

# **Ventura County Grand Jury 2012 - 2013**



## **Final Report**

### **Oak Tree Replacement in Thousand Oaks**

**April, 17, 2013**

*This page intentionally blank*

## **Oak Tree Replacement in Thousand Oaks**

### **Summary**

The 2012-2013 Ventura County Grand Jury (Grand Jury), pursuant to its responsibility for government oversight, elected to look into the preservation and permit process for the removal and editing of oak trees in the City of Thousand Oaks (City).

Since 1989 the City has removed 128 full-grown oak trees for improvement of City property or for private purposes. These numbers do not account for naturally fallen oak trees or those removed by many private property owners, who have removed their privately owned oak trees.

The great majority of these 128 oak trees were hundreds of years old. This created an aesthetic loss to the City. A report from the 1940s stated that, "not one ... shall meet destruction by carelessness of man." The Grand Jury found that there are two practices for oak tree removal, one for the property owners and another for the City. The City requirement of the property owner is replacement of two oak trees for every one removed. This process is documented through permits. The City also replaces trees, but fails to present a documented process or policy for itself.

The Grand Jury recommends that the City and the individual property owner be required to follow similar permitting procedures. The City and the property owners shall be exempted from permits for usual and customary tree maintenance. Replanting of oak trees shall replicate a natural forest-like setting, where possible.

### **Background**

Thousand Oaks lies in the Conejo Valley, the beauty of which is greatly enhanced by the presence of a large number of majestic oak trees. At one time, the area was considered an oak forest; however, development of the City has resulted in the removal of a great number of oak trees. Further, uncontrolled and indiscriminate destruction of oak trees detrimentally affects the environment of Thousand Oaks, according to City documents.

The City sees many benefits to preserving oak trees. Their (the oak trees) ability to filter and clean the air is well known. They provide shade to help lower temperatures during hot days and add to the scenic quality of the environment. Each oak tree is a unique symbol of the community's commitment to preserve the natural history of Southern California. Healthy, magnificent specimens enhance the City's urban landscape, adding to property values and attracting businesses and shoppers to Thousand Oaks.

Any plant species selected for landscape use requires a certain amount of maintenance to ensure its good health and favorable appearance. Native oak

trees are no exception. Providing proper maintenance and suitable habitat conditions are essential to their well-being and will increase any tree's vigor while lowering its susceptibility to disease and pest problems. Inspection and monitoring should be performed on an ongoing basis to identify any health problems and determine the tree's structural stability.

In the 1960s the City instituted ordinances that forbade citizens from cutting down oak trees without going through a stringent permit process. Although this process has been relaxed in recent years for privately planted trees, all of the other oaks are still strictly protected.

## **Methodology**

The Grand Jury interviewed supervisory employees of the City, researched newspapers, city reports, codes and regulations with respect to the preservation of oak trees in the City. The Grand Jury collected data from the City's website, public information and other interviews.

Data was gathered from City Council resolutions, ordinances and amendments. The Grand Jury focused on the consistency within the permit process and the undocumented City processes for oak tree preservation and the differences between the two.

## **Facts**

- FA-01.** No person shall cut, remove, encroach into the protected zone, or relocate any oak tree on any public or private property within the City, unless a valid oak tree permit has been issued pursuant to the provisions of section 5-14.04 of the City's oak tree preservation and protection guidelines. [Ref-09]
- FA-02.** Private individuals are required to comply with the City code including the permit process for oak tree removal or editing. [Ref-02, 03, 05]
- FA-03.** The City code requires that: "Any person who owns, controls, has custody or possession of any real property within the City that is improved or has been approved for development, or which is part of or associated with the City-approved development of another piece of property such as any parcel to be maintained as permanent open space or for recreational purposes, shall maintain all landmark trees located thereon in a state of good health pursuant to the provisions set by the City." [Ref-04]
- FA-04.** The City code requires that: "The condition for removal requires 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 a landmark tree." [Ref-05, 10]

