

**SANTA CLARA COUNTY PLANNING OFFICE
GUIDE TO EVALUATING OAK WOODLANDS IMPACTS**

California Public Resources Code §21083.4, effective January 1, 2005, requires Counties to evaluate impacts to Oak Woodlands as part of the environmental analysis conducted in compliance with the California Environmental Quality Act (CEQA). Counties must determine whether a proposed project may result in a conversion of oak woodlands that will have a significant effect on the environment. If a County makes this determination, the County must require the project to comply with one or more of the oak woodlands mitigation measures set forth in Public Resources Code §21083.4(b).

The following definitions and guidelines are used by the Santa Clara County Planning Office to implement this state law, which includes definitions of oaks, oak woodlands, significant impacts to oak woodlands, and available mitigation.

DEFINITIONS & SUBMITTAL REQUIREMENTS

What Oak Trees are subject to Oak Woodlands regulations?

An oak tree (native tree species in the genus *Quercus*) that is 5 inches or more in diameter at 4 feet above final grade.

What are Oak Woodlands?

Oak woodlands include a woodland (grouping of trees) on a unit of land or project site where Oak trees encompass 10 percent or greater of the canopy cover. The 10 percent canopy cover applies to the individual woodland and not the entire project site (which may contain one or more woodlands).

Oak woodlands within Santa Clara County are identified in the County Planning Office's GIS map information using sources from Santa Clara Valley Habitat Conservation Plan data, and California Department of Forestry and Fire Protection's Fire and Resource Assessment Program data.

What is considered to be a significant impact upon Oak Woodlands?

A land development project is considered to have a significant direct impact on oak woodland if the project will result in **1/2 acre or more** decrease in native oak canopy within an oak woodland on the project site.

What information shall be submitted to determine if there will be an Oak Woodlands impact?

- (1) The project must first be evaluated to determine if it is located within a mapped "oak woodland area." Oak woodland areas in Santa Clara County are mapped on the Planning Office's GIS.
- (2) If the project is within the mapped oak woodland area, and the project proposes oak tree removal, a tree removal plan and arborist report (if requested) shall be submitted which identifies the species type, diameter, and amount of canopy of oak trees proposed for removal within the woodland.

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In order to assist in this analysis, a report may be required to be prepared by a I.S.A Certified Arborist, Registered Professional Forester, or another licensed professional (acceptable to the Planning Office) which provides a calculation of the acreage of oak tree canopy cover, and size of oak trees removed which will be removed with the project. (analysis of canopy cover & oak trees).

MITIGATION MEASURES

If the project will result in removing ½ acre or more decrease in oak woodland canopy, the project will have a significant impact.

The following mitigation measures are available to be implemented to mitigate for any identified significant impacts to oak woodlands. At least two mitigation measures must be implemented to mitigate significant direct impacts to oak woodlands.

(A) Planting Replacement Oak Trees

Pursuant to PRC Section 21083.4 the planting of oaks shall not fulfill more than 50 percent of the mitigation requirement for the project.

Tree replacement can be dependant upon the amount of canopy of the removed trees, the number and size of trees to be removed, steepness of the slope on which trees will be removed, or the amount of room on a parcel in which trees can be planted. The objective of tree planting shall be to restore former oak woodland at a ratio of **2:1** or **3: 1 based on the condition of the oak woodland habitat**. 2:1 restoration is recommended for medium quality oak woodland habitat, and 3:1 restoration is recommended for high quality oak woodland habitat.

The following minimum standard mitigation ratios shall be used unless otherwise accepted by the Planning Office based on site specific characteristics:

For the removal of one small tree (5"-18"):
(2) 24" boxed trees or (3) 15 gallon trees

For the removal of 1 medium tree (18-24"):
(3) 24" boxed trees or (4) 15 gallon trees

For the removal of a tree larger than 24":
(4) 24" boxed trees or (5) 15 gallon trees

All tree replacement shall be with in-kind species.

A Tree Planting and Maintenance Plan shall be submitted showing species, size, spacing and location of plantings and the location and species of established vegetation. The plan may be required to be prepared by a Licensed Landscape Architect will be subject to approval by the County Planning Office.

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(B) Conservation Easement

Protect existing native oak trees on or off the project site from future development through a conservation easement or fee title dedication to the County or a land conservation group approved by the County.

Oak woodland offered as mitigation must be configured in such a manner as to best preserve the integrity of the oak ecosystem and minimize the ratio of edge to area. Priority should be given to conserving oak habitat adjacent to existing woodlands under conservation easements, public lands or open space lands.

As a general guide, the protection of existing oak woodlands through conservation easements should mitigate for the loss of oaks at a ratio equal to **2:1 or 3:1 based on the condition of the oak woodland habitat**. 2:1 conservation is recommended for medium quality oak woodland habitat, and 3:1 conservation is recommended for high quality oak woodland habitat. Land proposed as mitigation, when viewed with adjacent conservation land, should not result in conserved parcels of less than **1 acre**.

(C) Other options

If the onsite preservation of oak woodlands and / or tree planting is not feasible, oak woodland mitigation may occur in the form of in lieu fees paid to an agency, acceptable to the Planning Office, which shall use the fees for the preservation, restoration, or creation of oak woodland habitat. There must be a direct nexus between the amount of fees paid and mitigation required in terms of oak tree replacement and oak woodland preservation.

In-lieu fees shall be paid to a natural resource agency or nonprofit organization (i.e. Open Space, Parks) for planting of oak trees to create oak woodland habitat located in Santa Clara County. The owner must obtain documentation from the local agency or organization confirming receipt of the payment, and that the funds will be used for planting of oak trees for preservation, restoration, or creation of oak woodland habitat at the required ratio.

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