



California Wildlife Foundation/California Oaks, 201 University Avenue, H-43 Berkeley, CA 94710, (510) 763-0282

October 22, 2024

Mark Roberts, Senior Planner
Community Development Department
City of Clearlake
14050 Olympic Drive
Clearlake, CA 94522

Transmitted via e-mail: mroberts@clearlake.ca.us

Re: Lax enforcement of the City of Clearlake's native tree ordinance, ideas on how to strengthen the measure, insurance demands to trim or remove oak trees, and information on Mediterranean Oak Borer

Dear Mr. Roberts:

The [California Oaks](#) program of the [California Wildlife Foundation](#) works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values. California Wildlife Foundation/California Oaks is writing at the request of Deb Sally, Chair of the Sierra Club Lake Group and a member of a Blue and Valley Oak Workgroup that California Oaks is convening with the [Global Conservation Consortium for Oak](#). Ms. Sally reports that the City of Clearlake's oak ordinance is not consistently enforced, resulting in trees being removed without permits. It is unfair to those who comply with the ordinance and counter to its purpose for it to not be enforced consistently. Lack of enforcement means the intent and objectives of the ordinance are not advanced, diminishing quality of life and citizens' faith in the city.

Ms. Sally also identified mitigation requirements of the ordinance that are not sufficiently protective, which are described below. California Oaks has additional feedback on the ordinance's definition of the root protection zone and exemption for construction activities associated with proposed single-family dwellings.

Ms. Sally also described difficulties some property owners face when the companies that provide property insurance require either tree trimming that is damaging or removal because of perceived fire risk. We share information from Los Angeles County's General Plan associated with oak trees and fire safety.

Lastly, we include two links to information about Mediterranean Oak Borer (MOB) as well as a link with contact information for a University of California expert on this insect who works in Lake County.

Need to strengthen the native tree ordinance

Mitigation is not sufficiently protective of the City of Clearlake’s oak trees: The requirement that two trees be installed to replace the first 10 inches of diameter at breast height (DBH) is insufficiently protective. When oaks are removed, they should be replaced at a level that will offset the lost biomass and canopy of the removed trees and the substantial temporal loss of growth habitat structure and diversity. Further, trees planted need to be spaced in a manner that promotes their long-term growth and restores the area that has been damaged.

Additionally, Ms. Sally reports that a \$600 fee is often collected by the City of Clearlake in cases where the subject property does not have adequate space for mitigation tree(s) rather than requiring that trees are planted elsewhere or providing an opportunity to contribute to a conservation easement that protects oaks. This practice, presumably in accordance with section 18-40.050 d.4, results in a net loss of the city’s canopy since the fee of \$600 is so low that it does not act as a deterrent to tree removals and is insufficient to properly establish replacement trees. Surely there are natural areas that would benefit from conservation easements as mitigation, or other solutions that would protect or improve the city’s natural oak infrastructure if the ordinance were strengthened.

Exemption for oak impacts at single family dwellings is too permissive: California Oaks also questions the exemption from the ordinance for “removal of trees whose dripline falls within the footprint of a proposed single-family dwelling, garage and driveway on an existing lot where the trees cannot be reasonably avoided for construction” (18.40.030 a.6). The ordinance does not prevent removals, but simply requires that removals are mitigated. With this exemption very few trees are protected, limiting the efficacy of this measure.

Root protection zone excludes areas that should be undisturbed: Section 18-40.040, Tree Protection Regulations, describes *root protection zone* (RPZ) prohibitions, but the prohibitions only cover one third of the area that should be protected. For example, one of the prohibitions is: “Covering with any substance impermeable to air and rain water, such as asphalt, concrete, plastic, etc.; however, pervious surfacing such as pavers, gravel, pervious asphalt or other such materials may be used to within one-half (1/2) the distance from the dripline of the tree to the trunk.” The root protection area, which is half again as large as the area from the trunk to the dripline of an oak, is critical to oak tree health. The area of half of the distance from the dripline to the trunk is only one third of the area considered as the RPZ for oaks. [*Care of California’s Native Oaks*](#) provides additional information.

Oak trees and fire safety

As discussed above, another concern raised by Ms. Sally is pressure that the insurance industry is exerting on homeowners to remove or severely cut back trees. Different species burn with different intensities yet this is rarely understood by insurers. A number of areas of California are acting on these differences. For example, the Los Angeles County General Plan's [Safety Element](#) contains language about oak trees and fire:

Oak woodlands play an important role in reducing wildfire risk. The native oak woodland understory typically contains less flammable vegetation compared to other types of trees. Oak trees are also harder to ignite and not as prone to rapid combustion. Well-maintained oak stands prevent slope failure, reduce erosion, and can slow down a wildfire. As described in the Conservation and Natural Resources Element, the Department of Regional Planning will work to expand documentation of oak woodlands as part of the implementation of the Oak Woodlands Conservation Management Plan (page 191 of the plan).

and

Policy S 4.10: Encourage the planting of native oaks in strategic locations and near existing oak woodlands, including those to be mapped in the Oak Woodlands Conservation Management Plan, to protect developments from wildfires, as well as to lessen fire risk associated with developments (page 195 of the plan).

Mediterranean Oak Borer

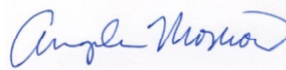
We share a [link](#) to a University of California Cooperative Extension (UCCE) website on Mediterranean Oak Borer as well as a [link](#) to a recording of a presentation Michael Jones of UCCE and Curtis Ewing of CalFire made on MOB in the late summer of 2023, which includes information on safe disposal of infected trees. [Dr Jones](#) is a Forestry Advisor in Lake, Mendocino, and Sonoma counties.

Thank you for your consideration of our comments.

Sincerely,



Janet Cobb
Executive Officer, California Wildlife Foundation
jcobb@californiawildlifefoundation.org



Angela Moskow
California Oaks Program Director
amoskow@californiaoaks.org

cc: Robert Coker, City of Clearlake Planning Commissioner, RCoker@clearlake.ca.us
Chris Inglis, City of Clearlake Planning Commissioner, CInglis@clearlake.ca.us
Donna Mackiewicz, Redbud Audubon Society—Lake County, donnammackiewicz@gmail.com
Deb Sally, Chair, Sierra Club Lake Group, debsal14@gmail.com
Jack Smally, City of Clearlake Planning Commissioner, JSmalley@clearlake.ca.us
Terry Stewart, City of Clearlake Planning Commission Vice Chair, TStewart@clearlake.ca.us
Fawn Williams, City of Clearlake Planning Commission Chair, FWilliams@clearlake.ca.us