

## COUNTY OF LOS ANGELES OAK TREE ORDINANCE

### **22.56.2050 Established -- Purpose.**

The oak tree permit is established (a) to recognize oak trees as significant historical, aesthetic and ecological resources, and as one of the most picturesque trees in Los Angeles County, lending beauty and charm to the natural and manmade landscape, enhancing the value of property, and the character of the communities in which they exist; and (b) to create favorable conditions for the preservation and propagation of this unique, threatened plant heritage, particularly those trees which may be classified as heritage oak trees, for the benefit of current and future residents of Los Angeles County. It is the intent of the oak tree permit to maintain and enhance the general health, safety and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage. The oak tree permit is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which oak trees are indigenous. The stated objective of the oak tree permit is to preserve and maintain healthy oak trees in the development process. (Ord. 88-0157 § 1, 1988: Ord. 82-0168 § 2 (part), 1982.)

### **22.56.2060 Damaging or removing oak trees prohibited -- Permit requirements.**

- A. Except as otherwise provided in Section 22.56.2070, a person shall not cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree of the oak genus which is (a) 25 inches or more in circumference (eight inches in diameter) as measured four and one-half feet above mean natural grade; in the case of an oak with more than one trunk, whose combined circumference of any two trunks is at least 38 inches (12 inches in diameter) as measured four and one half feet above mean natural grade, on any lot or parcel of land within the unincorporated area of Los Angeles County, or (b) any tree that has been provided as a replacement tree, pursuant to Section 22.56.2180, on any lot or parcel of land within the unincorporated area of Los Angeles County, unless an oak tree permit is first obtained as provided by this Part 16.
- B. "Damage," as used in this Part 16, includes any act causing or tending to cause injury to the root system or other parts of a tree, including, but not limited to, burning, application of toxic substances, operation of equipment or machinery, or by paving, changing the natural grade, trenching or excavating within the protected zone of an oak tree.
- C. "Protected zone," as used in this Part 16, shall mean that area within the dripline of an oak tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater. (Ord. 88-0157 § 2, 1988: Ord. 82-0168 § 2 (part), 1982.)

### **22.56.2070 Exemptions from Part 16 applicability.**

The provisions of this Part 16 shall not apply to:

- A. Any permit, variance or tentative map for a subdivision, including a minor land division, approved prior to the effective date of the ordinance codified in this Part 16 by the board of supervisors, regional planning commission or the planning director;
- B. Cases of emergency caused by an oak tree being in a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind or lightning, as determined after visual inspection by a licensed forester with the department of forestry

and fire warden;

- C. Emergency or routine maintenance by a public utility necessary to protect or maintain an electric power or communication line or other property of a public utility;
- D. Tree maintenance, limited to medium pruning of branches not to exceed two inches in diameter in accordance with guidelines published by the National Arborists Association, (see Class II), intended to insure the continued health of a protected tree;
- E. Trees planted, grown and/or held for sale by a licensed nursery;
- F. Trees within existing road rights-of-way where pruning is necessary to obtain adequate line-of-sight distances and/or to keep street and sidewalk easements clear of obstructions, or to remove or relocate trees causing damage to roadway improvements or other public facilities and infrastructure within existing road rights-of-way, as required by the Director of Public Works. (Ord. 93-0018 § 1, 1993; Ord. 88-0157 § 3, 1988; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2080 Application -- Filing -- Repeated filings.**

Any person desiring an oak tree permit, as provided for in this Title 22, may file an application with the director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by the hearing officer or director or the commission on an application requesting the same or substantially the same permit. (Ord. 85-0195 § 12 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2090 Application -- Information and documents required.**

An application for an oak tree permit shall include the following information and documents:

