

Dear Santa Barbara County Supervisors,

Six years ago I walked into Ms Farris office. I did this because my parents neighbor was removing trees and grading up hills and this caused major flooding. I believed that our laws would never allow this but I was wrong. I was told that these are our laws. I was told "Mr. Signorelli, just because you do not agree with our laws, they are our laws and you must live with them" I was sent home to watch the continuing destruction.

It is extremely painful watching this slow destruction and it is not right. For the past six years I have made sure that the County did not forget me. A constant gnat at Ms Farris ear. I begged, I demanded, I did anything possible to gain the attention from the County and attention to my issues. Anything for a resolution.

Even though its been claimed that the County has spent hours on my issues, never did they read the oak laws. You are having a review meeting because I brought it to the County's attention. It was never offered to me as it should have been years ago. There has been no help from the County in addressing any of these issues.

I am in no better condition today than I was that first day that I walked into the County world six years ago. I am actually in a worse position. The threat of problem are substantial and very real.

As I was leaving my parents house the other day I noticed the neighbor on a back hoe, heading up a canyon. Anger hits every time. I am sick of it.

Now that I have your attention in this matter, its pretty easy. Our laws suck! These oak nursery laws allow destruction. They allow safety and our environment to be destroyed. They do not protect anything but the neighbors right to remove trees. They are a failure.

Our current laws do not allow us to live in a safe, clean world. They do the opposite.

I am asking you, our County Supervisors to fix this problem. I would like to live in that clean, safe world where I do not need to worry about the winters rain storm. I do not want to watch pristine be lost more than it already has. Our laws should achieve this but they do not. The damage on this property is a direct result of these failed laws. Laws are the County's responsibility.

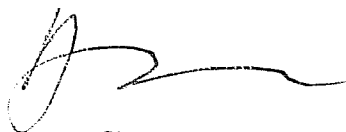
I am expecting the County to respect these responsibilities and correct the laws causing these problems.

Attached are the issues. These are real issues that are supported by documents obtained by the County. Nothing has been made up. All fact.

If you have any questions, please contact me.

I will expect laws to be correct.

Thank you,



Tom Signorelli
Bar3s@aol.com

Oak Tree Protection and Regeneration Program

Due to public outcry from hundreds of trees being destroyed for a vineyard, in 2003 Santa Barbara County enacted the oak tree ordinance. The purpose of this ordinance was to preserve oak trees and promote ag.

The traditional definition of ag is the production of a food or fiber. The county defines it as anything that grows. Including trees.

The definition of Nursery is the act of transplant. The difference between ag and nursery is simple, do you pick the tree or do you take the tree? Our laws distinguish between the two and because nursery is more abusive, it has restrictions.

However, the law states that there must be sales on the property to be classified as a nursery. That all of the restrictions under our nursery laws can be avoided by not having a cash register on the property, even though the effect to the land are the same as nursery removal.

To remove a tree as in nursery, you must gain access. This takes roads, roads on mountainous ranch land. Removal in nursery requires digging of large holes. You must dig around and under the tree. This requires depths of deeper than 3'. Each tree removal is approx 10 cubic yards of dirt movement, about the size of a small dump truck. Under nursery laws, 5 trees would trigger a requirement. Under ag laws, there are no requirement. This tree removal is being done under the oak tree laws. This law is backed by a EIR report. This EIR covers effects to the canopy, not to the ground. Types of removal are not addressed in the EIR.

In 2006 the neighboring property on Jalama Road took over by new ownership. Previously this 650 acre property was used as cattle ranch, dry farming.

Since taking ownership, the ranch land on the property has been and continues to be used exclusively for remove of its oak trees. There is no livestock or anything ag on the property. Pastures have been planted with nursery stock.

Even though this oak removal is labeled ag, this tree removal is being done as nursery, transplant. Since this has be determined to be considered ag, nursery laws do not apply. This removal has been and continues to be done with no oversight, no restrictions, and no consideration for the environment.

The property owner has reported that at a minimum, 425 trees have been removed. This is very conservative, many years reporting are missing. The law measures trees by canopy and not by each. The law allows ag removal of trees at 15% of the canopy.

The ag commissioner did a count (see attached) and so far, 1.6% of the canopy has been removed from this propey. 425 trees is 1.6%. This shows that small canopy trees are being removed.

