

# Oak Tree Preservation in Thousand Oaks, California<sup>1</sup>

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**Abstract:** The City of Thousand Oaks over the last 20 years has taken aggressive steps to preserve and protect the City's namesake, the oak tree. First adopted in 1972 as an Emergency City Council Proclamation, the City's Oak Tree Ordinance has been considered by some, to be one of the first and toughest municipal native tree preservation ordinances within the State of California. The current Oak Tree Ordinance has undergone twenty years of review and input and has shown to be successful in tree preservation as well as maintaining and increasing community character, quality of development, community image and the quality of life within the City of Thousand Oaks.

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Many of the ideas and comments in this paper are a result of practical experience in the administration and development of a resource protection/preservation ordinance and program. They are meant to provide whatever practical information the reader may gain.

In the past, many municipalities and counties had no policy standards or mitigation measures to help offset detrimental impact and loss of oak trees, other hardwoods and associated environmental systems. At the present, the officials and staff of some California municipalities and counties are working with astute and dedicated interest in the protection and preservation of the hardwood resource. They recognize both the value and benefits of the tree resource, and various environmental concerns surrounding proper land and resource use. Enlightened administrative bodies and organizations have come to the realization that they are trustees of, and responsible for, a great and valuable resource to be held and used by both the public at large and future generations (Willeke 1986).

The public has become increasingly aware of the importance of the hardwood resource and the detrimental impact due to its decline. The resource provides many important benefits and values: historical, cultural, environmental, functional, aesthetic, recreational, wildlife habitat, economic, social, philosophical and psychological. This paper reports on how the City of Thousand Oaks deals with the problems caused by the decline of this resource and the steps we have taken to preserve, protect and reforest oak trees in our jurisdiction.

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## EVOLUTION OF AN OAK TREE ORDINANCE

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The current City of Thousand Oaks Oak Tree Ordinance (Lavoie, Moore and others 1986) has undergone political and social evolution over the past 18 years. The Oak Tree Ordinance began as an Emergency City Council Proclamation in 1972, following public outcry after scores of large valley oaks were uprooted within an unapproved development near the center of the community.

Since this first attempt by the City to preserve and protect the community's namesake, the oak, it has become evident that many citizens greatly admire and identify with groves and individual oak trees. The citizenry imparted sometimes emotional, but always forceful political support for oak tree preservation and protection.

The success of the City's Oak Tree Ordinance is in large part due to this considerable and sometimes vocal support of the general community for oak tree preservation and protection, as well as legislative and City Staff support. During the review process of certain proposed oak tree removals to facilitate residential and commercial construction, infrastructure placement and other development, citizens have demanded that the oak trees be preserved and incorporated within development design. With the evolution of life in the City, the oak tree has come to symbolize the quality of life that has been found in Thousand Oaks and other areas of California. Probably the effort to preserve the oak/hardwood resource in Thousand Oaks is motivated by genuine concerns and emotional desires for resource preservation and protection, as well as apprehension for increasing growth, development, and loss of quality of life.

The City's Oak Tree Ordinance has undergone significant community and professional review and revision to reach the current state. It is basically an exercise of the City's police power to promote and preserve a valuable resource asset and the general welfare and health of the community (Mason 1990). In general, the objective of the City's Oak Tree Ordinance is to preserve healthy oak trees over 2 inches diameter breast height on both public and private property within the City's jurisdiction. The Oak Tree Ordinance is enforceable on both private and public property. It is justified by the fact that the City Council of Thousand Oaks has found the oak tree to be a valuable community asset that improves the general health and welfare of the community. The Oak Tree Ordinance protects oak trees from indiscriminate removal or damage. It outlines a procedure for administrative or Planning Commission/City Council review of

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proposed oak tree removals, live tissue pruning and encroachment into a tree's protected zone (an area defined as the circumference of a circle 5 ft outside of a tree's dripline).

An applicant may apply for an Oak Tree Permit authorizing removal, or pruning of live tissue or encroachment into the protected zone, using application criteria set within the Oak Tree Ordinance. Certain application criteria may be waived by City Staff in the review process, but in general, application for an Oak Tree Permit must include:

- a) A completed application form and a filing fee determined by the number of trees proposed to be impacted.
- b) A site plan signed by a registered engineer that shows a tree's surveyed location, basal elevation of any protected trunk and the tree's protected zone measured in eight compass points. The footprint of any proposed development shall be shown on this plan in relation to any existing oak tree.
- c) The numbering of all trees in the field and on the required site plan.
- d) An Oak Tree Report that contains a thorough horticultural evaluation of any oak tree impacted by proposed development, including:
  - 1) An evaluation of tree health, aesthetics and structural stability.
  - 2) An impact summary sheet that summarizes proposed oak tree impact by tree number.
  - 3) Cross sectional diagrams of proposed oak tree protection zone encroachments and any associated pruning.
  - 4) Recommendations for cultural treatments such as structural pruning, pest/disease control, and fertilization.
  - 5) Specific mitigation measures for detrimental oak tree impact that incorporate engineered, architectural or arboricultural methods to lessen the severity of proposed oak tree impacts.
  - 6) An evaluation of any significant vegetation in addition to oak trees, located within the developmental boundaries.
- e) A letter of justification to the City of Thousand Oaks Department of Planning and Community Development. It is an applicant's responsibility to justify in writing any proposed oak tree removals, encroachments, pruning or transplantations.

The City's Urban Forester, Landscape Architect and Planners review projects in relation to proposed oak tree impacts using criteria and standards set forth within the Oak Tree Ordinance as well as other City mandated development review standards. Oak tree removal, encroachment, or pruning of live tissue must be shown justifiable by poor tree health, threatening tree structure or reasonable and conforming land use.

