
October 18, 2018 - Attached are all public comments received regarding the "Orange Is The New Green" Zoning Code Update that have been submitted to OC Planning.

Section 1 includes comments related to the Zoning Code Update, excluding the Tree Preservation Ordinance.
Section 2 includes comments related to the Tree Preservation Ordinance.

Section 1 - Public Comments related to Zoning Code Update, excluding
Tree Preservation Ordinance

Giang, Steven

From: Maldonado, Ruby
Sent: Monday, May 21, 2018 5:36 PM
To: [REDACTED]
Cc: 'Richard Nelson'; Vuong, Richard; Chang, Joanna; Giang, Steven
Subject: RE: Zoning Code

Rene,

Here are the answers to your questions:

1. Why do Cultural Institutions and Facilities not require a Use Permit? The Zoning Code currently requires a site development permit for “public libraries, museums, and public/private utility buildings and structures.” The proposed Zoning Code does not propose a change to this regulation.
2. Are churches included in the Community Assembly category? In Article 2, Subarticle 7, sec. 7-9-116.1 and sec. 7-9-117, churches (religious assembly facilities) are included in the “Community assembly” use.
3. Why are Large-Scale and Small-Scale Commercial Entertainment and Recreation facilities/activities allowed in single-family districts. This commercial use seems in conflict with a single-family district. The Zoning Code currently allows “commercial outdoor recreation” in the A1 “General Agricultural” district and in OS “Open Space” district. The proposed Zoning Code update does not propose any changes to this permitted use and does not propose to allow it in any other district. Please see Article 2, Subarticle 7, sec. 7-9-116.1 for uses in the category of “commercial entertainment and recreation.” This list of uses includes those currently in the Zoning Code such as “country clubs, golf courses, commercial stables, etc.”

Please confirm that I will receive all notices regarding the Orange is the New Green Zoning Code Amendment including changes to the drafts. Your email address appears on the Zoning Code Update distribution list. Please check the webpage for all updated versions of the draft Zoning Code Update.

Please let me know if you need anything else. Thank you for your interest.

Ruby Maldonado

Contract Senior Planner
County of Orange/Planning
300 North Flower Street
P.O. Box 4048
Santa Ana, CA 92702
714.667.8855
ruby.maldonado@ocpw.ocgov.com

From: [REDACTED]
Sent: Friday, May 18, 2018 12:25 PM
To: Maldonado, Ruby
Cc: 'Richard Nelson'
Subject: Zoning Code

Thank you for appearing before NTAC on Wednesday. Additionally thank you for responding to my comment about senior facilities allowed in single family districts - I have received the updated land use table for single-family districts.

I have further questions about following:

1. Why do Cultural Institutions and Facilities not require a Use Permit?
2. Are churches included in the Community Assembly category?
3. Why are Large-Scale and Small-Scale Commercial Entertainment and Recreation facilities/activities allowed in single-family districts. This commercial use seems in conflict with a single-family district.

Please confirm that I will receive all notices regarding the Orange is the New Green Zoning Code Amendment including changes to the drafts.

Thank you again,

Rene Brace



Giang, Steven


From: Richard Nelson [REDACTED]
Sent: Tuesday, June 26, 2018 3:27 PM
To: Zoning Code Team
Cc: 'Irene Brace'
Subject: Comments on Orange is the New Green
Attachments: Orange is the New Green update.docx; Orange is the New Green-Update.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the attachments. It would be very helpful if you would reply that you have received the attachments.

Richard Nelson
Foothill Communities Association

Richard Nelson
President, Micromachines
President, Foothill Communities Association
Vice President, Tustin Community Foundation
President, The Legacy Foundation
President, FCA Charitable Corporation
Chairman, Citizens Oversight Committee for Measure S (\$130M bond issue)
Board Member, Tustin Chamber of Commerce
[REDACTED]



FOOTHILL COMMUNITIES ASSOCIATION

Serving the Entire Unincorporated North Tustin Area
Post Office Box 261 • Tustin, California 92781

June 25, 2018

OC Development Services/Planning

Via email: OCZoningCode@ocpw.ocgov.com

Re: Comments on the proposed Zoning Code update

Foothill Communities Association (FCA) has the following comments and concerns regarding the proposed Zoning Code update, “Orange is the New Green.” In an attempt to simplify the Zoning Code, use classifications have become overly broad and introduce uses that are not compatible with residential base districts. Additionally, uses not now permitted in base districts in North Tustin are proposed to be allowed with a use permit. When a use is allowed with a use permit, property owners and developers will often consider themselves entitled to that use even though the use may be blatantly incompatible with the surrounding residential use. FCA is concerned with the base districts in North Tustin—primarily E4, R1, RHE, and AR. FCA has the following specific concerns:

1. **Community Assembly Facility:** Currently the Zoning Code allows “Churches, temples and other places of worship” and “Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs” with a Use Permit. Proposed uses within this classification include community centers, banquet center, civic auditoriums, union halls, and meeting halls for clubs and other membership organizations. These uses would not be compatible with the surrounding residential areas in North Tustin.
2. **Cultural Institutions and Facilities:** Presently public libraries and museums are allowed with a site development permit. The proposal will add “performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences ... aquariums; art galleries; and zoos.” The added uses do not appear compatible with residential use and only require a site development permit.
3. **Commercial Entertainment and Recreation:** None of the proposed uses whether large-scale or small-scale are appropriate in North Tustin residential areas and are not presently allowed. **Large-scale.** Large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys;

archery or indoor shooting ranges; riding stables; etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. Small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

4. **Commercial Nursery and Garden Center:** Currently the AR district allows wholesale nurseries with a site development permit. Permanent facilities for sale of agricultural products grown on the site requires a use permit. The proposed update allows for retail nurseries with only a site development permit: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

The proposed Tree Preservation Ordinance will place a burden on many North Tustin residents. Many parcels exceed 20,000 square feet, obviously those zoned E4 20,000. The FCA Board voted unanimously to recommend that this ordinance only apply to parcels larger than 1 acre and undergoing new development.

Thank you for your consideration of our comments.

Sincerely,

Richard Nelson, President
Foothill Communities Association

[REDACTED]

CC: Irene Brace, Chair
Land Use Committee

[REDACTED]

Giang, Steven

From: April Allegro [REDACTED]
Sent: Monday, August 13, 2018 8:47 AM
To: Chang, Joanna
Subject: RE: LIST OF NEW PROPOSED BUILDING REGULATIONS FOR COUNTY AREAS

Follow Up Flag: Follow up
Flag Status: Completed

ADDITIONAL RECOMMENDATION TO PLANNING COMMISSION FOR CONSIDERATION:
3. EVERY HOME THROUGHOUT CALIFORNIA SHOULD HAVE AN AUTOMATIC GAS SHUT-OFF DEVICE INSTALLED ONTO THE MAIN GAS LINE AT METER OF HOME.

With the concern over fire and earthquakes in California, every home should have this safety feature, which is a nominal fee to purchase and install. Since this is so important and can save lives and additional destruction, this may be considered to be subsidized throughout the state.

If the County takes this on and makes this an issue that is known to the public, the rest of the state may follow suit. Any plumber can install this device and it should be a fairly simple request by the County to put forth. Thank you for your comprehensive consideration of this recommendation.

April Allegro
Orange, CA
[REDACTED]

From: April Allegro [REDACTED]
Sent: Monday, August 06, 2018 10:11 AM
To: 'Joanna.Chang@ocpw.ocgov.com'
Subject: RE: LIST OF NEW PROPOSED BUILDING REGULATIONS FOR COUNTY AREAS

Hello Joanna:

As per our telephone conversation, here are my suggestions to the working list that is being compiled for evaluation at the present time:

1. Re-evaluate the once upheld "300 Foot Rule" to notify property owners within a 300 foot distance from a requested new building site or remodel.

This seems elementary as far as transparency and fairness to existing property owners in any area to be made aware of any proposed changes and possible objections.

2. Any and all building codes/regulations that affect two residences can be over-ruled if the two neighbors amicably agree and it is written and signed into mutual agreement that they are acceptable to modifying an existing regulation that would normally affect their properties. If both are willing and find the modification beneficial and appropriate to the situation, the regulation should be waived in that case.

It should be noted that all situations are unique and a one size fits all approach is not democratic or considerate of one's property rights and the enjoyment of that property in the best way that fits the particular circumstance. A realm of consideration of each situation should be allowed the versatility that would be requested by two property owners in their best interests regarding their own property rights and neighborly agreement as long as it is in writing.

Thank you for adding these two recommendations to your working list.

April Allegro
[REDACTED]
[REDACTED]

Giang, Steven

From: Chang, Joanna
Sent: Monday, August 20, 2018 4:10 PM
To: 'Janet Bieler'
Cc: 'Ryan Saba'
Subject: RE: "Orange is the New Green" Zoning Code Update
Attachments: Sec._7_9_136.11.___Special_outdoor_gatherings..pdf

Regulations related to special outdoor gatherings are currently referenced in the County's Zoning Code under Section 7-9-136-11 (see attached). Short-term lodging is not referenced in our existing Zoning Code; however, proposed language is available in Section 7-9-93 under Article 2, Subarticle 5 (Standards for Specific Uses and Activities) at the following website: http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green

Per your request, please use the following link to access the North Tustin Specific Plan:
http://www.ocpublicworks.com/ds/community_plans

Thank you.

Joanna Chang, Land Use Manager

OC Public Works | Development Services
300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Janet Bieler [REDACTED]
Sent: Sunday, August 19, 2018 9:16 PM
To: Chang, Joanna
Cc: Ryan Saba
Subject: Fwd: "Orange is the New Green" Zoning Code Update

From: Janet Bieler [REDACTED]
Subject: Re: "Orange is the New Green" Zoning Code Update
Date: August 19, 2018 at 9:04:53 PM PDT
To: "Chang, Joanna" <Joanna.Chang@ocpw.ocgov.com>
Cc: Lamese Malley Jadallah [REDACTED], Le Huynh [REDACTED]

Joanna is there anything in the zoning codes that allows large events on a residential property, or limit of large events, especially thru Airb&b If so can you send me a copy of that. If not please let me know as well. Also can you send me the codes for North tustin, Santa Ana
Many thanks in advance for your trouble
Janet Bieler
[REDACTED]

On Jul 10, 2018, at 10:54 AM, Chang, Joanna <Joanna.Chang@ocpw.ocgov.com> wrote:

Hi Janet,

The draft of the “Orange is the New Green” Zoning Code Update is available at the following link:
http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green

Proposed language on short-term rentals can be located in Section 7-9-93 under Article 2, Subarticle 5 (Standards for Specific Uses and Activities).

The first round of public outreach and comments started on April 26, 2018 and ended on June 26, 2018. Another 30-day public comment period will be available in the Fall of 2018 prior to submittal of the final draft of the Zoning Code Update to the Planning Commission and Board of Supervisors. In the meantime, public comments will be accepted throughout this process.

Feel free to let me know if there are any other questions. Thank you.

Joanna Chang, Land Use Manager

OC Public Works | Development Services

300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815

From: [Marcia Poulin](#)
To: [Chang, Joanna](#)
Subject: Short Term Rentals in Unincorporated Areas of Anaheim
Date: Monday, September 03, 2018 8:02:38 PM

Ms Chang,

I have lived in my home over 50 years. I have great neighbors. We are all opposed to short term rentals in our neighborhood. They bring problems and sometimes crime into good neighborhoods. Most of all they erode the sense of community that we have worked to build. Please vote against allowing them in our neighborhood !

Marcia Poulin

Sent from my iPad

From: [Linda Kitada](#)
To: [Chang, Joanna](#)
Subject: Short term rentals
Date: Tuesday, September 04, 2018 1:57:17 PM

Hi Joanna

Sent from my iPad

I live in the West Island area and am against these rentals. We already have one at the end of our street and do not want another one in the neighborhood.

Just wanted to let you know and hope this doesn't go through.

Thank you,

Linda Kitada

Giang, Steven

From: Beth Pelfrey [REDACTED]
Sent: Wednesday, September 05, 2018 8:10 PM
To: Zoning Code Team
Subject: STR

Hi there,

I live in the Sherwood Forest unincorporated neighborhood. I have heard a rumor that very recently a home in which the last owner died by his own hand was sold as a STR. I am against STR's for the following reasons:

It was obvious in Anaheim that neighborhoods became receptacles for all manner of trash, including but not limited to needles, condoms and drink bottles and cans. Not acceptable.

Increased traffic and noise on an otherwise quiet street. Not acceptable.

The unfair competition to the local motel business very close to here. They are paying taxes, keeping codes and OSHA rules and do not deserve to be undercut.

If this becomes a reality, I will be observant and a frequent reporter of mis-deeds and actions.

If there are properly licensed establishments, I feel the owner needs to LIVE ON THE PREMISES at the very least, provide enough parking so that the street is not compromised and behave as if their children are walking to school every single day!

I am not in favor of this enterprise at all and do not want to have them cause problems in my neighborhood under any circumstances. People need to use the licensed and regulated hotels and motels available. This is a quiet neighborhood and I want it to stay that way.

Multi-generational families on one property are not the same thing: that is a factor of culture and income. Usually when family members can afford to, they move out. STR's are a scourge.

Beth Pelfrey
[REDACTED]

From: [Ken Jumper](#)
To: [Chang, Joanna](#)
Subject: Fwd: Opposition to STRs in Anaheim city/unincorporated areas
Date: Friday, September 07, 2018 4:44:06 AM

Begin forwarded message:

From: Ken Jumper [REDACTED]
Subject: **Opposition to STRs in Anaheim city/unincorporated areas**
Date: September 7, 2018 at 4:36:15 AM PDT
To: OCZoningCode@ocpw.ocgov.com

We are strongly opposed to any STRs in any area of Anaheim. We live in a neighborhood that has been plagued with this problem for several years. Some STRs have been resold as family housing but there are several that are still operating. From the STR behind our property, we can hear children screaming in the spa and adults celebrating birthdays at 8:00AM and 12:00PM. Vacationers do not respect neighborhood standards of behavior.

We have been putting thousands of dollars into maintaining and upgrading our house and yard for over 40 years. Now the presence of STRs has devalued our property if and when we want to sell.

STRs are just poorly regulated businesses that do not belong in family neighborhoods.

Sincerely,

Mary and Kenneth Jumper
[REDACTED]

Chang, Joanna

From: edward karcher [REDACTED]
Sent: Monday, September 10, 2018 2:56 PM
To: Chang, Joanna
Subject: Re: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Follow Up Flag: Follow up
Flag Status: Completed

Hello Thank you for the information. It was helpful. Just wanted to say that I think short term rentals have a place in the county. My neighbor has one and it is one of the better looking homes. My neighborhood can use all the help it can get to improve. I have not seen any wild parties or any other negative problems there. Most people are families on vacation. Spending dollars here in Orange County. Thank you Ed Karcher

On Fri, 9/7/18, Chang, Joanna <Joanna.Chang@ocpw.ocgov.com> wrote:

Subject: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

To: [REDACTED] [REDACTED]

Date: Friday, September 7, 2018, 3:26 PM

Hi Ed,

The final Planning Commission

Community Workshop regarding the OC Zoning Code Update will be held on September 12, 2018 at 1:30 p.m. The Planning Commission Agenda, Staff Report, and Attachments can be found at this link:

https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ocpublicworks.com%2Fds%2Fplanning%2Fhearing%2Fpln_comm%2Fpcmeeting&data=02%7C01%7CJoanna.Chang%40ocpw.ocgov.com%7C50469c7934ea4b67379f08d617684245%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C0%7C636722133885679056&data=1DAmAZcdFPRFzwc3K2u72fXmFu8QEwVlzzITBfCJE%2BE%3D&reserved=0

(Please see Attachment 10 for Short-Term Rentals – 2nd Draft).

Here is the link to the OC Zoning Code Update webpage:

https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ocpublicworks.com%2Fds%2Fplanning%2Fprojects%2Fall_districts_projects%2Forange_is_the_new_green&data=02%7C01%7CJoanna.Chang%40ocpw.ocgov.c

<om%7C50469c7934ea4b67379f08d617684245%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C0%7C636722133885689058&sdata=K2zmMQ842KhQLBCI2oq0ZJli5PCjK3oWiIDTTYhAW8w%3D&reserved=0>

Please reply to this email with
any comments on short-term rentals. Feel free to let me know if there are any questions.

Thank you for your
interest.

Joanna Chang, Land Use
Manager
OC Public Works | Development
Services
300 N. Flower St. Santa Ana, CA 92703
| (714) 667-8815

From: [Walter Gonzales](#)
To: [Chang, Joanna](#); [Maldonado, Ruby](#)
Cc: [Walter Gonzales](#)
Subject: Orange County Planning Commission, September 12 Meeting, Item #2 - Short-Term Rentals
Date: Wednesday, September 12, 2018 8:47:00 AM
Attachments: [image001.png](#)
[County of Orange Planning Comisison Letter.09 12 2018 FINAL.pdf](#)
Importance: High

September 11, 2018

The Honorable Trung "Joe" Ha
Chairman
Planning Commission, County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

RE: Item #2, September 12, 2018 Planning Commission Agenda

Dear Chairman Ha:

On behalf of HomeAway and its affiliated companies, members of the Expedia Group, I appreciate the opportunity to provide the following comments relative to item #2 on today's Planning Commission agenda, specific to Article 2, Subarticle 5, Section 7-9-93, dealing with Short-Term Rentals.

We greatly appreciate the recent revision to this section of the proposed Zoning Code Update, enabling residents of single-family residential communities within the County unincorporated areas to use their principal residence for short-term rentals, provided they obtain a permit for such use.

HomeAway's model is whole home rentals, meaning that our owners may not list for rent individual rooms within a larger home. We also make it a priority to work with local jurisdictions to provide information that not only addresses a community's unique characteristics, but also improves the quality of the guest experience.

We would appreciate the Planning Commission's consideration of a revision to the proposed language within this Section to allow a maximum of one non-principal/primary place of residence to also be eligible for short-term rentals. This policy, which requires inspections and permitting, has been employed with great success in many jurisdictions and we strongly believe that with the appropriate permitting and compliance tools in place, it can work with similar effectiveness in Orange County.

Again, your consideration of this request and the larger Zoning Code Update is greatly appreciated. Please feel free to contact me directly with any questions. I can be reached at 512.505.1615 and by email at wgonzales@homeaway.com. Thank you for your time and attention to this matter.

Sincerely,

Walter R. Gonzales

Government Affairs Manager, Southwest Region

HomeAway

1011 West Fifth Street, Suite 300

Austin, Texas 78703

Direct: 512.505.1615

wgonzales@homeaway.com



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Section 2 - Public comments related only to the Tree Preservation Ordinance

Orange County Development Processing Review Committee
Subcommittee Comments on February 2018 Draft Proposed Tree Preservation Ordinance
March 9, 2018

OC Public Works distributed a draft of the Proposed Tree Preservation Ordinance on February 9, 2018. On February 28, 2018 a meeting was held between Richard Vuong, Joanna Chang and Heather Clayton of the County team, with Adam Wood from BIA/OC and Jay Bullock (2nd District) of Rancho Mission Viejo represented the DPRC and land owners, builders and developers that might be impacted by this proposed ordinance.

Background: It was explained that a group of tree preservationists have approached Supervisor Spitzer with a draft, County-wide tree preservation ordinance. The Supervisor passed it along to OCPW and asked that a draft tree preservation ordinance be brought to the Board. On February 28th staff presented a draft outline laying out a range of options, including in each aspect of the draft the preservationists' approach as the most stringent option, and staff proposed approaches that arc back toward something perhaps more reasonable.

