

**Santa Clarita Municipal Code
(Excerpts)**

Title 17: ZONING

Chapter 17.03: PERMITS AND APPLICATIONS

17.17.090 Oak Tree Preservation.

A. Definitions. For the purpose of this section:

“Cutting” shall mean the detaching or separating, either partial or whole, from a protected tree, any part of the tree, including but not limited to, any limb branch, root, or leaves. Cutting shall include pruning and trimming.

“Damage” shall mean any action undertaken which causes or tends to cause injury, death, or disfigurement to a tree. This includes, but is not limited to, cutting, poisoning, burning, overwatering, relocating or transplanting a protected tree, changing or compacting the natural grade within the protected zone of a protected tree, changing groundwater levels or drainage patterns, or trenching, excavating or paving within the protected zone of an oak tree.

“Deadwood” shall mean limbs or branches that contain no green leaves or live tissue. A tree or limb may be considered dead if it does not show evidence of any green leaves or live branches over the span of one year, inclusive of prime growing weather.

“Dripline” shall mean the outermost edge of the tree’s canopy. When depicted on a map or on the ground, the dripline will appear as an irregularly shaped outline that follows the contour of the furthest extension of the limbs and leaf canopy.

“Encroachment” shall mean any intrusion into the protected zone of an oak tree which includes, but is not limited to, pruning, grading, excavating, trenching, dumping of materials, parking of commercial vehicles, placement of incompatible landscaping or animal corrals, storage of materials or equipment, or the construction of structures, paving or other improvements. For purposes of this section, encroachment shall not include the action of a person physically entering the protected zone of an oak tree.

Encroachments shall be categorized as either **“major”** or **“minor”** for oak trees located on properties occupied by a single family residence. A major encroachment means any intrusion into the protected zone as defined above in an area between the outer edge of the trunk and fifty percent (50%) of the diameter of the protected zone. A minor encroachment will mean any intrusion into the protected zone as defined herein in an area between the outermost edge of the protected zone and fifty percent (50%) of the diameter of the protected zone.

“Heritage oak tree” shall mean any oak tree measuring one hundred eight (108) inches or more in circumference or, in the case of a multiple trunk oak tree, two (2) or more trunks measuring seventy-two (72) inches each or greater in circumference, measured four and one-half (4.5) feet above the natural grade surrounding such tree. In addition, the Planning Commission and/or City Council may classify any oak tree, regardless of size, as a heritage oak tree if it is determined by a majority vote thereof that such tree has exceptional historic, aesthetic and/or environmental qualities of major significance or prominence to the community.

“Oak tree” shall mean any oak tree of the genus *Quercus*, including, but not limited to, Valley Oak (*Quercus lobata*), California Live Oak (*Quercus Agrifolia*), Canyon Oak (*Quercus chrysolepis*), Interior Live Oak (*Quercus wislizenii*) and Scrub Oak (*Quercus dumosa*), regardless of size. In the case of properties occupied by a single-family residence, Scrub Oak (*Quercus dumosa*) shall be excluded from this list.

“Oak tree preservation and protection guidelines” or **“guidelines”** shall mean the policy established by the City Council and the administrative procedures and rules established by the Director of Community Development for the implementation of this development code.

“Routine maintenance” shall mean actions taken for the continued health of an oak tree such as insect control spraying, limited watering, fertilization, deadwooding and ground aeration. For the purposes of this development code, routine maintenance shall include pruning pursuant to the requirements of Section 17.17.090(E)(8).

B. Purpose. The purpose of this section is to protect and preserve oak trees in the City and to provide regulatory measures designed to accomplish this purpose.

The City lies in the Santa Clarita Valley, the beauty and natural setting of which is greatly enhanced by the presence of large numbers of majestic oak trees. These indigenous oak trees are recognized for their significant historical, aesthetic and environmental value. They are indicator species for the natural communities in which they exist, supporting a broad spectrum of other native plant and animal species. As one of the most picturesque trees in the Southern California area, they lend beauty and charm to the landscape, enhance the value of property, and preserve the character of the communities in which they exist.

Development within the Santa Clarita Valley has resulted in the removal of a great number of oak trees. Further uncontrolled and indiscriminate destruction of this diminishing plant heritage would detrimentally affect the general health, safety and welfare of the citizens of Santa Clarita. The preservation program outlined in this section contributes to the welfare and aesthetics of the community and retains the great historical and environmental value of these trees.

C. Oak Tree Policy. It shall be the policy of the City of Santa Clarita to require the preservation of all healthy oak trees unless compelling reasons justify the removal of such trees. This policy shall apply to the removal, pruning, cutting and/or encroachment into the protected zone of oak trees. The City Manager or his designated representative (“Director”), in conjunction with an oak tree preservation consultant as necessary, shall have the primary and overall responsibility to administer, evaluate and monitor this policy to assure strict compliance. Additional policy and standards shall be as set forth in the City’s Oak Tree Preservation and Protection Guidelines following adoption by the City Council. Any person who owns, controls, has custody or possession of any real property within the City of Santa Clarita shall make a reasonable effort to maintain all oak tree(s) located thereon in a state of good health. Failure to do so will constitute a violation of this ordinance.

