

**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Santa Barbara County Clerk of the Board

FROM: Lisa Plowman ext. 2025  
Alex Tuttle ext. 6844

DATE: March 18, 2003

RE: Oak Tree Protection and Regeneration Program Amendments

XC: Dianne Meester, Interim Director

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The following documents were revised during the Board of Supervisors March 11, 2003 hearing on the Oak Tree Protection and Regeneration Program:

- Findings and Statement of Overriding Considerations (Attachment A)
  - includes one minor text correction that was not identified at the Board hearing (see page 12 of Attachment A)
- Chapter 14: Grading Ordinance Amendments (Attachment B)
- Article IX, Chapter 35: Deciduous Oak Tree Protection and Regeneration Ordinance (Attachment C)

The changes made by the Board are provided in the documents attached.

# **ATTACHMENT A**

## **Findings and Statement of Overriding Consideration**

Pages 12 and 23

3. Replacement deciduous oak trees shall be established in a location suitable for their growth and survival as determined by the Oak Tree Specialist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than 165-180 feet from each other or existing oak trees unless otherwise approved by the Oak Tree Specialist.
4. Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.
5. The replacement deciduous oak trees shall be nurtured for five (5) years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, ten trees for every protected tree removed must be alive, in good health as determined by the Oak Tree Specialist, and capable of surviving without nurturing and protection.
6. Each replacement deciduous oak tree must be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from grazing or browsing by animals both below and above ground until it has reached a minimum of eight (8) feet in height.
7. Where conditions warrant and where agreed to by the landowner and Oak Tree Specialist, tree planting designs and nurturing practices (i.e. protective structures, watering schedules) may be adjusted to improve the probability that replacement trees will be established successfully.
8. Naturally occurring valley and blue oak seedlings/saplings, growing on the lot and between six (6) inches and six (6) feet in height that are protected and nurtured for five (5) years, may be counted as replacement (mitigation) trees under the Program.
9. Any combination of acorns, planted seedlings/saplings, or naturally occurring valley and blue oaks between six (6) inches and six (6) feet tall, if established according to the program guidelines, may be used to achieve the required number of replacement trees.

**Replacement Standards for Discretionary Level (Agricultural and non-Agricultural) Deciduous Oak Tree Removal** (from Oak Tree Protection and Regeneration Ordinance)

These standards are the same as for Tier 3 of deciduous oak program for agricultural removals except for the deletion of 1.a and 1.c(2) (as written above), different wording in the new 1.a(4), and the addition of 10-12. These changes are shown below:

1. The Management Plan shall be prepared or endorsed by the Oak Tree Specialist. The plan shall:
  - a. Demonstrate how the mix of deciduous oak tree savannas, woodlands, and forests on the lot will be preserved, created, enhanced, restored, and maintained, so that:
    - (4) On-site replacement is given priority over off-site replacement except where no

suitable on-site locations exist, or reasonable use of the lot would be precluded as determined by Planning and Development along with the Oak Tree Specialist. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant, the landowner and the Oak Tree Specialist. For off-site replacement planting locations priority shall be given to nearby sites and to sites adjoining existing deciduous oak woodlands or providing links between deciduous oak woodlands.

(5) There is avoidance of removal of actively used granary trees, raptor roosting or nesting trees, and trees in riparian and other wildlife corridors.

b. Identify valley and blue oak tree replanting, restoration, conservation and enhancement sites on a plan or aerial photograph to facilitate mitigation monitoring and tracking; and identify the species, location, and size of all oak trees that are planted or protected as mitigation or to fulfill a condition on the permit.

c. Provide the deciduous oak tree replanting schedule and nurturing regime.

1.2. Replacement deciduous oak trees shall be established in a location suitable for their growth and survival as determined by the Oak Tree Specialist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than 165-180 feet from each other or existing oak trees unless otherwise approved by the Oak Tree Specialist.

2.3. The replacement deciduous oak trees shall be nurtured for five (5) years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, ten trees for every protected tree removed must be alive, in good health as determined by the Oak Tree Specialist, and capable of surviving without nurturing and protection.

3.4. Valley oak tree removal encompassing an area of five (5) acres or greater shall require valley oak replanting of an area of comparable size in accordance with the requirements of this section, in an area of existing or historic valley oak habitat. This area shall be protected in the long-term, where feasible, ~~be protected in perpetuity by an open space easement or similar legal instrument.~~

~~4. For off-site replacement planting locations priority shall be given to nearby sites and to sites adjoining existing deciduous oak woodlands or providing links between deciduous oak woodlands. [moved above]~~

### Management Plan Standards for the Live Oak Program (excerpt)

1. The plan shall:

a. Provide a means to accomplish the long-term goal of the program which is to promote the conservation and regeneration of areas where oaks occur and work to increase the native oak population and extent. It is recognized that the replacement ratios, planting distances,

# **ATTACHMENT B**

## **Amendments to Chapter 14: Grading Ordinance**

Pages 3 and 13

## **SECTION 2**

**Section 14-7 Definitions** of Chapter 14 of the County Code of the County of Santa Barbara is hereby amended by adding the definition for “native oak tree removal” to read as follows:

NATIVE OAK TREE REMOVAL. Causing an oak tree to die, be uprooted and/or removed from the ground by any means, including, but not limited to, cutting, uprooting, poisoning, or burning (unrelated to controlled burns). Excessive pruning or topping, or severing an oak tree’s roots enough to lead to the death of the tree, would also be considered oak tree removal. Death by natural causes (e.g. sudden oak death syndrome) or removals required due to disease, regulatory requirements or trees removed that pose an immediate threat to human safety<sup>1</sup> shall not be considered a removal.