Proposal: In a nutshell, the ordinance would aim to either avoid tree removal, or require mitigation (replace on site, off-site, or payment of a mitigation fee). But there are a huge range of aspects of this proposal that still need to ironed out:

- Which areas are exempt?
 - Which communities are exempt? For instance, RMV is exempt due to our Development Agreement, not to mention the thousands of large trees we're preserving in place and/or the hundreds we're transplanting.
 - What size parcels are exempt? (7,200 SF lots and 20,000 SF lots are mentioned as options in this draft)
- Which trees must be preserved?
 - Sizes (ranges from the preservationists' suggested 5" diameter, up to staff's highest option of 12" diameter)
 - Species (ranges from oaks only to the preservationists' suggestion that all 32 species native to Orange County be preserved)

DPRC Comments and Concerns:

▪ **Private Property Rights:**

- Generally not in favor of additional regulations which infringe upon the rights of property owners, or "take" private property for public purposes. (Carl Taylor)
- Concerned about additional regulations on private property. (Jim Holas)
- If trees are preserved this could create a setback restriction that could infringe on private property. (Jim Holas)
- If vacant land is already entitled for residential uses and this ordinance were to disallow a use allowed by zoning, or require a mitigation fee that makes development infeasible, the County may be setting themselves up for legal claims of the taking of property without compensation. (Jay Bullock)

▪ **Effectuated Areas:**

- If the impetus for this effort is in the foothill area of the unincorporated County of Orange territory (within Supervisorial District 3), perhaps this ordinance should focus solely on tree preservation in that vicinity? (Jay Bullock)
- Does the Foothill Trabuco Specific Plan already include tree preservation requirements? (Jay Bullock)
- The primary focus should be agricultural and open space areas (Jay Bullock)

- **Preclude Non-Residential Uses:** Does not seem appropriate to impose this ordinance on commercial or industrial zoning districts. (Jay Bullock)
- **Incentivize:**
 - Focus more on an incentive program to allow a density bonus or other benefits to a developer who preserves or plants large trees. (Jay Bullock)
 - I like the idea of an incentive program that would allow a density bonus, additional floor area ratio, increased lot coverage, grading variance or other benefit for preservation of large trees (to be defined). (Dave Bartlett)
- **Possible Unintended Consequences:**
 - Could expand beyond tree preservation. There has always been a conflict with habitat preservation and fuel modification. (Jim Holas)
 - Tree preservation could evolve into habitat preservation. Due to the nature of Oak trees and other protected species, the habitat under and around the tree can influence the growth and mortality. Preservationist could view a situation like this as preservation of a zone far beyond what is being presented. It would be far better to allow for protected species to grow under their existing environment or one adapted for the tree. This would apply to Jay's recommendation to the bonus option or maybe a mitigation endowment program. (Jim Holas)
 - There are numerous examples of problems associated with large trees in residential neighborhoods, including neighbors quarreling over trees dropping branches, leaves and fruit on adjoining properties; or neighbors' trees blocking view amenities, etc. (Jay Bullock)
 - OCFA should review due to the potential increased fire hazard of mature trees adjacent to structures. (Joe Lambert)

Building Industry Association of Southern California, Inc.
ORANGE COUNTY CHAPTER



March 15, 2018

Mr. Colby Cataldi
Deputy Director
Orange County Public Works
300 N. Flower St.
Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, **I write to express our opposition to the Tree Preservation Ordinance alternatives under consideration.**

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

It is understood that several alternatives are currently under consideration. Protecting natural resources is an important priority and Orange County has seen the OC Parks Department manage 60,000 acres of parkland, open space and shoreline enjoyed by millions of residents and visitors each year. This accomplishment is laudable and demonstrates Orange County's leadership on the issue.

The underpinnings of this ordinance, however, fails to maintain the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development. It may also conflict with the goal of appropriate fuel modification in certain areas.

Perhaps the most compelling grounds for opposition is that no inventory of trees exists, making the scope of all proposals opaque. Staff has done an excellent job of outlining parcels impacted, but without an inventory of trees, there is no way to calculate scope, real world costs, or any actual impact each variation might have.

In effect, approval of any version offered is paramount to asking land owners and the development community to write a "blank-check" that will grind opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte
Chapter Executive Officer

PRESIDENT
MIKE GARTLAN
KB HOME

VICE PRESIDENT
RICK WOOD
TRI POINTE HOMES

TREASURER/ SECRETARY
SUNTI KUMJIM
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MEMBER-AT-LARGE
PETER VANEK
FOREMOST COMPANIES

MEMBER-AT-LARGE
SEAN MATSLER
MANATT, PHELPS & PHILLIPS, LLP

EXECUTIVE OFFICER
STEVE LA MOTTE

24 Executive Park, Suite 100
Irvine, California 92614
949.553.9500 | biaoc.com

Giang, Steven

From: Gloria Sefton [REDACTED]
Sent: Monday, March 19, 2018 8:46 AM
To: Chang, Joanna
Cc: Michael Wellborn; Vuong, Richard; Heather Clayton; Maldonado, Ruby; Cataldi, Colby
Subject: Re: County of Orange: Proposed Tree Preservation Ordinance
Attachments: Comments on County Proposed Tree Ordinance 2018-Mar-17.docx; ATT00001.htm

Good morning, Joanna -

Attached are our comments on the slides you provided at the meeting on March 5th. We consulted with the OC Chapter of the California Native Plant Society on some of the items.

Please let us know of any questions, and please keep us informed of next steps. Thanks again.

Gloria

Gloria Sefton
Vice President, FHBP
[REDACTED]

Category	Comments
Impacted Areas	All but Planned Communities under Development Agreements should be covered by the new ordinance. To the extent a specific plan contains more stringent protections, the ordinance should not supersede the relevant specific plan. So, it should be made clear that the ordinance will not supersede <i>more stringent</i> regulations contained, for example, in specific plans.
Exempt Trees and Exempt in Special Circumstances	<p>The only exemptions should be for OC Parks, licensed nurseries (and landscape contractors to the extent they maintain large specimen trees).</p> <p>Fuel Mod and Maintenance plans are not adopted by ordinance, so should be integrated into the ordinance.</p> <p>"Special Circumstances" should not apply for "non-emergencies."</p> <p>Trees maintained by public utilities should be addressed in the ordinance.</p>
Protected Tree Species	<p>We support Option 4: protecting all 32 native tree species. Non-native "heritage" (big/old/historically significant) should also be addressed in the ordinance.</p> <p>Option 1 is unclear as there are many oak species. Does "Oaks only" mean only coast live oak (<i>Quercus agrifolia</i>)? 13 <i>Quercus</i> taxa (7 spp. + 5 naturally occurring hybrids) are natively found in Orange County. In addition, there are several <i>Quercus</i> spp. native to elsewhere in the California Floristic Province, as well as several spp. native to elsewhere in the world, that are grown & planted horticulturally in Southern California, that may be growing in the unincorporated but developed areas. Also, some non-native oak species are semi-invasive, e.g. European pin oaks.</p> <p>Options 2 and 3 would be a compromise to Option 4, but should also include big leaf maple, white alder, black cottonwood, and Arizona ash.</p>
Diameter at Breast Height (DBH)	<p>We agree with DBH measure 4.5 feet above soil surface at natural grade.</p> <p>Note that some of the spp. & hybrids generally grow as large shrubs (multi-trunks, branches & foliage to the ground). Ordinance needs to address these also.</p> <p>For multi-trunk trees diameters, the standard is to measure all the trunks, and then add the total diameter of the largest trunk to one-half the diameter of each additional trunk.</p>
Parcel Zoning and Inventory	<p>We prefer Option 1 - "No limitations" on parcel compliance.</p> <p>[It would be helpful if the Parcel Inventory could be shown in relation to the Zoning Map. Where are the unincorporated parcels larger than 7200 s.f.? Larger than 20,000 s.f.? Agricultural parcels?]</p>
Valuation for Mitigation Fund	<p>The mitigation options are reasonable, & in the order of desirability.</p> <p>We prefer specific landowner action (i.e., replacement) over a mitigation fund in responding to tree mitigation issues, while avoiding tree removal as a first priority.</p> <p>The cost of the tree is only a portion of the out-of-pocket cost of tree replacement. For any tree larger than a 24" box a crane is necessary to unload, move, and plant the tree. The craning fees can vary considerably based upon the site, number of trees, ability to approach the planting site, and physical barriers (houses, walls, other trees, etc.). For simple craning within a few feet of the unload truck a reasonable cost is about 50% of the cost of the tree. The other cost is the planting labor. This will also vary according to the site and quantity of trees, but 50-70% of the tree cost is also a good benchmark.</p>
Replacement Ratio	Replacement ratio is usually minimum 5 replacements to each oak

	<p>removed.</p> <p>Could replanting/restoration projects at OC Parks be eligible for Mitigation Funds?</p>
Mitigation Fund (Eligible Activities)	
Post-Installation	<p>All items are reasonable. Suggest possible partnership with non-profits involved in conservation (e.g., Tree People and CCC).</p> <p>Re Penalty Fee - a percentage of the fees collected should be designated to code enforcement education (regarding the tree ordinance) and operations/equipment.</p>
Tree Protection Zone for Existing Trees	<p>Tree roots are known to extend well beyond the dripline, often growing toward a water source. 5 ft. beyond the dripline is a minimum.</p>
Tree Protection Zone for Replacement Trees	<p>Tree roots are known to extend well beyond the dripline, often growing toward a water source. 5 ft. beyond the dripline is a minimum.</p> <p>For coast live oak, 30 ft. trunk-to-trunk is minimal; that allows a 15-ft. radius for each canopy in 50 years or so.</p> <p>Instead of "apart from each other," better to require "30 feet on center from each other." Otherwise it could be interpreted as from the edge of one tree canopy to the edge of the next.</p>

Giang, Steven

From: Gillian Martin [REDACTED]
Sent: Tuesday, May 15, 2018 3:47 PM
To: Chang, Joanna
Subject: Comments on Protected Tree Ordinance
Attachments: Tree Ordinance comments Gillian Martin.pdf; ATT00001.htm

Joanna,

Thank you for accepting my call today to answer my questions.

Kindly see the attached file for my comments. Thank you.

To: Joanna Chang, Land Use Manager, OC Public Works

Date: 15 May 2018

From: Gillian Martin, Director Cavity Conservation Initiative; Co-leader of Tree Care for Birds and other Wildlife project

I want to applaud OC Public Works for considering a Tree Protection Ordinance for our county. As our urban forest faces increasing threats of tree pests and pathogens resulting in significant loss to our tree canopy, this is a responsible and timely action for the county to consider. Thank you!

I have reviewed the entire draft and have limited my comments to topics about which I feel sufficiently knowledgeable. Among them is the topic of management of Protected Trees when they start to die or are dead. I realize this may be a concerning, even contentious topic, and may typically be out of the usual scope of a Protected Tree ordinance. Some accommodation on this issue can be achieved without risk to people or property, and it would raise our county to a laudable level of environmental stewardship, making it a model for others.

In addition to my following comments, I wonder if there is allowance for this ordinance to be evaluated periodically to ensure it is updated for omissions, modified for changing conditions, to add needed clarification etc.? If not, I respectfully suggest that this is considered.

Section 7-9-69.1. -Purpose

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Please consider adding the italicized text to preserve the habitat value of trees as they die:

The purpose of the following provision is to ensure that protected trees are preserved and remain healthy, *and during their decline and death are considered for retention and management for the length of their standing life when safe and ecologically beneficial to do so.*

Explanation of above:

There appears to be no language or discretion allowed for the safe retention of dying/dead trees under any circumstances. The benefits of allowing for discretion can be argued since:

- Protected Trees when dying and dead are still by definition trees, and remain valuable natural resources in all successional stages.
- The ordinance recognizes and supports the habitat value of Protected Trees. With some exceptions, as in cases of sudden and severe natural disturbance such as fire and flood, cases of certain pest infestations and pathogens, trees typically *decline slowly*. When a large, mature old tree is in severe decline or completely dead, it's *habitat value not only continues, but the tree serves a wider range of birds and other organisms*, so omitting trees from protection at this stage can be considered a significant ecosystem loss.

- Depending on the species, it may take a tree hundreds of years to begin to provide this 'second life' ecosystem function. A dead tree cannot be purchased or replaced, nor can a live tree supplant its ecological functions.
- By natural design, a tree's death fulfills its ultimate ecosystem function, that of nutrient recycling. When removed and hauled away, the surrounding ecosystem is biologically poorer for it.
- The International Society of Arboriculture has recognized the habitat value of dead wood in standing trees (this includes dead limbs and tree tops). It has expressed this by adding guidelines to include managing trees for wildlife as an acceptable pruning objective *when safety to people or property is not compromised*.
- There are several management options accepted by the industry to safely retain 'good candidate' trees, including leaving a 6-10 ft stump with no limbs. When located on the fringes of property or in low use areas, this may be a defensible option in the urban landscape since risk is virtually removed.
- It's important therefore that the "Tree Manual" includes a requirement that Arborists use the International Society of Arboriculture's *updated* pruning and tree risk assessment standards.

For this reason, I recommend enhancing the following with the italicized text:

(a) Recognize Protected Trees as ecological resources providing habitat and food for wildlife *thereby supporting the stability and biological richness of ecosystems.*

(b) Recognize Protected Trees.....(please include) water sequestration in this section.

Section 7-9-69.2. -Scope

Page 19

(a) Recommend considering other tree species as suggested and defended by Ron Vanderhoff of the OC Native plant Society. In light of the fact that the Polyphagous Shot-hole Borers, the Gold-spotted Borer, Sudden Oak Death and other pathogens are continuing to kill many native trees, it is increasingly important that other native trees be considered for the list of Protected Trees.

(b) "These provisions shall apply to all Protected Trees....following:"

Recommend protecting habitat with the following addition:

These provisions shall be considered for all Protected Trees which, when in failing health and in non-emergency conditions, can be safely managed and monitored through their decline, rather than removed, to preserve their continued habitat value. Such determinations would be made subsequent to an evaluation and recommendations made by an arborist certified in tree-risk

assessment who provides a Level Two risk inspection (as defined by the International Society of Arboriculture) and in conjunction with a wildlife biologist.

(d) "These provisions do not apply to:"

(1) I am wondering why Protected Trees owned and operated and/or maintained by the County of Orange and Orange County Flood Control District are exempt from the ordinance? What about ownership in these cases makes protection of such trees less important or discretionary?

(5) be further clarified to read:

Cases of non-emergency caused by a Protected Tree being in a hazardous or dangerous condition due to natural causes as verified after a Level Two risk inspection by an arborist certified in tree-risk assessment in which it is determined that no management options other than complete removal could reasonably and tolerably reduce risk of failure and provide sufficient habitat value to warrant retention.

(6) Protected Trees with an infestation, pathogen or disease, after an Arborist or Academic Arboriculture Expert has inspected it, is verified to be beyond recovery and expected to die, to pose intolerable risk to people and/or property and is recommended for removal to reduce risk and/or spread of pest and/or pathogen.

Clarification: Trees, even those with some pathogens, disease, pests etc., may continue to and provide benefit for years. By itself, the mere presence of the former is not a reason to remove them.

Section 7-9-69.3. – Definitions

Recommend further stipulations for clarity (see italicized text)

(o) "Removal" shall mean the uprooting, cutting or severing of the main trunk, or major branches, *or major tree roots* of a Protected Tree or any act which causes, or may be reasonably expected to cause a tree to die, *including improper fertilization, improper irrigation, nailing, stapling or affixing items to a tree, or carving on a tree.*

Explanation

Cutting major roots and even the seemingly minor holes made by staples, nails and knives etc. can provide entrance sites to pests, pathogens and disease.

Poor pruning cuts and the removal of large limbs particularly, may also reduce the fitness of trees, so the preservation of tree health needs to be in the hands of certified arborists. Which leads me to a question re the following item:

(q) "Replacement Tree Monitoring Period."

Comment: Some young trees need to be pruned to ensure such things as structural desirability which is better done when trees are immature and can recover from the injury inflicted by pruning cuts. Apart from “monitoring,” does the ordinance allow for management of young trees by an Arborist?

(t) Recommend that “Tree Manual” include the updated Pruning Standard Practices of the International Society of Arboriculture and that only certified arborists be permitted to manage Protect Trees.

(x) “Tree Preservation Management Plan”

Recommend getting GPS on all Protected Trees and consider a data base of all trees to include assessment of condition and recommendations for management. Is there any allowance for updating/monitoring the management plan for Protected Trees? For example, trees, like people, grow old and recommendations for their care may be different because their immunity, resources and resilience are typically reduced. The overriding point is that it is important that once trees are designed for protection, it is equally important that continued care be provided by a certified arborist

Thank you so much for your consideration of these comments.

Gillian Martin
Program Director
Cavity Conservation Initiative



www.cavityconservation.com

[Facebook page](#)

<http://treecareforbirds.com>

[Facebook Page](#)

Giang, Steven

From: Jo-Ann Coller [REDACTED]
Sent: Wednesday, May 16, 2018 12:27 PM
To: Chang, Joanna
Cc: Gillian Martin
Subject: Protected Tree Ordinance

Ms Chang

Regarding your consideration to adopt a protected tree ordinance for Orange County:

Please consider including a protection for a select few dead and dying trees that have been trimmed to be safe from harming the public. These trees are natural habitats for a variety of cavity nesting birds and animals.

These trees also provide nutrients for the soil that help live trees flourish.

Thank you for your consideration,

Jo-Ann Coller, Treasurer of the Southern California Bluebird Club

Giang, Steven

From: Bill Wallace [REDACTED]
Sent: Wednesday, May 16, 2018 9:34 AM
To: Chang, Joanna
Cc: Gillian Martin
Subject: Protected Tree Ordinance

Now more than ever, Orange County needs a Protected Tree ordinance. We are losing many trees, especially our large native trees, to non-native pests and pathogens. In addition, development continues to encroach on natural open spaces thereby reducing their size, fragmenting habitat and reducing habitat value. The removal of many of our oaks, sycamores, walnuts and willows (among other native trees) in the course of development represents an unnecessary and unacceptable loss of our natural resources. Among these resources are standing dead trees which provide habitat to nesting birds and other wildlife. These trees provide an ecological service that a live tree cannot. In the drafting of this ordinance I strongly urge the county to allow for the safe retention of at least some of our native trees when they die. Thank you for recognizing the urgent need for this ordinance.

The Orange County Parks has adopted the Tree Care Initiative promoted by our Bluebird Club and has initiated a policy to retain as many dead and dying trees in our Parks as feasible. They are working closely with West Coast Arborists, Inc to train their crews in proper techniques to safely prune trees in order to minimize disruption to nesting birds and other animals. I encourage you to follow their lead and adopt this ordinance on a County wide basis.

Sincerely,

--

Bill Wallace, President
Southern California Bluebird Club
[REDACTED]

From: Ron Vanderhoff [REDACTED]
Sent: Wednesday, May 16, 2018 7:29 AM
To: Zoning Code Team
Subject: Comments on Draft Tree Preservation Ordinance

Greetings,

I would like to register the following comments regarding the Draft Tree Preservation Ordinance.

Section 7-9-69.1(e)

I don't understand the statement "Assure the continuance of quality development." as a purpose for this ordinance. This is not a development issue, pro or con. I suggesting that this phrase be stricken from the Ordinance.

Section 7-9-69.2(d)(1)

Why would county owned or maintained Protected Trees be excluded?

