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**From:** Micki Olinger  
**Sent:** Monday, August 15, 2016 2:57 PM  
**To:** BOS\_Legislative Assistants; cr\_board\_clerk Clerk Recorder  
**Cc:** Blake Fixler  
**Subject:** FW:  
**Attachments:** Farm Bureau Urgency Ordinance Tree 08152016.pdf

Forwarding to everyone and forwarding on to the clerk. Thank you.

Sincerely,

Micki Olinger  
Administrative Assistant III  
Board of Supervisors  
San Luis Obispo County  
[www.slocounty.ca.gov](http://www.slocounty.ca.gov)  
Direct Line 805-781-4335

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**From:** James Green [mailto:[jgreen@slofarmbureau.org](mailto:jgreen@slofarmbureau.org)]  
**Sent:** Monday, August 15, 2016 2:13 PM  
**To:** Micki Olinger <[molinger@co.slo.ca.us](mailto:molinger@co.slo.ca.us)>; Jocelyn Brennan <[jbrennan@co.slo.ca.us](mailto:jbrennan@co.slo.ca.us)>  
**Subject:**

Good afternoon Jocelyn & Micki,

Please disregard my last email with the Native Tree Urgency Ordinance Extension letter attached due to a typo, and instead distribute the attached. Sorry for the confusion and thanks!

Regards,  
James Green  
Government Affairs Specialist  
San Luis Obispo County Farm Bureau

[jgreen@slofarmbureau.org](mailto:jgreen@slofarmbureau.org)



August 16, 2016

Board of Supervisors  
County of San Luis Obispo

Chair Lynn Compton, District 4  
Supervisor Franck Mecham, District 1  
Supervisor Bruce Gibson, District 2  
Supervisor Adam Hill, District 3  
Supervisor Debbie Arnold, District 5

Re: Native Tree Urgency Ordinance

Dear Chair Compton and Supervisors:

The San Luis Obispo County Farm Bureau recognizes the importance of native trees and oak woodlands for the environmental health and uniqueness of our county. In order to be clear, it has not and does not oppose some level of oversight in the management of oaks and native trees if the rules go through the established ordinance formation process with thorough vetting of input from the stakeholders. An approach that enacts broad rules for an extended period of time without a systematic evaluation process is not beneficial. Grading has been through the process and actions against unpermitted grading are enforceable.

As stated in our July 13, 2016 letter, the majority of our members who responded to our survey believe that the spirit of the long established voluntary management plan was violated and believe there needs to be some form of action to prevent a repeat of the extensive cutting that recently occurred. It was apparent their intent was to support a direct rule that would prohibit clearcutting. What was presented to and approved by the Board of Supervisors, was a weighty urgency ordinance that goes beyond the steps necessary to accomplish that end.

Many landowners, who responsibly manage their properties, are now worried that they will be forced to contact tree consultants, languish on waiting lists and be subject to exorbitant fees.

It is our position that sustainability of oaks and other native trees is achievable, while at the same time limiting further unnecessary financial and regulatory burdens on the landowner, farmer, winemaker and rancher. Additionally, it appears that it is at the point of conversion of land is where issues may occur, not in the continued land use practices.

As San Luis Obispo County staff and stakeholders continue the needed studies, fact finding and reports to fully evaluate and introduce a future native tree ordinance, we urge clear, unencumbered language in any such ordinance. Additionally, those activities that are exempt must not be burdened by excessive permit procedures, waiting periods or fees.

Respectively Submitted,

A handwritten signature in black ink, appearing to read "Dan Sutton", is written on a light yellow rectangular background.

Dan Sutton,  
President

---

**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:48 PM  
**To:** cr\_board\_clerk Clerk Recorder; BOS\_Legislative Assistants  
**Subject:** FW: Oak tree protection

Jennifer Caffee  
Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

-----Original Message-----

From: Cathy Chambers [mailto:chambersvgardens@hotmail.com]  
Sent: Sunday, August 14, 2016 8:15 AM  
To: Debbie Arnold <darnold@co.slo.ca.us>  
Subject: Oak tree protection

Debbie,

I am very concerned about the cutting of oak trees. Please extend the urgency ordinance. I know you understand their importance in native ecosystems, as well as their natural beauty. I'm sure you know that they are one of the few trees we have that can withstand drought and stand to prevent erosion when the rains do come. Please fight tooth and nail for our oldest living neighbors. Protections are already in place in other parts of California. Why would we not uphold the highest standard of protection? We should have the highest standards for the protection of our landscape particularly because our visitors come to our county for the natural beauty, and tourism is one of our biggest industries.

Sincerely,

Catherine Chambers

Sent from my iPad

Sent from my iPad

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:49 PM  
**To:** cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Oak Tree Ordinance Revised

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

---

**From:** Kelli Silzer [mailto:jksilzer@hotmail.com]  
**Sent:** Friday, August 12, 2016 4:56 PM  
**To:** Debbie Arnold <darnold@co.slo.ca.us>  
**Subject:** Oak Tree Ordinance Revised

**Please see revised last paragraph**

Debbie Arnold,

know that the vote on the extension of the emergency oak tree ordinance is coming up. I must say, and I told you so after the last meeting that I truly admired your courage and the way you stood up to the other supervisors and audience at that meeting. Please continue to be brave, do the right thing and vote no on the extension and any other permanent tree ordinance further. It is so burdensome to the landowner and control of property owner's private investment is being taken away by this ordinance. I cannot believe that the government can do a better job of managing someone's land than the landowner, businessman, rancher or farmer. Even the small land owner is being hurt by the cookie cutter policies set forth in this ordinance. Personally, I have eight acres that are covered 100% in second growth, unhealthy oak trees. This cookie cutter approach devalues my land and puts my family in danger. Are you going to make up the two hundred thousand dollars or so lost on my property value due to this ordinance?

The approach that has been presented devalues most properties and puts our community in danger. We are not Santa Barbara county. Our split of residential, open space, ranch and farm land is very different than theirs. We should in no way model our ordinance after theirs. If there has to be an ordinance then it should not be cookie cutter but something that is managed by the county. And I know that there is no way that you can do this efficiently. Please allow me and many others to use their property to it's fullest potential and best use.

In closing, I do believe that our Farm Bureau has done a horrible job of getting our ranchers and farmers out for this cause. It simply appears to me that a mere few in the organization are imposing their own personal and separate agendas on us, but at this time they are the most powerful in the organization. If you would like I will rally some troops. They are out there. Really, there is less support for this ordinance than most would like to believe.

