



Tree Removal Regulations (Summary of Proposed Updates)

Overview & Goals of Proposed Tree Removal Regulation Updates

The regulations for tree removal (Tree Ordinance) are proposed to be updated to address deficiencies related to the development review process. In addition to the general goals of the regulation update, the specific goals of the Tree Ordinance are to:

- ▶ Encourage the preservation and maintenance of healthy trees while allowing for reasonable and conforming use of private property.
- ▶ Encourage the replacement of trees removed by necessity with native, drought tolerant, and locally adapted tree species.
- ▶ Create an efficient and cost effective tree removal permit process for trees that are:
 - Unsafe or unhealthy
 - In poor condition
 - Cause a significant fire hazard
 - Adversely impact utilities or cause significant property damage
 - Required to be removed as part of vegetation/fire management plan approved by the Belmont Fire Department
- ▶ Create public awareness of the tree ordinance, the role of trees in our environment, and best practices for tree management.

Current Issues

Deficiencies were identified in the current Tree Ordinance, as follows:

- The Tree Ordinance is too broad, and promotes the maintenance of non-native, invasive tree species. No premium is given to desirable trees over undesirable trees.
- Development Review aspects (removal fees and replanting) center on maintaining Biomass to the exclusion of other factors (i.e., non-native trees, invasive tree species, trees in poor condition, and trees that are fire hazards).
- Damage is very broadly defined to include any tree impact outside of pruning to increase the health of the tree.



Tree Removal Regulations (Summary of Proposed Updates)

- There are no findings (basis for approval/denial) for tree removal permits associated with development review projects.
- Planning Commission discretion is too broad. The current ordinance allows the Commission to impose conditional requirements for the granting of a tree removal permit including any, all, or none of the following: 1) tree replacement of up to a 3:1 ratio for protected tree removal and 1:1 for removal of protected size Acacia, Eucalyptus Globulus, or Monterey Pine trees; 2) payment of tree removal fees in accordance with the latest adopted fee schedule; 3) continued tree maintenance for new trees and replacement plantings; and 4) payment of a security deposit for replanting when five or more protected trees are removed.

Summary of Proposed Updates

The Tree Ordinance is proposed to be reorganized such that all of its sections would be modified. The substantive amendments proposed to the ordinance are provided below.

Purpose

The purpose statement of the tree ordinance would be modified to identify the many benefits of trees, while acknowledging that certain trees, due to their species, location, health and condition, etc., contribute more to the urban forest and provide more public benefits than others. It would also be acknowledged that trees can be burdens when located in a way that damages property, interferes with utilities, and impacts the reasonable economic use of property. In addition, it would be noted that non-native invasive tree species, diseased trees, hazardous trees, and trees with poor structural integrity, can adversely affect public health, safety and welfare.

Definitions

Definitions would be included for Heritage Trees, Arborist Report, Certification Letter, Dead Trees, Excessive Pruning, and Conforming Use.

Protected Tree

The current Tree Ordinance defines a Protected Tree as any tree equal to or greater than 10 inches in diameter at 4.5 feet above grade (DBH). The proposed amendments would define Protected Trees to include Heritage Trees, City Trees, Replacement Trees, or Large Diameter Trees. Heritage Trees would be defined as Coast Live Oak, Valley Oak, Redwood, Madrone, Bay Laurel, or Buckeye having a single main stem or trunk of 10 inches or more DBH. Large diameter trees would be all trees that are 16 inches or more DBH, with the exception of Eucalyptus, Monterey Pine, Palm, or Acacia.



Tree Removal Regulations (Summary of Proposed Updates)

Damage & Severe Damage

The current ordinance defines “*Damage*” to include any tree impact outside of pruning to increase the health of the tree, and allows for the collection of a tree removal fee for such damage. The proposed amendments would replace the definition of Damage with a definition of “*Severe Damage*” which would mean any action undertaken which causes or may cause death or significant injury to a tree or its roots, or which places the tree in an irreversible state of decline.

Standard Tree Protection Measures

Tree protection measures are currently prescribed on an ad-hoc basis, either as part of an arborist report submitted by an applicant or by the city arborist during project review. This can be an inefficient approach, particularly for smaller projects where the preparation of an arborist report was not anticipated.

The revised ordinance would include the preparation of a schedule of standard tree protection measures that may be required by the City as conditions of approval for development projects (i.e., construction or other site disturbance occurring within the dripline of a protected tree). The City would have the authority to approve alternative measures to better meet site conditions (on a case by case basis).