Section 7-9-69.2(d)(6)

Almost any tree will have some degree of "infestation, pathogen or disease". This language should be expanded to indicate " . . . is likely to soon cause the tree to fail, is a threat to vector such pathogen or disease to other native trees or is a danger to the public or wildlands.

Section 7-9-69.2

This ordinance only addresses four groups of native Orange County trees, Oaks, Walnuts, Sycamores and Tecate Cypress. Admittedly, these are among our highest profile and most iconic native trees, but this list is not inclusive enough.

Our native trees include (I am defining "tree" rather exclusively, meaning with a typical upright habit, a single stem or multiple trunk and generally bearing lateral branches well above ground level. Based on this definition and the work of many botanist within the county, several other native shrubs/trees are not currently included in this list):

Acer macrophyllum

Bigleaf maple

Alnus rhombifolia

White alder

Arbutus menziesii

Madrono

Arctostaphylos glauca

Big berry manzanita

Fraxinus dipetala

Two petaled ash

Fraxinus velutina

Arizona ash

Pinus attenuata

Knobcone pine

Pinus coulteri

Coulter pine

Populus fremontii

Fremont cottonwood

Populus trichocarpa

Black cottonwood

Pseudotsuga macrocarpa

Bigcone spruce

Salix gooddingii

Gooding's or black willow

Salix laevigata

Polished or red willow

Salix lasiandra

Pacific willow

Salix lasiolepis

Arroyo willow

Umbellularia californica

California bay

I believe each of the trees above provide the benefits as outlined in Section 7-9-69.1 - Purpose, and should be included in this Ordinance.

Section 7-9-69.2(1)

Seven native oak (*Quercus*) species are known to occur within Orange County. Additionally, at least six native oak (*Quercus*) hybrids are known to occur in Orange County (Roberts, 2007). Each of these species should be specifically called out by name in the Ordinance and/or the Tree Manual (which has not been completed).

A "Tree Manual" is mentioned throughout the Ordinance. Where can this Tree Manual be accessed? Or has it been written yet? The ordinance requires compliance with various standards as set forth in this Manual, but where is it? This manual is an key component of this ordinance. If this manual has not yet been created and reviewed are we not approving a Ordinance with unknown standards?

Section 7-9-69.3(m)

The definition of "native" is vague and should be clarified to address planted native trees and trees that may now be native (naturally occurring) at a site, but were not present prior to European contact. This latter point will be increasingly important with current climate change considerations. Plants are migrating. On the earlier point, a planted tree in a restoration, revegetation or Andrew other site should be defined as of Native origin.

Separately from the specific comments above, as a condition of the Tree Preservation Permit, the accurate GPS location of any protected tree should be registered if the tree is recommended for removal or encroachment. Additionally, the accurate GPS location of any and all approved replacement trees shall be registered as a condition of the Tree Preservation Management Plan.

Additionally, I have concerns about:

- Replacement trees being 24" boxed plants. Oaks especially are notoriously problematic when transplanted as large specimens.
- Nothing in the Ordinance requires replacement trees to be of local origin. Standard restoration BMP's almost always require local genetics when outplanting into a natural area, in order to avoid genetic pollution of the native genotype. A local origin requirement should be included in the Ordinance for any and all replacement trees.

Very happy to see this important document become a part of our Orange County planning. We are the only highly populated SoCal county without such an ordinance.

Ron Vanderhoff
Native Plant Botany, Rare Plants, Invasive Plants
OC CA Native Plant Society, Cal-IPC, PlantRight, others

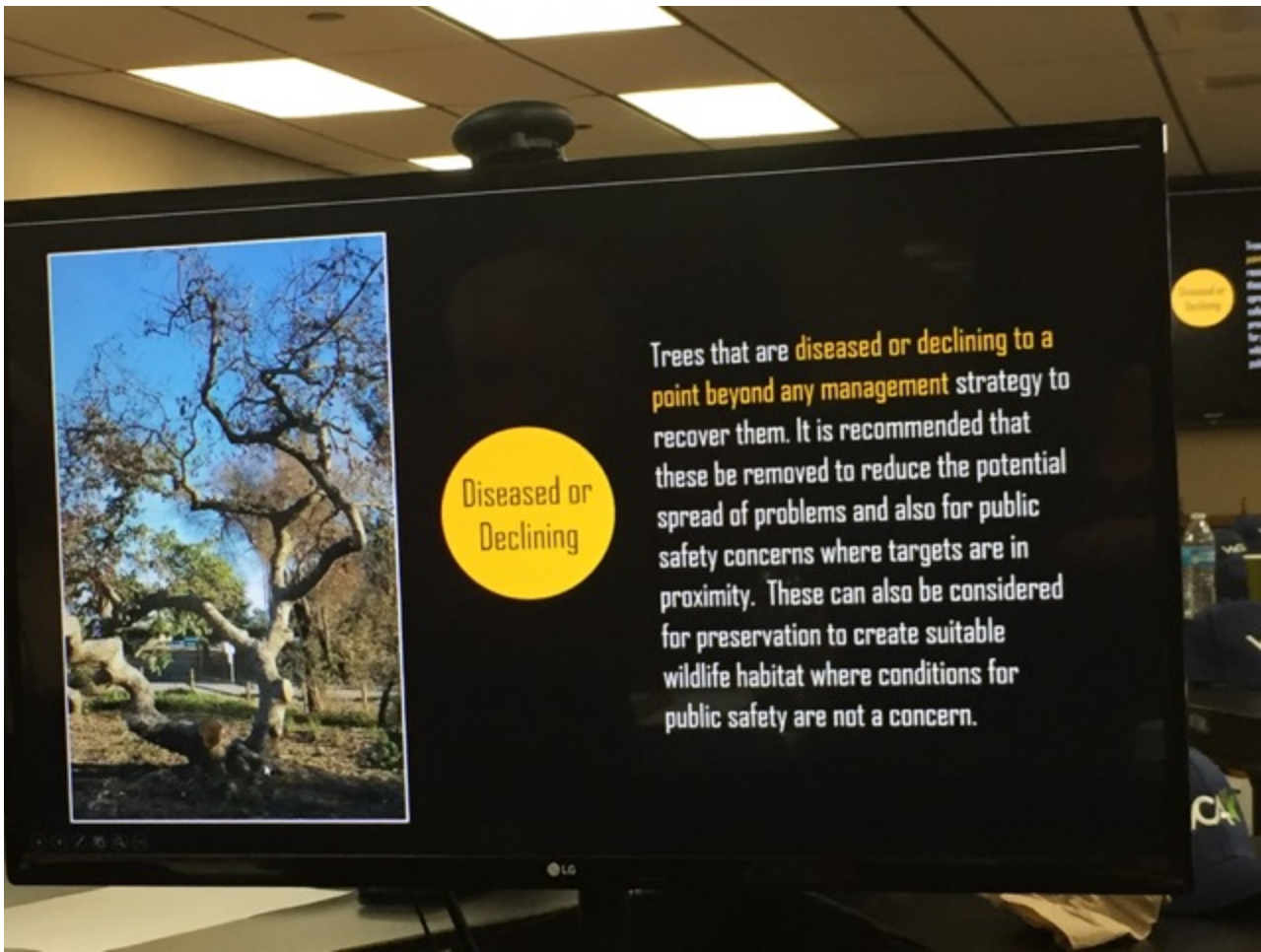
Giang, Steven

From: Gillian Martin [REDACTED]
Sent: Thursday, May 17, 2018 12:26 PM
To: Chang, Joanna
Subject: Protected Tree Ordinance

Joanna,

I have already submitted comments to the draft, but yesterday while attending a workshop for arborists and municipal staff, I photographed two slides from the training that supports my suggestion that a) trees that do not pose an immediate risk but have health problems be considered for management rather than removal, and b) that some dead trees be considered for retention when safe to do so.





Gillian Martin
Program Director
Cavity Conservation Initiative

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Giang, Steven

From: Steve Kaye | 714-528-1300 [REDACTED]
Sent: Friday, May 18, 2018 10:43 AM
To: Chang, Joanna
Subject: Orange County Needs a Protected Tree ordinance.

Hello Joanna,

Orange County needs a Protected Tree ordinance.

Here's why.

Large, native trees add character to a community. They enhance the beauty of parks, streets, and public areas. Some old trees even serve as landmarks.

In addition, communities that include trees provide a more healthy environment for their citizens. Studies have shown that people who spend time outside are happier and healthier.

Trees are also essential for the environment. They support nesting birds and other wildlife, which also enhances the quality of life in a community.

So I urge the county to approve a Protected Tree Ordinance that allows for the safe retention of our native trees.

Thank you for your support,

Steve Kaye
[REDACTED]
[REDACTED]

<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.stevekaye.com%2F&data=02%7C01%7CJoanna.Chang%40ocpw.ocgov.com%7Cfc91c9f2f8264632c53e08d5bce6c2a7%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C1%7C636622621653913791&sdata=qQPfJOgsW3aFtQA6l%2BIDPFkdH50L19K89HVw2BSSXZc%3D&reserved=0>

Giang, Steven

From: Vinnie Dorse [REDACTED]
Sent: Monday, May 21, 2018 4:49 PM
To: Chang, Joanna
Subject: Tree Preservation Ordinance, Section 7-9-69

Dear Joanna,

Thank you for your phone call this afternoon. As the current Tree Preservation Ordinance specifies that Specific Plan areas are excluded, I had not thought much about making a comment on a matter that affects other County areas and not the CZ Master Association that is under the jurisdiction of the Coto de Caza Specific Plan.

As we discussed the CZ Master Association upholds the Specific Plan to the best of their ability. For example the Executive Summary of the Plan specifically states the *Purpose and Intent*, *Setting*, and *Plan Proposal*, all of which refer to the biologically sensitive environment, open spaces, riparian areas, unique significant natural features and the protection or enhancement of such. The Specific Plan under *Project Description* – Natural Resources/Biology refers to the live Oak woodlands as a significant feature.

In the CZ Master CC&R's Article 7.17 states as follows: *No indigenous oak tree located on any portion of the properties shall be removed, cut down, trimmed, or in any way damaged, destroyed or modified without the prior written approval of the Architectural Committee.* To further the preservation of native trees, the native oaks were tagged and are reviewed annually by a certified arborist with recommendations provided to assist with the health of the tree when needed, an operating budget line item to maintain the native Oak groves on a weekly basis, and reserve funding in place for the replacement of specimen trees such as the Oaks that may die of natural causes.

While CZ Master is encouraged that the preservation of indigenous trees is being undertaken by the County for those areas that may not understand the value and significance of the native trees indigenous to the Orange County locale, the CZ Master Association has for 35 years made the preservation of the Association's native trees a priority and will continue to do so as a desire to preserve the natural bucolic beauty of the community that many residents love and moved here to enjoy.

Thank you for the opportunity to provide a comment for your consideration.
Regards,

Vincentia Dorse, CCAM, PCAM
General Manager, CZ Master Association

[REDACTED]

[REDACTED]

The CZ Master office located at 30021 Tomas, Suite 160, RSM is open Monday thru Friday 9am to 5pm

Giang, Steven

From: Gillian Martin [REDACTED]
Sent: Monday, May 21, 2018 11:25 AM
To: Chang, Joanna
Subject: Tree protection requirements in other jurisdictions
Attachments: Mitigation Caltrain.pdf; ATT00001.htm

Joanna,

I am attaching a spreadsheet on tree protection requirements that have been established by jurisdiction in the Bay Area. It's often good to see what others have agreed upon.

Thank you.



Attachment 1

Tree Protection Requirements by Jurisdiction

DRAFT Tree Inventory and Canopy Assessment
Peninsula Corridor Electrification Project
February 2014



Attachment 1: Tree Protection Requirements by Jurisdiction.

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
San Francisco (Public Works Code: Article 16)	Significant tree = 12" DBH and larger; taller than 20' or a canopy wider than 15'. Heritage tree = designated by City.	Yes; issued by Director	Not stated	Not stated in code, but guidance states that replacement tree is required for each tree removed.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Brisbane (Municipal Code Chapter 12.12)	Protected = bay, coast live oak, buckeyes and all street trees 12" and larger at 24" height.	Yes if 10" and larger at 24" height.	Yes if pruning more than 50% of canopy of a tree 10" and larger at 24" height.	Not stated in code, but tree removal permit states replacement is usually one or more trees.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
South SF (Municipal Code Chapter 12.30)	Protected = 15.3" DBH and larger at 54" height.	Yes for Protected tree	Not stated	Not stated	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
San Bruno (Municipal Code Chapter 8.25)	Heritage tree = any native tree 6" DBH and larger (Bay, buckeye, oak, redwood, Monterey pine). Other species 10" DBH and larger.	Yes	Yes, when removing more than 1/4 of crown or 1/4 of roots.	Two 24"-box trees or one 36"- box for each heritage tree removed.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 1:1 (36" box) for heritage tree 1:1 (15-gal.) for non-protected tree
San Mateo Co. (Ordinance Code Division 8, Part 3, Section 12)	Significant tree = 12" DBH and larger.	Yes for Significant tree	Permit need for significant native species when a cut 19" and larger is needed	Determined by design committee.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree

DRAFT Tree Inventory and Canopy Assessment, PCEP
HortScience Inc. February 2014

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Millbrae (Municipal Code Chapter 8.60)	Trees on private property not protected. City street trees of any size and species are protected.	No, street trees only	No, street trees only	No, street trees only	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Burlingame (Municipal Code Chapter 11.06)	Protected = 15.3" DBH and larger	Yes	Yes when removing more than 1/3 of the crown.	Not stated	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
San Mateo (Municipal Code Chapter 13.52)	Heritage tree = any native species 10" or larger measured at 48" height or any other species 16" and larger at 48" height.	Yes for Heritage tree	Yes for Heritage	Heritage tree ordinance specifies one 24"-box size for heritage tree removal. There are other tree replacement requirements that apply only to planning applications.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 1:1 (24"-box) for protected tree 1:1 (15-gal.) for non-protected tree
Belmont (Municipal Code Chapter 25)	Protected tree = any tree 10" DBH and larger.	Yes for Protected tree	Yes for excess pruning on Protected trees.	Determined by City, up to 3:1 of 15-gal. size or payment of an "in lieu" fee.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 3:1 for protected tree 1:1 for non-protected tree
San Carlos (Municipal Code Chapter 18.18.070)	Protected tree = 11.5" or larger at 48" height (except Bailey's, green, and blackwood acacia; tree of heaven; fruit trees; Monterey pine; eucalyptus planted after 1925). Bay; buckeye; coast live, valley, blue and interior live oak; and madrone are protected at 9.5" (add together multi-trunk diameters) at 48" height.	Yes for Protected tree	Yes when removing more than ¼ of Protected tree's crown.	Minimum size 24"-inch box specimen tree of a species, size and location as determined by Community Development Director.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 1:1 (24"-box) for protected tree 1:1 (15-gal.) for non-protected tree

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Redwood City (Municipal Code Chapter 35)	Protected tree = 12" and larger at the largest point between 6" to 36" height. Heritage tree = designated by city	Yes	Yes, must meet industry standard	Not stated	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for not protected tree
Atherton (Municipal Code Chapter 8.10)	Heritage = Live, blue, valley oaks 15.3 inches and greater at 48" above grade.	Yes	Yes for excessive pruning on Heritage tree.	Not stated in ordinance but Tree Removal Procedures indicate replacement with three 15-gal., or two 24"-box, or one 15-gal and one 36"-box may be required.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 3:1 for protected tree 1:1 for non-protected tree
Menlo Park (Municipal Code Chapter 13.24)	Heritage tree = native <i>Quercus</i> sp. 10" DBH and larger or other species 15" DBH and larger.	Yes	Yes when removing more than 1/4 of crown.	2:1 replacement for commercial projects from selected species list using min. 15-gal.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Palo Alto (Municipal Code Chapter 8.10)	Protected = <i>Quercus</i> 11.5" DBH and larger; Redwood 18" DBH and larger. Tree = 4" DBH and larger	Yes	No permit, but pruning more than 25% of crown is prohibited	On-site replacement based on tree canopy tree ratio. Ratios range from 2 to 6 box trees depending on canopy size using 24"- to 48"-box trees. Off-site replacement based on tree value.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> Protected tree based on canopy size: 4'-9': 2:1 (24"-box) 10'-27': 3:1 (24"-box) 28'-40': 4:1 (24"-box) 40'-56': 6:1 (24"-box) >56': 6:1 (24"-box (2), 36"-box (2) and 48"-box (2)) 1:1 for non-protected tree

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Mountain View (Municipal Code Chapter 32.25)	Heritage tree = any <i>Quercus</i> , sequoia or <i>Cedrus</i> 4" DBH and larger and any species 15" DBH and larger including multi-trunked trees w/ major branches below 54" with >15" trunk measured just below first major trunk fork.	Yes	Yes	General conditions for tree removal permits state that mitigation is to be determined by the city arborist and planning based on number, species, size and location. Minimum replacement noted as one 24"- box tree.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
Sunnyvale (Municipal Code Chapter 19.94)	Protected = 12" DBH and larger (for multi-stem, one trunk measuring 12" DBH or all diameters total 36" DBH and larger). Tree = 4" DBH and larger.	Yes for Protected tree	Yes	Replacement for Protected trees 1:1 (24"-box)	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 1:1 (24- box) for protected tree 1:1 (15-gal.) for non-protected tree
Santa Clara (General Land Use Policy 5.3.1)	Protected = any designated city tree; any heritage tree; trees 12" @ 24". Tree = single or multi-trunk 4" @ 54"	Yes for Protected tree	Yes only for street trees.	Mitigation determined by City Arborist	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree
San Jose (Municipal Code Chapter 13.32)	Tree = any plant exceeding 6" diameter at 24" height Multi-trunk = sum of all stems (used for mitigation purposes) Ordinance size = 18" diameter or larger at 24" height Heritage tree – designated by city council	Yes for Ordinance Size tree	Yes for Ordinance Size	Final mitigation determined by the city arborist and planning, but usually based on size & species.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> 2:1 for protected tree 1:1 for non-protected tree

Jurisdiction	Definition of Protected Trees	Removal permit needed?	Pruning permit needed?	Replacement requirement	Recommended replacement for trees to be removed in PCEP (15-gal. unless stated otherwise)
Santa Clara Co. (Ordinance Code Section C16)	Protected tree 12" DBH and larger including multi-stemmed trees with diameters totaling 24" and larger	Yes for Protected tree	Not stated	Replace with like and kind removed determined by planning department. General guidance in the Tree Preservation Brochure recommends ratios depending on tree size of three to five 15-gal trees or two to four 24"-box trees.	<u>Inside ROW:</u> 1:1 for all trees <u>Outside ROW:</u> Replacement based on tree size (DBH): <12" DBH: 1:1 12"-18": 3:1 18"-24": 4:1 >24": 5:1

Giang, Steven

From: Gloria Sefton [REDACTED]
Sent: Thursday, May 24, 2018 10:37 AM
To: Cataldi, Colby
Cc: Chang, Joanna; Vuong, Richard; Mike Wellborn; Maldonado, Ruby
Subject: Re: County of Orange - Draft Zoning Code Update - Tree Preservation Ordinance
Attachments: SaddleCrest_General Plan & SP Amendments FINAL 2012-Sep-12.pdf; ATT00001.htm

Hi Colby -

Just wanted to follow up from yesterday's PC workshop. I think my comments about the ordinance needing to apply to the specific plans (at least the canyon plans) were not fully appreciated by the commissioners. I was trying to stress that it's just as important to include the FTSP as the Sil-Mod Plan. The reason is that the Saddle Crest amendments to the FTSP weakened the oak tree protections (otherwise Rutter Development could not have removed the 150+ oaks). The Saddle Crest amendments were the impetus for the Save the Specific Plans Coalition meeting with Supervisor Spitzer in 2015, and that prompted the concept of a tree ordinance, an idea he said he supported. So the FTSP area needs the ordinance to apply, and, as I said today, where the FTSP has stricter provisions than the ordinance, the FTSP should govern. Either that, or the FTSP should be amended by companion ordinance to have equal footing with the tree ordinance's protections.

