

COUNTY OF VENTURA TREE PROTECTION REGULATIONS

INTRODUCTION

A citizen alleged by letter of complaint that the Resource Management Agency (RMA) cited him for unknowingly violating ordinance 8107-25 adopted by ORD. 3993 (2/25/92) and was required to pay a sizable fine. The ordinance applies to all public or private property in unincorporated areas of Ventura County.

INQUIRY

The County Services and Special Districts Committee interviewed the complainant, photographed the site of the violation, interviewed RMA personnel and collected and reviewed the citizen's correspondence with the RMA and RMA's responses. They also interviewed other citizens to ascertain if there was adequate public knowledge of tree protection ordinances.

FINDINGS

- There are specific regulations in place concerning the trimming or cutting of protected trees, such as oak, sycamore and heritage trees.
- Even on private property cutting or trimming of protected trees is not allowed.
- There are specific instructions for obtaining permits prior to altering, pruning or cutting protected trees. These permits are available from the Planning Division of the RMA.
- There is an appeal process in place for decisions rendered by the RMA Planning Director.
- There is a fee schedule in place regarding the appeal process.
- The schedule of fines imposed for the violation of the ordinance is available along with terms for abatement of the violation.
- There is an example of the published appraised value formula (see figure 1) for calculating mitigation fees if trees are not planted to replace the trees that were removed.
- The ordinance, ORD. 3993 has not been released to the public in pamphlet form.

CONCLUSION

Because this ordinance has not been made readily available to homeowners, property owners, tree trimmers, gardeners and realtors, violations may continue to occur.

RECOMMENDATIONS

- Educate and inform the public about implications of violating the Ventura County protected tree regulations.
- Where there is probable cause that innocent behavior resulted in a misdemeanor violation of an ordinance wherein penalty, fines or liens are imposed, the violator should be provided with the services of an ombudsman to help mitigate the violation. The service should be provided at no cost until the information is available in pamphlet form.

RESPONSE REQUIRED

Board of Supervisors

Resource Management Agency



FIGURE 1 - TRUNK FORMULA METHOD OF TREE APPRAISAL