Based on this information, to achieve the maximum allowed removal, this property owner can remove about 3,984 trees. Probably more tree that are located on the 650 acre property.

He can, with no oversight, move up to 39,000 cubic yards of dirt while removing those trees. This being done on mountain ranch land, all requiring roads for access.

This impact would be adjusted based on size of property, amount of tree and size of trees. Many variables determine the impacts.

This project of converting a cattle ranch into a nursery under ag laws has impacts. On this property, 39k of them.

Today, if this property owner received an order for a few thousand trees, he could do it. He can throw thousands of cubic yards of dirt into the air and hope it all lands in the right place, on mountain hillsides and in protected creeks. Roads covering the property, more than any ag property in the County. This can be done with no oversight, no restrictions, no consideration for the property. No law to stop him. Even though the impacts would be devastating, the true impacts are unknown.

The Problem and Impact

The County has told me that this property owner is within the law, that nothing can be done and I am sent home to watch the slow destruction of a once pristine ranch.

I have seen bulldozer in our protect creeks digging out the trees, destroying and killing the creek.

I have see the hillsides being marred up with excessive grading. All for the needed roads and tree removal.

I have seen walls of water flowing down the side of hills, erosion and slides.

I have also seen our laws jeopardize our safety and our environment

The impact so far are minimal to what could happen. Due to the lack of rain, this year we will see the true impact by how much falls and floods.

If you're a property owner in Santa Barbra County and you would like to do a project on your property, there are restrictions. If you plan on digging deeper than 3' and move more than 50 cubic yards, or if your project is within 100 feet from a creek, you probably will need a permit. These are the points where the county has determined that impact could become a threat. Because of this, there are requirements to insure that these impacts do not threaten the environment and safety. Simple to understand.

So far, the law has allowed this property owner to move 4,000 cy of dirt by tree removal. This is 80 times the mark of what is considered a threat. This removal was done anywhere in ranch mountain lands and the banks of those protected creeks, that most would have to stay 100' away from.

This project of converting an ag ranch into a nursery has significant impacts. The movement of mass amounts of dirt and mazes of roads, All this being done with no oversight, no restrictions.

Even though the law states the requirement that significant impacts need to be addressed, there is no EIR that tells us the effects of this movement and this project.

The law also states that if that a project does have impact, an EIR must be produced and approved BEFORE the start of the project and that we should be aware of these impacts before they happen. We don't. These impacts have already been felt and continue.

We do not know these impacts because the law also says that if there is no permit requirement, there is no EIR requirement.

What is a solution?

One may own the property but they do not own the environment. We all share this and it must be protected.

Right now, county law will not allow me and my family to live in a safe, clean world. In fact, county law

is doing the opposite. It is endangering our safety and destroying every ones environment.

I do not make laws, our government does. The County's job. My job is just to report the problems, its their responsibly to correct them.

Current laws fail. They do not do as intended. It is not the property owner at fault, he is doing what the county allows, with the county support. Since laws are the responsibility of the county, fault lies on the County and its poor laws that do no do as intended, leaving it wide open for a property owner. Endangering our safety and our environment. These laws must be corrected.

This is the County's job. Until they do their job, the threats will continue.

If for some reason the County allows this project to continue as is, there must be an EIR report of the environmental impacts. Permit or not, the impacts are beyond substantial and the law states that if there is a substantial impact, we have right to know these impacts. I would like to know which mountain will fall first and where not to stand during that rain storm this winter. Law says we have this right. The impacts must be identified, reviewed and addressed.

An EIR should cover nursery removal and its impacts. It should also address the impacts if all of the young trees are removed there will be no replacement for the older trees when they die off. This is what is occurring and could not have an impact today, but in 100 years.

The loophole in the nursery law requiring sales on the property to be considered a nursery operation needs to be corrected. Makes no difference about a cash register, its all about the effects to the ground.

Roads are excessive and should not be allowed. What was on the property previously was enough to run a profitable ag operation.

A nursery on a mountain cattle ranch....dumb idea.

I do not know a solution besides ending it. Laws are not my job, they are the Countys.

I am depending on the County to correct the error in our laws. I am also depending on the County to assure safety to us and our environment.

Other

I have attached the property owners mitigation plan (nursery business plan). In this plan it is stated that thousands of trees have been planted in the historical fields (and some new fields). Every tree planted is for stock. None are permanent .