Can we find time to discuss this further before the next PC workshop?

Thanks.

Gloria

**Saddle Crest: County of Orange General Plan and
Foothill/Trabuco Specific Plan Amendments
REVISED September 12, 2012**

County of Orange General Plan Amendments:

1. Transportation Element (Appendix IV-1, Growth Management Plan, Transportation Implementation Manual, Section IV, Santiago Canyon Road "G"):

"SANTIAGO CANYON ROAD ~~The majority of the road miles within the United States consist of two lane roadways. As a result, a great deal of work has been done throughout the country regarding the capacity of two lane roads. The most current information and practice are reflected in the 1997 'Highway Capacity Manual'. For~~ Growth Management Element traffic analyses of Santiago Canyon Road, the traffic level of service policy shall be implemented by evaluating peak hour volumes in relation to the physical capacity of the roadway, using the Volume-to-Capacity methodology. A lane volume of 1,360 vehicles per hour, which is 0.80 times the maximum directional lane capacity of 1,700 vehicles per hour, represents Level of Service "C". These lane capacity guidelines shall be used to ensure that the Level of Service "C" capacity of 1,360 vehicles per hour per lane will be maintained". ~~described in the 1997 'Highway Capacity Manual' (or any subsequent revisions) for rural two lane highways shall be used, based upon peak hour volumes. The directional splits shall be as measured during the peak hours. All other adjustment factors shall be as described in the manual.~~

2. Growth Management Element (Policies, Transitional Areas for Rural Communities):

"New development within the Silverado-Modjeska Specific Plan ~~and the Foothill-Trabuco Specific Plan~~ planning areas shall be rural in character and shall comply with the policies of ~~these~~ that plans in order to maintain a buffer between urban development and the Cleveland National Forest.

**Saddle Crest: County of Orange General Plan and
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Land use Element (Major Land Use Policy #6, New Development Compatibility):

“To require new development to be compatible with adjacent areas.

The purpose of the New Development Compatibility Policy is to ensure that new development is compatible with adjacent areas and that it provides either a land use buffer or transition to reduce the effects of one land use on the other.

Sensitive treatment is required where one urban use transitions to another and where an urban use is introduced into an essentially undeveloped area.

New development within the Foothill-Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with the area, and to reflect the goals and objectives of that Plan.

3. Introduction, Interpretation and Implementation of the General Plan and Specific Plans (new section to be placed after the existing section entitled “Format of the General Plan”):

The Board of Supervisors (“Board”) as the legislative body of the County of Orange, has adopted the General Plan and supporting Specific Plans. As such, the Board retains authority to interpret the General Plan and supporting Specific Plans and all of their constituent provisions, including their goals, objectives, policies and implementation measures, such as programs, regulations, standards and guidelines. The provisions of the General Plan and each Specific Plan are to be interpreted in a manner that harmonizes their goals, objectives, policies and implementation measures in light of the purposes of those plans.

It is recognized that in determining plan consistency, no action is likely to be entirely consistent with each and every goal and objective contained in the General Plan or a Specific Plan and that the Board may give greater weight to some goals and objectives over other goals and objectives in determining whether an action is in overall harmony with the General Plan and any applicable Specific Plan in light of the plan’s purpose.

In its decisionmaking, the Board shall also consider the environmental consequences associated with a proposed action in applying provisions of the General Plan or a Specific Plan and whether the action will protect resources in a manner it determines best advances that plan’s goals relating to environmental resources.

**Saddle Crest: County of Orange General Plan and
Foothill/Trabuco Specific Plan Amendments, Cont.
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Foothill/Trabuco Specific Plan (F/TSP) Amendments:

**AMENDMENTS TO THE F/TSP TO PROMOTE SUPERIOR BIOLOGICAL
OUTCOMES**

1. Section I.A., Introduction, Authorization and Purpose

“In August 1988, the Orange County Board of Supervisors directed the Environmental Management Agency (EMA) to convert the then-existing, policy-level Foothill/Trabuco Feature Plan into a regulatory, zoning-level Specific Plan. The purpose of the Specific Plan effort was to set forth goals, policies, land use district regulations, development guidelines, and implementation programs in order to preserve the area's rural character and to guide future development in the Foothill/Trabuco area.

Since the adoption of the Foothill/Trabuco Specific Plan, advances in scientific and technical information relating to oak tree mitigation/restoration, fire management, preservation of biological resources, hydrology and hydromodification, as well as changes in state laws, have led to the development of environmentally superior methods to protect resources and reduce potential environmental impacts associated with the implementation of projects within the Foothill/Trabuco Specific Plan area. Additionally, since the adoption of the Foothill/Trabuco Specific Plan, the County has undergone certain changes, including the elimination of the potential for the development of several large parcels anticipated by buildout in the Foothill/Trabuco Specific Plan area, as well as other changes.

2. Section I.C.2.a.2) Introduction, Goals and Objectives, Specific Plan Objectives, Area-wide Objectives, Resource Preservation. Add a new objective f)

f) Provide for alternative approaches relating to grading in order to reduce impacts to biological resources, increase on-site open space, and/or further the Plan's goal of providing a buffer between urban development and the Cleveland National Forest, while ensuring that significant landforms (defined as major ridgelines and major rock outcroppings) are preserved as provided in the Resources Overlay Component.

**Saddle Crest: County of Orange General Plan and
Foothill/Trabuco Specific Plan Amendments, Cont.
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3. Section II.C.3.3, Specific Plan Components, Resources Overlay Component, Oak Woodlands, Tree Management/Preservation Plan

a. Any oak tree removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over 5 inches in diameter is either in poor health ~~or~~and would not survive transplantation, as certified by an arborist, said tree shall be replaced either according to the replacement scale indicated below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the replacement scale indicated below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.” In the event that a proposal includes an alternative oak tree replacement mitigation, the Approving Authority shall make the following additional finding prior to approval of the Tree Management and Preservation Plan:

1) The oak tree replacement mitigation proposed in the Tree Management and Preservation Plan is more extensive and effective than if oak trees were to be replaced at a 15-gallon minimum size and by using the “Tree Replacement Scale” indicated below.

4. Section III.D.8.8, Land Use Regulations, Land Use District Regulations, Upper Aliso Residential (UAR) District Regulations, Site Development Standards. Add new subsection n.

n. Alternative Site Development Standards

1) Alternatives to the Site Development Standards in section 8.8(a) (building site area) and section 8.8 (h) (grading standards) may be approved for an Area Plan if the Area Plan would result in greater overall protection of environmental resources than would be provided through compliance with those standards. Such alternatives may be approved if it is determined that the Area Plan or other plan for development implements the Foothill/Trabuco Specific Plan’s goals relating to protection of biological resources, preservation of open space, provision of a buffer between development and the Cleveland National Forest, and protection of significant land form features in a manner that would provide greater overall environmental protection than would compliance with the Site Development Standards in sections 8.8(a) and 8.8(h). Approval of such alternative standards shall not be subject to the provisions of section III G 2.0 d.

**Saddle Crest: County of Orange General Plan and
Foothill/Trabuco Specific Plan Amendments, Cont.
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2) To the extent that alternative site development standards relating to building site area and grading are approved for an Area Plan as provided in subsection (1), above, those alternative site development standards shall serve as the development and design guidelines for the development in place of the Development and Design Guidelines in section IV C that would otherwise apply.

3) In the event that a proposal utilizes the Alternative Site Development Standards within this Section, the Approving Authority shall make the following additional finding prior to approval of the Area Plan:

- a) The alternative site development standards result in greater overall protection of environmental resources than would be the case if the proposal fully complied with the Site Development Standards in sections 8.8(a) and 8.8(h).

AMENDMENT TO THE F/TSP TO PROVIDE CLARIFYING LANGUAGE

5. Section III.D.8.8.i., Land Use Regulations, Upper Aliso Residential (UAR), Site Development Standards

“Each individual project proposal (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent, ~~natural~~ open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee...No grading, structures (including stables and corrals), walls (except for river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the ~~natural~~ open space area. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to open space areas are minimized. This provision does not prohibit grading during site development within areas that will remain as open space after development is completed.

**Saddle Crest: County of Orange General Plan and
Foothill/Trabuco Specific Plan Amendments, Cont.
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**Amendments to F/TSP Consistency Checklist and Other Conforming
Changes to Reflect Plan Amendments:**

The following conforming changes to the introductory provisions of the F/TSP and the consistency checklist are proposed to reflect the proposed plan amendments:

1. Section I.E., Relationship to General Plan, Transition Areas for Rural Communities

“New development within the Silverado/Modjeska Specific Plan ~~and Foothill/Trabuco Feature (Specific) Plan~~ planning areas shall be rural in character and shall comply with the policies of ~~these that~~ plans in order to maintain a buffer between urban development and the Cleveland National Forest.

New development within the Foothill/Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with adjacent areas, and to reflect the goals of that Plan.

It is recognized that additional plans may be established which provide a transition area between urban development and major open space areas.”

2. Section II.F.1.a, Specific Plan Components, Phasing Component, Circulation Phasing, Growth Management Plan

“All applicants of projects proposals which are not exempt from the GMP requirements shall be required to prepare a traffic report, in accordance with the requirements of the GMP Transportation Implementation Manual, as amended, to demonstrate compliance with the GMP Traffic Level of Service Policy.”

3. Section III.E.1.c.3, Land Use Regulations, Landscaping and Fuel Modification Regulations, Landscaping Regulations, Tree Management/Preservation, Tree Transplantation/Replacement

“All oak trees ~~trees~~ exceeding five inches in diameter at 4.5 feet above the existing grade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak trees over 5 inches in diameter are either in poor

**Saddle Crest: County of Orange General Plan and
Foothill/Trabuco Specific Plan Amendments, Cont.
REVISED September 12, 2012**

health ~~and~~ or would not survive transplantation, as certified by an arborist, said tree shall be replaced either with minimum 15-gallon trees according to the replacement scale below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. The replacement scale indicated is the minimum number of replacement trees required (other than as specified in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation); however, additional replacement trees may be required on a case-by-case basis.”

4. Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist, IV, Grading. Add new subsection 8

8. For projects located within the Upper Aliso Residential District, alternatives to Site Development Standards relating to building site area and grading apply based on a determination of greater overall protection of environmental resources as provided in section III 8.8 n.

5. Appendix A: Foothill Trabuco Specific Plan Project Consistency Checklist, IV, Grading

B. “Each individual project proposal within the Upper Aliso Residential and Trabuco Canyon Residential Districts (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee...No grading, structures (including stables and corrals), walls (except for river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the natural open space area, except as provided by applicable District regulations. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to the open space areas are minimized.”

**Saddle Crest: County of Orange General Plan and
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6. Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist V,
Resources Overlay Component, B., Oak Woodlands, 2, Tree Management/
Preservation Plan

- a. Any oak tree removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over 5 inches in diameter is either in poor health or ~~and~~—would not survive transplantation, as certified by an arborist, said tree shall be replaced either according to the Tree Replacement Scale in the Resources Overlay Component or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the Tree Replacement Scale or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.”

7. Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist, VI,
Landscaping and Fuel Modification

- C. Any oak tree exceeding five (5) inches in diameter at 4.5 feet above the existing grade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak tree over 5 inches in diameter is either in poor health or ~~and~~—would not survive transplantation, as certified by an arborist, said tree shall be replaced either with minimum 15 gallon trees according to the Tree Replacement Scale included in the Landscaping Regulations or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.”

Giang, Steven

From: Gillian Martin [REDACTED]
Sent: Thursday, May 24, 2018 1:27 PM
To: Chang, Joanna
Subject: The Chairman's concern re impact of tree protection ordinance on individual homeowners

Hi Joanna,

I have pondered one of the Chairman's questions yesterday regarding how homeowners can be expected to know if the tree in their backyard is protected. He wondered if FHBP volunteers might help to educate homeowners.

I consulted with a member of our Tree Care for Birds and other Wildlife Project who is an arborist and works for Hortscience in Pleasanton, CA. They are a consulting company and assist agencies with the writing of such ordinances, among other things. He told me that rather than burden homeowners with the task of identification, it is easier to inform tree care companies (that remove trees) of the ordinance. This places the responsibility on them to know when a permit is required to remove a tree. In such cases, they would then inform the homeowner that a permit was needed. Naturally, this would not prevent a homeowner from intentionally or unintentionally removing a protected tree without the help of a contractor, but the likelihood of them removing a mature tree on their own is low. This idea seems less burdensome to homeowners and more practical in terms of implementation.

On the topic of growing/replanting oaks. I sense there are different opinions about the best way to grow one or the best stage at which a young oak can safely be planted and be expected to thrive. Mr. Gilpin told me that there are common myths about this. If you have an interest in hearing his opinion I could probe that question more with him, or put you in touch with him.

Thank you again for your tremendous effort on this project.

Gillian Martin
Program Director
Cavity Conservation Initiative
[REDACTED]

www.cavityconservation.com

[Facebook page](#)

<http://treecareforbirds.com>

[Facebook Page](#)

Giang, Steven

From: Penny Elia [REDACTED]
Sent: Saturday, June 09, 2018 11:16 AM
To: Chang, Joanna
Subject: Tree Ordinance - letter attached
Attachments: Tree Ordinance.pdf

Thank you for the opportunity. Would you please confirm receipt.

Best -

Penny Elia

June 9, 2018

OC Development Services/Planning
Attn: Joanna Chang
P.O. Box 4048
Santa Ana, CA 92702
OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green"
Zoning Code Update; Support with Revisions

Dear Ms. Chang,

As a long-time environmental advocate and Sierra Club member, as well as a dedicated tree hugger, I am writing to offer my support for the Tree Preservation Ordinance proposed in the revision of the Zoning Code.

I support the County adopting the ordinance because no countywide protection currently exists for native trees. Additionally, trees provide habitat, cooling effects, carbon sequestration, aesthetic benefits, property value enhancement, and a link to Orange County's heritage. And with the ongoing threat of drought and pests, they need our help now more than ever!

Below are some suggested revisions that I, along with many others, believe would improve the proposed ordinance (presented in the order they appear in the draft ordinance):

- The ordinance should allow for the expansion of the categories of Protected Trees to include additional native species. This could be accomplished by including a provision for review of the Protected Tree categories every three years. The categories of Protected Trees should be expanded to include non-native heritage trees, i.e., trees of significance that have value because of size, age, location, historic association, and/or ecological importance. 7-9-69.2(a)
- The ordinance should apply as broadly as possible. For example, the ordinance should not exclude areas zoned Specific Plan or Planned Community. Rather, language should be inserted to address that if a conflict exists between a Specific Plan or Planned Community, the most stringent regulation for tree protection will apply. This will help to avoid inconsistent regulations across the County. 7-9-69.2(b)
- All parcel sizes should be subject to the ordinance. 7-9-69.2(b)(1)
- Trees maintained by the County of Orange and Orange County Flood Control District should be subject to the ordinance except in special circumstances, which the County should enumerate. 7-9-69.2(d)(1)
- Since it is likely most trees in the protected category will have some degree of "infestation, pathogen or disease," the language of this section should be revised such that the ordinance will apply to those trees unless the infestation, pathogen or disease is likely to soon cause the tree to fail or if the tree is a vector threat to other native trees. 7-9-69.2(d)(6)
- Public utilities should be subject to the provisions of the ordinance in non-emergency situations. 7-9-69.2(d)(7)
- The arborist selected to make determinations should be County-certified or otherwise neutral, and should have an additional Tree Risk Assessment Qualification. 7-9-69.3(b)
- The definition of "Replacement Tree" should include that the tree be of local origin to avoid genetic pollution of the native genotype. 7-9-69.3(p)
- On-site preservation should be the highest priority. This could be followed by off-site preservation where the site is too small to sustain replacement trees. The option for "in-lieu fees" should be a last resort and the fees should be high enough to dissuade use of the in-lieu fee option, with non-feasibility adequately demonstrated. 7-9-69.4(b)(4) and 7-9-69.4(c)
- 24-inch box trees may not be the best choice for success. Smaller specimens should be considered and science should drive the decision. 7-9-69.4(c)(1)

Regarding enforcement of the Tree Preservation Ordinance, the County could educate tree care companies on the ordinance's provisions so that they will know if a permit is required for tree removal. In addition, the Tree Preservation Fund established by the ordinance should allocate resources to education and enforcement.

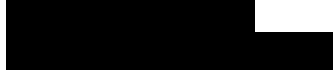
I am very pleased that the County has made such excellent progress toward implementing the Tree Preservation Ordinance as part of its sustainable policies in the Zoning Code update. I strongly encourage the County to adopt the ordinance with broad application. I believe that the foregoing additions and clarifications will help make the ordinance more effective in protecting trees and more consistent in its application countywide.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Penny Elia".

Penny Elia
Tree Hugger and
Chair, Sierra Club Save Hobo Aliso Task Force



Giang, Steven

From: Richard Roy [REDACTED]
Sent: Monday, June 11, 2018 2:47 PM
To: Chang, Joanna
Subject: Zoning Code Update

Hello Joanna,

A few comments relative to the 'First Draft For Public Review-Revisions', dated 5/16/18. In particular, Section 7-9-69. Tree Preservation Ordinance:

-Section 7-9-69.3.(p).As I am sure you are aware, Southern California is now host to the Polyphagus Shot Hole Borer (Euwallacea sp.)+Fusarium Dieback. Unfortunately, many of our native tree species are ready hosts to the PSHB. Most notably, California Sycamore, Coast Live Oak , Freemont Cottonwood and most other local Quercus species.Some County areas have been so heavily infested that Arborists are not recommending like native Genus and species replacement. You may wish to consider language to the effect of 'exclusively native species unless recommended other wise by the reviewing Arborist'.

- Whereas I support the objectives of the proposed ordinance, Section 7-9-69.1, the Replacement Tree Monitoring Period w/ it's associated Covenant is most problematic. The recorded Covenant for the ten and five year periods following title and annual inspection process seems very difficult to manage, budget accurately and administrate. I do not know the existing model that you are patterning the proposed ordinance after,however, I question the sustainable viability of the requirements. It seems the objective value of the ordinance is significantly achieved by the identification process, permitting , replacement criteria requirements and installation certification. Individual homeowners aside, I am just not aware of landscapes, once installed, that are not valued and maintained to a sustainable level. I strongly recommend that you reconsider the proposed Post Installation and corresponding Covenant .

Thank you and best wishes w/ the Zoning Code Update.

--

Richard K. Roy
Vice President
Landscape Architecture
Urban Planning & Design
550 Newport Center Drive | Newport Beach, California | 92660
Phone 949.720.2430 | Fax 949.720.2120 | Cell Phone 949.690.8196
RRoy@irvinecompany.com



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Giang, Steven

From: Canning, Kevin
Sent: Tuesday, June 12, 2018 6:31 AM
To: Alonso, Laree; Bob Kallenbaugh; Cataldi, Colby; 'Diane Ontko'; Erikson, Bellinda; Gilad Ganish; Gilliam, Sharon; Kurnow, Brian; Laer Pearce; Lucy Dunn; Mike Ameal; Richard Roy; Vuong, Richard
Cc: Vuong, Richard; Chang, Joanna; Erikson, Bellinda
Subject: FW: Tree Protection Ordinance comment for CPAC review

Committee members,

Please see the summary below regarding your discussion of the proposed tree protection ordinance at the June 6th meeting. Please return any comments to me.