Findings must be presented in writing by the Department of Planning and Community Development, showing that the proposed oak tree removal or impact are consistent with the intent and content of the Oak Tree Ordinance before an Oak Tree Permit can be issued to allow requested resource impact. In addition to defining a procedure for the review and approval of

proposed resource impacts, the Oak Tree Ordinance sets strict standards and guidelines for replacement of oak trees approved for removal, approved pruning of live tissue and protection of preserved trees during development.

The Oak Tree Ordinance gives the City the authority to enforce breaches of the ordinance as misdemeanor violations of the Municipal Code and to use a variety of punitive and civil means to force community restitution for unauthorized oak tree removal or other damage. The City practices aggressive enforcement of the ordinance, using field monitoring, issuance of stop work orders, withholding of development permits, citation and legal suit to help assure that the ordinance is adhered to. In addition, the ordinance mandates that all owners of real property will provide oak trees on their property with proper care and maintain them in a healthy fashion.

In relation to the community, the Oak Tree Ordinance has had a number of unexpected indirect impacts. The ordinance has caused preservation of native landforms and habitat. It is impossible to properly preserve an oak tree, or grove of oak trees, without preserving the landform that trees grow upon. Engineers have been forced by the ordinance to develop grading plans that are more sensitive to natural landforms and that protect and enforce the natural character of the topography. The ordinance has caused site and developmental design to be created in a site specific fashion, in an attempt to meet individual site constraints caused by tree retention. The preservation and incorporation of oak trees within developments helps promote interesting and creative site designs. The City has discovered that imaginative and diverse architectural and engineering designs and devices must be used to preserve oak trees. Crib walls, retaining walls, grade beams, alternative slope manufacturing, alternative roof designs, custom floor plans, lot deletion, alternative road design and alternative utility placement are all used on a regular basis to preserve and protect worthy oak trees. Most important, the Oak Tree Ordinance has helped promote an environmental ethic within the community of Thousand Oaks.

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## **TOOLS FOR OAK AND OTHER TREE PRESERVATION**

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The City is very concerned that a thorough environmental review that identifies all significant issues and required mitigation is accomplished under the guidelines of the California Environmental Quality Act. The City of Thousand Oaks, in addition to the Oak Tree Ordinance, uses a variety of zoning, police power, educative/participatory, incentive and policy standards in an effort to preserve and protect oaks, other native tree varieties, landmark trees and amenity trees threatened by development conversion or re-development activities. These efforts include:

- a) The drafting of Environmental Impact Statements by the City for the great percent of projects.

- b) The development of a proposed Community Forestry Preservation and Protection Ordinance that would protect all trees on commercial, industrial and common areas from indiscriminate removal or other damage.
- c) The City's Landmark/Historic Tree Resolution.
- d) Recognition of the importance of sound planning, management and maintenance of the community forest resource as a whole and the associated development of a City Forestry Master Plan and proposed Forestry Element to the City's General Plan.
- e) The formation and empowerment of a Tree Advisory Board to act as an additional appeal board in tree related matters and as a champion for reforestation and tree preservation.
- f) The offering by the City of incentives for tree preservation to developers and others. These incentives include timely permit processing, staff support of proposed projects and reduction or elimination of certain development conditions.
- g) Aggressive tree planting, open space purchase and reforestation of the community forest resource.
- h) City support of volunteer orientated, participatory community tree planting programs and tree-give-aways.
- i) Environmentally directed community educational opportunities.
- j) A homeowner's assistance program for tree questions and concerns.

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## PROGRAM COSTS

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The City of Thousand Oaks has had good success in its attempt to preserve and protect oak trees. This success can be measured by improved quality of new development, legal judgments in favor of the ordinance and community acceptance of the ordinance. The Oak Tree Ordinance has some associated costs, such as increased political controversy within the community in terms of litigation, legislative appeal, campaign platforms, agitated public outcry and opposing issues. In addition, the City has discovered that further economic burdens are imposed through ordinance administration on developers and individual property owners in terms of resource evaluation, resource maintenance, document processing, alternative project design and loss of project density. These added costs occurred by developers and others to meet the intent and content of an Oak Tree Ordinance are often passed on to end users. As such, the City's Oak Tree Ordinance may have slight inflational impacts on structural and land prices. In addition to burdens placed on the private sector, additional organizational costs are placed on the City in terms of ordinance staffing, administration, and enforcement.

Year after year, community sentiment, as measured by a yearly Community Attitude Survey, ranks oak tree preservation in the top ten of community "desires" within Thousand Oaks. It is the City's belief, that private and public sector costs associated with the administration and enforcement of the Oak Tree Ordinance are insignificant when compared to its benefits: the preservation of an important natural resource while appreciating community image, character and quality of life.

Although the City of Thousand Oaks is working to protect and preserve oak trees and other community tree resources, the future of the hardwood resource in many areas of southern California is at this time questionable.

Some reasons for the reduction of the hardwood resource in southern California are:

- a) Ever-increasing population and developmental growth;
- b) Ever-increasing property values;
- c) Lack of environmental awareness within some portions of the development community;
- d) Economic factors that outweigh environmental concerns;
- e) Lack of information on long term resource worth and management;
- f) Court judgements that favor private property rights over environmental preservation;
- g) Lack of environmental awareness and explicit goals and policies to identify and address environmental impacts within local governments that result in poor environmental decisions.

With educational, financial and legislative support from State and Federal authorities and sound local programs of resource/project review and evaluation (table 1), law enforcement, education, reforestation, open space acquisition, developer incentives and tough developmental standards, a portion of the hardwood resource now threatened by development conversion in southern California may be preserved.

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## REFERENCES

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Table 1— Method for evaluation of proposed oak tree impact, City of Thousand Oaks

