to the much more common non-deciduous oak trees and is different from the Deciduous Oak Program. There are no discretionary permits required for any level of live oak

removal, regardless of lot size. Instead, a Management Plan administered by the Agricultural Commissioner's Office is required when the oak tree removals for agricultural purposes exceeds 15% of the oak canopy on a given lot over the 30 year removal period, regardless of lot size. The Live Oak Program for non-agricultural removals is similar, but the requirement for a management plan is triggered when removals exceed 5% of the canopy.

Program Administration-

The Agricultural Commissioner's Office is the primary administering agency for the Deciduous Oak and the Live Oak Programs. An Oak Tree Specialist position was created in 2006 and assigned to the Agricultural Commissioner's Office to oversee the Program, work with landowners in developing mitigation schemes, and encourage voluntary protection and regeneration efforts. The Program involves Planning and Development only to a limited extent. This includes processing Tier 4 permits for the removal of deciduous oak trees under Article IX of Chapter 35 of the County Code. In addition, Planning and Development staff conduct inspections pursuant to complaints that activities, such as grading for access roads, associated with oak tree removals require other discretionary permits.

In October of 2005, the Agricultural Commissioner's Office budget was funded to hire an Oak Tree Specialist, and the department began actively administering the Program until that position was unfunded in June 2009. The position was ultimately eliminated from the Agricultural Commissioner's budget in the 2010-2011 fiscal year. Since that time, the Program has reverted to conducting education and outreach activities, and responding to inquiries and complaints.

Program Status and Effectiveness-

The Agricultural Commissioner's Office continues to administer the Program.

The Agricultural Commissioner's Office consulted on approximately five agricultural oak removal projects between 2005 and 2009. None of those projects met the threshold for mitigation and the department has not received notice of agricultural projects involving oak tree removal since 2009. Since the Program's inception, no oak tree removal project, either agricultural or non-agricultural, has removed a sufficient number of oak trees to trigger the requirement for a Management Plan or replanting, although one Management Plan was submitted on a voluntary basis even though it was not required. Similarly, Planning & Development has never received an application for a Tier 4 deciduous oak tree removal permit. Although some complaints of oak tree removals have been received and investigated, none were found to be in violation of the ordinances.

In 2010, the Agricultural Commissioner's Office contracted with the Santa Barbara County Farm Bureau to fund the Santa Barbara County Oak Tree Education Coordinator position within the Farm Bureau Office. The goal of the Coordinator position is to collaborate with local agricultural stakeholders, schools, and public volunteers to help sustain the native oak resources throughout the County through public outreach and oak tree regeneration programs. This goal is achieved through a variety of mechanisms including a high school on-campus acorn planting and growing program, elementary school classroom education sessions, partnering with other agencies such as the Cachuma Operations and Maintenance Board, and working with landowners and associations such as the Santa Barbara Cattlemen's Association and California Women for Agriculture. The Program is well publicized with articles appearing in all of the major newspapers in the county and on the Farm Bureau website. On average, 5000 acorns are planted each year with approximately 100 property owners receiving seedlings to date.

At this time, the effectiveness of the Program remains consistent with its original intent. Based on this review, staff does not recommend any changes to the Oak Tree Program.

Performance Measures:

The Oak Tree Protection and Regeneration Program is consistent with the following adopted Strategic Goals:

- a) An Efficient Government Able to Respond Effectively to the Needs of the Community
- b) A Community that is Economically Vital and sustainable.
- c) A High Quality of Life for All Residents

Fiscal and Facilities Impacts:

The Agricultural Commissioner's Office budget currently includes responding to complaints and ongoing funding for the Oak Tree Education Coordinator position within the Farm Bureau Office. Code enforcement work is not included in the Agricultural Commissioner's budget. The cost of processing Tier 4 deciduous oak tree permit applications by Planning & Development is offset by fees paid by the applicant.

Attachments:

Attachment A: 2005 Initial Review Report On the Status of Oak Tree Protection and Regeneration Program Board Letter

Attachment B: Appendix A Grading Ordinance Guidelines for Native Oak Tree Removal Incorporated into Chapter 14 of Santa Barbara County Code: Grading April 22, 2003

Authored by:

Debbie Trupe, Compliance Coordinator,
Cathy Fisher, Agricultural Commissioner
Glenn Russell, Director Planning & Development