In the production of ag, there are a few crops that require dirt movement. Carrots, beets, potatoes are just a few. All of these products require some movement but very minimal, less than a foot.

However, to remove a tree as in nursery it requires more than a foot of dirt movement. It requires aprox 10 cy per tree. This is far beyond the typical ag crop.

If this property owner was removing trees under nursery laws, there would be oversight. Since nursery sales do not take place on the property, he is classified as ag and removal would be done with no oversight.

When these trees are removed, it will be similar to digging out the entire fields about 4' deep. The entire

field will be thrown up in the air in hopes that it all lands in the right place. A threat to our environment.

All of these fields are surrounded by protected creeks. Also the only access to neighboring property falls into the middle of these fields.

I do not know the exact number of trees that have been planted in the fields. For example purposes, lets say conservatively 2,000 trees.

Two thousand trees at aprox 10 cy each would mean that 20,000 cy of dirt will be moved. On historical fields or not, his is a significant amount and a threat to safety and the environment. This movement done with no oversight., no restriction

Reality Check

I have submitted this concern using actual reported numbers. Many years of tree removal count are missing. Based on the information given, this property owner is removing an average of 106 oak trees per year. He started in January of 2006.

If he removed his average, he would have removed 1,009 trees to date.

This would be a 1.5 dump truck size hole for every acre, for the entire 650 acres.

So far, he would have moved 10,000 cy of dirt.

If even available, he would be allowed to remove 9,459 trees to meet the 15% allowance. 14 holes per acre, on the entire 650 acres.

He would be allowed to move 94,590 cy of dirt. This movement can be done anywhere, including protected creeks.

Plus he can move 20,000 cy of dirt from the stock trees planted in the historical fields.