Last but not least, the already existing grading ordinance would have taken care of the problem had Resnick (probably with the help of Jamie Kirk) not found a loop hole in the system and used the RDC in order to exploit the already existing system. We already have a system in place if used properly.

I can send people your way,  
Kelli Silzer

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:47 PM  
**To:** cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Item #17, Extension of Native Tree Ordinance

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

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**From:** Laurie Gage [mailto:fullsail@onemain.com]  
**Sent:** Saturday, August 13, 2016 5:17 PM  
**To:** Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Frank Mecham <fmecham@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>  
**Cc:** ccampa\_co.slo.ca.us <ccampa@co.slo.ca.us>  
**Subject:** Item #17, Extension of Native Tree Ordinance

August 13, 2016

TO: San Luis Obispo County Board of Supervisors

RE: Extension of Native Tree Interim Zoning/Urgency Ordinance No. 3325, Item #17 for August 16, 2016

Chair Compton and Supervisors,

This letter is in support of the proposed extension to the Native Tree Interim Zoning Urgency Ordinance as drafted by staff.

When last you were asked to consider an oak tree ordinance, quite some years ago, you heard the agricultural community say “We can police ourselves.” I think you would agree that this has not been the case in the intervening years, most egregiously evidenced by large corporate interests not only refusing to police themselves, but going so far as to willfully harm the environment, disregard permit requirements, make plans to utilize resources beyond the carrying capacity of the land, and potentially drive neighbors off their properties by not finding a way to share equitably.

Adoption of the Interim Ordinance was far from a knee jerk response to one example of greed trumping reason; it was much more a response to the community’s horror at a cumulative wastage brought to light by one very obvious transgression. Our native trees and oak woodland environment deserve every protection we can give them.

Please adopt the Extension outlined in your staff’s report.

Thank you.

Laurie Gage

Paso Robles, CA 93446

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**From:** Board of Supervisors  
**Sent:** Monday, August 15, 2016 1:41 PM  
**To:** BOS\_Legislative Assistants; cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Oaks protection Ordinance

For your review.  
This is a District 3 constituent.  
Thank you.

Blake Fixler  
Administrative Assistant III  
Board of Supervisors  
San Luis Obispo County  
[www.slocounty.ca.gov](http://www.slocounty.ca.gov)  
Direct Line 805-781-5498

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**From:** andy wise [mailto:[a.wise1@sbcglobal.net](mailto:a.wise1@sbcglobal.net)]  
**Sent:** Monday, August 15, 2016 1:37 PM  
**To:** Board of Supervisors <[Boardofsups@co.slo.ca.us](mailto:Boardofsups@co.slo.ca.us)>  
**Subject:** Oaks protection Ordinance

I am a resident of San Luis Obispo County and I am writing to urge the Board of Supervisors to please extend the temporary tree protection ordinance for a year. It is unfortunate that a few irresponsible bad apples (such as Justin Vineyards and The Wonderful Company) are responsible for the urgency of passing legislation which will protect our trees but it is vital that something gets accomplished and that the ordinance is extended and given teeth to punish violators who have demonstrated such callous disregard for our community. It is long overdue. Please do the right and necessary thing and extend the this vital protection for our county's oak forests.

Andrew Wise  
San Luis Obispo

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:21 PM  
**To:** BOS\_Legislative Assistants; cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Emergency Oak Ordinance

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

**From:** Emjay C [mailto:mj625c@gmail.com]  
**Sent:** Monday, August 15, 2016 5:46 AM  
**To:** Debbie Arnold <darnold@co.slo.ca.us>  
**Subject:** Emergency Oak Ordinance

Dear Ms. Arnold:

Please extend the emergency oak ordinance until the final oak ordinance can be approved. I don't trust businesses and large land users to consider the consequences of their actions on our beautiful county unless there are some legal constraints in place.

Most sincerely,  
Marcialyn Carter

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:20 PM  
**To:** cr\_board\_clerk Clerk Recorder  
**Subject:** FW: SUPPORT FOR URGENCY OAKS ORDINANCE

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

**From:** Denis Degher [mailto:denis@mojocellars.com]  
**Sent:** Monday, August 15, 2016 7:34 AM  
**To:** Frank Mecham <fmecham@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>;  
Bruce Gibson <bgibson@co.slo.ca.us>  
**Subject:** SUPPORT FOR URGENCY OAKS ORDINANCE

Dear Supervisors,

I urge you to ALL support the Urgency Oaks Ordinance until such time that a permanent ordinance can be drafted. It may not be perfect, but 45 days is not nearly long enough to protect the future of our counties legacy of trees.

Do it for the KIDS, do it for the future.  
Sincerely, Denis Degher,  
Owner Domaine Degher Wines and Old School Vineyards

---

**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:17 PM  
**To:** cr\_board\_clerk Clerk Recorder; BOS\_Legislative Assistants  
**Subject:** FW: Oak Trees maintenance

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

---

**From:** Kelli Silzer [mailto:jksilzer@hotmail.com]  
**Sent:** Monday, August 15, 2016 9:31 AM  
**To:** Debbie Arnold <darnold@co.slo.ca.us>  
**Subject:** Oak Trees maintenance

Hello Debbie,

I am sorry if you are tired of hearing from me but I do feel strongly that the urgency oak tree ordinance should not be extended. I just got back from the Chimney Rock fire briefing and the problem is that there has not been a fire in this area for 60 years. The biggest problem, the dry brush and distressed oak trees which have caused a lot of litter. Trees are exploding everywhere and the dry leaves fly further than the healthy leaves of trees that had been maintained would. We have also lost 20 structures in the area. I fear that an ordinance, especially one as restrictive as the one presented, would encourage residents to build homes without safe clearance, only because they were restricted by the ordinance. Has anyone addressed the ordinance with safety personnel? And the county itself requires that a new home be built with a certain amount of clearance, what happens when there is a direct conflict with the two restricts and laws?

Such hasty and restrictive ordinances would put a damper of public safety.  
Please vote no, especially now.