Permit Review Procedure

The Community Development Department currently administers tree removal permit(s) when the removal is associated with an application for a building permit, variance, design review, or any other development entitlement. The Parks and Recreation Department administers all tree removal permit(s) when not associated with a building permit, variance, design review, or any other development entitlement that is required (i.e., property maintenance issues). The Tree Ordinance is proposed to be administered consistent with a tiered review system proposed for Section 13A of the Zoning Ordinance (Single Family Design Review).

Tree Removal Fees & Replanting

The current tree ordinance bases tree removal fees and replanting predominantly on tree size (bio-mass) without consideration to tree species, condition or location (except for Acacia, Monterey Pine, and Eucalyptus species). No other general exceptions or reductions in tree removal replanting amounts are given for non-native trees, invasive tree species, dead tree, or trees in poor condition. In addition, there is no allowance specified with the Ordinance for trees



Tree Removal Regulations (Summary of Proposed Updates)

removed as part of a required fire/vegetation management plan (i.e., for development occurring in Wildland Urban Interface areas).

The updated tree ordinance would base tree removal fees and replanting primarily on tree size, species, and condition. The amendments to the ordinance refer to a schedule to be adopted by the City Council, which identifies payments for each tree removed, or the replanting of trees, or both. This schedule will be based on tree valuation such that the total amount collected for tree removal fees, and the cost of the required mitigation plantings would not exceed the value of the tree(s) being removed.

Criteria for Permit Determination

The current ordinance does not include standards for review (findings - basis for approval/denial) for tree removals associated with development review projects (Planning Commission review).

The proposed amendments would require the reviewing authority to base its determination to approve, conditionally approve or deny an application for a tree removal permit on a balancing of the criteria provided in the table below. This balance would occur with both criteria supporting removal and criteria supporting retention of trees. Discretion would be applied in that all criteria would not necessarily be weighted equally.

Criteria for Permit Determination (findings)

(1) Criteria Supporting Removal	(2) Criteria Supporting Retention
<p>(A) The tree is: (i) in poor condition; (ii) at the relative end of its life span of the particular species; (iii) diseased or infested beyond reasonable attempts at remediation; (iv) has poor structural integrity; (v) is in danger of falling; or, (vi) poses a safety hazard.</p> <p>(B) The particular tree species is undesirable due to characteristics such as invasiveness, tendency toward limb failure, and fire hazards.</p> <p>(C) The tree is damaging or interfering with existing structures site improvements</p>	<p>(A) The tree is located outside of the developable area of the property.</p> <p>(B) The tree and its location contribute substantially to the aesthetic appeal of the property or the neighborhood.</p> <p>(C) The effect of the requested tree removal on the remaining number, species, size and location of existing trees on the site and in the area, including trees mutually dependent on each other for survival, structural integrity or aesthetics.</p>



Tree Removal Regulations (Summary of Proposed Updates)

<p>and utility services.</p> <p>(D) Removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.</p> <p>(E) Proximity of the tree to existing or proposed structures.</p>	
--	--

Conditions of approval

The current ordinance allows the Planning Commission to impose conditional requirements for the granting of a tree removal permit including any or all of the following: 1) tree replacement up to a 3:1 ratio for protected tree removal and a 1:1 ratio for removal of protected size Acacia, Eucalyptus Globulus, or Monterey Pine trees; 2) payment of tree removal fees in accordance with the latest adopted fee schedule; 3) continued tree maintenance for new trees and replacement plantings; and 4) payment of a security deposit for replanting when five or more protected trees are removed.

Under the proposed ordinance, the review authority could also require project conditions to mitigate for the loss of the tree, provided that these conditions reasonably relate to the particular impacts caused by the tree removal and are not disproportional to those impacts (see following Table).

Criteria for Permit Determination (conditions)

<p>(b) Conditions of Approval.</p> <p>(1) For each tree removed, the applicant must pay a removal fee or replant trees, or both, in accordance with a schedule adopted by the city council.</p> <p>(2) The reviewing authority may impose conditions of approval in addition to those in subsection when City staff has determined that the tree removal may substantially affect erosion or soil retention.</p> <p>(3) Conditions imposed by the reviewing authority must be reasonably related to the particular impacts caused by the tree removal and not disproportional to those impacts.</p>