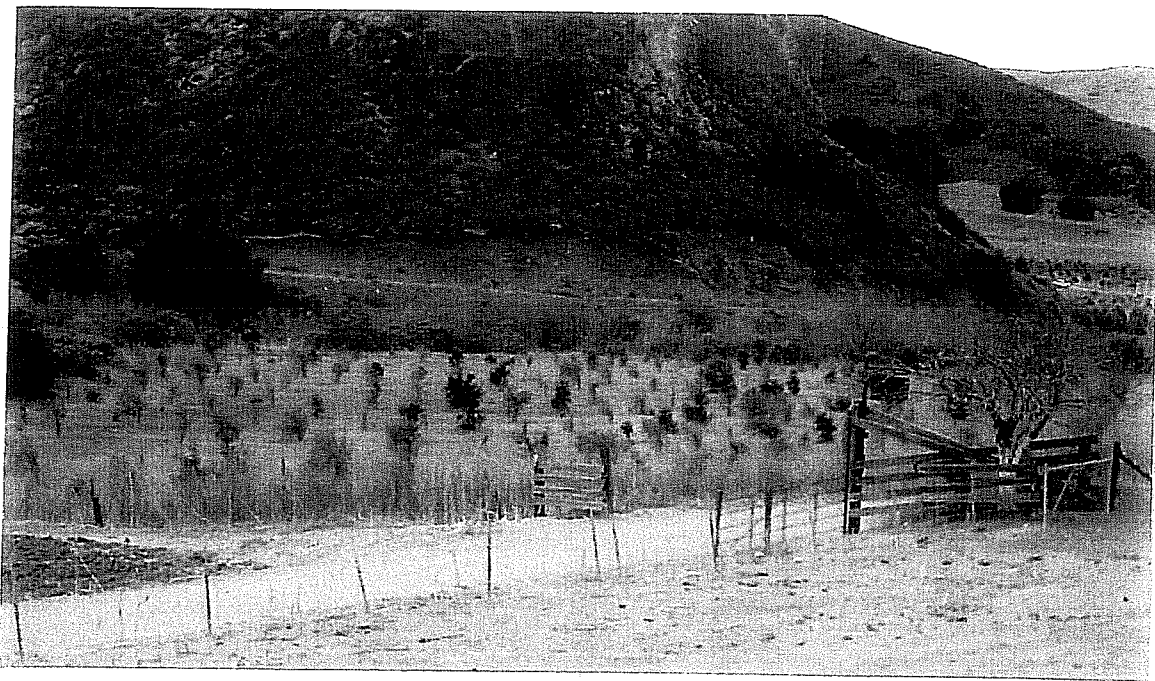
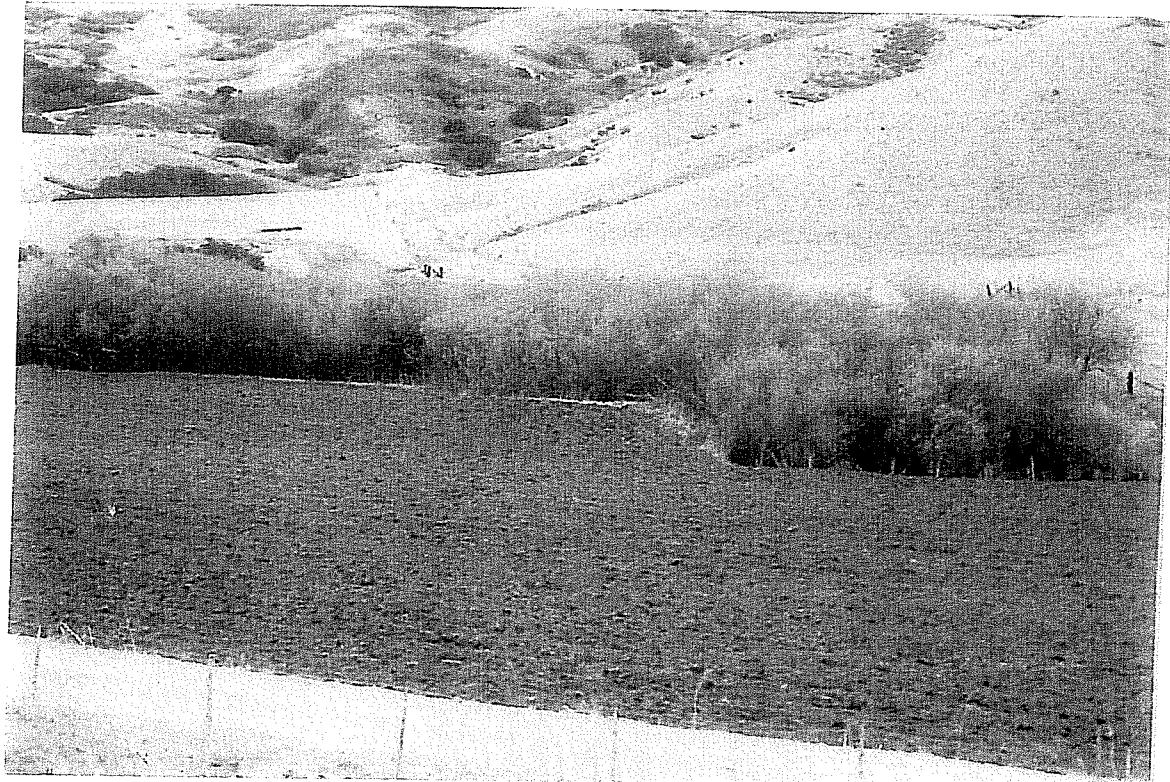
A total of 104,590 cubic yards of dirt movement. This is the amount of movement allowed by law with no restriction and with no idea on its impacts.

And this does not include the excessive amount of roads that are required for this movement.

Impacts start at 50 cubic yards. What is allowed exceeds this 2,091 times.

The violation history on this property is far from clean. Should we trust a property owner to be a good steward to the land?