D. Permit Required. No person shall cut, prune, remove, relocate, endanger, damage or encroach into the protected zone of any oak tree on any public or private property within the City except in accordance with the conditions of a valid oak tree permit issued by the City. The applicant shall be required to furnish all necessary information as determined by the Director together with the appropriate fee as established by Council resolution. Application materials shall include, but not be limited to, an oak tree report conforming to the Director’s specifications, a survey of the tree, its dripline and protected zone location, and illustrations and justifications of the proposal and tree tagging unless waived by the Director.

E. Exemptions. Notwithstanding the provisions of this code, a permit is not required under the following circumstances:

1. For trees that do not exceed six (6) inches in circumference when measured at a point four and one-half (4.5) feet above the tree's natural grade or for those trees on properties occupied by a single-family residence that do not exceed twelve and one-half (12.5) inches in circumference when measured at a point four and one-half (4.5) feet above the tree's natural grade.
2. In cases of emergency, including, but not limited to, thunderstorms, windstorms, floods, earthquakes, fires or other natural disasters or potential safety hazards, the City's oak tree consultant, authorized City official, or any member of law enforcement or law enforcement agency, forester, fireman, civil defense official or Code Enforcement Officer in their official capacity may order or allow the removal of part or all of a protected tree if, upon visual inspection, such tree is determined to be in a hazardous or dangerous condition. If possible, prior notice to the Director shall be provided. Subsequent to the emergency action, written notification shall be provided to the Director describing the nature of the emergency and action taken.
3. For trees planted, grown and/or held for sale as a part of a licensed nursery business.
4. Pruning by a public service or utility necessary to protect or maintain overhead clearance for existing electric power or communication lines, or public rights-of-way, subject to prior notice to the Director in nonemergency situations. All pruning work shall follow proper arboricultural practices as approved by the Director and/or the City's oak tree consultant.
5. Pruning of limbs or deadwood provided such live limbs do not exceed six (6) inches in circumference at the location of the cut. All pruning work shall follow proper arboricultural practices as approved by the Director and/or the City's oak tree consultant and shall not be excessive to the extent that the life of the tree is endangered or its aesthetic value is diminished.
6. When the property owner has received written permission from the Director for the removal of a maximum of three (3) scrub oaks (*Quercus dumosa*).
7. Routine maintenance as defined herein.
8. Pruning of limbs of an oak tree(s) on the properties occupied by a single-family residence; provided, that such pruning is undertaken under the supervision of an arborist retained by the owner and approved by the Director.
9. Minor encroachments as defined herein.
10. For those trees that are purchased and/or planted for non-mitigation purposes by the property owner of a single-family residence on the same property occupied by the residence. The owner shall not remove oaks owned and maintained by the City.

F. Use of Explosives. All tree fellers, tree surgeons or any other person using explosives within the City limits in connection with the cutting down or removal of any oak tree shall first apply to the City for a permit to do so and shall furnish such bond or insurance as the City Manager shall deem necessary for the protection of the property owner or any other person from any possible damage as a result of such work.

G. Authority. The Director may approve, deny or conditionally approve a request for the removal of three (3) or fewer oak trees on a single parcel except for heritage oak trees as provided herein. The

Director may approve, deny or conditionally approve a request for the removal of five (5) or fewer trees when the applicant is the owner of a single-family residence and the trees in question are on the applicant's lot. The Director may also approve, deny or conditionally approve a request for pruning by a certified arborist or encroachment involving an unlimited number of oak trees. The decision of the Director may be appealed to the Planning Commission and the Commission's decision may be appealed to the City Council pursuant to the provisions of this code. The Director may refer any request for an oak tree permit directly to the Planning Commission if the Director determines that special circumstances may exist with regard to the status of the tree(s), special community interest, or exceptional aesthetic, environmental or historical value. Any request for removal of four (4) or more oak trees or six (6) or more oak trees on a property occupied by a single-family residence or one or more heritage oak trees on a single parcel shall be reviewed by the Planning Commission who may approve, deny or conditionally approve such request. The decision of the Planning Commission may be appealed to the City Council pursuant to the provisions of this development code.

