



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: Public Works
Department No.: 054
For Agenda Of: January 4, 2011
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director Scott McGolpin, Public Works Department, 568-3010
Contact Info: Dacé Morgan, Deputy Director -Transportation, 568-3064

SUBJECT: **Traffic Nuisance Abatement and Tree Removal on Clubhouse Road, APN 097-371-067 (Lot 54), Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A) Hear and consider the report of the road commissioner and any objections thereto, regarding the traffic nuisance that exists on Clubhouse Road, APN 097-371-067 (Lot 54), due to dead and dying Monterey Pine trees, as described in Attachments A and B;
- B) Declare that a traffic nuisance threatens to impair the safe use of the public right-of-way on Clubhouse Road, Lot 54, caused by dead Monterey Pine trees and dead limbs on adjacent Monterey Pine trees;
- C) Direct the Road Commissioner to abate the traffic nuisance by entering private property, removing 30 dead Monterey Pine trees and removing the dead limbs from other Monterey Pine trees that overhang the roadway easement along Clubhouse Road, APN 097-371-067 (Lot 54), and recover the costs of such abatement from Clubhouse Estates Homeowners Association;
- D) Authorize the Road Commissioner to expend Road Fund monies to abate the traffic nuisance, and to utilize a contractor for the work required.
- E) Direct the Road Commissioner to keep an account of all expenses incurred in abating the traffic nuisance on Clubhouse Road, APN 097-371-067 (Lot 54), owned by Clubhouse Estates Homeowners Association, and file a report thereof with the Board upon completion.

- F) Determine that this action is exempt for the California Environmental Quality Act (CEQA) in accordance with Section 15304 of the Guidelines for Implementation of CEQA and direct Staff to file the Notice of Exemption with the Clerk of the Board.

Summary Text:

The Public Works Department has received numerous complaints from residents concerning the declining health of the pine trees that line Clubhouse Road. An Independent Arborist, certified in the State of California, examined the trees in April 2010 and again in December 2010 and confirmed that they are a threat to public safety because they are dying and could fall on to the public roadway. The County maintains Clubhouse Road as an easement; however, based on County Code Chapter 28, Article VIII, sections 106 through 108, the underlying property owner is responsible for the maintenance of all vegetation within the easement. Public Works has sent numerous letters and made telephone calls to the underlying property owner, Clubhouse Estates Homeowners Association, demanding that they remove the safety hazard from County right-of-way. To date, the owners have refused to remove any trees or limbs that are a safety hazard. Public Works has sent a Notice to Abate Traffic Nuisance (see Attachment C) to Clubhouse Estates Homeowners Association notifying them of traffic nuisance and of today's hearing. In addition, this notice was posted on the property and with the Clerk of the Board 10 days prior to today's hearing. Two of the trees identified in the Arborist's reports have already fallen. These two trees did fall away from Clubhouse Road. Due to the threat that these trees pose to the traveling public, the Public Works Department recommends that your Board direct the Road Commissioner to remove from Clubhouse Road, all dead trees and limbs that impair the safe use of County right-of-way; and recover the costs associated with the abatement of the traffic nuisance from the property owner through a tax lien as necessary.

Background:

After receiving numerous calls from citizens concerning the condition of the Monterey Pine trees on Clubhouse Road, Public Works hired an Independent Arborist to inspect the trees in April 2010 and December 2010. He confirmed that, of the 73 pine trees, 30 are completely dead and in advanced stages of decay. He states in his report, *"The extent of trunk and root decay progressing within the dead pines renders these trees an ongoing hazard to all users of the public roadway. Partial or complete tree failure could occur at any time causing injury to drivers or pedestrians, or vehicle damage if a falling tree or large branch were to hit a passing vehicle."*

While the remaining trees appear to be reasonably healthy, there is an on-going infestation of two or more species of pine bark beetle, as well as pine pitch canker disease progressing within about two-thirds of the mature trees. Any trees that remain after the County removes the immediate safety threat will continue to decline and become hazards. County Code Section 28-106 states that the vegetation along the public right-of-way, which threatens or impairs the safe use of the public right-of-way can be deemed a traffic nuisance. While the remaining trees are continuing to decay, according to the arborist report, they are not an immediate threat to the public road right-of-way. The County's Arborist will review the remaining trees on a minimum of a semi-annual basis to determine if any of the remaining Monterey Pine trees become an immediate threat. If additional trees are determine to be a traffic nuisance, Public Works will notify the owner and if the owner is unresponsive, we will approach your Board to declare these trees a traffic nuisance and request permission to removal them as well. Based on the Arborist's report, the Monterey Pine is not a sustainable tree species in the Clubhouse Road habitat.

With a normal life expectancy of 50 years, and the various levels of disease and infestation, the County can expect that these trees will remain an imminent safety concern and expense for the next 20-30 years.

Since September 2009, Public Works has sent four letters to Clubhouse Estates Homeowners Association demanding that they remove the hazardous trees; however, they have failed to comply. The Department obtained an estimate of \$18,500 from Coastal Tree Service for the cost of removing the trees. The Department reviewed the proposal and based on the amount of work required to removal these trees and haul all of the cuttings off site, we determined that this bid was reasonable. The Department recommends that your Board direct the Road Commissioner to abate and remove the trees and limbs that are an immediate safety hazard. Once the work is complete, Public Works will return to your Board with a report of all costs associated with the safety hazard abatement. This report will be available for public inspection in the office of the Clerk of the Board, during normal business hours, for 10 days prior to the hearing. Your Board’s approval of the final cost report will be necessary to place a tax lien on APN 097-371-067 to recover the costs of the hazard abatement.

The Department’s arborist will continue to monitor the remaining trees on a minimum of a semi-annual basis. We will approach your Board in the future, should it become necessary to abate any safety hazards.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
FHWA			
CAL EMA			
Other: Road Fund	\$ 18,500.00		\$ 18,500.00
Total	\$ 18,500.00	\$ -	\$18,500.00

Narrative:

Cost for removing the dead trees and limbs would be approximately \$18,500. Public Works has funds budgeted for Unanticipated Minor Projects in Dept. 054, Fund 0016, Org. 0500, Program 2710, Account 7510 that will be used for this purpose.

Staffing Impacts:

Legal Positions:
None

FTEs:
None

Special Instructions:

Please post a Notice of Public Hearing, for 10 days prior to this hearing. Please provide a certified stamped Minute Order approving these actions to the Public Works Department, Transportation Division, Attn: Gena Valentine Felix, 3064.

Attachments:

Attachment A: Arborist's Report dated April 2010

Attachment B: Arborist's Report dated December 2010

Attachment C: Notice to Abate Traffic Nuisance

Attachment D: Notice of Exemption

Attachment E: Road Commission Letter to Clubhouse Estates Homeowners Association, dated July 8, 2010

Authored by:

Dacé Morgan, Deputy Director, Public Works – Transportation, 568-3064

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