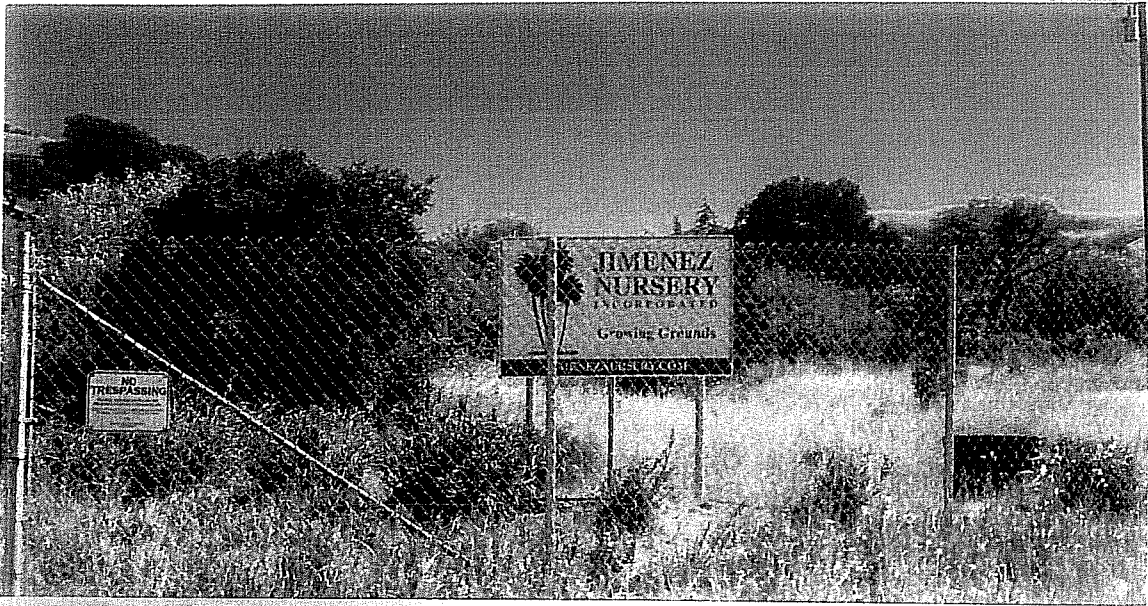
The potential impacts are crazy. To give a property owner the ability to create these impacts are even crazier. To allow this with not addressing the impacts are beyond crazy.



The top photo shows how all our county creeks look. This is because they are respected and protected. The photo below shows the neighboring creek. Both of these photos were taken Dec 2013, both the same creek, only a property line separates them. This shows the damage done to the creek from tree removal. It kills it. After removal was done in the creek, the owner moved up the hills, allowing time for the creek to heal. That did not last long because soon after a road was graded above the creek for his nursery operation. A violation and in for permit. If approved, I will need to cough up \$600 to appeal. I will need to appeal to protect a creek that is the County responsibly to protect and a creek that was damaged by failed County laws and the excessive grading on the property. I would need to pay for county mistakes. The mountain that this road is graded on is unique, only one like it around. Took nature thousands of years to create. Only took one afternoon to destroy.



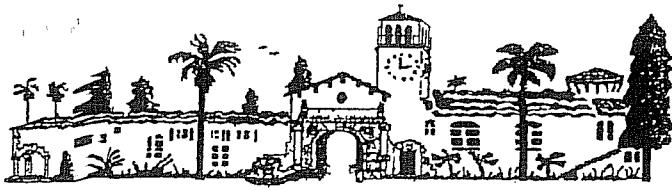
You can not remove oak trees from mountain ranch land without roads. Both these photos were taking from the top of hill, looking down into a canyon.



A sign was erected on the property saying it is operating as a nursery. All of the equipment they use say that they are a nursery. Their actions are those of a nursery. The effects to the land are the same as nursery. Everything says they are a nursery but our laws.



This is a photo of our canyon. Beautiful. At one time, the whole area looked like this. Was amazing. This is no longer true. The photo looks great but just don't turn your head to the left.....



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director
Dianne Black, Assistant Director

July 10, 2014

Mr. Signorelli
1204 Diana Road
Santa Barbara, CA 93103

Mr. Signorelli:

We have reviewed the zoning violation complaints you submitted on June 25, 2014 and additional correspondence with Planning & Development staff. The concerns you raise regarding classification of the activities occurring at 3927 Jalama Road have been extensively researched. It is Planning & Development's determination that the growing, harvesting, boxing and relocation of Coast Live Oak trees (*Quercus agrifolia*) grown onsite constitutes an agricultural operation as defined with the Santa Barbara Land Use & Development Code (LUDC) and the project site does not meet the definition of nursery under the LUDC.

The LUDC defines Agriculture as: *The production of food and fiber, the **growing of plants**, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Section 35.42.050 (Agricultural Product Sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant, or plant for the reduction of animal matter or any other similarly objectionable use.* (emphasis added)

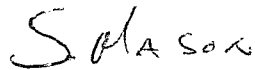
Growing oak trees (plants) and preparing them for sale offsite (boxing and transporting) is consistent with the definition above.