- A. The name and address of the applicant and of all persons owning any or all of the property proposed to be used;
- B. Evidence that the applicant:
  - 1. Is the owner of the premises involved, or
  - 2. Has written permission of the owner or owners to make such application;
- C. Location of subject property (address or vicinity);
- D. Legal description of the property involved;
- E.
  - 1. A site plan drawn to a scale satisfactory to, and in the number of copies prescribed by the director, indicating the location and dimension of all of the following existing and proposed features on the subject property:
    - a. Lot lines,
    - b. Streets, highways, access and other major public or private easements,
    - c. Buildings and/or structures, delineating roof and other projections,
    - d. Yards,
    - e. Walls and fences,
    - f. Parking and other paved areas,
    - g. Proposed areas to be landscaped and/or irrigated,
    - h. Proposed construction, excavation, grading and/or landfill. Where a change in grade is proposed, the change in grade within the protected zone of each plotted tree shall be specified,
    - i. The location of all oak trees subject to this Part 16 proposed to be removed and/or relocated, or within 200 feet of proposed construction,

grading, landfill or other activity. Each tree shall be assigned an identification number on the plan, and a corresponding permanent identifying tag shall be affixed to the north side of each tree in the manner prescribed by Section 22.56.2180. These identifications shall be utilized in the oak tree report and for physical identification on the property where required. The protected zone shall be shown for each plotted tree,

- j. Location and size of all proposed replacement trees,
  - k. Proposed and existing land uses,
  - l. Location of all surface drainage systems,
  - m. Other development features which the director deems necessary to process the application,
2. Where a concurrent application for a permit, variance, zone change, tentative map for a subdivision, including a minor land division or other approval, is filed providing the information required by this subsection E, the director may waive such site plan where he deems it unnecessary to process the application;
- F. 1. An oak tree report, prepared by an individual with expertise acceptable to the director and county forester and fire warden, and certified to be true and correct, which is acceptable to the director and county forester and fire warden, of each tree shown on the site plan required by subsection E of this section, which shall contain the following information:
- a. The name, address and telephone number during business hours of the preparer,
  - b. Evaluation of the physical structure of each tree as follows:
    - i. The circumference and diameter of the trunk, measured four and one-half feet above natural grade,
    - ii. The diameter of the tree's canopy, plus five feet, establishing the protected zone,
    - iii. Aesthetic assessment of the tree, considering factors such as but not limited to symmetry, broken branches, unbalanced crown, excessive horizontal branching,
    - iv. Recommendations to remedy structural problems where required,
  - c. Evaluation of the health of each tree as follows:
    - i. Evidence of disease, such as slime flux, heart rot, crown rot, armillaria root fungus, exfoliation, leaf scorch and exudations,
    - ii. Identification of insect pests, such as galls, twig girdler, borers, termites, pit scale and plant parasites,
    - iii. Evaluation of vigor, such as new tip growth, leaf color, abnormal bark, deadwood and thinning of crown,
    - iv. Health rating based on the archetype tree of the same species,
    - v. Recommendations to improve tree health, such as insect or disease control, pruning and fertilization,
  - d. Evaluation of the applicant's proposal as it impacts each tree shown on the site plan, including suggested mitigating and/ or future maintenance measures where required and the anticipated effectiveness thereof,
  - e. Identification of those trees shown on the site plan which may be classified as heritage oak trees. Heritage oak trees are either of the following: any oak tree measuring 36 inches or more in diameter,

measured four and one-half feet above the natural grade; any oak tree having significant historical or cultural importance to the community, notwithstanding that the tree diameter is less than 36 inches,

f. Identification of any oak tree officially identified by a county resource conservation district.

2. The requirement for an oak tree report may be waived by the director where a single tree is proposed for removal in conjunction with the use of a single-family residence listed as a permitted use in the zone, and/or such information is deemed unnecessary for processing the applications;

G. The applicant shall provide an oak tree information manual prepared by and available from the forester and fire warden to the purchasers and any homeowners' association. (Ord. 88-0157 § 4, 1988; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2100 Application -- Burden of proof.**

A. In addition to the information required in the application by Section 22.56.2090, the application shall substantiate to the satisfaction of the director the following facts:

1. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property; and

2. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and

3. That in addition to the above facts, at least one of the following findings apply:

a. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:

i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or

ii. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or

b. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or

c. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures

and practices;

4. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure;

B. For purposes of interpreting this section, it shall be specified that while relocation is not prohibited by this Part 16, it is a voluntary alternative offering sufficient potential danger to the health of a tree as to require the same findings as removal. (Ord. 88-0157 § 5, 1988; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2110 Application -- Filing fee.**

When an application for an oak tree permit is filed, it shall be accompanied by the filing fee as required in Section 22.60.100. (Ord. 82-0168 § 2 (part), 1982.)

