



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE. ♦ MORRO BAY, CA 93442
805-772-6261

Implementation Measures For Major Vegetation Removal, Replacement and Protection Regarding Private Property Tree Removals

When is a Permit Required?

On July 9, 2007, the City Council amended the Major Vegetation Removal, Replacement and Protection Guidelines. The Guidelines establish when a permit and replacement of vegetation is required. The guidelines define what major vegetation is but the definition may be difficult for those who are not familiar with the terminology. To help determine if the guidelines apply we recommend that you contact the Public Services Department.

A permit may be required for the removal of any tree with a trunk that is a minimum of six (6) inches in diameter (i.e., 18.8" in circumference) at four and one half feet (4 1/2) vertically above the ground, or, any tree with multiple trunks that includes at least one trunk with a minimum diameter of six (6) inches in diameter at four and one half feet (4 1/2) vertically above the ground or with trunks that have an aggregate diameter of at least twenty (20) inches at four and one half feet (4 1/2) vertically above the ground. In addition, Planning Staff will assist in determining if there is major vegetation removal proposed by evaluating if natural riparian vegetation, a creek, threatened or endangered species or significant habitat or other significant factors exist on the site where the vegetation is to be removed. A site visit may be necessary if staff is not familiar with the property. There is no charge for this visit. If Staff is not able to make a determination, then we may suggest that the property owner obtain the opinion of a qualified professional such as a biologist to determine if threatened or endangered species are present.

When is a Permit Not Required?

A permit is not required for the removal of less than three (2 total) trees in any twelve-month period for single-family residential homes. In addition, a permit is not required for the removal of crop or ornamental edible fruit trees or diseased, damage or aged trees that pose an imminent danger to persons or property. If the tree to be removed is diseased and/or hazardous, a report by a certified arborist stating that the tree presents a hazard and must be removed shall be submitted using a "Tree Hazard Evaluation Form" to the Public Services Department.

Vegetation Protection

The Major Vegetation Removal Guidelines establishes a nesting season from February 1 through June 30 where removal is only allowed in the case of an emergency. This limited removal period also applies to the exceptions stated above for when a permit is not required. The Director of Public Services shall determine if the removal constitutes an emergency. A certified arborist shall evaluate the tree and submit a "Tree Hazard Evaluation Form" indicating the trees condition and stating the tree presents a hazard and must be immediately removed.

Vegetation Replacement

Vegetation removal that requires a permit must be replaced according to ratios contained in the guidelines. A Voluntary Tree Program encourages replacement of trees for tree removals not requiring a permit. If it is determined that major vegetation removal is taking place, then a Coastal Development Permit is required and vegetation is to be replaced in accordance with the guidelines. Major vegetation removed without a permit, requires additional revegetation in accordance with the guidelines.

Who to Contact

The Coastal Act requires a Coastal Development Permit for the removal of major vegetation. The Planning Division of the Public Services Department will answer additional questions about removal of trees or other vegetation. We may be contacted at our offices at 955 Shasta Avenue or by telephone at (805) 772-6261.

Administrative Protocols

- A. Public Services staff provides information on guidelines.
- B. Public Services staff conducts a field review to confirm if vegetation to be removed requires a Coastal Development Permit.
- C. An arborist and/or biologist may be required to evaluate the tree and submit a written report.
- D. Public Services staff will determine if removal is authorized under the guidelines.
- E. Complaints are investigated by Public Services Staff.
- F. Violations are referred to Code Enforcement.

Major Vegetation Removal, Replacement and Protection Guidelines

A. Pursuant to 17.12.199.G, Major Vegetation Shall Be Defined As:

1. Natural riparian vegetation within fifty (50) feet from the top of a creek bank, coastal bluff, beach, or sand dune.
2. Natural riparian vegetation within fifty (50) feet from a wetland as defined by the U.S. Fish and Wildlife Service and the Coastal Commission Statewide Interpretive Guidelines.
3. Threatened or endangered plant species including trees as defined by the Environmental Protection Agency and the California Natural Diversity Data Base.
4. Vegetation growths providing a significant habitat base for threatened or endangered animal species.
5. City-designated or voluntarily identified landmark trees.
6. Any tree with a trunk that is a minimum of six (6) inches in diameter (i.e., 18.8” in circumference) at four and one half feet (4 1/2) vertically above the ground, or, any tree with multiple trunks that includes at least one trunk with a minimum diameter of six (6) inches in diameter at four and one half feet (4 1/2) vertically above the ground or with trunks that have an aggregate diameter of at least twenty (20) inches at four and one half feet (4 1/2) vertically above the ground.
7. **Exceptions which are NOT considered major vegetation:**
 - a. Crop trees and/or ornamental edible fruit trees are not considered major vegetation and shall not require a Coastal Development Permit for removal.
 - b. Diseased, damaged and/or aged trees that pose an imminent danger to persons and/or property shall not require a Coastal Development Permit for removal. If the tree to be removed is diseased and/or hazardous, a report by a certified arborist stating that the tree presents a hazard and must be immediately removed shall be submitted to the Public Services Department.
 - c. Single family residential homes shall not require a Coastal Development Permit for the removal of less than three trees in any twelve (12) month period.