The LUDC defines a Plant Nursery as: *"A retail or commercial business where plants are grown in the ground or in containers for sale or propagation."* The property is not open to the public and retail sales/business activities are not conducted onsite. Further, there are no references to the site on any website for nursery or nursery supplies. Therefore the property is not classified as a nursery under the zoning ordinance. Other applicable laws/regulations governing the sale of plant productions (e.g., business license requirements) may define nursery differently and apply different standards as is appropriate to their regulatory authority. However, under County Code Chapter 35 (Zoning) the property is not subject to the zoning regulations governing such operations.

The Department's determination that the previously reported grading activities and oak tree removal are exempt from permit requirements is hereby upheld. Should you desire to challenge the Director's determination that the onsite activities described above qualify as agricultural operations (LUDC section 35.110.020, Agriculture as cited above), you may file an appeal pursuant to Section 35.102.040.A.3 of the LUDC. Please note that an appeal must be filed with

the appropriate appeal application (available at www.sbcountyplaning.org) and the appeal fee of \$608.26 within 10 calendar days from the date of this letter.

Regards,

A handwritten signature in black ink that reads "S. Mason". The letters are cursive and somewhat stylized.

Steve Mason
Administration and Operations Manager

C:
Petra Leyva, Planning and Development
Jeff Thomas, Planning and Development
File 14ZEV-00000-00134

Memorandum

DATE: June 30, 2008

TO: Mr. Bill Gillette, Santa Barbara County Agricultural Commissioner

FROM: Susan F. Petrovich

RE: Jimenez Oak Tree Removal and Mitigation Plan – 3927 Jalama Road

Susan F. Petrovich
805.882.1405 tel
805.965.4333 fax
spetrovich@bhfs.com

Brownstein Hyatt Farber Schreck represents Manuel Jimenez, owner of 3927 Jalama Road, Lompoc, CA. As you know, Mr. Jimenez is in the landscape business. One of his many talents is the successful transplanting of mature trees, including oaks. Because the Jimenez property is close to 700 acres in size located outside the Coastal Zone, with thousands of coast live oak trees and no deciduous oaks, Mr. Jimenez has no legal obligation to submit a report to the County regarding his voluntary oak tree mitigation program. Mr. Jimenez has agreed to cooperate with your office to provide an example of how native trees can be removed and transplanted elsewhere in the County to provide the amenity of a mature tree in an urban landscape, while regenerating oak trees on the property from which the mature trees were removed. His plan ensures that there will be thousands of live oak trees on the Jalama Road property into the distant future. Mr. Jimenez also plants native and non-native trees and other plants in containers, but he has a particularly unique talent that has made him famous in this area. He is able to transplant mature trees from the soil in one location to the soil in another location with an extraordinarily low mortality rate.

We enclose a list of the trees that Mr. Jimenez has removed from the Jalama property since 2006. We enclose a plot plan, designating areas of the property set aside for oak tree regeneration. These areas are in addition to new oak seedlings planted in the area left after a mature oak has been transplanted.

Although Mr. Jimenez initially planted 750 oak seedlings, deer and pig predation resulted in loss or severe damage to virtually all of the seedlings planted in the "New Oak Planting Area" and to some oak seedlings interplanted with the olive trees. To prevent further losses and to replace the dead or dying seedlings, Mr. Jimenez has installed appropriate exclusionary fencing as shown by the dashed lines on the plot plan. In the area designated as "New Oak Planting Area," this Fall he will plant approximately 300 seedlings presently being held in pots. He first will fence this area to exclude deer and pigs and will add an irrigation system to enhance the potential for successful establishment of these trees. As the oaks mature, they gradually will be weaned off the irrigation. Mr. Jimenez presently has no plans to further transplant any of the oaks planted in the "New Oak Planting Area." It is possible that, as these trees become established, he will move some of them elsewhere on the property. He may transplant some of them to other properties. If he does so, he will replace any such trees with new seedlings and will keep them irrigated until they can survive without supplemental water. The long-term plan for the oaks in the "New Oak Planting Area" is for the majority, if not all, to live out their lives in that area or elsewhere on the property. Mr. Jimenez is in the process of installing additional deer fencing so he can expand his tree planting acreage. As that occurs, we will send you an amendment to this report.