- FA-05.** In practice, private individuals are required to replace one removed or fallen oak tree with two oak trees. This includes an application for a permit, payment for permit, and the follow-up inspection, including a sign-off to verify the work was completed properly.
- FA-06.** The City obtains permits for oak tree remediation, but there is no final sign-off. However, the City is exempted from obtaining a permit for remediation when an oak tree is determined by an authorized agent of the City for public safety purposes. There are no written policies or procedures for City remediation of oak trees without a permit. [Ref-09]
- FA-07.** The City plants replacement trees often at sites away from the removal site. This includes providing trees to the Conejo Recreation and Parks District (CRPD) for planting.
- FA-08.** The City does not have a documented, written procedure or policy for replacement of oak trees on City property. [Ref-05, 06, 09]
- FA-09.** The Thousand Oaks Library, the Teen Center and the Senior Center projects were planned and permitted in October, 1987. One oak tree was relocated. The City did not provide a record of this action. [Ref-11]
- FA-10.** Improvements to Conejo Creek Park included the removal of four healthy, one hazardous and three dead oak trees plus the encroachment of six additional oak trees. [Ref-06]
- FA-11.** The requirement for the Conejo Creek Park Project was that for every live oak tree removed, two twenty-four inch boxes and one thirty-six inch box of *Quercus Lobata* or *Quercus Agrifolia* would replace them. One fifteen gallon sized *Quercus Lobata* or *Quercus Agrifolia* should replace each dead oak tree that was removed from the site. The City did not provide documentation for this action. [Ref-06, 08, 11]
- FA-12.** A fallen oak tree was removed from the north side of East Janss Road in May, 1995. There is no documentation provided by the City to verify that this tree was replaced. The replacement oak tree “. . . shall be replaced with one fifteen gallon *Quercus Lobata* (Valley Oak) or *Quercus Agrifolia* (Coast Live Oak)”. [Ref-08, 11]
- FA-13.** In April, 2004, the Children’s Library Expansion encroached on eight oak trees. [Ref-11]
- FA-14.** Thirty-nine oak trees were removed and seven were relocated from the Knolls Apartment site. At the end of construction there was a total of fifty-seven oak trees removed. There is no documentation provided by the City to verify removal and replacement of these trees. [Ref-03, 11]
- FA-15.** In February, 2006, an oak tree fell at the Knolls Apartment complex. It was to be replaced with one minimum sixty-gallon box *Quercus Agrifolia* replacement tree planted in the same location as the fallen tree within thirty days. The tree was replaced, however, there is no documentation provided by the City to verify this. [Ref-03, 11]

- FA-16.** City ordinance 1534NS, effective 4/08/10, allows residents to apply to the City to determine if the oak tree on their property is native or owner-planted. Using the age of the tree, landscape plans filed with the City and aerial photographs that go back to 1976, the City makes a determination that a tree is owner-planted or not.
- FA-17.** If the City determines that an oak tree is owner-planted, it is thereby exempted by code. [Ref-01]

## **Findings**

- FI-01.** The private citizens of the City are required to follow the City’s permitting process when they cut, remove or edit an oak tree. (FA-01-04)
- FI-02.** The private citizens of the City are required to replace two oak trees for every one removed. (FA-05)
- FI-03.** The City is exempted from obtaining permits, when remediation is required for public safety purposes. (FA-06)
- FI-04.** The Grand Jury found that the private property owner is required to have a final inspection and sign-off for an oak tree permit, but the City does not. (FA-05-06)
- FI-05.** The Grand Jury found that the City has an undocumented practice of planting replacement oak trees away from the removal site(s) and provided replacement trees to the CRPD. (FA-07, 08)
- FI-06.** The Grand Jury found that Lang Ranch Dam, the Knolls Apartment site, the Thousand Oaks Library, Teen and Senior Centers, the Children’s Library extension and the Conejo Creek Park projects required the removal of 128 oak trees. (FA-09-14)
- FI-07.** The Grand Jury found no report or documentation of two-to-one replacement of oak trees removed by the City, as required of private property owners. (FA-13-15)
- FI-08.** The Grand Jury found that in April, 2010, the City Council modified an ordinance that allows private property owners to remove an oak tree if they can document the original planting of the tree. (FA-16-17)

## **Recommendations**

- R-01.** The City and private property owners shall be required to follow similar permitting procedures.
- R-02.** The City shall publish and/or post, via website, a list of all on-going oak tree removal and replacement permits and exempted City oak tree projects. This data shall include the address, permit number and the planned installation location(s). When more than three (3) oak trees are involved in a removal project, this information shall be posted in local

newspapers and/or online thirty days prior to the removal. In addition, this recommendation shall apply to oak trees donated to the CRPD by the City.

- R-03.** Replacement oak trees, where possible, shall be planted to replicate an oak forest-like habitat.

