

EAST COUNTY REGIONAL PLANNING COMMISSION
MONDAY, NOVEMBER 10, 2008 – 7:00 P.M.

I. INTRODUCTION

KNIGHTSEN TOWN ADVISORY COUNCIL (Applicant) – CONTRA COSTA COUNTY & RAYMOND BARTELS (Owners), County File HT080001: This is a request to nominate an 84-inch (in diameter) Eucalyptus tree pursuant to the Heritage Tree Preservation Ordinance (Chapter 816-4). The tree is located partially within the public right-of-way and partially on private property, between parcels addressed 2500 and 2551 Bartels Drive, at the intersection of Delta Road and Bartels Drive in the unincorporated Knightsen area. (General Plan: AL) (Zoning: A-2) (CT: 3020.02) (Parcel #'s 020-100-018 & 020-110-009).

II. RECOMMENDATION

Staff recommends that the East County Regional Planning Commission adopt a motion recommending the Board of Supervisors nominate a Eucalyptus tree as a Heritage Tree pursuant to Chapter 816-4 of the County Ordinance.

III. SUMMARY REVIEW

In January 2008, the proposed Heritage Tree had tree branches fall from a winter storm. Staff understands that the owner of the property had a tree service company prune the tree and remove fallen tree limbs from the property. However, as a result of the tree being pruned, the Knightsen residents were concerned that the tree's character was compromised. Residents also had concerns about endangered hawks that may be living in the tree. As a result of the community's interest in preserving the tree, an application to nominate the tree as a Heritage Tree was submitted.

IV. GENERAL INFORMATION

A. Site/Area Description: The area surrounding the tree is predominantly rural. South of the tree is the Knightsen Elementary school with medium density single-family homes located along Eden Plains Road. To the North along Bartels Drive are a few scattered residential homes surrounded by agricultural lands. Along the main thoroughfare of Delta Road to the west is the industrial and commercial center of Kinghtsen with agricultural lands to the east.

B. General Plan: AL, Agricultural Lands.

- C. Zoning: A-2, General Agricultural.
- D. CEQA Status: The project is exempt under the general rule of applicability. The California Environmental Quality Act only applies to projects that have the potential of causing a significant effect on the environment, Section 15061(b) 3.

V. PROPOSED HERITAGE TREE

- A. Description of Tree: The tree proposed for nomination is a Eucalyptus tree 84-inches in diameter (approximately 22-feet in circumference, 7-feet in diameter) located at the end of Eden Plains Road on the north side of Delta Road partially within the private road of Bartels Drive and partially within the public right-of-way of Delta Road (See photos of tree attached to staff report).
- B. Ordinance Criteria Required for Designation as Heritage Tree
 - 1. A tree seventy-two inches or more in circumference measured four and one-half feet above the natural grade; or
 - 2. Any tree or group of trees particularly worth of protection, and specifically designated as a heritage tree by the board of supervisors, because of:
 - 3. Having historical or ecological interest or significance, or
 - 4. Being considered an outstanding specimen of its species as to such factors as location, size, age, rarity, shape, or health.
- C. Suitable Marking of Trees: Upon designation, heritage trees should be marked to notify the public of their heritage status. The applicant shall be responsible for suitably marking the trees (See Condition of Approval #2).

VI. STAFF ANYLYSIS/DISCUSSION

- A. Appropriateness of Nomination: The Eucalyptus tree is a unique tree with a historical and ecological significance to the town of Knightsen. According to the Kinghtsen Town Advisory Council, the tree was planted by the founder of Knightsen, G.W. Knight. Evidence was also submitted by a raptor biologist indicating that adult Swainson’s Hawks have been observed exhibiting nesting behavior in the tree, which are considered a threatened species in California and are protected from harvest or illegal trade under the International Migratory Bird Treaty Act of 1918 (See attached letter from Boise State University).

Per Section 816-4.204(a) of the County Code, staff agrees that the Eucalyptus tree designated as a Heritage Tree will provide significant psychological tangible benefits for both residents and visitors to the County. The trees unique character and historical significance provides added value to the community. By designating the

tree as a Heritage Tree, the Town of Knightsen will have a symbol that will continue to retain the historical identity of Knightsen.

VII. CONCLUSION

Staff recommends that the East County Regional Planning Commission adopt a motion recommending the Board of Supervisors nominate a Eucalyptus tree as a Heritage Tree pursuant to Chapter 816-4 of the County Ordinance.

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FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #HT080001

A. Heritage Tree Findings:

1. A tree seventy-two inches or more in circumference measured four and one-half feet above the natural grade; or
2. Any tree or group of trees particularly worth of protection, and specifically designated as a heritage tree by the board of supervisors, because of:
 - (A) Having historical or ecological interest or significance, or
 - (B) Being considered an outstanding specimen of its species as to such factors as location, size, age, rarity, shape, or health.

Heritage Tree Findings: The tree is very large exceeding the 72-inch minimum at 84-inches in diameter (approximately 22-feet in circumference). Staff understands that the tree was also planted by the founder of Knightsen thereby giving the tree historical significance. Additionally, the tree is of ecological interest, not for the tree itself, but for the protected hawks that reside in the tree as verified by a biologist. As a result of the size, age, historical value and ecological significance, the Eucalyptus tree meets the required criteria to be nominated as a Heritage Tree.

CONDITIONS OF APPROVAL FOR COUNTY FILE #HT080001

1. _____ This approval is generally based on the site plan and application material submitted on June 30, 2008, received by the Department of Conservation & Development/Community Development Division—Current Planning Section.
2. _____ The applicant shall provide evidence for review and approval of the Zoning Administrator that the designated Heritage Tree is appropriately marked with the permission of involved property owners so as to provide continuing notice to the public of the heritage tree status.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH THE DEVELOPMENT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90 day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Department within 90 days of the approval date of this permit.

