



**SANTA CRUZ COUNTY GROUP**  
 Of The Ventana Chapter  
 P.O. Box 604, Santa Cruz, CA 95061  
<https://ventana2.sierraclub.org/santacruz/>  
 e-mail: [sierraclubsantacruz@gmail.com](mailto:sierraclubsantacruz@gmail.com)

May 4, 2015

Mr. Corey Kates  
 Community Development Director  
 City of Scotts Valley

cc: Council member Aguilar

**Re: Proposed changes to Scotts Valley Tree Protection Regulations  
 17.44.080**

Dear Mr. Kates:

Please include this letter in the staff reports to the Planning Commission and the City Council when this item is agendized.

We are writing in response to the proposed changes to the current Scotts Valley Tree Protection Regulations, Municipal Code 17.44.080.

The Sierra Club is involved countywide with issues of tree preservation for reasons of climate change, habitat preservation and scenic beauty. The changes to the Scotts Valley tree protection regulations that raise concerns and cause alarm for the Sierra Club are detailed below under their respective categories in the Regulations.

Given the significant proposed changes to your Tree Protection Regulations we anticipate that you will be conducting the required CEQA review prior to deliberations before the Planning Commission and the City Council. We request to be kept apprised of the CEQA review timeline. Should the city fail to conduct such review as required under CEQA, legal action may follow.

**B. Definitions:**

- The removal of #2, “City Arborist” implies that the city will no longer retain an arborist to track tree protection requirements for project developments, nor act as an impartial check on tree removal requests by private property owners.
- The proposed changes to the definition of “protected tree” under #7, taking blue gum eucalyptus, fruit trees and all species of acacia out of protection will result in many more trees being cut down. This is an unacceptable change in an era of climate disruption and habitat loss. Large trees sequester the most carbon. Blue Gum Eucalyptus are

documented as having significant bird habitat value as do fruit trees. We need to do more, not less to protect all large trees, both native and non-native.

#### D. Tree Removals Subject to Obtaining a Permit:

- The proposed removal of “damage” and “destroy” as unlawful activities against trees is a serious departure from tree protection.

#### E. Exceptions:

- Under #1 Emergencies, the current language states that the community development director “**shall** require a written determination from a certified arborist to confirm such hazard.” The proposed change if adopted will read, the community development director “**may** require a written determination from a certified arborist to confirm such hazard.” This change significantly weakens your regulations, reduces tree protection and opens the door for violations.
- Under #4 Project Approval, the proposed change (b) is to remove the current requirement for the city arborist to review trees in a development plan and instead requires only the applicant to do the evaluation with the change that the city “**may**” hire an arborist to review the applicants report. Erased are the current requirements that the city arborist “**shall**” make recommendations for pre-construction treatment, alternative construction methods and long-term maintenance of protected trees.
- Under #4(c) Tree preservation measures for Project Approval, the current requirement for a surety bond for the value of the trees on a development site has been changed to the proposed “ **may include**” a surety bond. All reference to damage during construction and monetary compensation for such damage has been removed in the proposed changes under (d). Required inspections of protective fencing and treatments prior to construction have been removed under (e). The requirement that the city arborist shall routinely inspect the development site has been removed under (f). The reference to the city hiring an arborist to inspect the development for tree protection has been removed under (g). The above requirements are to be replaced with, “Tree preservation measures **may** include tree protection measures and periodic inspections” under (c). (emphasis added)

#### G. Applications for tree removal Permits:

- The current requirement that “at least the five closest neighboring property owners, planning commissioners and others” shall receive mail notices of tree removal permits is proposed to be replaced with, “mail notices to all properties within 100 feet of the property on which the tree is located.” This change reduces the number of people alerted to a pending tree removal.

#### H. Processing of and Determinations of Tree Removal Permits:

- The proposed change to 4 (a, b and c) removes the requirement that a tree claimed to be dead or dying **shall** be inspected by the community development director and replaces it with “the community development director “**may** require the submittal of a report.”

**I. Preservation and Maintenance:**

- What is proposed here is the complete removal of all tree protection measures for new developments, currently itemized under (1-5).

**L. Removal from Heritage Tree Inventory:**

- Current removals of Heritage trees from the Inventory require a council resolution based on findings from the city arborist. The proposed change is to remove the city arborist from this process and replace with any certified arborist who may be representing a private developer rather than the community good.

**Exhibit A**, the Scotts Valley Heritage Tree Inventory has been erased under the proposed revisions.

In conclusion, the Sierra Club strongly opposes the proposed changes detailed above and contained in your draft. The sum of these changes will dramatically reduce tree protection and preservation in Scotts Valley, an outcome that is unacceptable for a sustainable future.

Respectfully submitted,

Greg McPheeters  
Chair, Executive Committee  
Sierra Club, Santa Cruz Group