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:15 PM  
**To:** cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Item #17, Extension of Native Tree Ordinance

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

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**From:** Ellen Ferguson [mailto:ellen@veracitydata.com]  
**Sent:** Monday, August 15, 2016 10:26 AM  
**To:** Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Frank Mecham <fmecham@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>  
**Subject:** Item #17, Extension of Native Tree Ordinance

August 15, 2016

Dear San Luis Obispo County Board of Supervisors:

I'm writing to you to voice my support for the extension of the Native Tree Interim Zoning Urgency Ordinance. I've only lived in Paso for seven years, but I've heard from friends and neighbors about how the ag community argued in the past that such an ordinance wasn't necessary as they could police themselves. I feel this belief was viable while local vineyards were mostly owned and run by families, but now large corporations like the one that owns Justin Vineyards have come into our area and they're driven more by profit than stewardship of the land as evidenced by the clear cutting of oak trees on their Sleepy Farm Road property. Formal guidelines that will protect the environment and preserve the natural beauty of the oaks for future generations need to be put in place now, starting with this interim ordinance.

Sincerely,

Ellen Ferguson

Paso Robles, CA 93446

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:11 PM  
**To:** cr\_board\_clerk Clerk Recorder; BOS\_Legislative Assistants  
**Subject:** FW: Oak Trees

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

**From:** Michaela Koenig [mailto:mmkoenig@gmail.com]  
**Sent:** Monday, August 15, 2016 11:50 AM  
**To:** Debbie Arnold <darnold@co.slo.ca.us>  
**Subject:** Oak Trees

Dear Debbie-

Please keep in mind how important our oak trees are to San Luis Obispo County when you vote tomorrow on extending the urgency ordinance for a year while a permanent ordinance is being drafted.

Thank you!

Michaela Koenig  
Caltrans District Biologist  
Santa Margarita Resident

---

**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:11 PM  
**To:** cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Agenda Item 17

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

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**From:** David Gaskill [mailto:AGdaveandanita@msn.com]  
**Sent:** Monday, August 15, 2016 12:24 PM  
**To:** Frank Mecham <fmecham@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>  
**Subject:** Agenda Item 17

Please approve the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 for up to 22 months & 15 days. We need this in place or SLO county could lose more oaks. One cannot on corporate farmers to do the right thing.

Thank you.

Anita and David Gaskill

Pismo Beach, Ca 93449

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:21 PM  
**To:** cr\_board\_clerk Clerk Recorder  
**Subject:** FW: Oak /water ordinance

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

**From:** John morris [mailto:summersalt7@gmail.com]  
**Sent:** Monday, August 15, 2016 7:28 AM  
**To:** Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Frank Mecham <fmecham@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>  
**Subject:** Oak /water ordinance

Good morning,

Supervisor Arnold represents my district, but I'm writing you all due to importance of tomorrow's meeting. First, thank you for the swift action in passing the urgency ordinances to study this matter further. It was impressive, and indeed a little unusual to see all five supervisors come together in response to the public outcry.

I've worked in the wine business in the North County for 11 years. I intimately understand the economic value of the industry, and all that it brings to our community. I'm raising a family here largely because of it. However, Justin/Wonderful's blatant disregard for their neighbors, the environment, and indeed, all citizens of the North County is appalling. Self-regulation is no longer working, and we must act to protect the future for our children.

I understand the concerns regarding property rights vs. the public good. However, the urgency ordinances are written as such to protect landowners from undue regulation, and I believe both the water and oak ordinances must be made permanent to protect the quality of life for everyone in the North County. No responsible or conscientious landowner will be unduly restricted by these ordinances. Please don't give into pressure from a few moneyed landowners who want the unfettered "right" to slash, burn, drill and clearcut without any regard for their neighbors, the environment or the community at large. Your legacy and our way of life are at stake.

Respectfully,

John Morris

Paso Robles

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**From:** Debbie Arnold  
**Sent:** Monday, August 15, 2016 1:09 PM  
**To:** cr\_board\_clerk Clerk Recorder; BOS\_Legislative Assistants  
**Subject:** FW: Please vote NO on the Interim Native Tree Zoning / Urgency Ordinance - Impact on Non-Agricultural Projects  
**Attachments:** 8-16-16 Attachment 3 - Adopted Urgency Ordinance # 3325.pdf; 8-16-16 Staff Report.pdf; 8-16-16 Attachment 1 - Proposed Urgency Ordinance Extension Ordinance.pdf

**Jennifer Caffee**

Legislative Assistant  
5th District Supervisor Debbie Arnold  
San Luis Obispo County  
(805) 781-4339/FAX (805) 781-1350

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**From:** Phil Gray [mailto:pgray@Midstate-cal.com]  
**Sent:** Monday, August 15, 2016 12:42 PM  
**To:** Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>  
**Cc:** David Gray <dgray@Midstate-cal.com>  
**Subject:** Please vote NO on the Interim Native Tree Zoning / Urgency Ordinance - Impact on Non-Agricultural Projects

Hi, Debbie and Lynn,

The interim native tree ordinance, while well-intentioned, is wildly overreaching and will harm many people who have no relation to the removal of thousands of trees that originally triggered the need for an ordinance.

I urge you to vote NO on the extension of the ordinance, and instruct staff to bring back to your next meeting a revised ordinance that focuses on the actual problem, unregulated cutting of hundreds of trees, and does not contain provisions that would affect cutting a single tree of 2 inches in diameter as does the ordinance that you will be voting on.

If you haven't already seen it, please read the email below from Jamie Kirk. It provides a good description of the overreach of the present ordinance, and the harm that it will cause to people who have nothing whatsoever to do with mass cutting of oak trees.

The present ordinance has a direct impact on my family. Since 1999, we have been processing a 38-acre 11-lot RS-zone subdivision in the Arroyo Grande fringe. It has perhaps 1000 oak trees on it, of all sizes. We will need to remove about 95 of them to put in streets and building pads. The ordinance will require expensive and pointless new requirements beyond those already imposed on subdivisions.

It is well-established that more housing is needed in San Luis Obispo County. Extension of the present ordinance will simply make that problem worse.

Thank you for your consideration.

Phil Gray

San Luis Obispo, CA 93401

(

----- Forwarded message -----

From: **Jamie Kirk** <[Jamie@kirk-consulting.net](mailto:Jamie@kirk-consulting.net)>

Date: Fri, Aug 12, 2016 at 1:08 PM

Subject: Interim Native Tree Zoning / Urgency Ordinance - Impact on Non-Agricultural Projects

To: "Jeff Eckles, HBACC" <[jeckles@hbacc.org](mailto:jeckles@hbacc.org)>

*Please distribute to interested parties.*

Greetings All,

Many of you have contacted me with concerns and questions regarding the Native Tree Interim Zoning/Urgency Ordinance (Tree Ordinance) adopted by the Board of Supervisor on July 15, 2016, and how the Tree Ordinance will impact existing and future non-agricultural projects in the County. I have reviewed the Tree Ordinance with non-agricultural related projects in mind and have received clarification from County staff on how the Tree Ordinance will apply to these projects. Below is my synopsis of how the Tree Ordinance applies to non-agricultural projects as well as a discussion of the upcoming Board of Supervisors hearing.