Kevin Canning | Contract Planner | OC Development Services | Planning
300 N. Flower Street, 1st Floor | Santa Ana, California 92702-4048 |
714.667.8847 | kevin.canning@ocpw.ocgov.com

From: Laer Pearce [<mailto:laer@laer.com>]
Sent: Monday, June 11, 2018 12:36 PM
To: Canning, Kevin
Subject: Tree Protection Ordinance comment for CPAC review

Kevin,

In accord with the provisions of the Brown Act, please circulate the language below to the members of the Coto de Caza Planning Advisory Committee for their review before I send it to the County. Please request that they respond to you and forward to me their comments.

Ms. Chang:

Thank you for your presentation of the County's draft tree preservation ordinance at the June 6 meeting of the Coto de Caza Planning Advisory Committee. As Secretary of the Committee, I wish to document our vote regarding the tree ordinance.

A motion was made and seconded to oppose the ordinance as drafted because it should not apply to areas under a Specific Plan. As you know from the May 28, 2018 correspondence from Vinnie Dorse of the CZ Master Association's management company, Coto de Caza's CC&Rs include provisions to protect our native trees.

The motion failed to carry on a tied 3-3 vote. Those voting against the measure who expressed an opinion regarding their vote stated the need for the Committee to better understand the ordinance's provisions before taking a position. The County therefore should not interpret their vote against the motion as a vote endorsing the ordinance as currently drafted.

Best wishes,



Laer Pearce, APR
President



Giang, Steven

From: Scott Breeden [REDACTED]
Sent: Tuesday, June 12, 2018 12:22 PM
To: Zoning Code Team
Cc: Chang, Joanna; Maldonado, Ruby; Vuong, Richard
Subject: Proposed Tree Ordinance

Dear Planning Commissioners and OC Public Works,

At the May 23 Planning Commission public workshop, there was some concern that the proposed tree preservation ordinance would be too much of a burden on homeowners.

As a homeowner, I would not want too much of a burden, either. But after thinking it over, I don't think this will be a major problem.

Homeowners in cities would not be affected, and I think that would be OK since, as at least one commissioner noted, there did not seem to be many of the targeted trees in his district anyway.

Since the focus of the ordinance is trees found mainly in the unincorporated areas of the county, an ordinance that covers the unincorporated areas makes sense. I would be affected, but I think the number of homeowners like me is manageable.

The county ordinance should guarantee a minimum level of protection.

Specific plans and planned community regulations could be more restrictive if desired, but not less so.

-Scott Breeden



CALIFORNIA NATIVE PLANT SOCIETY ORANGE COUNTY CHAPTER

June 13, 2018

Joanna Chang, Land Use Manager
OC Public Works | Development Services
300 N. Flower St. Santa Ana, CA 92703

RE: Tree Preservation Ordinance

Dear Ms. Chang:

The Orange County Chapter of the California Native Plant Society has always had a strong interest in Orange County's native trees. We are among the groups who have been working with Friends of Harbors, Beaches and Parks to help draft a sample ordinance to protect the native trees that grow in the County's unincorporated lands. We concur with the Friends' suggested revisions on the County's draft Tree Preservation Ordinance.

OCCNPS suggests some additional revisions on the draft Ordinance:

Section 7-9-69.2:

Categories (1) and (2) are confusingly written:

- In Category (1), "Native Oak" seems to mostly refer to Coast Live Oak (*Quercus agrifolia*), with a few other unspecified native oak species/hybrids tacked on.
- Category (2) lists three shrubby native oak species, first by their common names and then by their botanical names. A non-botanist might not know that the common and botanical names denote three, not six, different types of plants.

The following revision would better describe OC's 13 or so native oak species and hybrids:

- Category (1): Tree-form native oaks having a minimum DBH of 8 inches for single-trunk individuals and 12 inches total for multi-trunk individuals. Tree-form native oak species commonly found in OC are:
 - Coast Live Oak (*Quercus agrifolia* var. *agrifolia*)
 - Canyon or gold-cup oak (*Q. chrysolepis*)
 - Engelmann oak (*Q. engelmannii*)

The California Native Plant Society is a statewide 501(c)(3) non-profit organization, headquartered in Sacramento. It has about 10,000 members in 34 Chapters statewide. Membership is open to all.

cnps.org

CNPS is dedicated to celebrating California's native plant heritage and preserving it for future generations.

The Orange County Chapter of CNPS focuses that dedication on the native plants and natural vegetation of Orange County and adjacent Southern California.

occnps.org

**P.O. Box 54891
Irvine CA
92619-4891**

- Category (2): Shrub-form native oaks having a minimum DBH of 6 inches for single-trunk individuals and 10 inches total for multi-trunk individuals. Shrub-form native oak species commonly found in OC are:

- California Scrub Oak (*Q. berberidifolia*)
- Nuttall's Scrub Oak (*Q. dumosa*)
- Interior Live Oak (*Q. wislizenii* var. *frutescens*)

NOTE: A number of small populations of other oak species that are uncommon in OC, and of hybrids of both common and uncommon species, are scattered throughout the county's still-natural lands. These species and hybrids are included in *Table 1*, a complete list of OC's native trees, attached.

- Category (3): Southern California Black Walnut (*Juglans californica* var. *californica*) with a minimum DBH of 8 inches for a single-trunk tree and 12 inches for multi-trunk trees.
- Category (4): "California or Western Sycamore (*Platanus racemosa*) with a minimum DBH of 8 inches for single-trunk individuals and 12 inches total for multi-trunk individuals."
- Category (5): Tecate Cypress (*Hesperocyparis forbesii*) is protected regardless of size.

Suggested additional categories for Protected trees:

- Protected status should be given to an otherwise-eligible tree that is declining or dead, in recognition that it still has an important, long-term, ecological role as shelter and food for a wide range of organisms. Such a tree should be removed ONLY if it poses a threat to human life.
- If a Protected tree is damaged by storm, flood or wildfire, that tree should retain its status and not be removed UNLESS it poses a threat to human life. The tree would still be very much alive, even if no longer meeting the criteria for Protected status. Most non-coniferous trees will crown- or root-sprout after damage and eventually regrow to their original stature, providing food and shelter for myriad organisms throughout regrowth.

On the Tree Manual:

- A "Tree Manual" is mentioned throughout the Ordinance. The Ordinance requires compliance with various standards as set forth in the Manual. But, the Ordinance mentions that the Manual has yet to be created. If the Manual has not yet been created and reviewed, we are being asked to comment on an Ordinance with unknown standards.
- *Table 1*, attached, or an equivalent should be part of the Tree Manual. Though many of the 34 species and hybrids are present in OC only in small, scattered populations in wildland areas, some have been planted horticulturally and any of them could be so planted. If so, they could be susceptible to business-as-usual maintenance practices in ignorance of the Protected status they may have.

Suggestions for the Tree Preservation Management Plan:

- A mapped inventory, including accurate GPS location, of OC's native trees should be done, and be available online. At a minimum, it should include the accurate GPS location of all

Protected trees on unincorporated parcels that are susceptible to development, and/or to business-as-usual maintenance practices.

- If it is necessary to remove a Protected tree, for any reason or purpose:
 - OCCNPS does NOT recommend the digging and transplanting of established trees, of any size or any species. Experience has shown that native-grown trees subjected to such treatment rarely live long enough to justify the effort and expense.
 - To retain the native genotype of a tree that is to be replaced, some foresight and long-term preparation is required to produce a nursery-grown replacement. Propagules (acorns, other seeds, cuttings) must be collected, then grown to size at a nursery specializing in native-plant propagation. Growing to 1-gallon size may take at least a year, plants larger than 1-gallon may take several years. Allow for loss/shrinkage in the stock of propagated plants.

On the selection of suitable sites into which replacement trees may be planted, if they cannot be replanted on the original parcel: OC's parks and reserve lands (OC Parks units, OC State Parks, lands managed by Irvine Ranch Conservancy, city parks) would seem to be the "incorporated or unincorporated" sites most available to host replacement trees. Such hosting should be coordinated with the host site's own plans for restoration and management.

Thank you for the opportunity to comment on the Tree Preservation Ordinance.

Celia Kutcher
Conservation Chair

TABLE 1: OC NATIVE TREE SPP. 6/18 version

“Tree” is defined as: typically having an upright habit, with single or multiple trunks and generally bearing lateral branches well above ground level. This list is based on the work of many botanists within the county. A number of these species have been planted as ornamentals, outside of their typical native habitats.

References: Roberts, F.M., The Oaks of the Southern Californian Floristic Province, 1995

_____, The Vascular Plants of Orange County, California, an Annotated Checklist, 2008

Calflora: Information on California plants for education, research and conservation. [web application]. 2018. Berkeley, California

CRPR: California Rare Plant Ranks: cnps.org/rare-plants/cnps-rare-plant-ranks

sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
<i>Acer macrophyllum</i>	big-leaf maple		in OC: mostly w/in Nat'l Forest boundary	medium to large deciduous tree, grows in rocky soils on north-facing slopes & in canyon bottoms where there's cool shaded dampish soils
<i>Aesculus californica</i>	California buckeye		in OC: a few, in Back Bay & in Chino Hills	deciduous large shrub or small tree, in oak woodland & willow scrub
<i>Alnus rhombifolia</i>	white alder		yes	medium to large deciduous river-bottom tree, grows with roots in damp soil, generally on lower flood terraces & along streamcourses
<i>Arbutus menziesii</i>	madroño		one location in OC, w/in Nat'l Forest boundary	in OC, a large shrub, on steep N-facing slope
<i>Arctostaphylos glauca</i>	big-berry manzanita		in OC: mostly w/in Nat'l Forest boundary	evergreen tree-like shrub, infrequent in mid- to upper elevations of Santa Ana Mts.
<i>Fraxinus dipetala</i>	California ash		in OC: mostly w/in Nat'l Forest boundary	deciduous large shrub or small tree; moist north-facing slopes & along canyon bottoms, mid- to upper elevations
<i>Fraxinus velutina</i>	Arizona ash		in OC: mostly w/in Nat'l Forest boundary	deciduous tall tree; grows along watercourses
<i>Hesperocyparis forbesii</i>	Tecate cypress	1B.1	in OC: on Sierra Pk, mostly w/in the Tecate Cypress Reserve	evergreen small tree, uncommon but forming dense stands of slender saplings after fires
<i>Juglans californica</i>	Southern California black walnut	4.2	in OC: Chino Hills & foothills of Santa Ana Mts.	medium deciduous tree; walnut woodland, open oak woodland, scattered in grassland

TABLE 1: OC NATIVE TREE SPP. 6/18 version

sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
<i>Juniperus californica</i>	California juniper		in OC: uncommon, in the southern foothills	evergreen large arborescent coniferous shrub, usually multi-trunked
<i>Pinus attenuata</i>	knob-cone or scrub pine		in OC: on serpentine soils on N-facing ridges from Pleasants Pk to Sierra Pk	evergreen coniferous tree, somewhat shrubby in its OC native sites
<i>Pinus coulteri</i>	Coulter or big-cone pine		in OC: mostly above 2400 ft. elevation; common in Southern California mts	large evergreen coniferous tree, erect to 75 ft., with spreading crown when mature
<i>Platanus racemosa</i>	California sycamore		yes	deciduous, very large tree; floodplains, washes & canyon bottoms
<i>Populus balsamifera</i> ssp. <i>trichocarpa</i>	black cottonwood		yes	medium to large deciduous river-bottom tree that likes damp soil, generally in floodplains & along streamcourses; fast-growing & relatively short-lived; resprouts readily from roots, trunks & branches after disturbance.
<i>Populus fremontii</i>	Fremont cottonwood		yes	medium to large deciduous river-bottom tree that likes damp soil, generally in floodplains & along streamcourses; fast-growing & relatively short-lived; resprouts readily from roots, trunks & branches after disturbance.
<i>Pseudotsuga macrocarpa</i>	big-cone spruce		in OC: canyons & north-facing slopes above 3000 ft. elevation	large evergreen tree, erect to 120 ft., wide-spreading open crown
<i>Quercus Xacutidens</i>	Torrey's hybrid oak		in OC: known from a few sites in San Juan Canyon & San Joaquin Hills	evergreen shrub or small tree
<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak		yes	large tall spreading evergreen tree, slow-growing except in youth & in optimum conditions, long-lived; naturally grows on mostly gentle slopes above arroyos, on upper riparian terraces, & similar sites w/ deep soil that retains some moisture year-round

TABLE 1: OC NATIVE TREE SPP. 6/18 version

sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
<i>Quercus berberidifolia</i>	California scrub oak		yes	evergreen medium to large shrub, forms a root burl, from which it will quickly resprout after fire or other loss of top growth; the burl is potentially long-lived
<i>Quercus chrysolepis</i>	canyon or gold-cup oak		in OC: mid- to upper elevations, w/in Nat'l Forest	evergreen tree or large shrub, in moist canyons & slopes
<i>Quercus cornelius-mulleri</i>	Muller oak, desert scrub oak		in OC: known from 3 sites in San Juan Canyon	large dense evergreen shrub to small tree
<i>Quercus dumosa</i>	Nuttall's scrub oak	1B.1	in OC: remnant population in San Joaquin Hills, w/in 1/3 mile of coast; maybe all are in Coastal Zone?	evergreen dense medium to large shrub
<i>Quercus engelmannii</i>	Engelmann oak	4.2	in OC: mostly in southern foothills, a few in San Joaquin Hills	large tall evergreen tree, slow-growing except in youth & when in ideal conditions, long-lived; naturally grows on mostly gentle slopes above arroyos, on upper riparian terraces, & similar sites w/ deep soil that retains some moisture year-round
<i>Quercus Xgrandidentata</i>	no common name		in OC: known from 3 sites on & around Sierra Peak	evergreen shrub or small tree of mid- to high elevations
<i>Quercus kelloggii</i>	California black oak		in OC: a few individuals known from upper Silverado Canyon & upper Trabuco Canyon	large tall deciduous tree
<i>Quercus lobata</i>	valley oak		in OC: known from 2 sites in Moro Canyon	deciduous large tree of deep alluvial soils; widely distributed in California, especially in the Great Valley
<i>Quercus Xmacdonaldii</i>	Macdonald's oak		in OC: known only from a site in Moro Canyon	semi deciduous small tree, hybrid of <i>Q. lobata</i> & <i>Q. berberidifolia</i>

TABLE 1: OC NATIVE TREE SPP. 6/18 version

sciname	comname	CRPR?	grows natively on county or unincorporated private land?	habit & size
Quercus Xmorehus	oracle oak		in OC: a few individuals known from upper Silverado Canyon & upper Trabuco Canyon	evergreen large shrub to tree
Quercus wislizenii	interior live oak		In OC: mostly along Main Divide Road, upper elevations of Santa Ana Mts.	evergreen large shrub or small tree
Salix gooddingii	black willow		yes	deciduous tree, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Salix laevigata	red willow		yes, but uncommon in OC	deciduous shrubby tree, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Salix lasiolepis	arroyo willow		yes	deciduous shrub, largish & +/- treelike only when old, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Salix lucida ssp. lasiandra	Pacific or yellow willow		yes, but uncommon in OC	deciduous shrub, largish & +/- treelike only when old, fast-growing, short-lived, readily resprouts in response to flooding or other disturbance, likes its roots in water
Umbellularia californica	California bay laurel		in OC: mostly w/in Nat'l Forest boundary; uncommon	evergreen large shrub or small multi-trunk tree, moist canyons & shady slopes



June 13, 2018

Submitted via email to: OCZoningCode@ocpw.ocgov.com

OC Development Services/Planning
Attn: Joanna Chang
P.O. Box 4048
Santa Ana, CA 92702

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update; Support with Revisions

Dear Ms. Chang,

On behalf of interested conservation and community groups, we are writing to offer our support for the Tree Preservation Ordinance proposed in the revision of the Zoning Code.

We support the County's adoption of the ordinance because no countywide protection currently exists for native trees. Trees provide habitat, cooling effects, carbon sequestration, aesthetic benefits, property value enhancement, and a link to Orange County's heritage. And with the ongoing threat of drought and pests, they need our help more than ever!

Below are some suggested revisions that we believe would improve the proposed ordinance (presented in the order they appear in the draft ordinance):

- The ordinance should allow for the expansion of the categories of Protected Trees to include additional native species. This could be accomplished by including a provision for review of the Protected Tree categories every three years. The categories of Protected Trees should be expanded to include non-native heritage trees, i.e., trees of significance that have value because of size, age, location, historic association, and/or ecological importance. 7-9-69.2(a)
- The ordinance should apply as broadly as possible. For example, the ordinance should not exclude areas zoned Specific Plan or Planned Community. Rather, language should be inserted to address that if a conflict exists between a Specific Plan or Planned Community, the most stringent regulation for tree protection will apply. This helps to avoid inconsistent regulations across the County. 7-9-69.2(b)
- All parcel sizes should be subject to the ordinance. 7-9-69.2(b)(1)
- Trees maintained by the County of Orange and Orange County Flood Control District should be subject to the ordinance except in special circumstances, which the County should enumerate. 7-9-69.2(d)(1)
- Since it is likely most trees in the protected category will have some degree of “infestation, pathogen or disease,” the language of this section should be revised such that the ordinance applies to those trees unless the infestation, pathogen or disease is likely to soon cause the tree to fail or if the tree is a vector threat to other native trees. 7-9-69.2(d)(6)
- Public utilities should be subject to the provisions of the ordinance in non-emergency situations. 7-9-69.2(d)(7)
- The arborist selected to make determinations should be County-certified or otherwise neutral, and should have an additional Tree Risk Assessment Qualification. 7-9-69.3(b)
- The definition of “Replacement Tree” should include that the tree be of local origin to avoid genetic pollution of the native genotype. 7-9-69.3(p)
- On-site preservation should be the highest priority. This could be followed by off-site preservation where the site is too small to sustain replacement trees. The option for “in-lieu fees” should be a last resort and the fees should be high enough to dissuade use of the in-lieu fee option, with non-feasibility adequately demonstrated. 7-9-69.4(b)(4) and 7-9-69.4(c)
- 24-inch box trees may not be the best choice for success. Smaller specimens should be considered and science should drive the decision. 7-9-69.4(c)(1)

Regarding enforcement of the Tree Preservation Ordinance, the County could educate tree care companies on the ordinance’s provisions so that they will know if a permit is required for tree removal. In addition, the Tree Preservation Fund established by the ordinance should allocate resources to education and enforcement.

We are very pleased that the County has made such excellent progress toward implementing the Tree Preservation Ordinance as part of its sustainable policies in the Zoning Code update. We strongly encourage the County to adopt the ordinance with broad application. We believe that the

foregoing additions and clarifications will help make the ordinance more effective in protecting trees and more consistent in its application countywide.

Thank you for your consideration of our comments.

Sincerely,

California Audubon
California Native Plant Society
– Orange County Chapter
Canyon Land Conservation Fund
Cavity Conservation Initiative
Endangered Habitats League
Friends of Coyote Hills
Friends of Harbors, Beaches and Parks
Hills For Everyone
Inter-Canyon League

Naturalist For You
Orange Coast River Park
Rural Canyons Conservation Fund
Saddleback Canyons Conservancy
Sea and Sage Audubon
Silverado-Modjeska Recreation
and Parks District
Trabuco Canyon Women's Club
Wild Heritage Planners

Giang, Steven

From: Laer Pearce [REDACTED]
Sent: Thursday, June 14, 2018 3:12 PM
To: Chang, Joanna
Subject: Comment letter, tree protection ordinance
Attachments: County Tree Ordinance comment letter.pdf

Ms. Chang,

The attached letter includes a summary of the action by the Coto Advisory Planning Committee regarding the draft tree protection ordinance and, separately, my own personal comments.

