



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: March 20, 2018

Subject: Update of County Tree Protection Ordinance and Heritage Tree Ordinance

---

**RECOMMENDATION(S):**

DIRECT the Department of Conservation and Development (DCD) to 1) prepare updates to the County Tree Protection and Preservation Ordinance (Ch. 816-6) and the Heritage Tree Preservation District Ordinance (Ch. 816-4); 2) seek input on this matter from Municipal Advisory Committees and submit updates for consideration by the County Planning Commission and subsequently the Board of Supervisors.

**FISCAL IMPACT:**

Estimated staff cost of preparing an update of the County Tree Protection and Heritage Tree Ordinances is expected to be within the \$30,000 - \$50,000 range, but could be higher or lower depending on the amount of additional research required, the complexity of the regulatory approach chosen. These staff costs will be covered by the existing approved budget for Department of Conservation and Development (Land Development Fund).

**BACKGROUND:**

In response to concerns regarding the complexity of the current Tree Protection and Preservation Ordinance and the Heritage Tree Preservation (HTP) District Ordinance, the Department of Conservation and Development (DCD) seeks direction from the Board of

☐ APPROVE

☒ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **03/20/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 20, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Daniel Barrios, (925)  
674-7788

cc:

Supervisors (Board) to initiate the process of preparing amendments to these ordinances.

## BACKGROUND: (CONT'D)

The County currently reviews and issues permits for projects proposing to trench, grade or fill within the drip line of any protected tree or remove any protected tree, as well as for the designation of heritage trees. However, the process of determining whether a tree is code-protected or not may be challenging due to the complexity of the current ordinance's language and the definitions of code-protected trees themselves. In addition, the process of establishing a heritage tree has also been a cause of concern among property owners, as anyone has the ability to nominate a tree over 72 inches in diameter, whether it is on their property or someone else's. DCD's proposal to update the existing ordinances will reassess these definitions of code-protected and heritage trees and revise the ordinances to provide greater clarity and more appropriate regulations.

Furthermore, revising the ordinances will provide the opportunity for DCD to reevaluate the tree permit and heritage tree permit processes. Currently, a tree permit is required for projects proposing to trench, grade or fill within the drip line of any protected tree or cut down, destroy, trim by topping or remove any protected tree. When not associated with a development plan, land use permit, subdivision, or another higher-tiered discretionary permit, a tree permit is taken in and reviewed by DCD staff for approval or denial based on the merits of the proposed project. Generally, a tree permit may take approximately two to four months in overall processing time when accounting for DCD staff's initial review, reviewing revised submittals if necessary, a 10-day noticing of the adjacent property owners, and drafting the permit, findings and conditions of approval. However, approvals may also be appealed by the community during the 10-day appeal period, which can extend the process further due to the staff time required to prepare staff reports and noticing deadlines for the County Planning Commission and County Board of Supervisors if appealed again. This timeline and overall process does not depend to a significant degree on the level of proposed impact to trees and has been a source of concern to both property owners and the Board, as it may cause significant delays and add significant financial burdens to projects. As such, the revision of the tree protection and heritage tree ordinances provides a unique opportunity to reevaluate these processes and modify them if appropriate.

Once a draft tree ordinance has been prepared, staff proposes to seek feedback from the County's local Municipal Advisory Councils and other interested groups prior presenting proposed amendments at a public hearing before the County Planning Commission (CPC). Staff will return to the Board of Supervisors for final review and adoption with a recommendation from the CPC.

## CONSEQUENCE OF NEGATIVE ACTION:

The County Tree Protection and Preservation Ordinance (Ch. 816-6) and the Heritage Tree Preservation District Ordinance (Ch. 816-4) will not be updated.

## ATTACHMENTS

Ch. 816-6 Tree Protection and Preservation Ordinance