On August 16, 2016, the Board of Supervisors will be considering the extension of the Tree Ordinance adopted July 15, 2016. If approved, the extension could last for a period of up to 22 months and 15 days, until July 14, 2018. The purpose of the Tree Ordinance is to ensure mass clear cutting of native trees for agricultural purposes can no longer occur in the County. I think we can all agree with the core intent of the Tree Ordinance and that mass clear cutting of native trees is unacceptable. That being said, while the Tree Ordinance was crafted to address agriculture practices, it unintentionally created significant restrictions and requirements for non-agricultural related projects.

**For example:**

A person purchases a six-acre parcel in the Rural Area of the County and the property overlies the Paso Robles Ground Water Basin. The parcel has moderate native tree coverage.

In order to site a house (or other structure) and minimize native tree impacts, the person needs to remove one grey pine that has a diameter at breast height (dbh) of 3-inches (mind you most ordinances don't count trees as trees until they are 4"-6" dbh).

- The person is now required to apply for a Minor Use Permit (\$5,000.00 - \$15,000.00 County Fee). A Minor Use Permit is a discretionary project, with a requirement to have a noticed hearing and since it is a discretionary project it is subject to the California Environmental Quality Act (CEQA) .

- Since the project is now subject to CEQA, the Planning Department must conduct an assessment of the environmental resources on the site and the impact any development on the site will have on those resources.
- Below is a list of Special Studies an applicant can expect the County to request in order to complete the CEQA review. The specific studies requested would be based on site specific circumstances. The cost estimates provided are based on proposals recently received by my office for the various studies.
  - An Archeological Study (\$5,000.00). This is typically required is there is any sort of water feature on the site, creek, drainage, etc.
  - A Biological Study to survey for special status plants and species (i.e. CA Red Legged Frog, Pond Turtles, Badgers, Spade Foot Toads, American Badger, Owls, Hawks, Lizards, etc.) (\$7,000.00).
  - If there happens to be a suspicious depression in the ground, a Vernal Pool Assessment will be required to be completed (\$3,000.00).
  - If the project is in the Kit Fox Corridor (North County), a Kit Fox evaluation and Kit Fox fees are now required (they would not be required for a ministerial building permit (\$6,000.00)
  - Now that the project is a discretionary project, per the Area Plan Standards, a 2:1 water off set is required (instead of 1:1 off-set). The water off-set fee is now \$9,708.00 (\$4,854.00 X 2).

The ministerial building permit costs for a project (SFR, workshop, 2<sup>nd</sup> dwelling) have potentially increased by + \$40,000.00. This does not include the basic building permit fees that would also be required. Furthermore, this figure does not include any environmental monitoring costs that maybe required based on the recommendations included in the Biological and Archeological reports. These cost could well exceed \$10,000.00. In addition to the significant increase in costs, the time frame for the building permit to be approved has increased from four months to one year.

This example holds true for any building permit in the Inland Area of the County (outside Urban areas) on sites more than five-acres in size that would require the removal of one native tree with a dbh greater than 2-inches. North County, South County, Edna Valley, etc. If a site is less than 5 acres in size up to 3 native trees can be removed under a ministerial permit. The 4<sup>th</sup> tree removal would elevate the building permit to a Minor Use Permit. Permits for single family residences, secondary dwellings, workshops, etc. would be subject to the Tree Ordinance.

While this may not have intentionally been done by Planning Department or the Board of Supervisors, this is what happens when ordinances are crafted and adopted in haste. If the Tree Ordinance is extended, these requirements could be in place for two years.

## **Highlights of the Ordinance:**

### **Native Tree:**

“Native Tree” means one of the following species: Blue oak (*Quercus douglasii*), California bay laurel (*Umbellularia californica*), California sycamore (*Platanus*

*racemosa*), Coast live oak (*Quercus agrifolia*), Interior live oak (*Quercus wislizeni*), Grey pine (*Pinus sabiniana*), Valley oak (*Quercus lobata*), Black oak (*Quercus kelloggii*), and Pacific madrone (*Arbutus menziesii*).

### **Tree:**

“Tree” means a woody perennial plant, typically having a single stem or trunk of **two (2) inches or more DBH** growing to a considerable height and bearing lateral branches at some distance from the ground. Compare with “Sapling or Seedling”.

### **Canopy:**

“Canopy” means the **overhead covering of a tree or trees formed by its foliage**. **Canopy** can consist of **an individual tree or continuous woodland**. For purposes of this

Ordinance, measurement of Canopy (existing or removed), shall be determined with the County’s aerial photography.

### **Exemptions:**

Emergency, immediate danger, diseased, utilities and rights of way, trimming and pruning, fire safety, ag operations where no more than 5% of a sites total Native Tree Canopy is removed, previous approved land use permits or vested subdivisions

De minimis removal:

1. Ministerial. On Sites of **five (5) acres or less in size**, in association with ministerial permits, **up to three (3) Native Trees may be removed**.

2. Existing Agricultural Operations. On Sites currently engaged in crop production or grazing, as of the effective date of this Ordinance, up to three (3) Native Trees may be removed in conjunction with and in support of existing agricultural operations.

### Permits

- For projects that aren't listed as an exemption and they are proposing to remove up to 10% of the total Native Tree Canopy a Minor Use Permit is required.

- **Ex: If a site is more than five acres in size and one native tree is proposed to be removed for non-agricultural purposes, a Minor Use Permit is required.**

- For projects that are proposing to remove up to more that 10% of the total Native Tree Canopy a Conditional Use Permit is required

- **Ex: If a site is more than five acres in size and there are 10 native trees on the property and two native trees are proposed to be removed for non-agricultural purposes, a Conditional Use Permit (Planning Commission Review and Approval) is required.**

- In no case shall more than 25% of a Sites total Native Tree Canopy be approved for removal without the preparation of an Environmental Impact Report.

