

# ✓ Scotts Valley toughens tree-cutting limits

By KAREN CLARK

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SCOTTS VALLEY — "Cut a tree, go to jail" is the crux of a decision reached by City Council members Wednesday as they tried to put some real bite in the enforcement of the city's tree ordinance.

"I get the feeling there are some people in Scotts Valley ... who say the city can't do anything about — or won't do anything about — it because it doesn't have the guts," said Councilman David Schmidt. "I think this is very important to the community."

To show how serious the city is about protecting its large trees, the council agreed to make violation of the ordinance a misdemeanor rather than an infraction. A misdemeanor carries not only a fine, but also a possible jail term.

The council also directed staff to make sure all local tree-cutting services know about the ordinance, and to prosecute them along with property owners if they violate the law.

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Scotts Valley's tree ordinance has long protected so-called "heritage trees," which are old, large trees found in 13 locations around the city. In early 1993, said Planning Director Bob Hanna, changes were made in the ordinance to include other trees, too.

In addition to the heritage trees, the ordinance includes protection for:

- All trees 40 inches or greater in circumference, except blue gum eucalyptus and acacia.
- Those 25 inches or greater in circumference on slopes of 20 percent or more.
- All oak trees with at least a 25-inch circumference.

The council later agreed to allow any Monterey pine to be removed without a permit because of disease problems.

The ordinance allows the planning director to approve exceptions if the property owner pays a \$150 fee, the five closest property owners and the Planning Commission are notified, and if there are no objections. Exceptions for heritage tree removals are harder to come by.

On the other hand, dead or diseased trees may be removed with a \$50 filing fee.

Hanna said a problem with the ordinance recently came to light when the city took a property owner to court for illegally removing a large oak tree.

The ordinance called for the offending party to replant a similarly sized tree, or to pay a fine commensurate with the value of the tree that was removed. In the case of the large oak tree, said Hanna, that amounted to \$25,000.

The judge, however, refused to fine the homeowner \$25,000 for cutting down a tree, lowering the penalty to \$600, plus repayment of the city's prosecution costs.

Councilwoman Peggie Lopez initially questioned whether a judge would "put a homeowner in jail for cutting down a tree on his own property."

But city officials made it clear that if the penalty were too light, some property owners might decide to remove a tree illegally and suffer the consequences.