Thank you,



Laer Pearce, APR
President
[REDACTED]

Laer Pearce

23 Blackhawk, Coto de Caza, California 92679

Land: 949/216-9883 ♦ Mobile: 949/683-3360

June 14, 2018

Ms. Joanna Chang
Orange County Public Works
Joanna.chang@ocpw.ocgov.com

RE: Tree Preservation Ordinance

Ms. Chang:

Thank you for your presentation of the County's draft tree preservation ordinance at the June 6 meeting of the Coto de Caza Planning Advisory Committee. As Secretary of the Committee, I wish to document our vote regarding the tree ordinance.

A motion was made and seconded to oppose the ordinance as drafted because it should not apply to areas under a Specific Plan. As you know from the May 28, 2018 correspondence from Vinnie Dorse of the CZ Master Association's management company, Coto de Caza's CC&Rs include provisions to protect our native trees.

The motion failed to carry on a tied 3-3 vote. Those voting against the measure who expressed an opinion regarding their vote stated the need for the Committee to better understand the ordinance's provisions before taking a position. The County therefore should not interpret their vote against the motion as a vote endorsing the ordinance as currently drafted.

From this point forward, I am speaking as a private citizen and the views expressed do not represent those of the Coto de Caza Advisory Planning Commission. I wish to make three points.

1. No policy provisions for expanding natural open space

To my knowledge, the County Supervisors have never adopted a policy statement that endorses the return of developed land towards a pre-development state. County staff should therefore be extremely careful in drafting the tree protection ordinance to ensure that it focuses on protection only and does not include any provisions that would further the diminishment of developed land and expansion of native land.

By requiring the planting of multiple trees to replace one removed tree, and by requiring a specific amount of square feet for each of the new trees, the ordinance as drafted will have the result, if not the intent, of expanding wooded areas and diminishing established non-wooded areas on many lots within specific plans. The imposition of exacting regulatory requirements and substantial fines as the basis for the County's approach to tree protection furthers the establishment, de facto, of a County policy favoring the expansion of native land at the expense of developed land.

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Since this is not an established County policy, the tree protection ordinance as written is problematic.

2. Ordinance should not apply to Coto de Caza or other similar Specific Plan areas

The Coto de Caza Specific Plan and CC&Rs are designed to protect the community's existing woodlands and native trees while also protecting the "look and feel" of the community, as defined in the Specific Plan. This is the appropriate approach, because we are a developed community and as such, the goal of our Specific Plan is to protect both the developed and natural components of Coto. One only needs to walk through the community's many woodland areas to see that these protections have been effective, and that no outside intervention by the County is needed or appropriate.

Given CEQA's requirements covering the protection of native habitat, it is unlikely any Specific Plan in Orange County that includes native woodlands or other natural habitats would lack protections similar to those we have in Coto's Specific Plan, so applying the ordinance to any of these areas is unnecessary, duplicative and punitive.

If County staff believes a particular Specific Plan does not include sufficient protections and therefore should be subject to the County's tree protection ordinance, the determination should require a public review process specific to that Specific Plan, and be subject to discretionary review by the County Planning Commission and Board of Supervisors.

3. Ordinance should not apply to NCCP and HCP areas

The County also should not apply the tree protection ordinance to lands included in Natural Community Conservation Plans and Habitat Conservation Plans. These plans incorporate protections of native plant species, including trees, with rigorous protocols to ensure the ongoing health of these habitats.

I am not sure if the ordinance as currently drafted would apply to lands within NCCPs and HCPs, but if it does, the provisions should be removed because the County could add nothing but another layer of unnecessary bureaucracy to these plans.

Conclusion

With these revisions, the County would be left with a tree protection ordinance that covers areas that do not have adequate protections in place. This is appropriate, and I recommend that the County limit the application of the ordinance in this manner.

I make these comments as someone who appreciates Orange County's native habitats more than most of the County's residents. I have lived in the Santa Ana Mountain foothills for 30 years, including 27 years in Coto de Caza. As an avid hiker, I have hiked thousands of miles along the excellent trails in Coto, the Cleveland National Forest and the County's wilderness

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parks. This open space, most of which still looks much as it did before European settlement, is a resource worthy of protection.

However, "protection" doesn't mean adopting the ordinance in its current draft and having it apply to areas like Coto do Caza, where it would be unnecessary, duplicative and punitive, and would be costly to property owners and detrimental to property values.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laer Pearce', written in a cursive style.

Laer Pearce

Giang, Steven

From: Scott Breedon [REDACTED]
Sent: Thursday, June 14, 2018 1:14 PM
To: Zoning Code Team; Chang, Joanna; Maldonado, Ruby; Vuong, Richard
Subject: Re: Proposed Tree Ordinance

Thank you all for coming out to the Inter-Canyon League meeting in Silverado this week to present information about the zoning code update and to answer questions.

One thing that I noticed later is that the current code contains a section that begins as follows:

Sec. 7 - 9 - 154.1 Duty to enforce. (a) Director: It shall be the duty of the Director, or his designated agent(s), to enforce the provisions of the Zoning Code ...

The corresponding section in the draft update is slightly different:

Sec. 7 - 9 - 130 Enforcement. (a) Director: The Director, or his designated agent(s), may enforce the provisions of the Zoning Code ...

Does this mean that the Director would no longer have to enforce provisions of the code if he/she didn't feel like it?

Changing "may" to "shall" would make this paragraph consistent with the two that follow, which were not changed: the Health Officer and Sheriff "shall" still enforce the code.

-Scott Breedon

Giang, Steven

From: Adam Wood [REDACTED]
Sent: Friday, June 22, 2018 3:49 PM
To: Zoning Code Team
Cc: Chang, Joanna
Subject: BIA/OC Comment Letter
Attachments: BIAOC Tree Ordinance Letter June.pdf

Please see the attached comment letter on the proposed Tree Preservation Ordinance.

Thank you.

-Adam

Adam S. Wood
Director of Government Affairs
Building Industry Association | Orange County Chapter (BIA/OC)
24 Executive Park, Ste 100
Irvine, CA 92614
[REDACTED]

Building Industry Association of Southern California, Inc.
ORANGE COUNTY CHAPTER



June 15, 2018

Mr. Colby Cataldi
Deputy Director
Orange County Public Works
300 N. Flower St.
Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, **I write to express our opposition to the Tree Preservation Ordinance alternatives under consideration.**

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

It is understood that several alternatives are currently under consideration. Protecting natural resources is an important priority and Orange County has seen the OC Parks Department manage 60,000 acres of parkland, open space and shoreline enjoyed by millions of residents and visitors each year. This accomplishment is laudable and demonstrates Orange County's leadership on the issue.

The underpinnings of this ordinance, however, fails to maintain the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development. It may also conflict with the goal of appropriate fuel modification in certain areas.

Perhaps the most compelling grounds for opposition is that no inventory of trees exists, making the scope of all proposals opaque. Staff has done an excellent job of outlining parcels impacted, but without an inventory of trees, there is no way to calculate scope, real world costs, or any actual impact each variation might have.

In effect, approval of any version offered is paramount to asking land owners and the development community to write a "blank-check" that will grind opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte
Chapter Executive Officer

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FOREMOST COMPANIES

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SEAN MATSLER
MANATT, PHELPS & PHILLIPS, LLP

EXECUTIVE OFFICER
STEVE LA MOTTE

24 Executive Park, Suite 100
Irvine, California 92614
949.553.9500 | biaoc.com

Giang, Steven

From: Cataldi, Colby
Sent: Monday, June 18, 2018 8:15 AM
To: 'Gloria Sefton'; Chang, Joanna; Maldonado, Ruby
Cc: Spitzer, Todd [HOA]; Mike Wellborn; Vuong, Richard; Walsh, Nicole [COCO]
Subject: RE: Tree Preservation Ordinance

Thank you for your email Gloria. We will continue the overall process for the ZC update and can suggest edits in line with the Commissioners request. In the case of the Tree Ordinance section, we can come back with suggestions for a Third District specific language and see how it goes. Thanks.

Colby Cataldi, Deputy Director
OC Public Works | Development Services
300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8860

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

From: Gloria Sefton [<mailto:gloriasefton@gmail.com>]
Sent: Saturday, June 16, 2018 10:59 AM
To: Cataldi, Colby <Colby.Cataldi@ocpw.ocgov.com>; Chang, Joanna <Joanna.Chang@ocpw.ocgov.com>; Maldonado, Ruby <Ruby.Maldonado@ocpw.ocgov.com>
Cc: Spitzer, Todd [HOA] <todd.spitzer@hoa.ocgov.com>; Mike Wellborn <wellborn.michael@gmail.com>
Subject: Tree Preservation Ordinance

Dear Colby, Joanna, and Ruby -

It was disappointing that the tree preservation ordinance got such resistance from some commissioners at this week's workshop - to the point that it may even be stricken from the zoning code update. A lot of the concern was around implementation and enforcement in some commissioners' districts. Whether that is a real problem is debatable. Besides the 3rd district, the others are largely either incorporated or governed by development agreements in planned communities where the ordinance would not apply. It would certainly be unfortunate after all the time and money spent if the ordinance doesn't make it through to the Board of Supervisors (especially since it had its genesis from a meeting with Supervisor Spitzer).

Third District Commissioner Rice was more supportive. That's good, because the canyon areas are in the 3rd district and that's where so many native trees are located. So the question is: will limiting the ordinance scope to ONLY the Sil-Mod and FTSP areas (and perhaps N. Tustin and OPA) and only for larger properties satisfy the reluctant commissioners' concerns? Basically, take it out of jurisdictions where there is resistance and make it apply where there is support.

We're very keen to get this back on track. Having the ordinance apply only in the canyon areas would achieve a tremendous part of our common goal. We'd like to hear your thoughts.

Regards,

Mike Wellborn, President, FHBP
Gloria Sefton, Vice President, FHBP

Giang, Steven

From: Novak, Margaret <MNovak@mbakerintl.com>
Sent: Thursday, June 21, 2018 3:42 PM
To: Chang, Joanna
Cc: Ken Gibson; Joe
Subject: RE: EXTERNAL: [lrcboard] County of Orange - Draft Zoning Code Update
Attachments: LARMAC_County Tree Preservation Ordinance (Comment Letter).pdf

Importance: High

Hi Joanna,

On behalf of the **Ladera Ranch Maintenance Corporation (LARMAC) Board of Directors**, attached is our comment letter regarding the proposed Tree Preservation Ordinance as part of the County's Zoning Code Update. We will be mailing a hard copy as well, but wanted to be sure this reached before the June 26 deadline.

Please confirm receipt and advise of any questions. Thanks!

Margaret Novak
LARMAC Board of Directors

From: lrcboard@googlegroups.com [<mailto:lrcboard@googlegroups.com>] **On Behalf Of** Chang, Joanna
Sent: Thursday, June 21, 2018 1:03 PM
To: Chang, Joanna <Joanna.Chang@ocpw.ocgov.com>
Subject: EXTERNAL: [lrcboard] County of Orange - Draft Zoning Code Update

All Interested Parties,

The public review and comment period for the County's "Orange is the New Green" Zoning Code Update is open and ends on **June 26, 2018**. You are encouraged to attend an upcoming workshop and submit comments on the proposed draft. We will be discussing the proposed Tree Preservation Ordinance at our next Planning Commission Workshop on June 27, 2018. Additional details are available on the following link:
http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green.

Joanna Chang, Land Use Manager
OC Public Works | Development Services
300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



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lrcboard+unsubscribe@googlegroups.com.

To post to this group, send email to lrcboard@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/lrcboard/f097c036b03b425886ce341b6e8d387f%40SPHGOEXMBX1201.PFRDNET.com>.

For more options, visit <https://groups.google.com/d/optout>.



Board of Directors

June 21, 2018

Joe Ribotto
President

[Sent Via Email to: joanna.Chang@ocpw.ocgov.com]

Jeffery Hamilton
Vice President

Joanna Chang, Land Use Manager
County of Orange
OC Public Works | Development Services
300 N. Flower Street
Santa Ana, CA 92703

Kristin Vellandi
Secretary

Margaret Novak
Treasurer

**Subject: County's "Orange is the New Green" Zoning Code Update
Proposed Tree Preservation Ordinance**

Jacob Whitehead
Assistant Treasurer

Dear Ms. Chang & Orange County Planning Commission Members:

Adam Wentland
Non-Voting Officer

Thank you for the opportunity to provide feedback during the public comment and review period for the County of Orange's proposed Zoning Code Update.

Executive Staff

Ken Gibson
General Manager

On behalf of the Ladera Ranch community, the Ladera Ranch Maintenance Corporation (LARMAC) Board of Directors does not support the County's proposed Tree Preservation Ordinance. We respectfully request the Orange County Planning Commission to reconsider the ultimate intent of such an ordinance countywide, particularly when weighed against the unintended consequences of administering/enforcing the program and potential costs to property owners. Our county is already amidst a "housing affordability crisis" and the addition of regulations such as this, while well-intentioned, may add unnecessary financial burden. For the reasons summarized below, we believe the proposed ordinance does not provide any additional tree preservation benefits to communities such as Ladera Ranch.

Andrew Comeau
Asst. General Manager

As one of Orange County's premier master planned communities, Ladera Ranch is home to nearly 30,000 residents who are part of a master Homeowners Association: LARMAC. Our association manages the maintenance and operations of nearly 8,000 homes in this unincorporated area of the County, providing services that are not within the purview of the County of Orange.

When Ladera Ranch launched nearly 20 years ago, it was conceived as a place of tree-lined streets, charming homes, shared amenities, and an abundance of events that foster a sense of community. Two decades later, we are proud to have become the highly-desirable lifestyle community imagined – one that now boasts approximately 50,000 trees on 4,000 acres (nearly twice the number of trees in New York's Central Park, by comparison). Our community has developed in accordance with the carefully crafted Ladera Ranch Specific Plan adopted by the County in 1995 and amended in 2003.

Given our community's emphasis on aesthetics, the LARMAC Covenants, Conditions, and Restrictions (CCR's) and accompanying Aesthetic Standards include regulations about the protection/maintenance of trees. Furthermore, all residents are provided with LARMAC's *Tree Care and Maintenance* instructions when buying in Ladera Ranch. The LARMAC Board of Directors takes our obligation to protect all our community assets – inclusive of trees – seriously, and looks forward the County's continued support in allowing us to apply the governing documents that already exist for our great community.

Please feel free to contact our General Manager, Ken Gibson, at 949/218-5537 with any questions.

Respectfully,

Board of Directors
Ladera Ranch Maintenance Corporation



Avendale Village Club
1 Daisy Street
Ladera Ranch, CA 92694
Tel: (949) 218-0900
Fax: (949) 218-0901

Giang, Steven

From: Vinnie Dorse <vdorse@keystonepacific.com>
Sent: Monday, June 25, 2018 11:32 AM
To: Chang, Joanna
Subject: CZ Master Board - LETTER RE TREE PRESERVATION ORDINANCE
Attachments: scans@keystonepacific.com_20180625_105736.pdf

Hi Joanna,

The CZ Master Board directed me to send you the attached letter prior to the end of the comment period that reiterates the remarks provided to previously in May. The Board expresses their sentiment that the Tree Preservation Ordinance is not needed within in the CZ Master community that follows the Specific Plan to preserve the native trees and native Oak Groves that provide the rural bucolic character of the Coto community.

Please call or email me if you have any questions regarding the letter.

Regards,

Vincentia Dorse, CCAM, PCAM
General Manager, CZ Master Association
30021 Tomas, Suite 160
Rancho Santa Margarita, CA 92688
949-777-1161: FAX 949-858-0205

<https://na01.safelinks.protection.outlook.com/?url=www.czmaster.org&data=02%7C01%7Cjoanna.chang%40ocpw.ocgov.com%7C98cc55a48427454382f108d5dac9e5c1%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C1%7C636655483432721401&sdata=Sb4WEa1n0TEF509dJ19XGkmGdB5Hz3i%2F50YfkwxZwF4%3D&reserved=0>
vdorse@keystonepacific.com

The CZ Master office located at 30021 Tomas, Suite 160, RSM is open Monday thru Friday 9am to 5pm

June 21, 2018



OC Public Works/Development Services
Att: Joanna Chang, Land Use Manager
300 N. Flower Street
Santa Ana, Ca 92703

www.czmaster.org
Professionally Managed by:
Keystone Pacific Property Management, LLC
30021 Tomas, Suite 160
Rancho Santa Margarita, CA 92688
(949) 777-1161 • Fax: (949) 858-0205

**RE: CZ Master Association Board of Directors
Proposed Tree Preservation Ordinance**

Dear Ms. Chang,

The CZ Master Board of Directors has reviewed the comments provided to you on May 21, 2018 by General Manager, Vincentia Dorse, regarding the proposed Tree Preservation Ordinance. The Board reiterates that the CZ Master Association is diligent in adhering to the Purpose and Intent of the Coto Specific Plan and in providing continuous care of the community's native trees such as the Coastal Live Oak and the California Sycamore. The Board supports the comments below provided to you by Ms. Dorse.

As we discussed the CZ Master Association upholds the Specific Plan to the best of their ability. For example the Executive Summary of the Plan specifically states the Purpose and Intent, Setting, and Plan Proposal, all of which refer to the biologically sensitive environment, open spaces, riparian areas, unique significant natural features and the protection or enhancement of such. The Specific Plan under Project Description – Natural Resources/Biology refers to the live Oak woodlands as a significant feature.

In the CZ Master CC&R's Article 7.17 states as follows: No indigenous oak tree located on any portion of the properties shall be removed, cut down, trimmed, or in any way damaged, destroyed or modified without the prior written approval of the Architectural Committee. To further the preservation of native trees, the native oaks were tagged and are reviewed annually by a certified arborist with recommendations provided to assist with the health of the tree when needed, an operating budget line item to maintain the native Oak groves on a weekly basis, and reserve funding in place for the replacement of specimen trees such as the Oaks that may die of natural causes.

While CZ Master is encouraged that the preservation of indigenous trees is being undertaken by the County for those areas that may not understand the value and significance of the native trees indigenous to the Orange County locale, the CZ Master Association has for 35 years made the preservation of the Association's native trees a priority and will continue to do so as a desire to preserve the natural bucolic beauty of the community that many residents love and moved here to enjoy.

The Board would like to add that the Association has a budgeted operating expense of just over \$207,000 annually to ensure the Association's approximately 20,000 trees remain healthy and well cared for. An additional \$35,500 is budgeted to preserve the native Oak Groves within the Association with these natural areas providing habitats for wildlife. The Board respectfully advises after reviewing the Tree Preservation Ordinance that the Association has been and will continue to fulfill the Specific Plan provisions that mirror those in the ordinance under Purpose and Scope. The CZ Master Association will maintain the community's native trees and natural areas as it has done for the past thirty-five years.

Should you have any questions or require additional information regarding the above, please contact Vincentia Dorse at 949-838-3205 or vdorse@keystonepacific.com. Thank you.