- **If there is a lone grey pine located on a six acre property and the grey pine is located in the area that is most suitable for development (slopes, views, access, etc.), the building site would need to be relocated to a less suitable location or an Environmental Impact Report would be required. However, if the parcel is five acres or less in size, the tree can be removed under the De Minimis Removal Exemption**

What I have found with Urgency Ordinances (i.e. PRGWB Urgency Ordinance) is the smaller projects like the normal person trying to build a house, a barn, a secondary dwelling, etc. are the ones that end up getting caught up in the process. Often times, the smaller projects simply cannot absorb the additional time, cost, and effort of the added restrictions and requirements. The larger, well capitalized projects are generally able to absorb these costs and retain the necessary consultants to navigate their way through the permitting process.

Again, I think most of us agree that the time has come for the County to adopt reasonable regulations and restrictions regarding native tree removals. That being said, the County should focus their efforts on swiftly developing a thoughtful permanent Ordinance rather than extending this unintentionally restrictive and potentially damaging ordinance. This clearly was not the intent, but unfortunately if the Tree Ordinance is extended, it will be the outcome.

I respectfully request that if you have a concern with the restrictions contained in the Tree Ordinance that you contact the County Board of Supervisors and request they not extend this Tree Ordinance and instead authorize County resources to allow their staff to focus on a more thoughtful policy document to achieve the desired outcome.

Listed below is the contact information for the County Board of Supervisors:

Frank Mecham, District 1 Supervisor: [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)

Bruce Gibson, District 2 Supervisor: [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)

Adam Hill, District 3 Supervisor: [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)

Lynn Compton, District 4 Supervisor: [lcompton@co.slo.ca.us](mailto:lcompton@co.slo.ca.us)

Debbie Arnold, District 5 Supervisor: [darnold@co.sslo.ca.us](mailto:darnold@co.sslo.ca.us)

Sincerely,

**Jamie Kirk**

President

Atascadero, CA 93422 |

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 8/16/2016	(3) CONTACT/PHONE Megan Martin, Project Manager / (805)781-4163	
(4) SUBJECT Hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 pursuant to Sections 25123 and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3325 prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures; exempt from CEQA. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board:  1. Hold a hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 for a period of up to 22 months and 15 days from the expiration date (August 29, 2016) through and until July 14, 2018 by 4/5 vote.  2. Provide direction on a permanent Native Tree Ordinance.			
(6) FUNDING SOURCE(S): Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT TBD	(8) ANNUAL FINANCIAL IMPACT TBD	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>125 min</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A   Date: <u>June 21, 2016 (Board direction):</u> <u>July 15, 2016 (Ordinance adoption)</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

# County of San Luis Obispo



TO: Board of Supervisors  
FROM: Planning & Building / Megan Martin, Planner III  
VIA: Trevor Keith, Deputy Director, Policies and Programs  
DATE: 8/16/2016

SUBJECT: Hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 pursuant to Sections 25123 and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3325 prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures; exempt from CEQA. All Districts.

## **RECOMMENDATION**

It is recommended that the Board:

1. Hold a hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 for a period of up to 22 months and 15 days from the expiration date (August 29, 2016) through and until July 14, 2018 by 4/5 vote.
2. Provide direction on a permanent Native Tree Ordinance.

## **DISCUSSION**

### Background

On July 15, 2016, your Board adopted Urgency Ordinance No. 3325 to prohibit the clear-cutting of oak woodlands and limit the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures.

### Discussion

The hearing today is to consider extending the urgency ordinance for a period of up to 22 months and 15 days from August 29, 2016 (Attachment 1). Your Board also has the option of considering extending the urgency ordinance for a period of 10 months 15 days then considering a final one year extension prior to expiration. Any action to extend the current urgency ordinance requires a 4/5 vote of your Board.

If the interim zoning/urgency ordinance is extended, staff will begin work on a permanent tree ordinance with the intent of allowing consideration by your Board prior to the expiration of the urgency ordinance. If your Board chooses not to pursue an extension of the urgency ordinance, your Board may still have the option to give staff direction to develop a permanent ordinance for future consideration and to define key policy components. A full discussion of staffing impacts and effects on other currently prioritized projects from this assignment will be addressed in the priorities discussion presented to your Board in October.

### Proposed Permitting Procedure / Exemptions

The proposed Native Tree Interim Zoning/Urgency Ordinance contains a prohibition against clear-cutting of oak

woodlands, exemptions from land use permits, and land use permit levels for proposed tree removal (not associated with clear-cutting).

Exemptions from land use permits include the following categories: emergency, immediate danger, diseased, utilities and rights-of-way, trimming and pruning, fire safety, agricultural operations, previously approved land use permits and land divisions, non-native trees, and de minimis removal (See "Exemptions" within the Ordinance for full definitions).

When proposed native tree removal has been determined to not be within one of the exemptions listed above, a land use permit must be applied for and approved prior to removal. For tree removal involving up to 10% of the total site canopy, a Minor Use Permit is needed. For tree removal involving more than 10% of the total site canopy, a Conditional Use Permit is necessary. Both of these permits are discretionary and subject to CEQA, and in no case shall more than 25% of a site's total canopy be approved for removal without the preparation of an Environmental Impact Report.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

Staff from County Counsel's office, Agricultural Commissioner's Office, Cal Fire, and Planning and Building has participated in meetings about the development of the urgency ordinance.

### **BUSINESS IMPACT STATEMENT**

Measureable impacts to business are not expected with the extension of the Interim Zoning/Urgency Ordinance.

### **FINANCIAL CONSIDERATIONS**

This staff report was prepared under the Department's current budget. If the Board of Supervisors directs staff to prepare a permanent ordinance, budget and staffing will be determined.

### **RESULTS**

Adoption of the amendment to the interim zoning/urgency ordinance will extend the Urgency Ordinance for a period of up to 22 months and 15 days, through and until July 14, 2018. The ordinance prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures.

This is consistent with providing a prosperous and well-governed, safe, healthy and livable community.