As you can see, Mr. Jimenez has transformed what once was primarily grazing land (with some dry farming) into acres of olives, oaks, and other trees, all planted in the ground. With the protective fencing and irrigation, these new trees are expected to thrive. The oaks interplanted with olives either will be transplanted within the property as they grow old enough to withstand predation or will become nursery stock and sold as part of the commercial agricultural operation on the site.

In addition to the oak trees described above, Mr. Jimenez has planted approximately 2200 olive trees of various varieties, approximately 250 pines, approximately 120 cedars, approximately 720 palms, and 350 mixed nursery plants. The olive trees will be used as nursery stock on an "as needed" basis. As they come into production, they may be leased to an olive farmer for olives or olive oil. How long they remain on the property will depend upon market demand. As older olives are removed and sold, new trees will be planted in their place. As you can see from the plantings, Mr. Jimenez tries to anticipate his market and plants trees far enough in advance that they have grown to desirable size by the time a customer orders them. For the high-end market, residential and commercial clients want mature plantings, not saplings or seedlings. Mr. Jimenez has discovered an ingenious way to meet this market demand. The types of trees planted in the future will depend on the prevailing market demand at any given time. For example, Mr. Jimenez will be planting 100 sequoia seedlings and 125 other nursery stock trees on this property this fall. He may add other nursery plantings as needed.

Mr. Jimenez plans to continue his oak tree regeneration program indefinitely into the future. At the same time, he will transplant a few mature trees each year to meet customer demand. To date, as you can see, he has transplanted approximately 100 trees in 2006, 2007 and 2008. In exchange, he has planted and irrigated, and annually will continue to plant, new oak seedlings in areas with protective fencing and irrigation.

- If you have any questions regarding the information that we have provided, please contact me.

Enclosures: Plot Plan and Jalama Oaks Availability List
SB 470574 v1:010809.0003

Memorandum

PRIVILEGED AND CONFIDENTIAL
Attorney-Client Privilege
(Evid. Code, § 950 et seq.)

Susan F. Petrovich
805.882.1405 tel
805.965.4333 fax
spetrovich@bhfs.com

DATE: July 7, 2009
TO: Bill Gillette, Santa Barbara County Agricultural Commissioner
FROM: Susan F. Petrovich
RE: Jimenez Oak Tree Removal and Mitigation Plan – 3927 Jalama Road – Update

This report constitutes a 2009 update of the June 30, 2008 Jimenez Oak Tree Removal and Mitigation Plan submitted to you last year.

The following represent plantings, within protective fencing and with drip irrigation, at 3927 Jalama Road of *Quercus agrifolia* since the June 30, 2008 submittal:

October 2008 – 1175 5-gallon trees

November 2008 – 910 5-gallon trees

December 2008 – 50 5-gallon trees

March 2009 – 350 5-gallon trees

The following number of mature *Quercus agrifolia* were transplanted from the property between June 30, 2008 and June 30, 2009: 125, varying size from 4" to 10" DBH.

If you have any questions regarding the contents of this updated report, please contact me.

2006	100
2007	100
2008	100
2009	125
	<hr/>
	425

SB 509836 v1:010809.0003

MISSING
2010, 2011, 2012, 2013
2014 & 2015



ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

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June 15, 2015
905.01

Ms. Debbie Trupe
Compliance Coordinator
Santa Barbara County Agricultural Commissioner's Office
624 W. Foster Road, Suite E
Santa Maria, CA 93455

Subject: Desktop Assessment of Oak Canopy Distribution on a 678-acre parcel in the Lompoc area of Santa Barbara County, APN 083-280-024

Dear Ms. Trupe:

Per your request, Althouse and Meade conducted a desktop assessment of the oak canopy on the subject parcel. We used comparable aerial photographs from 2006 and 2014 to determine the percent reduction in oak canopy during this time period. The attached figure shows the 2006 oak distribution (74.39 acres) and the areas where oak canopy is apparently missing in 2014. As shown on the figure, the reduction in oak canopy is estimated at 1.6 percent, which represents 1.21 acres of oak canopy cover. Most of the missing canopy is closely associated with new access road construction.

Thank you for the opportunity to be of assistance. If you have any questions or concerns, please call me at 805-237-9626.

Sincerely,

Althouse & Meade, Inc.

Patrick J Mock, PhD, CSE, CWB^R
Principal Biologist

Attachment