**Responses Required From:**

City Council, City of Thousand Oaks, (R-01, R-02, R-03)

**Responses Requested From:**

Planning Division Manager, Community Development, City of Thousand Oaks, (FI-01, FI-02, FI-03, FI-04, FI-05) (R-01, R-02, R-03)

Senior Planner/Permit Process Supervisor, Community Development, City of Thousand Oaks, (FI-01, FI-02, FI-03, FI-04, F-05) (R-01, R-02, R-03)

Landscape Supervisor Department of Public Works, City of Thousand Oaks, (FI-01, FI-02, FI-03, FI-04, FI-05) (R-01, R-02, R-03)

**Commendations**

The Ventura County Grand Jury commends the Landscape Maintenance Supervisor and Certified Arborist in Public Works Department Municipal Service Center for dedication and commitment to protect and preserve the oak trees of the City of Thousand Oaks.

**References**

- Ref-01.** Rochester, Teresa, "Once mighty oak may be weakening", Ventura County Star, September 1, 2011 page 1.
- Ref-02.** City of Thousand Oaks' California Planning Commission, Resolution No. 76-95 PC/77-94 PC, Application No. RPD 94-457/OTP 986, Lang Ranch Company applicant, December 12, 1994.
- Ref-03.** California, City of Thousand Oaks/Community Development Department, Oak Tree Permit No. 2006-70019, The Knolls Apartment Houses, Permit Processing Division, February 21, 2006.
- Ref-04.** City Council of the City of Thousand Oaks, California, Resolution No., 89-267, Approving OTP 735, Lang Ranch Applicant, Nov. 7, 1989.
- Ref-05.** City of Thousand Oaks, California, Planning Department, Oak Tree Permit No. OTP 1034, May 24, 1995.
- Ref-06.** City of Thousand Oaks, California, Planning Commission, Resolution No. 191-89 PC, Application No. OTP 818, Conejo Recreation and Park Department, Applicant, November 20, 1995.

- Ref-07.** Ordinance No. 1534-NS, of the City Council of Thousand Oaks, California, reference sections 5-14. 01 – 5-14.08, MCA 2009-70100, March 9, 2010.
- Ref-08.** Resolution No. 2010-14 of the City of Thousand Oaks, California, revising and rescinding Resolution No. 2001-091, February 23, 2010.
- Ref-09.** City of Thousand Oaks, California, Municipal code, Title 5. Public Welfare, Morals and conduct, Chapter 14, Oak Tree Preservation and Protection, Section 5.
- Ref-10.** City of Thousand Oaks, California, Municipal Code, Title 5. Public Welfare, Morals and Conduct, Chapter 24, Landmark Tree Preservation and Protection, Section 5.
- Ref-11.** Thousand Oaks Library, Teen and Senior Center, DP87-613, 10/12/1989; OTP 625 (11/19/1987) DP89-655/OTP 818; Planning Commission Resolution No. 191-89 (12/4/1989); OTP 1034 (5/24/1995); Building Permit # 04-1582 (4/19/2004).
- Ref-12.** Knolls Apartments RPD 87-388/OTP 735; City Council Resolution No. 89-267 (12/19/1988); OTP 2006-70019 (Knolls Apts) (2/21/2006).
- Ref-13.** Lang Ranch Dam RDP 94-457/OTP 986; Planning Commission Resolution No. 76-94 (12/12/1994).
- Ref-14.** T.O. Council votes to ease oak tree regulations, Vcstar.com, 10/9/2012
- Ref-15.** Thousand Oaks Acorn, July 10, 2012, "Tree City", page 9.

## **Bibliography**

United States District Court, Central District of California, Case No. VC-83-3063, Lang Ranch Company, Plaintiff/Appelle v City of Thousand Oaks and City Council of the city of Thousand Oaks, Defendants/Apellants, December 20, 1986,

Letter to Mr. Greg Smith, Thousand Oaks, California from Dennis Kanthack, Restoration Coordinator, Ventura County Watershed Protection District, Public Works Agency, February 11, 2003.

Mortimer, David D., Editorial Lone Oak, Thousand Oaks Acorn, 03/11/2011.

Siegal, Daniel, "Man faces fines for oak pruning", Los Angeles Times, January 15, 2012, Section A, Pg. 32.

## **Glossary**

**TERM**

**DEFINITION**

City	City of Thousand Oaks
County	County of Ventura
Edit	Change, alter the shape or size
Grand Jury	2012-2013 Ventura County Grand Jury
Landmark tree	A tree that is determined by its size, age, or unique and irreplaceable value to the community that it should be preserved and safeguarded as symbolic of the City's heritage, beauty and image.
Quercus Agrifolia	Coast Live Oak
Quercus Lobata	Valley Oak