### **ATTACHMENTS**

1. Attachment 1 - Proposed Urgency Ordinance Extension Ordinance
2. Attachment 2 - Board of Supervisors Staff Report - July 15, 2016
3. Attachment 3 - Adopted Urgency Ordinance No. 3325
4. Attachment 4 - Environmental Determination

**ORDINANCE NO. 3325**

**AN INTERIM ZONING/URGENCY ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO PROHIBITING THE CLEAR-CUTTING OF OAK WOODLANDS AND LIMITING THE REMOVAL OF NATIVE TREES IN THE INLAND AREA (DOES NOT INCLUDE THE COASTAL ZONE) OF THE UNINCORPORATED PORTIONS OF SAN LUIS OBISPO COUNTY, EXCEPT FOR DEVELOPMENT OR LAND USE ACTIVITIES COMPLYING WITH CERTAIN AUTHORIZATION STANDARDS AND PROCEDURES.**

The Board of Supervisors of the County of San Luis Obispo do ordain as follows:

**Section 1. Findings and Declarations.**

The Board of Supervisors makes the following findings in support of the enactment of this interim zoning/urgency ordinance in the inland area of the unincorporated county:

- A. This Ordinance promotes the role of Native Trees in creating natural scenic beauty and unique community identity, sustaining ecological balance and overall environmental health, providing habitat to ensure the generation of future trees, moderating climatic extremes, reducing soil erosion and enhancing surface water quality, improving air quality, and adding value to property.
  
- B. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) ("CEQA") because:
  - 1. Per CEQA Guidelines §15061(b)(3) – The interim zoning/urgency ordinance is not subject to CEQA due to the general rule that an action is not subject to CEQA where it can be seen with certainty that there is no possibility that there will be a significant effect on the environment. The Ordinance provides for regulations to protect Native Tree species, woodlands, and critical habitats and thus, will not have a significant adverse effect on the environment.
  - 2. Per CEQA Guidelines §15307 (Class 7) – The interim zoning/urgency ordinance consists of regulations and restrictions that prohibit the unauthorized removal of Native Tree species and promotes maintenance and restoration activities for the enhancement of these natural resources.
  - 3. Per CEQA Guidelines §15308 (Class 8) – The interim zoning/urgency ordinance consists of regulations and restrictions on development activities to minimize damage, stress, premature death and unnecessary removal of trees; and it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including Native Tree species and all of the people, species, and environs that rely on that resource.
  
- C. Native trees are an essential component to the fabric of the State of California for its people, environment, and economic well-being. Our heritage and our legacy are indivisibly linked with native trees, their majestic beauty, unique community character

### Attachment 3

and life-giving benefits. Native trees provide habitat for wildlife and other plant species, help clean the air, stabilize the soil, and add value to real property.

- D. In San Luis Obispo County, oak woodlands are the quintessential landscape throughout the county and have been culturally significant for thousands of years.
- E. The intentional destruction of oak woodland and irresponsible removal of native trees is an assault on our County's heritage and threatens the sustainability of our critical landscape.
- F. Large amounts of oak trees and Oak Woodlands were recently Clear-cut and removed by a landowner in preparation for planting new vineyards in the inland portion of the County. Such removal denuded the hillside of hundreds of oak trees and many acres of Oak Woodland, destabilizing the ground, removing habitat, and destroying this quintessential county landscape.
- G. The County currently has no ordinance or regulation in place to specifically address the Clear-cutting or removal of Native Trees or Oak Woodland in the inland area, outside of the urban or village reserve lines. Landowners in the inland area, like the one discussed above, own hundreds of acres of Oak Woodland and Native Trees that have the potential to be removed without appropriate County oversight or regulation. This likelihood increases as the demand for land suitable for irrigated vineyards increases, as was seen in the case described above. Without a specific County ordinance, Native Trees and Oak Woodlands are likely to continue to be Clear-cut or removed, depriving the County of its critical and quintessential habitat. As a result, the Board of Supervisors, as the legislative body of the County of San Luis Obispo, has determined that there is a need to consider and study potential changes in the County's General Plan and/or land use ordinances to assure appropriate oversight of Native Tree removal.
- H. In response to the irresponsible and irreparable damage to Oak Woodlands and Native Trees and in response to the lack of specific regulations addressing the Clear-cutting or removal of Native Trees or Oak Woodland in the inland area, the Board of Supervisors as the legislative body of the County of San Luis Obispo, has determined that in order to protect the public health, safety, and welfare, there is an urgent need for an interim zoning/urgency ordinance prohibiting the Clear-cutting of Oak Woodlands and regulating the removal of Native Trees while the County considers and studies permanent amendments to its General Plan and/or land use ordinances.
- I. This Ordinance is adopted as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and as an interim zoning ordinance pursuant to the provisions of Government Code section 65658 and shall be effective for a period of 45 days from its passage. Based on the findings set forth above in this section of the ordinance, the Board of Supervisors finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate

### Attachment 3

preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code sections 25123, 25131, and 65858, and is necessary to preserve the status quo while comprehensive community outreach to stakeholders, and preparation of studies and reports are completed for a comprehensive Native Tree protection ordinance.

- J. This interim zoning/urgency ordinance does not apply to areas within the Coastal Zone of the County.

#### **Section 2. Definitions.**

For the purposes of this Ordinance, the following terms have the definitions set forth below:

- A. "Canopy" means the overhead covering of a tree or trees formed by its foliage. Canopy can consist of an individual tree or continuous woodland. For purposes of this Ordinance, measurement of Canopy (existing or removed), shall be determined with the County's aerial photography.
- B. "Clear-cutting" means the removal of continuous Canopy or semi-continuous stands of trees with occasional gaps in Canopy, of Native Trees (as defined by this Ordinance) including their saplings, seedlings, and associated understory vegetation from a Site or portion of a Site.
- C. "County-approved tree consultant" means an individual on a list of qualified tree experts. The list will be established and maintained by the Planning and Building Director.
- D. "Diameter at Breast Height (DBH)" means the total cross-sectional diameter between the outside bark of an oak tree measured in inches at a height four-and-one-half (4-½) feet above the ground on the uphill side of the tree. In the case of trees with multiple stems (trunks), the diameter of all stems at breast height shall be combined to calculate the diameter at breast height of the tree.
- E. "Director of Planning and Building" means the Director of the Department of Planning and Building of San Luis Obispo County as established by Chapter 2.22 of Title 2 of the County Code, or his or her designee.
- F. "Discretionary Permit" means an entitlement that may be issued under the provisions of this Ordinance or Title 22 that requires the exercise of judgment and the resolution of factual issues to determine if the application and requested entitlement conform to the provisions of this Ordinance or Title 22. Generally, a Discretionary Permit consists of any entitlement that requires a decision to approve, approve subject to conditions or disapprove, based on the judgment of the review authority after a hearing.