**22.56.2120 Application -- Denial for lack of information.**

The director may deny without further action an application requesting an oak tree permit if such application does not contain the information required by this Part 16. The director may permit the applicant to amend the application. (Ord. 82-1068 § 2 (part), 1982.)

**22.56.2130 Application -- Notice requirements.**

Notification pertaining to an application for an oak tree permit shall be provided as follows:

A. Where an application for a permit, variance, zone change or tentative map for a subdivision, including a minor land division, is concurrently filed, notice that an oak tree permit will also be considered shall be included in required legal notices for such permit, variance, zone change or tentative subdivision map;

B. 1. Where no concurrent application is filed as provided in subsection A of this section and except as otherwise expressly provided in subsection C, the director not less than 20 days before the date of public hearing shall cause notice of such filing to be published once in a newspaper of general circulation in the county of Los Angeles available in the community in which such oak tree permit is proposed.

2. Such notices shall include the statement: "Notice of Oak Tree Permit Filing." Also included shall be information indicating the location of the subject property (address or vicinity), legal description of the property involved, the applicant's request, and the time and place of the proposed public hearing. The notice shall also provide the address and telephone number of the department of regional planning, and state that the department may be contacted for further information;

C. Notwithstanding the other provisions of this section, publishing shall not be required where removal or relocation of not more than one tree is proposed in conjunction with the use of a single-family residence listed as a permitted use in the zone. (Ord. 88-0157 § 6, 1988; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2140 Review of oak tree report by county forester and fire warden.**

- A. On receipt of an application for an oak tree permit, the director shall refer a copy of the applicant's oak tree report as required by Section 22.56.2090 to the county forester and fire warden. The county forester and fire warden shall review said report for the accuracy of statements contained therein, and shall make inspections on the project site. Such inspections shall determine the health of all such trees on the project site and such other factors as may be necessary and proper to complete his review, a copy of which shall be submitted in writing to the director and/or commission within 15 days after receipt from the director;
- B. The county forester and fire warden may at his option also suggest conditions for use by the hearing officer or the director or commission pursuant to Section 22.56.2180.
- C. When the county forester determines that replacement or relocation on the project site of oak trees proposed for removal is inappropriate, the forester may recommend that the applicant pay into the oak forests special fund the amount equivalent to the oak resource value of the trees described in the oak tree report. The oak resource value shall be calculated by the applicant and approved by the county forester according to the most current edition of the International Society of Arboriculture's "Guide to Establishing Values for Trees and Shrubs."
- D. Funds collected shall be used for the following purposes:
  - 1. Establishing and planting new trees on public lands;
  - 2. Maintaining existing oak trees on public lands;
  - 3. Purchasing prime oak woodlands;
  - 4. Purchasing sensitive oak trees of cultural or historic significance.
- E. Not more than seven percent of the funds collected may be used to study and identify appropriate programs for accomplishing the preceding four purposes. (Ord. 93-0017 § 1, 1993; Ord. 88-0157 § 7, 1988; Ord. 85-0195 § 12 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2150 Application -- Commission consideration when concurrently filed.**

When an application for a permit, variance, zone change or tentative map for a subdivision, including a minor land division, is concurrently filed with an application for an oak tree permit as provided by this Title 22, the hearing officer or the commission shall consider and approve such application for an oak tree permit concurrently with such other approvals. The hearing officer or the commission, in making their findings, shall consider each case individually as if separately filed. (Ord. 85-0195 § 10 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2160 Application -- Public hearing required when.**

