

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 6/29/05
Department Name: P&D
Department No.: 053
Agenda Date: 7/12/05
Placement: Administrative
Estimate Time: n/a (20 minute staff presentation on 7/26/05; two hours total)
Continued Item: NO
If Yes, date from: |

TO: Board of Supervisors

FROM: Michael F. Brown, County Executive Officer
568-3404

STAFF CONTACT: Alan Seltzer, Deputy County Counsel (568-2970)
Alex Tuttle, Planning & Development (884-6844)

SUBJECT: Set Hearing to Initiate Text Amendments to the Grading Ordinance (Chapter 14 of the County Code) and the Deciduous Oak Tree Protection and Regeneration Ordinance (Article IX of Chapter 35 of the County Code) effective County-wide; Case Numbers 05ORD-00000-00010 and ORD-00000-00011.

Recommendation(s):

That the Board of Supervisors set hearing to initiate revisions to the Oak Tree Ordinances (a) to make any Oak Tree subject to the Ordinances, except for mitigation trees, that began growing after January 1, 2005, exempt from the Ordinances, and (b) to otherwise transfer the existing Grading Ordinance Guidelines for Native Oak Tree Removal from Appendix A of the Grading Ordinance to Article IX Chapter 35 of the County Code. **SET HEARING FOR JULY 26, 2005 (ESTIMATED TIME TWO HOURS).**

To accomplish the direction which the Board of Supervisors gave on March 27, 2005. It was recommended that the Board consider the following actions:

1. Initiate text amendments to Chapter 14 of the County Code;
2. Initiate text amendments to Article IX of Chapter 35; and
3. Initiate environmental review of said ordinance amendments pursuant to the State Guidelines for Implementation of the California Environmental Quality Act.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

On May 24, 2005, the Board received a status report regarding the Oak Tree Protection and Regeneration Program from Planning and Development and the Agricultural Commissioner and acted to direct staff as follows:

1. That the County Executive Officer, consulting with appropriate County staff and the Agricultural Advisory Committee, propose revisions to the Oak Tree Ordinances (a) to make any Oak Tree subject to the Ordinances, except for mitigation trees, that began growing after January 1, 2005, exempt from the Ordinances, and (b) to otherwise transfer the existing Grading Ordinance Guidelines for Native Oak Tree Removal from Appendix A of the Grading Ordinance to a separate chapter of the County Code;
2. That the County Executive Officer report back to the Board within ninety days for initiation of proposed revisions to the Ordinances as set forth above and a Subsequent Environmental Impact Report (SEIR) to review those revisions to the Oak Tree Protection and Regeneration Program;
3. That the County Executive Officer, working with the Public Works Department, develop a pilot project to serve as the basis for a County "Adopt a Highway" program similar to the Cal Trans Program;
4. That the County Executive Officer, working with the Agricultural Commissioner, develop a program to recognize individuals who engage in oak tree preservation and propagation; and
5. That the County Executive Officer, working with the Agricultural Commissioner, develop a plan to promote oak trees in Santa Barbara County by means of voluntary programs.

In addition, the Board directed staff to move forward on "Program Clean-Up Items" reflected on page 10 of the Oak Tree Protection and Regeneration Program Status Report. These items have been incorporated into the revisions to the Oak Tree Ordinances where appropriate. The Board also directed the County Executive Office to return with an analysis regarding the potential removal of Coast Live Oaks from the Oak Tree Protection and Regeneration Program.

The County Executive Office and County Counsel have been working on this matter with assistance from Planning & Development. The presentation of materials to your Board on July 26, 2005 will satisfy the first two points above, along with the applicable clean-up items. In addition, staff recommends that the analysis of the potential removal of Coast Live Oaks from the Oak Tree Protection and Regeneration Program be performed as part of the SEIR for the Ordinance revisions. The remaining three points will be addressed separately.

Mandates and Service Levels:

Amending the County Code is a legislative act under the jurisdiction of the BOS.

Fiscal and Facilities Impacts:

Funding to prepare this report was included in the adopted Fiscal Year 04/05 budget in the General Plan Elements program of the Comprehensive Planning Division on page D-286.

Special Instructions:

Clerk of the Board to place a legal ad in the Santa Barbara News Press 10 days prior to the Board hearing.

Concurrence: County Counsel

Attachments: Draft Ordinance Nos. 05ORD-00000-00010 and 05ORD-00000-00011

cc: Ron Cortez, Deputy County Executive Officer
Dianne Meester, Assistant Director, Planning and Development
Bill Gillette, Agricultural Commissioner