Very truly yours,
CZ Master Association Board of Directors,

Xochitl Yocham, Robert Curran, Philp Mitchell, Eric Munk, and Jennifer Schneider
CZ Master Association

/vmd

Giang, Steven

From: Ryan White [REDACTED]
Sent: Monday, June 25, 2018 1:57 PM
To: Zoning Code Team
Subject: Tree Preservation Ordinance

Dear Commissioners,

My name is Ryan White and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Sincerely,

RYAN WHITE
Senior Associate / Senior Designer

DAHLIN GROUP ARCHITECTURE | PLANNING
18818 Teller Avenue, Suite 260
Irvine, California 92612 USA
[REDACTED]

PASSION FOR PLACE

Giang, Steven

From: Manju Pai [REDACTED]
Sent: Monday, June 25, 2018 2:03 PM
To: Zoning Code Team
Subject: OPPOSE the unquantifiable Tree Ordinance

Dear Commissioners,

My name is Manju Pai and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a “blank check” on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County’s future.



Giang, Steven

From: Gloria Sefton [REDACTED]
Sent: Monday, June 25, 2018 2:10 PM
To: Zoning Code Team
Cc: Rich Gomez
Subject: Tree Preservation Ordinance - Support with Revisions
Attachments: 2018-Jun-25 SCC comments on Tree Preservation Ordinance.pdf; Tree Ordinance Sign On Letter - FINAL 2018-Jun-13.pdf

Attn: Joanna Chang

Dear Joanna -

Please see the attached comment letter from the Saddleback Canyons Conservancy. This letter supplements our previous comments, including the sign-on letter also attached.

Thank you for your consideration.

Gloria Sefton
Attorney at Law
Co-founder, Saddleback Canyons Conservancy
[REDACTED]

Saddleback Canyons Conservancy

P.O. BOX 1022
TRABUCO CANYON, CALIFORNIA 92678



June 25, 2018

OC Development Services/Planning
Attn: Joanna Chang
P.O. Box 4048
Santa Ana, CA 92702
OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update; **Support with Revisions**

Dear Ms. Chang,

The Saddleback Canyons Conservancy is a non-profit citizens' group dedicated to protecting and enhancing the environment and quality of life in the Foothill-Trabuco Specific Plan ("FTSP") and Silverado-Modjeska Specific Plan ("SMSP") areas. Our efforts include environmental advocacy and active involvement in land-use decisions for projects in these unique and biologically rich rural canyon areas.

We are writing to offer our support for the Tree Preservation Ordinance proposed in the Orange is the New Green sustainability update of the Zoning Code. These comments are in addition to those contained in the group letter dated June 13, 2018, attached for convenience.

1. The FTSP and SMSP Both Need the Ordinance and the Ordinance Should Apply Evenly.

The FTSP and SMSP areas are where many of the tree resources exist. While some protections exist via these specific plans, the FTSP's oak protections were significantly weakened by the 2015 amendments initiated by the Saddle Crest development. In the wake of these amendments, the Save the Specific Plans Coalition (of which Saddleback Canyons Conservancy is a member) met nearly three years ago with Supervisor Spitzer and County planning staff to discuss possible remedies. A tree ordinance was suggested and, from that initial meeting, we have progressed to the point where we are now. It is therefore ironic that the ordinance as currently proposed *does not apply* to the FTSP area, but would apply to the SMSP area because it is conventionally zone. **We urge that the ordinance apply to the FTSP area, as well as the SMSP area.** The tree resources in these areas are virtually the same, so there is no reason to create an arbitrary distinction that will create inconsistencies in this natural resource-rich part of the County. Section 7-9-69.2(b) should be modified to include the FTSP area, and clarifying language should be added to address any conflicts between the ordinance and the FTSP such that the more stringent provision applies.

2. The Tree Preservation Ordinance Could Be a Pilot Policy That Applies Only in the Rural Canyon Areas.

We have heard the concerns of some commissioners about implementation and enforcement of the Tree Preservation Ordinance. Rather than debate whether these concerns are well founded, the County may want to consider reducing the scope of the ordinance's application to only the 3rd District foothill and canyon areas (including the FTSP and SMSP areas), and implement it as a "pilot" policy. The tree resources are most abundant in the 3rd District, so it makes sense to have it apply here – at least initially.

We applaud the County for the progress it has made on the Tree Preservation Ordinance. We believe it is entirely appropriate to incorporate the ordinance in the County's "Orange is the New Green" Zoning Code update, which is focused on sustainability, and we strongly encourage the County to adopt the ordinance.

Thank you for your consideration.

Sincerely,

/ss/

Rich Gomez and Gloria Sefton
Co-founders

Giang, Steven

From: Kris Weber [REDACTED]
Sent: Monday, June 25, 2018 2:34 PM
To: Zoning Code Team
Subject: OPPOSE Tree Ordinance

Dear Commissioners,

My name is Kris Weber and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Thank you for your consideration.

Kris Weber
[REDACTED]

Giang, Steven

From: Stephen Edwards [REDACTED]
Sent: Monday, June 25, 2018 2:39 PM
To: Zoning Code Team
Subject: Tree Ordinance

Dear Commissioners,

My name is Stephen Edwards and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Stephen J. Edwards
Province Group, LLC / Newport Equities, LLC



Save a Tree - Think before you print. Sustainably. Province Group, LLC 

Giang, Steven

From: Deborah Cottle [REDACTED]
Sent: Monday, June 25, 2018 2:40 PM
To: Zoning Code Team
Subject: Tree

Dear Commissioners,

My name is Deborah M. Cottle and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Deborah M. Cottle | Senior Paralegal
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
[REDACTED]



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Giang, Steven

From: Sharad Patel [REDACTED]
Sent: Monday, June 25, 2018 2:44 PM
To: Zoning Code Team
Subject: Tree Preservation Ordinance

Dear Commissioners,

My name is Sharad Patel and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Thank you,

Sharad T. Patel, S.E.
Patel Burica & Associates, Inc.
structuralengineering
[REDACTED]

Giang, Steven

From: Chad Brown [REDACTED]
Sent: Monday, June 25, 2018 2:57 PM
To: Zoning Code Team
Subject: Oppose Tree Preservation Ordinance

Dear Commissioners,

My name is Chad Brown. I was a former Senior Planner with the County of Orange and since have been working in the development community. The extraneous costs associated with development regulations together with CEQA review costs severely affect housing costs. CEQA generally already provides protections to significant trees and habitat without blanket preservation across an area the size of OC.

I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Regards,

Chad Brown
Vice President of Planning & Development



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Giang, Steven

From: William Miller [REDACTED]
Sent: Monday, June 25, 2018 3:14 PM
To: Zoning Code Team; [REDACTED] 'Walter James & Lea Ann Miller';
[REDACTED]
Subject: Tree Preservation Ordinance

Dear Commissioners,

I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a “blank check” on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County’s future.

Sincerely,

William L. Miller

Giang, Steven

From: Jay Rutter [REDACTED]
Sent: Monday, June 25, 2018 3:36 PM
To: Zoning Code Team
Subject: Tree Preservation Ordinance


Dear Commissioners,

My name is Jay Rutter and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a “blank check” on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County’s future.

Please feel free to contact me if you have any questions.

Sincerely,

Jay Rutter



FOOTHILL COMMUNITIES ASSOCIATION

Serving the Entire Unincorporated North Tustin Area
Post Office Box 261 • Tustin, California 92781

June 25, 2018

OC Development Services/Planning

Via email: OCZoningCode@ocpw.ocgov.com

Re: Comments on the proposed Zoning Code update

Foothill Communities Association (FCA) has the following comments and concerns regarding the proposed Zoning Code update, “Orange is the New Green.” In an attempt to simplify the Zoning Code, use classifications have become overly broad and introduce uses that are not compatible with residential base districts. Additionally, uses not now permitted in base districts in North Tustin are proposed to be allowed with a use permit. When a use is allowed with a use permit, property owners and developers will often consider themselves entitled to that use even though the use may be blatantly incompatible with the surrounding residential use. FCA is concerned with the base districts in North Tustin—primarily E4, R1, RHE, and AR. FCA has the following specific concerns:

1. **Community Assembly Facility:** Currently the Zoning Code allows “Churches, temples and other places of worship” and “Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs” with a Use Permit. Proposed uses within this classification include community centers, banquet center, civic auditoriums, union halls, and meeting halls for clubs and other membership organizations. These uses would not be compatible with the surrounding residential areas in North Tustin.
2. **Cultural Institutions and Facilities:** Presently public libraries and museums are allowed with a site development permit. The proposal will add “performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences ... aquariums; art galleries; and zoos.” The added uses do not appear compatible with residential use and only require a site development permit.
3. **Commercial Entertainment and Recreation:** None of the proposed uses whether large-scale or small-scale are appropriate in North Tustin residential areas and are not presently allowed. **Large-scale.** Large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys;

archery or indoor shooting ranges; riding stables; etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. Small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

4. **Commercial Nursery and Garden Center:** Currently the AR district allows wholesale nurseries with a site development permit. Permanent facilities for sale of agricultural products grown on the site requires a use permit. The proposed update allows for retail nurseries with only a site development permit: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

The proposed Tree Preservation Ordinance will place a burden on many North Tustin residents. Many parcels exceed 20,000 square feet, obviously those zoned E4 20,000. The FCA Board voted unanimously to recommend that this ordinance only apply to parcels larger than 1 acre and undergoing new development.

Thank you for your consideration of our comments.

Sincerely,

Richard Nelson, President
Foothill Communities Association
rnelson@FCAhome.org

CC: Irene Brace, Chair
Land Use Committee
ibrace@pacbell.net

Giang, Steven

From: Bryant Brislin [REDACTED]
Sent: Tuesday, June 26, 2018 10:31 AM
To: Zoning Code Team
Subject: OPPOSE the Unquantifiable Tree Ordinance

Dear Commissioners,

My name is Bryant Brislin and I oppose the Tree Preservation Ordinance because it requires new regulatory burdens on the development of much needed housing. Without knowing how many trees this applies to and the actual cost it will impose on the development community, now is not the time to ask homebuilders to write a "blank check" on new and undisclosed costs. A free market approach to incentivizing the preservation of unique species should be researched. Please do not impose a bureaucratic mandate on those trying to build homes for Orange County's future.

Thank you,

Bryant Brislin
BRE No. 01877964

THE HOFFMAN COMPANY



Giang, Steven

From: Ray Chandos [REDACTED]
Sent: Tuesday, June 26, 2018 10:56 AM
To: Zoning Code Team
Subject: Draft Tree Preservation Ordinance, Corrected Comment Letter
Attachments: TreePreservationOrdinanceComment_6_26_2018.doc

Dear Ms. Chang,

Please disregard our earlier email attachment, which may not have been completely transmitted, and replace it with the current attachment.

Thank you.

Ray Chandos
Secretary/Treasurer
Rural Canyons Conservation Fund

Rural Canyons Conservation Fund

P.O. Box 556, Trabuco Canyon, CA 92678-0556
RuralCanyons.org



OC Development Services/Planning

Attn: Joanna Chang

P.O. Box 4048

Santa Ana, CA 92702

Via Email Attachment to: OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Ms. Chang:

The Rural Canyons Conservation Fund, founded in 1983, advocates for the preservation of Orange County's unique inland rural canyon areas through a program of public education and participation in land use decisions affecting the area's unique and scenic natural resources.

We are writing in general support of the Tree Preservation Ordinance proposed in the Orange is the New Green sustainability update of the Zoning Code. The below comments are in addition to those contained in the group letter we signed dated June 13, 2018.

1. Additional Review of "Tree Manual" Needed

Many of the crucial details implementing the proposed ordinance have been deferred to an as-yet unpublished Tree Manual. An additional review period should be provided after the Tree Manual has been published.

2. Tree Preservation Should be Given Higher Priority

While entitled a Tree *Preservation* Ordinance, the actual text is devoted almost entirely to the removal of trees, nor does the ordinance provide any significant incentive to preserve rather than remove trees. Since the decision to preserve or remove is often dictated by economics, the ordinance should contain strong economic incentives to choose the former option.

3. Present Value Should be Analyzed and Prioritized

When existing trees are removed, their present value to humans and wildlife is immediately and abruptly lost and cannot be restored for many years, if ever. The ordinance should assess and quantize to the extent possible the loss of present value, in terms of carbon sequestration, wildlife habitat, scenic beauty, watershed protection, and other resources, when trees are removed. The community, the region, and in fact the planet cannot wait 20 or 30 years, gambling on the successful restoration of these critical resources. Therefore, the mitigation prescribed should attempt to restore that present value as quickly as possible.

4. The Ordinance Should Apply to the Foothill Trabuco Specific Plan Area

Meaningful tree protections were deleted from this specific plan when it was amended to accommodate the Rutter Saddle Creek housing tract. The ordinance should apply in this area and restore the former tree protections.

5. This Important Ordinance Should Pass to the Board of Supervisors for Full Consideration

We recommend that the County Board of Supervisors, as the final approving authority, receive the full ordinance for its review and consideration, regardless of the Planning Commission's recommendation.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ray Chandos".

Ray Chandos
Secretary/Treasurer

Giang, Steven

From: Evan Miles [REDACTED]
Sent: Tuesday, June 26, 2018 11:35 AM
To: Zoning Code Team

Dear Commissioners,

My name is Evan Miles and I oppose the Tree Preservation Ordinance because it exacerbates what is already an existing state and County Housing CRISIS.

This places new arbitrary regulatory burdens on the development of housing. Without knowing how many trees this applies to and the actual cost it will impose it is possible it will halt the creation of housing in the very locations that are still open and available for development. This costs our community dearly and mortgages the future of our young men and women who are now entering the workforce and seek simple decent places to live.

Please do not impose a bureaucratic mandate on those trying to build desperately housing for Orange County's future. I feel like I hear our elected officials on one side stating how emphatically they support housing, but then behind closed doors authoring laws that benefit the few, such as this tree ordinance which clearly promotes an anti-housing agenda for our community. Please help by opposing this ordinance.

Sincerely,

Evan Miles

Giang, Steven

From: Bob Wilson [REDACTED]
Sent: Tuesday, June 26, 2018 2:27 PM
To: Zoning Code Team; Chang, Joanna
Cc: Steel, Michelle [HOA]; [REDACTED]
Subject: Comments Regarding the Tree Preservation Ordinance Proposed in the Draft County of Orange Zoning Code Update
Attachments: OCRP Comments re OC Zoning Code Update - Tree Ordinance 6-22-18.pdf
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Red Category

Ms. Chang:

Please find comments from the Orange Coast River Park Conservancy (OCRP) regarding the Tree Preservation Ordinance proposed in the Draft County of Orange Zoning Code Update in the attached communication.

Bob Wilson

Board of Directors Member | Current President



    @OCRiverPark



Orange Coast River Park

PO Box 12932
Newport Beach, CA
92658-5079
<http://ocriverpark.org/>

President

Robert Wilson

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***Dedicated to uniting
communities around
the creation of a greater
Orange Coast River Park.***

June 22, 2018

OC Development Services/Planning

Attn: Joanna Chang

P.O. Box 4048

Santa Ana, CA 92702

OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in Zoning Code Update

Dear Ms. Chang,

On behalf of the Orange Coast River Park Conservancy (OCRP) and in support of other interested environmental groups coordinating with the Friends of Harbors, Beaches and Parks (FHBP), we are writing to offer our support for the Tree Preservation Ordinance proposed in the revision of the Zoning Code.

We support the County adopting carbon sequestration, aesthetic benefits, property value enhancement, and a link to Orange County's heritage. With the ongoing threat of drought and pests, protections offered by the ordinance are more important than ever. We believe the suggested revisions below developed by FHBP and other collaborators would improve the proposed ordinance:

- The ordinance should allow for the expansion of the categories of Protected Trees to include additional native species. This could be accomplished by including a provision for review of the Protected Tree categories every three years. The categories of Protected Trees should be expanded to include non-native heritage trees, i.e., trees of significance that have value because of size, age, location, historic association, and/or ecological importance. 7-9-69.2(a)
the ordinance because no countywide protection currently exists for native trees. Additionally, trees provide habitat, cooling effects,
- The ordinance should apply as broadly as possible. For example, the ordinance should not exclude areas zoned Specific Plan or Planned Community. Rather, language should be inserted to address that if a conflict exists between a Specific Plan or Planned Community, the most stringent regulation for tree protection will apply. This will help to avoid inconsistent regulations across the County. 7-9-69.2(b)
- All parcel sizes should be subject to the ordinance. 7-9-69.2(b)(1)
- Trees maintained by the County of Orange and Orange County Flood Control District should be subject to the ordinance except in special circumstances, which the County should enumerate. 7-9-69.2(d)(1)
- Since it is likely most trees in the protected category will have some degree of "infestation, pathogen or disease," the language of this section should be revised such that the ordinance will apply to those trees unless the infestation, pathogen or disease is likely to soon cause the tree to fail or if the tree is a vector threat to other native trees. 7-9-69.2(d)(6)



- Public utilities should be subject to the provisions of the ordinance in non-emergency situations. 7-9-69.2(d)(7)
- The arborist selected to make determinations should be County-certified or otherwise neutral, and should have an additional Tree Risk Assessment Qualification. 7-9-69.3(b)
- The definition of "Replacement Tree" should include that the tree be of local origin to avoid genetic pollution of the native genotype. 7-9-69.3(p)
- On-site preservation should be the highest priority. This could be followed by off-site preservation where the site is too small to sustain replacement trees. The option for "in-lieu fees" should be a last resort and the fees should be high enough to dissuade use of the in-lieu fee option, with non-feasibility adequately demonstrated. 7-9-69.4(b)(4) and 7-9-69.4(c)
- 24-inch box trees may not be the best choice for success. Smaller specimens should be considered and science should drive the decision. 7-9-69.4(c)(1)

Regarding enforcement of the Tree Preservation Ordinance, the County could educate tree care companies on the ordinance's provisions so that they will know if a permit is required for tree removal. In addition, the Tree Preservation Fund established by the ordinance should allocate resources to education and enforcement.

We are very pleased that the County is considering the implementing of the Tree Preservation Ordinance as part of its sustainable policies in the Zoning Code update. We strongly encourage the County to adopt the ordinance with broad application. We believe that the foregoing additions and clarifications developed by FHBP will help make the ordinance more effective in protecting trees and more consistent in its application countywide.

Thank you for your consideration.

Respectfully,

Bob Wilson
Current Board President
Orange Coast River Park, Inc.

Cc: (via email only)
Orange Coast River Park Conservancy Board members
Hon. Michelle Steele Supervisor, 2nd District
Melanie Schlotterbeck, FHBP

Giang, Steven

From: Lena Hayashi [REDACTED]
Sent: Wednesday, June 27, 2018 7:53 AM
To: Bob Wilson
Cc: Zoning Code Team; Chang, Joanna; Steel, Michelle [HOA]; Melanie Schlotterbeck
Subject: Re: Comments Regarding the Tree Preservation Ordinance Proposed in the Draft County of Orange Zoning Code Update

Great letter and so glad we are supporting this!

Thanks Bob.

Lena

Lena Yee Hayashi
[REDACTED]

On Tue, Jun 26, 2018 at 2:26 PM, Bob Wilson <macoubrie@aim.com> wrote:

Ms. Chang:

Please find comments from the Orange Coast River Park Conservancy (OCRP) regarding the Tree Preservation Ordinance proposed in the Draft County of Orange Zoning Code Update in the attached communication.

Bob Wilson

Board of Directors Member | Current President

[REDACTED]

[REDACTED]

[REDACTED]

Email: president@ocriverpark.org

<http://ocriverpark.org>

    @OCRiverPark

From: [Gilad Ganish](#)
To: [Maldonado, Ruby](#)
Cc: [Chang, Joanna](#); [Giang, Steven](#)
Subject: RE: OC Zoning Code Update - Upcoming Community Workshop
Date: Tuesday, August 21, 2018 3:23:59 PM

Great, we don't need the tree tax.