H. Conditions. Conditions may be imposed on the permit at the discretion of the decisionmaker, including, but not limited to, any of the following:

1. A condition requiring the replacement or placement of additional trees on the subject property to offset the impacts associated with the loss of a tree, limbs or encroachment into the protected zone of an oak tree.
2. The relocating of trees on site or off site, or the planting of new trees on site or off site to offset the loss of a tree. The applicant shall be responsible for periodic submission of affidavits by a qualified oak tree expert at the conclusion of grading and construction one (1) year after the planting of replacement or relocated trees and two (2) years after the planting of replacement or relocated trees for on-site trees only. Such affidavit shall certify compliance with all conditions of the permit and the health of all replacement or relocated trees. This requirement shall be supplemented by random inspections by the City of Santa Clarita. The applicant's acceptance of an approved permit and the exercise of rights thereunder shall be deemed consent to allowing City officials reasonable access to the property for the purpose of conducting such inspections.
3. A condition requiring an objectively observable maintenance and care program to be initiated to ensure the continued health and care of oak trees on the property.
4. Payment of a fee or donation of boxed trees to the City or other approved public agency to be used elsewhere in the City. Such fee or boxed trees shall be of equivalent value to any and all oak trees removed from the property as defined by the current edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture (ISA), a copy of which shall be kept on file in the City's Community Development Department. The applicant shall be credited with the value of any replacement oak trees which may be required. Such fees shall be utilized for the purpose of furthering the preservation and regeneration of oak trees, the identification and official designation of heritage oak trees, the purchase, monitoring and ongoing maintenance of oak trees, landscaping and other habitat refurbishment and for educational and informational programs related to oak trees and their preservation. As an alternative to the payment of all or a portion of the fees described above, an applicant may also be credited with the value of any accepted dedications of property within the City which are suitable for the planting and survival of oak trees. Fees imposed under this section may be reduced as mitigated by specific circumstances and corrective measures undetected by the property owner.
5. For mitigation of oaks due to removal, and/or major encroachment of non-heritage oak trees on a property occupied by a single-family residence, any required tree replacements shall be based on a six (6) inch increment as follows:

- 8" to 12" = Two (2) 24-inch box native oaks
- 12" to 18" = Three (3) 24-inch box native oaks
- 18" to 24" = Four (4) 24-inch box native oaks
- 24" to 30" = Five (5) 24-inch box native oaks
- 30" to 36" = Six (6) 24-inch box native oaks
- increase in six (6) inch increments

Replacement trees shall be planted on the same property from which they were removed unless there is no appropriate place for planting. If an appropriate location for replanting does not exist, mitigation trees may be donated to the City following the replacement schedule above or their monetary value may be paid to the City to the satisfaction of the Director.

I. Reimbursement. The City's oak tree consultant or the Director's designee shall review the information submitted with the oak tree permit request and make appropriate recommendations and site inspections. All consultant and/or staff time costs expended in connection with such review, including, but not limited to, review of submitted reports, plans, meetings, site inspections and monitoring shall be billed on an hourly basis and reimbursed by the applicant when the cost of services exceeds the cost covered by the permit fee. Nothing in this code or within the Oak Tree Preservation and Protection Guidelines shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep the oak trees upon the property and under their control in a safe, healthy condition. Except as provided in this code, any person who feels a tree located on property possessed, owned or controlled by them is a danger to the safety of themselves, others or structural improvements on site or off site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

J. Enforcement.

1. Any person who owns and/or cuts, damages, moves or removes any oak tree within the City, unlawfully encroaches into the protected zone of an oak tree or who fails to comply with conditions of approval or pay required fees or does any other act in violation of the Oak Tree Preservation Ordinance or a permit issued pursuant hereto shall be guilty of a misdemeanor.
2. In addition to the penalty described in subsection (J)(1) of this section, the Director may suspend an oak tree permit or building permit if he determines that the permittee or owner of the real property which is the subject of the permit, or one or more of their agents, has violated a condition of approval of an oak tree permit issued pursuant hereto or has violated any provision of this Oak Tree Preservation Ordinance. The Director's determination to suspend a permit shall be subject to appeal as provided in this code.
3. In addition to the penalties described in subsections (J)(1) and (2) of this section, any person who violates the Oak Tree Preservation Ordinance is responsible for proper restitution and may be required to replace the oak tree(s) so removed or damaged, by the donation of or by replanting one (1) or more oak trees of reasonable equivalent size and value to the tree(s) damaged or removed. The number, size and location of said equivalent replacement oak tree(s) shall be to the satisfaction of the Director of Community Development.

K. Additional Permit. Notwithstanding any action taken pursuant to this code, whenever the Director determines that any person has without a permit conducted activities prohibited by this Oak Tree Preservation Ordinance, the Director may require such person to obtain an oak tree permit pursuant to this code. (Ord. 00-3, 2/8/00; Ord. 05-1 § 2, 1/25/05; Ord. 05-4 §§ 1 – 5, 3/8/05; Ord. 05-19 § 2, 12/13/05; Ord. 08-13 § 2, 8/26/08)