B. Coastal Development Permit and Findings Required:

1. Removal of major vegetation as defined in Section A shall require a Coastal Development Permit which shall be processed as follows:
 - a. If the major vegetation removal is within non-appeal jurisdiction, the City shall process an Administrative Coastal Development Permit (the administrative permit process shall be changed to a “Minor Coastal Development Permit” procedure at the time the City implements such procedure).
 - b. If the major vegetation removal is within appeal or original jurisdiction, a regular Coastal Development Permit shall be required.
2. For a Coastal Development Permit to issue, the following findings must be made:
 - a. That the major vegetation removal, as mitigated, will not significantly impact any threatened or endangered plant or animal habitat area;
 - b. That reasonably calculated mitigation measures are in place to avoid

- dangerous soil erosion or instability resulting from the removal;
 - c. That the Major Vegetation removal will not adversely affect the character of the surrounding neighborhood.
- 3. In the event that a Coastal Development Permit is denied under the terms of these guidelines and said denial is the sole cause that the property owner is reasonably unable to develop the property, the City may waive the provisions of this ordinance in such a manner as to make reasonable development possible.

C. **Vegetation Protection Policy:**

- 1. Except in the case of an emergency as determined by the Director of Public Services, no tree should be removed during nesting season, which is February 1 through June 30.

D. **Vegetation Replacement Policy:**

- 1. All citizens of Morro Bay and all tree owners presenting Removal Notification shall be encouraged to participate in the Voluntary Tree Program. Replacement vegetation may be planted on site, on City property as directed by the Public Works Department, or on property designated in the "Trees Wanted List," which shall consist of property owners who would like trees planted on their property and are willing to commit to maintain the planted trees until established; the City will provide the property owner with printed information on the City-sponsored Voluntary Tree Program.
- 2. All major vegetation removed with a Coastal Development Permit (Minor, Administrative, or Regular) shall be subject to a mandatory replacement program as follows:
 - a. Trees shall be replaced at a ratio of two 5-gallon trees or one 15-gallon tree for every tree removed.
 - b. Tree removal within an Environmentally Sensitive Habitat (ESH) zone, a wetland, or a stream corridor shall be replaced at a ratio of three 5-gallon trees or two 15-gallon trees for every tree removed.
 - c. Replacement vegetation may be planted on the applicant's site or other privately held lands with the property owner's permission, or presented to the City to plant on public lands.

E. **Fees:**

- 1. A fee equal to the City's cost of such permit processing shall be charged for all Coastal Development Permits.

F. **Fines and Penalties:**

- 1. Any unpermitted major vegetation removal undertaken in an ESH zone, a wetland, or a stream corridor shall be replaced at a ratio of five 15-gallon trees for every tree removed.
- 2. Any unpermitted tree removal undertaken in an area other than an ESH zone, wetland, or a stream corridor shall be replaced at a ratio of two 15-gallon trees for

- every tree removed.
- 3. If the City finds a professional person or company responsible for the illegal removal of major vegetation, the City shall notify the appropriate certifying body and/or licensing board to inform them of the name of the professional responsible for the unauthorized removal and the circumstances of the violation.

G. Major Vegetation Plan for Proposed Construction:

- 1. All proposed construction plans shall show existing major vegetation.
- 2. If Staff finds that the proposed construction will encroach on existing major vegetation, the applicant shall:
 - a. Have the option of requesting a permit to remove the vegetation; or
 - b. Retain the vegetation with recommendations from Planning and Building staff for protective plans.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 9 day of July, 2007 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 JANICE PETERS, MAYOR

ATTEST:

 BRIDGETT BAUER, CITY CLERK