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- G. "Immediate danger" for the purpose of Tree removal, means, an emergency situation where a tree's structural condition threatens health or property and time does not allow for consultation with the county.
- H. "Native Tree" means one of the following species: Blue oak (*Quercus douglasii*), California bay laurel (*Umbellularia californica*), California sycamore (*Platanus racemosa*), Coast live oak (*Quercus agrifolia*), Interior live oak (*Quercus wislizeni*), Grey pine (*Pinus sabiniana*), Valley oak (*Quercus lobata*), Black oak (*Quercus kelloggii*), and Pacific madrone (*Arbutus menziesii*).
- I. "Receiver Site" means a property eligible to receive off-site replacement trees or participate in county administered Native Tree planting projects.
- J. "Sapling or seedling" means existing, young trees that are in a healthy state and are less than two inches in diameter.
- K. "Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading or other use or activity regulated by this Ordinance or Title 22 is performed or permitted.
- L. "Tree" means a woody perennial plant, typically having a single stem or trunk of two (2) inches or more DBH growing to a considerable height and bearing lateral branches at some distance from the ground. Compare with "Sapling or Seedling".
- M. "Tree removal" means to sever or displace the above-ground portion of a tree using manual, mechanical, or chemical means, which results in the death or stumping of the tree.
- N. "Oak Woodland" means a plant community where the dominant trees are oaks, including species such as: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus lobata*), and black oak (*Quercus kelloggii*); interspersed with other vegetation, such as grasses, shrubs, and other tree species.

#### **Section 3. Applicability.**

This Ordinance applies to any and all properties within the unincorporated areas of San Luis Obispo County, except for the Coastal Zone.

#### **Section 4. Prohibitions.**

- A. The act of Clear-cutting Oak Woodland is prohibited.

## Attachment 3

- B. The removal of Native Trees (not including Saplings or Seedlings) is prohibited.

### **Section 5. Exemptions.**

The following activities are exempt from the requirements of this Ordinance:

- A. **Emergency.** A tree removed when determined necessary by emergency personnel actively engaged in emergency procedures.
- B. **Immediate danger.** A tree in a hazardous condition which presents an Immediate danger to health or property where trimming alone cannot reduce the hazard.
- C. **Diseased.** A tree or trees in a diseased or infected state as verified at a reasonable time either before or after the removal by the Director of Planning and Building, where removal of the tree will be beneficial to the plant community or will avoid developing a hazardous condition. If recommended by the County or a County-approved tree consultant, adjacent healthy trees may also be removed in order to prevent or curtail the spread of pathogens and infectious diseases, such as sudden oak death.
- D. **Utilities and rights-of-way.** Trees which require maintenance or removal for the safe operation and maintenance of public rights-of-way, existing electrical power lines, communication lines, gas pipelines, or other property of a public agency or utility, as determined by the public agency or utility, its employees, or designee(s).
- E. **Trimming and pruning.** Trimming and pruning of no more than 25 percent of an individual tree's canopy, provided the trimming or pruning does not result in the death of a tree.
- F. **Fire safety.** Trees removed for compliance with fire safety laws and regulations or as part of a cooperative fire hazard abatement project if required by the fire agency having jurisdiction.
- G. **Agricultural operations.** Trees removed for agricultural operations and land management purposes that meet all of the following requirements:
  - 1. No more than five percent (5%) of a Site's total Native Tree Canopy will be removed.
  - 2. An Agricultural Operations Tree Removal Form is completed and filed with the Department of Planning and Building prior to the removal of the Native Tree(s).
  - 3. The removal of trees does not constitute Clear-cutting.
- H. **Previously-approved land use permit or land division.** Trees authorized for removal with:

### Attachment 3

1. A land use permit approved pursuant to Title 22 of the County Code, prior to the effective date of this Ordinance
  2. A land division approved pursuant to the Real Property Division Ordinance, Title 21 of the County Code, prior to the effective date of this Ordinance and pursuant to otherwise applicable vesting laws.
- I. Non-native species. The removal of tree species not included in the definition of Native Trees.
- J. De minimis removal.
1. Ministerial. On Sites of five (5) acres or less in size, in association with ministerial permits, up to three (3) Native Trees may be removed.
  2. Existing Agricultural Operations. On Sites currently engaged in crop production or grazing, as of the effective date of this Ordinance, up to three (3) Native Trees may be removed in conjunction with and in support of existing agricultural operations.
- K. Conservation Easement. Sites under conservation or open space easement that provides for the management of Native Trees or Oak Woodland pursuant to a management plan.

#### **Section 6. Permitted removal.**

Notwithstanding Section 4 above, the removal of Native Trees may be permitted as follows:

- A. Permitting:
1. For projects that involve the removal of up to 10% of the total Native Tree Canopy on the Site, Minor Use Permit approval must be obtained. Minor Use Permits shall be processed according to the requirements set forth in Title 22 of the County Code.
  2. For projects that involve the removal of more than 10% of the total Native Tree Canopy on the Site, Conditional Use Permit approval must be obtained. Conditional Use Permits shall be processed according to the requirements set forth in Title 22 of the County Code.
- B. Fees. Fees for Discretionary Permits to allow Tree removal pursuant to this section shall be the same as set forth in the adopted County Fee Schedule for Minor Use Permits or Conditional Use Permits.
- C. Environmental Review. In no case shall more than 25% of a Site's total Native Tree Canopy be approved for removal without the preparation of an Environmental Impact Report.

- D. **Mitigation and Monitoring.** Projects requiring a Discretionary Permit pursuant to this section or Title 22 that involves the removal of Native Trees or the Clear-cutting of Oak Woodland shall be subject to mitigation and monitoring as determined necessary under each permit. At a minimum, the following mitigation and monitoring requirements apply for all permits:
1. When avoidance of Tree removal cannot be achieved and trees are impacted or removed, on-site replacement of trees is next best alternative. Off-site planting of replacement trees will only be considered after all feasible on-site planting alternatives have been evaluated by County staff.
  2. Where on-site replacement would be detrimental to the health of the replacement tree or otherwise be infeasible, replacement trees may be planted at a Receiver Site to be approved by the Director of Planning and Building.
  3. After replacement trees have been planted, the Department of Planning and Building or a County-approved botanist or tree consultant will verify in writing the replacement trees were of the correct species, planted using standard planting procedures and that appropriate protection measures have been completed.
  4. Monitoring will only be conducted by County staff or a county-approved monitor. Monitoring shall be required until the newly planted trees have been successfully established. Monitoring reports shall be prepared by County staff or a county-approved monitor and reports shall be submitted annually for a minimum of seven years after the replacement trees have been planted.