Where no concurrent consideration is conducted by the hearing officer or the commission pursuant to Section 22.56.2150, the director shall conduct a public hearing subject to the notice requirements of subsection B of Section 22.56.2130; provided, however, that no hearing shall be required for a filing in conjunction with the use of a single-family residence when publishing is not required by said subsection

C of Section 22.56.2130. (Ord. 85-0195 § 10 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2170 Application -- Grant or denial conditions.**

The hearing officer or the director or commission shall approve an application for an oak tree permit where the information submitted by the applicant and/or brought to their attention during public hearing, including the report of the county forester and fire warden, substantiates that the burden of proof set forth in Section 22.56.2100 has been met. The hearing officer or the director or commission shall deny such application where the information submitted fails to substantiate such findings. (Ord. 85-0195 § 12 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2180 Additional conditions imposed when.**

The hearing officer or the director or commission, in approving an application for an oak tree permit, shall impose such conditions as are deemed necessary to insure that the permit will be in accord with the findings required by Section 22.56.2100. These conditions may involve, but are not limited to, the following:

- A. The replacement of oak trees proposed for removal or relocation with trees of a suitable type, size, number, location and date of planting. In determining whether replacement should be required, the hearing officer or the director or commission shall consider but is not limited to the following factors:
  - 1. The vegetative character of the surrounding area,
  - 2. The number of oak trees subject to this Part 16 which are proposed to be removed in relation to the number of such trees currently existing on the subject property,
  - 3. The anticipated effectiveness of the replacement of oak trees, as determined by the oak tree report submitted by the applicant and evaluated by the county forester and fire warden,
  - 4. The development plans submitted by the applicant for the proposed construction or the proposed use of the subject property,
  - 5. The relocation of trees approved for removal shall not be deemed a mitigating factor in determining the need for replacement trees,
  - 6.
    - a. Required replacement trees shall consist exclusively of indigenous oak trees and shall be in the ratio of at least two to one. Each replacement tree shall be at least a 15-gallon size specimen and measure at least one inch in diameter one foot above the base. The hearing officer, director or commission may, in lieu of this requirement, require the substitution of one larger container specimen for each oak tree to be replaced, where, in its opinion, the substitution is feasible and conditions warrant such greater substitution,
    - b. Replacement trees shall be properly cared for and maintained for a period of two years and replaced by the applicant or permittee if

mortality occurs within that period,

- c. Where feasible replacement trees should consist exclusively of indigenous oak trees and certified as being grown from a seed source collected in Los Angeles or Ventura Counties,
  - d. Replacement trees shall be planted and maintained on the subject property and, if feasible, in the same general area where the trees were removed. The process of replacement of oak trees shall be supervised in the field by a person who, in the opinion of the county forester and fire warden, has expertise in the planting, care and maintenance of oak trees;
- B. A plan for protecting oak trees on the subject property during and after development, such as, but not limited to, the following requirements:
- 1. The installation of chain link fencing not less than four feet in height around the protected zone of trees shown on the site plan. Said fencing shall be in place and inspected by the forester and fire warden prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the director or the forester and fire warden,
  - 2. Where grading or any other similar activity is specifically approved within the protected zone, the applicant shall provide an individual with special expertise acceptable to the director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the county forester and fire warden the implementation of all conditions imposed in connection with the applicant's oak tree permit,
  - 3. That any excavation or grading allowed within the protected zone or within 15 feet of the trunk of a tree, whichever distance is greater, be limited to hand tools or small hand-power equipment,
  - 4. That trees on other portions of the subject property not included within the site plan also be protected with chain link fencing thus restricting storage, machinery storage or access during construction,
  - 5. That the trees on the site plan be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a non-corrosive all-weather material and shall be permanently affixed to the tree. The tree shall be similarly designated on the site plan in a manner acceptable to the director,
  - 6. That corrective measures for trees noted on the oak tree report as requiring remedial action be taken, including pest control, pruning, fertilizing and similar actions,



