

San Mateo County Tree Ordinance Update Project
April 30, 2018, 1:30-3:30
455 County Center, Room 405
Meeting Notes

Meeting Objectives: Discuss Draft Tree Ordinance and gather Steering Committee input; determine whether a subsequent meeting is needed. (By the end of the meeting, we concluded we needed another Steering Committee meeting, tentatively in mid-June).

Welcome—Joe LaClair

- narrowing project focus to urbanized areas for now; take up rural areas as a second project
- introduced Dan Krug as new County Arborist
- The draft ordinance is work in progress. We seek your input today on big ideas; can email detailed comments, preferably as a marked up version using track changes

Q: Some urban areas of the Midcoast are zoned RM and PAD—these are not affected even if within the urban boundary? A: Correct.

Overall Process and Summary of Feedback Received—Joe LaClair

- this group will need to meet again—in June
- staff will craft a revised proposal
- Planning Commission public hearing
- formal adoption (1st and second reading) by Board of Supervisors

Highlights of Proposed Protected Tree Ordinance – Joe LaClair (see powerpoint)

- Combined aspects of Significant and Heritage Tree ordinances into one
- Added definitions
- Identified protected trees and heritage trees
- Added over the counter permits for certain exotic species and dead trees; added requirements for arborist reports; included proposal for pruning plans; clarified replacement planting requirements and process for emergency and hazardous trees

Clarifying Questions—Steering Committee

Q: Could a map be made available showing where the ordinance would and wouldn't apply? A: Yes

Q: Does this apply to anyone, including County Parks Dept., etc.? A: Right now the ordinance refers to private and public tree removal. Generally County departments are not required to get permits except in the coastal zone. Generally they don't work in urbanized area so it's unlikely that they will be working on land that is included.

Q: Define private and public street. A: Will do.

Q: Clarify whether PG&E is exempt when they are complying with PRC 4291 to 4293.

Q: Volunteer tree sprouts—definition of tree should exclude these. But they are below the diameter.

Q: Why was Monterey Cypress excluded? We should discuss this. A: Monterey Pine was included for fire hazard reasons. Is there a reason to include Monterey Cypress? Some believed Monterey Cypress should not be added, and some believed it should.

Q: Community Development Director is given a lot of latitude to make decisions as final decision-maker. Isn't this a lot of work for him? Does this mean staff? A: Yes this does mean staff but he is the ultimate decision-maker. This is standard language but is open for discussion.

Q: Any scientific basis for 10 inch diameter? A- No, this recommendation is based on best professional judgement. Consider that this will apply to very young trees in some cases e.g., Douglas Fir. A: It's arbitrary, but based on other communities. Provides ability to both protect and remove; a little more permissive than some communities. We will take a look at adjusting the size for Douglas Fir.

Q: What is outreach plan once ordinance is approved? A: County websites. Will contact tree companies in the County, homeowners groups. Suggest that the County reach out to arborists and landscape contractors associations. Would like a pamphlet for the lay person that they can understand.

Q: Some tree contractors operate in unsafe conditions. What can you do about this? A: There are state licenses for these operators. Regulations do not discuss licensed tree removers, just certified arborists. We have been focused on what, not how. We may want to consider addressing this in the revisions.

Comments/Feedback:

Tim Hyland, State Parks: Statement that there has been a significant loss of indigenous trees in the County is factually not true throughout the County.

Rich Sampson, CalFire: We will be exceeding the 10 inch diameter quite rapidly when we look at fire protection. A: There may be an exemption for this. We'll work with you to come up with something that works.

Catherine Martineau, Canopy: Statement about area that was historically covered with trees—why does this matter? Sampson, CalFire: Areas in Pacifica that were formally coastal scrub are now eucalyptus—this is an issue.

Amanda Mills, MidPen: Concerned about size of replacement ratios due to potential for soil-borne Phytophthora contamination in the nurseries. A: We are relooking at replacement requirements. We are requiring less than other communities because sites' receiving capacity for replacement trees is limited, e.g., putting in a larger structure.

10-Minute Break

Scenario 1: Proposed Removal of Large Oak Tree-No Development—Mike Schaller

Current regulations provide no clear standard for hazard to life or property. Proposed regulations add sections on emergencies and hazard trees.

Committee Discussion of Scenario 1:

Lennie Roberts, Committee for Green Foothills: Coastal Act includes "sudden" in definition of emergency. Should be consistent. A- Staff will add that.

Rich Sampson, CalFire: New regulations drop CDF? A: Later version adds them back in. Definitions section is inconsistent with later section. A- Staff will keep CDF, add Parks and fix inconsistencies.

Igor Lacan: We have a database of tree failure/hazard with fields that can be selected based on the reason for hazard or failure. We can share this. This could be a monitoring tool.

Scenario 2: Proposed Removal of Several Trees—Development Permit—Joe Laclair

Committee Discussion of Scenario 2:

Q: Replacement of apple tree with another apple tree? A: Apple tree is not protected so you don't have to replace it with an apple.

Barbara Kossy: Seems like a lot of trees to be replaced. Maybe better to replace trees with smaller, younger trees. A: We will reevaluate the replacement tree requirements.

Ramona Arechiga, Parks Dept.: Phytophthora: Can't find a replacement tree of this size at any nursery using best management practices for soil-borne phytophthora. Can send around information about soil-borne phytophthora and what Parks Dept does to address it. Very concerned about replanting trees in potentially contaminated soil.

Igor Lacan: Phrase it carefully to force the hand of tree suppliers to show that their stock is not infected. They can test; cost of testing is minimal compared to cost of 24-inch box. It's definitely doable.

Joe Lococo: Can we develop a list of safe nurseries? MidPen is working on this.

Judy Horst, Menlo Oaks Tree Advocacy: People want a clear definition of size of replacement tree. Would rather see a larger tree because people take better care of them since they've invested more. Atherton arborist recommends larger trees.

Catherine Martineau: Focus on replacement of canopy, not the size of the tree. Are there differences in survival based on size of replanted trees?

Lenny Roberts: Which cities have requirements related to building envelope? A: Los Gatos and Palo Alto have requirements based on impact on building envelope. Focus on getting trees on site because it's hard to find off-site areas to plant.

Next Steps:

- Committee members markup draft ordinance language and submit to Joe by May 13.
- County will make revisions and ensure that people can track the changes. County will add page numbers to the regulations.
- County will prepare a map showing areas where regulations apply.
- Ramona will share white paper on soil-borne phytophthora with Committee members.
- Next meeting will be in about six weeks.

Meeting Evaluation:

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Helpful to prevent us from going down the rabbit hole on phytophthora

Scenarios were very useful