#### **Section 7. Enforcement.**

A violation of this Ordinance is deemed to be a violation of Title 22. In the event of a violation of this Ordinance or any requirement imposed pursuant to this Ordinance, the County may, in its discretion and in addition to all other remedies, take such enforcement action as is authorized under Title 22 and Title 1 of the County Code and any other action authorized by law, including without limitation enforcement through a civil injunction or the imposition of penalties up to \$25,000 per violation. No development, planting, or cultivation of the Site will be allowed for a period of not less than seven years after the violation, except as authorized by an approved Discretionary Permit.

#### **Section 8. Severability.**

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or

more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 9. Effective Date.**

In light of the findings recited in Section 1 of this Ordinance, the Board of Supervisors declares that this Ordinance is necessary as an urgency measure for preserving the public health, safety and welfare. This Ordinance shall take effect immediately upon its passage and shall expire 45 days thereafter unless extended pursuant to law.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the fifteenth day of July 2016, by the following roll call vote, to wit:

**AYES:** Supervisors Bruce S. Gibson, Adam Hill, Frank R. Mecham, and Chairperson Lynn Compton

**NOES:** Supervisor Debbie Arnold

**ABSENT:** None

**ABSTAINING:** None

Lynn Compton  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

**ATTEST:**

TOMMY GONG  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

By: Annette Ramirez  
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM:

RITA L. NEAL  
County Counsel

By: /s/ Whitney McDonald  
Deputy County Counsel

Dated: July 15, 2016

STATE OF CALIFORNIA        )     ss.  
COUNTY OF SAN LUIS OBISPO)

I, **TOMMY GONG**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on July 18, 2016.

**TOMMY GONG,**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: \_\_\_\_\_ *Anneke Ramirez* \_\_\_\_\_  
Deputy Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, EXTENDING INTERIM ZONING/URGENCY ORDINANCE NO. 3325, WHICH PROHIBITS THE CLEAR-CUTTING OF OAK WOODLANDS AND LIMITS THE REMOVAL OF NATIVE TREES IN THE INLAND AREA (DOES NOT INCLUDE THE COASTAL ZONE) OF THE UNINCORPORATED PORTIONS OF SAN LUIS OBISPO COUNTY, EXCEPT FOR DEVELOPMENT OR LAND USE ACTIVITIES COMPLYING WITH CERTAIN AUTHORIZATION STANDARDS AND PROCEDURES.

THE COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS ordains as follows:

**Section 1. Findings and Declarations.**

- A. On July 15, 2016, the San Luis Obispo County Board of Supervisors (“Board of Supervisors”) adopted a 45-day interim zoning/urgency ordinance, Ordinance No. 3325 (“Ordinance”), pursuant to Government Code Sections 25123 and 65858. The Ordinance temporarily prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the coastal zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures.
- B. Pursuant to Government Code section 65858, after notice and public hearing, the Board of Supervisors may by four-fifths vote extend the Ordinance for up to 22 months and 15 days, if the Board finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code sections 25123 and 65858, and is necessary to provide additional time to prepare the studies and reports required to consider a comprehensive and permanent ordinance.
- C. In enacting Ordinance No. 3325, the Board of Supervisors made several findings and declarations constituting the grounds upon which the Ordinance is based, concluding that the lack of regulation or oversight over the clear-cutting of oak woodland or removal of native trees contributed to a recent incident where large amounts of oak trees and oak woodlands were clear-cut. Without a specific County ordinance, Native Trees and Oak Woodlands are likely to continue to be Clear-cut or removed, particularly as demand for irrigated vineyard land increasingly encroaches on oak woodland habitat, posing a current and immediate threat to the people, species and environs that currently depend on the habitat, and to the public, health, and welfare as a whole. As a result, the Board of Supervisors, as the legislative body of the County of San Luis Obispo, determined that there is a need to consider and study potential changes in the County’s General Plan and/or land use ordinances to assure appropriate oversight of Native Tree removal.
- D. On August 16, 2016, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code section 65858, the Board of Supervisors held a duly noticed public hearing on whether to extend the Ordinance for up to 22 months and 15 days, until and through July 14, 2018. The Board of Supervisors

## Attachment 1

heard and considered all evidence, both written and oral, that was duly presented during said hearing.

- E. The Board of Supervisors' findings and declarations as contained in the Ordinance remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference.
- F. As stated in those findings and declarations contained in the Ordinance, the County is contemplating amendments to its zoning ordinance to address the problem of clear-cutting and removal of oak woodlands and native trees. The County continues to need more time to complete the necessary studies and reports to fully evaluate and support such contemplated amendments, while the current and immediate threat to health, safety, and welfare continues to exist.
- G. The extension of the Ordinance is necessary for continued study of a permanent oak woodlands and native tree ordinance. In light of said findings and declarations contained herein and in the Ordinance, a current and immediate threat to the public health, safety and welfare continues to exist, necessitating the extension of the Ordinance, pursuant to Government Code section 65858.
- H. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) ("CEQA") because:
  - 1. Per CEQA Guidelines §15061(b)(3) – The interim zoning/urgency ordinance is not subject to CEQA due to the general rule that an action is not subject to CEQA where it can be seen with certainty that there is no possibility that there will be a significant effect on the environment. The Ordinance provides for regulations to protect Native Tree species, woodlands, and critical habitats and thus, will not have a significant adverse effect on the environment.
  - 2. Per CEQA Guidelines §15307 (Class 7) – The interim zoning/urgency ordinance consists of regulations and restrictions that prohibit the unauthorized removal of Native Tree species and promotes maintenance and restoration activities for the enhancement of these natural resources.
  - 3. Per CEQA Guidelines §15308 (Class 8) – The interim zoning/urgency ordinance consists of regulations and restrictions on development activities to minimize damage, stress, premature death and unnecessary removal of trees; and it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including Native Tree species and all of the people, species, and environs that rely on that resource.

### **Section 2. Extension**

Based on all of the foregoing findings and declarations, Ordinance No. 3325 shall be extended until and through July 14, 2018.

**Section 3. Effective Date.**

This ordinance extending urgency Ordinance No. 3325 is necessary for the protection of public health, safety and welfare, and shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the sixteenth day of August 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

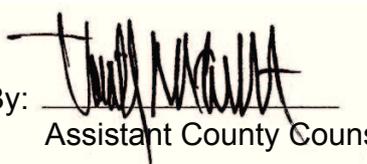
ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

APPROVED AS TO FORM AND CONTENT:

RITA L. NEAL  
County Counsel

By:   
Assistant County Counsel

Dated: August 3, 2016