7. That, to the extent feasible as determined by the director, utility trenching shall avoid encroaching into the protected zone on its path to and from any structure,
8. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an oak tree permit is required unless a copy of the oak tree report, location map, fencing plans, and approved oak tree permit and conditions are in the possession of a responsible person and also available at the site. (Ord. 93-0018 § 2, 1993; Ord. 88-0157 § 8, 1988; Ord. 85-0195 § 12 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2190 Notice of action -- Method of service.**

A. The director shall serve notice of action upon:

1. The applicant, as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested; and
2. All protestants testifying at the public hearing who have provided a mailing address, by first class mail, postage prepaid.

B. Where the hearing officer or the commission has concurrently considered a permit, variance, zone change or tentative map for a subdivision, including a minor land division, notice shall be included in the notice of action required for such concurrent actions. (Ord. 85-0195 § 10 (part), 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2200 Appeal -- From director's decision -- Procedures.**

Any person dissatisfied with the action of the director may file an appeal of such action with the secretary of the commission within 15 calendar days after notice of such action is received by the applicant. Such appeal shall contain the following information:

- A. The administrative file number (case number) identifying the matter which is being appealed; and
- B. The street address of the premises included in the action of the director or, if no street address, the legal description of the premises; and
- C. Whether the appeal is:
  1. An appeal on the denial of such application,
  2. An appeal on the approval of such application,
  3. An appeal of a condition or conditions of an approval (specifying the particular condition or conditions);
- D. No other information shall be included in the notice of appeal;
- E. An appeal fee shall accompany the filing in an amount determined pursuant to subsection A of Section 22.60.230. (Ord. 96-0026 § 8, 1996; Ord. 82-0168 § 2 (part),

1982.)

**22.56.2210 Appeal -- Action by commission -- Procedures.**

A. Upon receiving a notice of appeal the commission shall take one of the following actions:

1. Affirm the action of the director, or
2. Refer the matter back to the director for further review with or without instructions, or
3. Set the matter for public hearing before itself. In such case, the commission's decision may cover all phases of the matter, including the addition, modification or deletion of any condition.

B. In rendering its decision, the commission shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the director, unless it is itself conducting a public hearing on the matter.

C. Where the commission sets the matter for public hearing, it shall approve or deny the appeal based on the findings required by Section 22.56.2100. (Ord. 82-0168 § 2 (part), 1982.)

**22.56.2220 Appeal -- Hearing procedures.**

In all cases where the commission sets the matter for public hearing, it shall be held pursuant to the procedure provided for public hearings in Part 4 of Chapter 22.60. (Ord. 85-0195 § 46, 1985; Ord. 82-0168 § 2 (part), 1982.)

**22.56.2230 Appeal -- Notice of commission action.**

The commission shall serve notice of its action on an appeal filed pursuant to Section 22.56.2200 in the manner specified by Section 20.60.190. (Ord. 82-0168 § 2 (part), 1982.)

**22.56.2240 Effective dates of decisions.**

The decision of:

- A. The director shall become final and effective 15 calendar days after receipt of notice of action by the applicant, provided no appeal has been filed with the commission pursuant to Section 22.56.2200;
- B. The commission shall be final and effective on the date of decision. Where an oak tree permit is concurrently considered with a permit, variance, zone change or tentative map for a subdivision, including a minor land division, such permit shall be appealable only as a part of the concurrent action. (Ord. 82-0168 § 2 (part), 1982.)

**22.56.2250 Expiration date for unused permits.**

An approved oak tree permit which is not used within the time specified in the approval or, if no time is specified, within one year after the granting of such approval, becomes null and void and of no effect; except that, where an application requesting an extension is filed prior to such expiration date, the director may extend such time for a period of not to exceed one year. (Ord. 82-0168 § 2 (part), 1982.)

**22.56.2260 Enforcement.**

In interpreting the provisions of Section 22.04.090 as they apply to this Part 16, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense. (Ord. 82-0168 § 2(part), 1982.)