## **SECTION 3**

**The definition of “Director of Planning and Development” in Section 14-7 Definitions** of Chapter 14 of the County Code of the County of Santa Barbara, is hereby amended to read:

DIRECTOR. Director of the Department of Planning and Development for the County of Santa Barbara, or authorized representative. For the purposes of native oak tree removal, the director may be either the Agricultural Commissioner or the Director of Planning and Development or their authorized representatives.

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<sup>1</sup> An example of “an immediate threat to human safety” would be an oak that, through natural causes, is imminently and highly likely to fall directly onto an inhabited residential structure.

2. Unit of land that the removal thresholds are based on: Legal lots or, where applicable, contiguous legal lots under single ownership, as determined by the Agricultural Commissioner.
3. Definition of Removal: “Causing an oak tree to die, be uprooted and/or removed from the ground by any means, including, but not limited to, cutting, uprooting, poisoning, or burning (unrelated to controlled burns)<sup>2</sup>. Excessive pruning or topping, or severing an oak tree’s roots enough to lead to the death of the tree, would also be considered oak tree removal.” Death by natural causes (e.g. sudden oak death syndrome) or removals required due to disease, regulatory requirements or trees removed that pose an immediate threat to human safety<sup>3</sup> shall not be considered a removal.
4. Where a public utility or other public entity has an easement over a portion of a lot, and if a public utility or other public entity removes protected oak trees within a utility or other public easement located over a portion of a lot, those protected oak tree removals shall not be counted toward the cumulative thresholds set out in these guidelines for the remainder of the lot.
5. Administering Agency: Agricultural Commissioner’s Office, with technical assistance from the CRCDD and an Oak Tree Advisory Committee.
6. Naturally occurring valley, blue, and live oak seedlings/saplings, growing on the lot and between six (6) inches and six (6) feet in height that are protected and nurtured for five (5) years, may be counted as replacement (mitigation) trees under the Program.
7. Any combination of acorns, planted seedlings/saplings, or naturally occurring valley, blue, and live oaks between six (6) inches and six (6) feet tall, if established according to the program guidelines, may be used to achieve the required number of replacement trees. Valley oaks shall replace valley oaks removed, blue oaks shall replace blue oaks removed, and live oaks shall replace live oaks removed.
8. Replanting shall occur on the lot from which the protected oak trees are to be removed, unless the Oak Tree Specialist determines it precludes reasonable use of the lot, or no suitable area exists on the lot for replanting oak trees. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant/landowner and the Oak Tree Specialist.
9. Program Review: Both the Deciduous Oak Program and the Live Oak Program will be the subject of an effectiveness review by the Board of Supervisors to determine, among other things, if regeneration is working. In addition, the amount of oak acreage removed

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<sup>2</sup> The Oaks Tree Specialist shall work with landowners, APCD, the Range Improvement Association and the Fire Districts to coordinate protocols for controlled burns that protect ~~all~~-native oaks where feasible.

<sup>3</sup> An example of “an immediate threat to human safety” would be an oak that, through natural causes, is imminently and highly likely to fall directly onto an inhabited residential structure.

**ATTACHMENT C**

**Article IX, Chapter 35 Deciduous Oak Tree Protection and Regeneration  
Ordinance**

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boundaries of which are delineated in the latest recorded parcel map, subdivision map, or Certificate of Compliance recorded in the County Recorder's Office or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or County ordinance.

NATIVE: Indigenous; of a species occurring naturally in an area.

NON-AGRICULTURAL REMOVAL: For the purposes of this Ordinance in relation to oak tree removal, any removal of protected oak trees for a purpose other than for agriculture.

NURSERY STOCK: Plants grown in a nursery.

NURTURE: To promote the growth of a tree through means such as watering, weeding, protecting and fertilizing.

OAK TREE REMOVAL: Causing a deciduous oak tree to die, be uprooted or removed from the ground by any means, including, but not limited to, cutting, uprooting, poisoning, or burning (unrelated to controlled burns)<sup>4</sup>. Excessive pruning or topping, or severing an oak tree's roots enough to lead to the death of the tree, would also be considered oak tree removal. Death by natural causes (e.g. sudden oak death syndrome) or removals required due to disease or regulatory requirements shall not be considered a removal.

OAK TREE REMOVAL PERMIT: A discretionary permit required as prescribed by this ordinance prior to removal of a specified number of protected deciduous oak trees within the inland rural areas of the County.

OAK TREE REMOVAL THRESHOLDS: An amount of deciduous oak tree removal that requires a permit.

PROTECTED OAK TREE: A deciduous oak tree four inches or greater in diameter at breast height.

REMOVAL TRACKING PERIOD: A period of time in which removal, both exempt and non-exempt, of protected deciduous oak trees is tracked cumulatively. The first removal tracking period begins on the effective date of this article. For the purposes of this article, the removal tracking period is thirty (30) years.

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<sup>4</sup>The Oak Tree Specialist shall work with landowners, APCD, the Range Improvement Association and the Fire Districts to coordinate protocols for controlled burns that protect native oaks where feasible.