Thanks!

Gilad

From: Maldonado, Ruby [mailto:Ruby.Maldonado@ocpw.ocgov.com]
Sent: Tuesday, August 21, 2018 3:03 PM
To: Gilad Ganish
Cc: Chang, Joanna; Giang, Steven
Subject: RE: OC Zoning Code Update - Upcoming Community Workshop

The second draft of the proposed Tree Preservation Ordinance will also exclude Specific Plan areas such as Coto de Caza.

Ruby Maldonado

Contract Senior Planner
County of Orange/Planning
300 North Flower Street
P.O. Box 4048
Santa Ana, CA 92702
714.667.8855
ruby.maldonado@ocpw.ocgov.com

From: Gilad Ganish [REDACTED]
Sent: Tuesday, August 21, 2018 2:30 PM
To: Maldonado, Ruby <Ruby.Maldonado@ocpw.ocgov.com>
Subject: RE: OC Zoning Code Update - Upcoming Community Workshop

Is it still planned to keep the tree ordinance out of Coto?

Gilad

From: Maldonado, Ruby [mailto:Ruby.Maldonado@ocpw.ocgov.com]
Sent: Tuesday, August 21, 2018 2:19 PM
To: Maldonado, Ruby
Subject: OC Zoning Code Update - Upcoming Community Workshop

All Interested Parties,

The final Planning Commission Community Workshop regarding the OC Zoning Code Update will be held on September 12, 2018 at 1:30 p.m. The agenda for this workshop will include the following:

- Review of proposed revisions to Zoning Code text
- Comments received during Public Review and Comment Period (April – June, 2018)
- Proposed regulations for Section 7-9-93, Short Term Rentals
- Proposed regulations for Section 7-9-102, Fruit and Vegetable Gardening
- Proposed regulations for Section 7-9-69, Tree Preservation Ordinance

The Planning Commission meets on the first floor of the County of Orange Hall of Administration located at 333 W. Santa Ana Blvd., Santa Ana (corner of Broadway and Santa Ana Blvd.)

Later this year the Planning Commission will hold one or more public hearings to consider the Final Draft of the proposed Zoning Code Update. The Final Draft will then be submitted for consideration by the Board of Supervisors.

Here is the link to the OC Zoning Code Update webpage:

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green

Please let me know if you have any questions. Please excuse duplicate emails.

Thank you for your interest.

Ruby Maldonado

Contract Senior Planner
County of Orange/Planning
300 North Flower Street
P.O. Box 4048
Santa Ana, CA 92702
714.667.8855
ruby.maldonado@ocpw.ocgov.com

From: [Chang, Joanna](#)
To: ["Vinnie Dorse"](#)
Subject: RE: Follow UP Question
Date: Monday, September 10, 2018 4:43:24 PM

2nd draft of Tree Preservation Ordinance includes provisions that shall apply to Protected Trees within Silverado-Modjeska Specific-Plan area. Property Owner is responsible for compliance with the ordinance. Based on the last Planning Commission workshop, the commissioners directed staff to narrow the area of applicability to just the canyon areas (i.e. Silverado-Modjeska Canyon and Foothill Trabuco Canyon).

Joanna Chang, Land Use Manager

OC Public Works | Development Services
300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



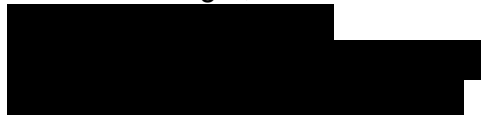
From: Vinnie Dorse [mailto:vdorse@keystonepacific.com]
Sent: Friday, September 07, 2018 4:28 PM
To: Chang, Joanna
Subject: Follow UP Question

Hi Joanna,

Sorry for the 2nd email. Maybe I missed the intent of the Tree Preservation Ordinance. Is it applicable in the development of previously undeveloped areas only? Such as a new tract/subdivision of homes? In that case the obligation to adhere to the ordinance would fall to the developer/builder/owner of the site, right?

Thank you and have a lovely weekend.
Regards,

Vincentia Dorse, CCAM, PCAM
General Manager, CZ Master Association



RSM is open Monday thru Friday 9am to 5pm

From: [Chang, Joanna](#)
To: ["Vinnie Dorse"](#)
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018
Date: Monday, September 10, 2018 4:26:52 PM

We are planning to go out for another round of public comments after this Wednesday's PC workshop. The Final Draft will be submitted for consideration by the Planning Commission and Board of Supervisors.

Joanna Chang, Land Use Manager

OC Public Works | Development Services
300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Vinnie Dorse [REDACTED]
Sent: Monday, September 10, 2018 4:23 PM
To: Chang, Joanna
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Hi Joanna,

And that was what I hoped you would tell me. Therefore the Tree Ordinance has been narrowed to apply to only the one Specific Plan area, Silverado-Modjeska.

Do you see this as the final draft or do you anticipate there will be more until it is finalized and adopted? It sounds like I'm hoping you have a crystal ball, but your opinion will probably be pretty accurate.

Thank you,

Vincentia Dorse, CCAM, PCAM
General Manager, CZ Master Association

[REDACTED]

[REDACTED]

RSM is open Monday thru Friday 9am to 5pm

From: Chang, Joanna [mailto:Joanna.Chang@ocpw.ocgov.com]
Sent: Monday, September 10, 2018 4:09 PM
To: Vinnie Dorse <vdorse@keystonepacific.com>
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

The 2nd draft indicates that provisions shall apply to Protected Trees located within the Silverado-Modjeska Specific-Plan area. Hence, this 2nd draft of the Tree Preservation Ordinance will not apply to the Coto de Caza Specific-Plan area. Section 7-9-69.2(d) lists exemptions from those Protected Trees in the Silverado-Modjeska Specific Plan area. Feel free to let me know if there are any other questions.

Thank you.

Joanna Chang, Land Use Manager

OC Public Works | Development Services

300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: Vinnie Dorse [REDACTED]
Sent: Friday, September 07, 2018 3:53 PM
To: Chang, Joanna
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Hi Joanna,

Under the Section –Scope. Item (b)., I noticed that the change there appears to have eliminated the language referring to ‘excluding areas within zoned Specific Plans’, and added language that reads the Tree Preservation Ordinance provisions ‘shall apply to all Protected Trees located within the Silverado-Modjeska Specific Plan area’. However, under item (d). it states where the provisions do not apply and the Coto de Caza Specific Plan area is not listed as one of those areas.

It is a lot to try and digest, and maybe I am missing something. Can you please advise if the Tree Preservation Ordinance is to apply to Coto or if it is not? As stated previously, the Coto de Caza Specific Plan does provide for the preservation of trees as well as the Association governing documents provides for such.

Thank you for any clarification you can provide. I can be reached at 949-838-3205 to discuss if needed.

Regards,

Vincentia Dorse, CCAM, PCAM
General Manager, CZ Master Association

[REDACTED]

[REDACTED]

RSM is open Monday thru Friday 9am to 5pm

From: Chang, Joanna [<mailto:Joanna.Chang@ocpw.ocgov.com>]
Sent: Thursday, September 6, 2018 6:01 PM
To: Vinnie Dorse <vdorse@keystonepacific.com>
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Please see attachment. Feel free to let me know if there are any questions. Thank you.

Joanna Chang, Land Use Manager



From: Vinnie Dorse [REDACTED]
Sent: Thursday, September 06, 2018 5:59 PM
To: Chang, Joanna
Subject: RE: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

Hi Joanna,

Thank you for providing the workshop information. I was not able to open the proposed Tree Preservation attachment 11. Would you be able to please send a copy of it to me?

Regards,

Vincentia Dorse, CCAM, PCAM
General Manager, CZ Master Association

[REDACTED]

[REDACTED]

, RSM is open Monday thru Friday 9am to 5pm

From: Chang, Joanna [<mailto:Joanna.Chang@ocpw.ocgov.com>]
Sent: Thursday, September 6, 2018 5:34 PM
To: Chang, Joanna <Joanna.Chang@ocpw.ocgov.com>
Subject: OC Zoning Code Update - Planning Commission Workshop - September 12, 2018

All Interested Parties,

The final Planning Commission Community Workshop regarding the OC Zoning Code Update will be held on September 12, 2018 at 1:30 p.m. The Planning Commission Agenda, Staff Report, and Attachments can be found at this link:

http://www.ocpublicworks.com/ds/planning/hearing/pln_comm/pcmeeting

(Please see Attachment 11 for the Proposed Tree Preservation Ordinance – 2nd Draft).

The Planning Commission meets on the first floor of the County of Orange Hall of Administration located at 333 W. Santa Ana Blvd., Santa Ana (corner of Broadway and Santa Ana Blvd.) The Planning Commission will hold one or more public hearings to consider the Final Draft of the proposed Zoning Code Update later this year. The Final Draft will then be submitted for consideration by the Board of Supervisors.

Here is the link to the OC Zoning Code Update webpage:

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green

Let me know if there are any questions. Please excuse any duplicate emails.

Thank you for your interest.

Joanna Chang, Land Use Manager

OC Public Works | Development Services

300 N. Flower St. Santa Ana, CA 92703 | (714) 667-8815



From: [Gloria Sefton](#)
To: [Chang, Joanna](#); [Cataldi, Colby](#); [Maldonado, Ruby](#)
Cc: [Rich Gomez](#); [Mike Wellborn](#)
Subject: Fwd: Orange County Tree Preservation Ordinance
Date: Tuesday, September 11, 2018 10:30:45 AM

Dear Joanna, Colby, and Ruby -

I'm sending you a courtesy copy of my note below. I appreciate the progress being made by all of you on the tree ordinance. I'm hoping we get it the application of it right.

Thanks again.

Gloria

Begin forwarded message:

From: Gloria Sefton <gloriasefton@gmail.com>
Subject: Re: Orange County Tree Preservation Ordinance
Date: September 11, 2018 at 10:21:17 AM PDT
To: Kevin Rice <kricelaw@yahoo.com>
Cc: Joe Ha <joeha@ampcocontracting.com>

Dear Commissioner Rice -

Hope you are doing well.

I see that the tree ordinance has been amended such that it will now apply only to the Sil-Mod Specific Plan area instead of being a county-wide ordinance. I think this is reasonable change, but it falls short in that the ordinance should also apply in the Foothill-Trabuco Specific Plan area.

As I mentioned in previous emails and in testimony, the FTSP's tree protections were watered down with the 2015 amendments to the FTSP with the Saddle Crest development. The tree ordinance was seen as a way to recapture the old protections. I can't think of a logical reason why the two canyon specific plan areas would have different tree protections. I think there is lingering misconception around the fact that FTSP already has tree protections, but it's important to remember that the tree preservation ordinance addresses other species of native trees beyond oaks, something that the FTSP does not do, and has a different enforcement plan. In any case, the way the ordinance is now drafted, if the FTSP goes further in oak tree protection, it would govern. (The revised language states: "If conflict exists, the most stringent regulation for tree protection shall apply.")

I am planning to attend the workshop tomorrow. If you are available before the meeting, could we meet briefly to discuss this?

Thanks.

Gloria

Gloria Sefton
Attorney at Law
Co-founder, Saddleback Canyons Conservancy
(949) 422-3413

On Jun 29, 2018, at 3:12 PM, Kevin Rice <kricelaw@yahoo.com>
wrote:

Dear Ms. Sefton:

I would be happy to speak to you about this.

I believe that any ordinance approved by the commission will specifically apply to the canyon areas and I would guess that anything approved by the Board of Supervisors would do likewise. I understand that there are differing ways this could occur and this issue is one of your concerns.

For the next two and a half weeks I am in preparation for and then in trial in LACO. After that I will be out of town for about a week. My soonest availability would probably be on July 25 before the planning commission meeting. We might be able to meet in the hearing room before the meeting.

Please let me know if this might work.

KR

cc: Chairman Ha

*Kevin Rice & Associates
Attorneys at Law
2501 E. Chapman Avenue, Suite 155
Fullerton, CA 92831*

(714) 738-1416

fax (714) 738-5250

<http://www.orangecountyprobate.com>

All attorney client communications and their attachments are privileged by law. If you received this message by mistake, please delete it immediately. No tax advice is given in emails, only questions and issues are discussed. Any forwarded email to a third party does not constitute a general waiver of attorney-client privilege.

On Friday, June 29, 2018, 1:48:31 PM PDT, Gloria Sefton
<gloriasefton@gmail.com> wrote:

Dear Commissioner Rice -

I testified at the Planning Commission workshop on Wednesday regarding the tree ordinance. Toward the end of the workshop, you correctly stated that, as currently written, the ordinance does not apply to the Foothill-Trabuco Specific Plan area. As proposed, the ordinance would not apply in *any* specific plan area. Silverado-Modjeska has a specific plan, but it is being treated differently because it's "conventionally zoned" and therefore would be covered by the ordinance. This creates inconsistency in tree protections for the canyon areas.

There are many nuances regarding the canyon specific plans and their respective tree protections. Would you be open to meeting with me to discuss this? I hope to hear from you.

Sincerely,

Gloria Sefton
Attorney at Law
Co-founder, Saddleback Canyons Conservancy
Vice President, Friends of Harbors, Beaches and Parks
(949) 422-3413

Giang, Steven

From: Adam Wood <awood@biaoc.com>
Sent: Tuesday, September 11, 2018 1:34 PM
To: Zoning Code Team; Chang, Joanna
Subject: BIA/OC Comment Letter - Tree Ordinance
Attachments: Tree Preservation Comment Letter.pdf

Please see the attached, updated letter from BIA/OC on the Tree Preservation Ordinance. If possible, we would like this included for tomorrow's meeting.

Thank you.

-Adam

Adam S. Wood
Director of Government Affairs
Building Industry Association | Orange County Chapter (BIA/OC)
24 Executive Park, Ste 100
Irvine, CA 92614
(949) 553-9500 ext. 860
(949) 777-3860 Direct
AWood@biaoc.com



September 12, 2018

Mr. Colby Cataldi
Deputy Director
Orange County Public Works
300 N. Flower St.
Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, **I write to express our continued opposition to the Tree Preservation Ordinance, as amended.**

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

Over the course of the last several months, BIA/OC has provided comments on Tree Preservation Ordinance drafts, outlining our concerns in detail. Each version has jeopardized the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development.

The proposed language for this hearing is no different. Furthermore, the impingements on property rights are actually increased due to amendments that reduced DBHs, increased number of included species, a 15-1 replacement ratio which is three times greater than prior versions and the removal of any in-lieu options.

All of this comes on top of the fact that there is no inventory of trees, making the scope of this proposals opaque. As previously mentioned, staff has done an excellent job of outlining parcels impacted, but without an inventory of trees, there is no way to calculate scope, real world costs, or any actual impact this Ordinance could have.

While the scope of the Ordinance has been limited to the Silverado-Modjeska Specific Plan, the policy itself remains deeply troubling. In effect, approval of this language is paramount to asking land owners within the Plan to write a "blank-check" that could grind many opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte
Chapter Executive Officer

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24 Executive Park, Suite 100
Irvine, California 92614
949.553.9500 | biaoc.com

**Rural Canyons
Conservation Fund**



Members of the Orange County Planning Commission
c/o OC Development Services/Planning
Attn: Joanna Chang
P.O. Box 4048
Santa Ana, CA 92702
Via Email Attachment to: OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in “Orange is the New Green” Zoning Code Update

Dear Commissioners:

We have, from its inception, supported the Orange County Tree Preservation Ordinance, and advocated for it to apply within the Foothill Trabuco Specific Plan (FTSP) area where many, if not most, of the trees proposed for protection exist. We were very disappointed, therefore, to read in the planning staff’s September 12 report to the Planning Commission that the current draft ordinance would apply only within the Silverado-Modjeska Specific Plan area. We were further disappointed and surprised to hear Deputy County Counsel Nicole Walsh say that the Orange County Zoning Code (Zoning Code), which would contain the Tree Preservation Ordinance, cannot be applied within the FTSP area because the FTSP was enacted by ordinance and thus categorically pre-empts all provisions of the Zoning Code there. The purpose of this letter is to dispute the latter contention.

We assert that the Zoning Code does apply to the FTSP area, by its own explicit terms, and in fact has been applied within the FTSP area.

First, the Zoning Code states that it applies to all unincorporated land within the County, with exceptions only as delineated within the Zoning Code itself.

Property to Which Applicable: The Zoning Code shall apply to all unincorporated land within the County of Orange, except as otherwise provided by this section. (Zoning Code Section 7-9-20 (a).)

Nowhere within the Zoning Code does it exempt the FTSP area.

Second, the Zoning Code explicitly sets forth how its provisions are to be harmonized with any other provision of law in the event of overlap, duplication or conflict.

Duplicated Regulation: Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this Code or in any other law or ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. (Zoning Code Section 7-9-20 (b).)

Third, certain provisions of the Zoning Code explicitly apply within the FTSP. For example, the Arroyo Trabuco area within the FTSP is zoned “Floodplain Zone 2” (FP-2) on the Orange County Zoning Code map, as provided for by Section 7-9-113.2:

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed “(FP-1),” “(FP-2),” or “(FP-3),” the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence. (Zoning Code Section 7-9-113.2.)

Similarly, the Zoning Code provides for wireless communication facilities, explicitly overriding any conflicting County ordinance or regulation:

Sec. 7-9-146.13. - Performance and development standards for wireless communications facilities.

...
...

(p) *Conflicting Ordinances.* In the event that any County ordinance or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control. (Zoning Code Section 7-9-146.13 (p).)

We note further that the FTSP explicitly incorporates provisions of the Zoning Code. For example:

This document, in conjunction with the Orange County Zoning Code and other applicable ordinances, represents the Specific Plan for the Foothill/Trabuco area. It has been prepared in accordance with California Government Code (Sections 65250, et seq.). Unless otherwise provided for within this document, all future development in the Specific Plan Area must be found consistent with the Specific Plan Components,

the Land Use District Regulations and the Development and Design Guidelines. (FTSP I.A.)

Building setbacks. Per Zoning Code Section 7-9-128 and 7-9-13, except as follows: (FTSP III.D.8.8 b.)

In conclusion, both the Zoning Code and the FTSP currently govern land use within the FTSP area in a harmonious, complementary, and clearly defined manner. As indicated above, other ordinances (e.g., wireless communication facilities) apply in specific plan areas (including the FTSP area), so we see no valid reason why the provisions of the Tree Preservation Ordinance, within the Zoning Code, should not be extended to the FTSP area. We urge that the scope of the Tree Preservation Ordinance be revised to include the FTSP area in addition to the Silverado-Modjeska area so that tree protections will be consistent within the canyon specific plan areas.

Sincerely,



Ray Chandos
Secretary/Treasurer
Rural Canyons Conservation Fund



Gloria Sefton
/s/ Rich Gomez
Co-founders
Saddleback Canyons Conservancy



Michael Wellborn
President
Friends of Harbors, Beaches and Parks

Giang, Steven

From: Gloria Sefton [REDACTED]
Sent: Wednesday, October 17, 2018 11:40 AM
To: Chang, Joanna
Cc: Ray Chandos; Rich Gomez; Mike Wellborn
Subject: Zoning Code Update - Draft Tree Preservation Ordinance
Attachments: LetterReZoningCode_FTSP 2018-Oct-17.pdf

Dear Joanna -

The attached letter is submitted for County staff's consideration as the next iteration of the Tree Preservation Ordinance is prepared. Please distribute to the members of the Planning Commission before the next "Orange is the New Green" workshop or hearing.

Thank you.

Regards,

Gloria

Gloria Sefton
Attorney at Law
[REDACTED]