

ORDINANCE NO. 3347

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

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

Section 1. Findings and Declarations.

- A. On July 15, 2016, the San Luis Obispo County Board of Supervisors ("Board of Supervisors") adopted a 45-day interim zoning/urgency ordinance, Ordinance No. 3325 ("Ordinance"), pursuant to Government Code Sections 25123 and 65858. The Ordinance temporarily prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the coastal zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures.
- B. On August 16, 2016, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code section 65858, the Board of Supervisors held a duly noticed public hearing and by a four-fifths vote extended the Ordinance for nine months, through April 16, 2017. The Board determined that the extension of this Ordinance was necessary for the continued preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code sections 25123 and 65858, and was necessary to provide additional time to prepare the studies and reports required to consider a comprehensive and permanent ordinance.
- C. In enacting Ordinance No. 3325, the Board of Supervisors made several findings and declarations constituting the grounds upon which the Ordinance is based, concluding that the lack of regulation or oversight over the clear-cutting of oak woodland or removal of native trees contributed to a recent incident where large amounts of oak trees and oak woodlands were clear-cut. Without a specific County ordinance, Native Trees and Oak Woodlands are likely to continue to be Clear-cut or removed, particularly as demand for irrigated vineyard land increasingly encroaches on oak woodland habitat, posing a current and immediate threat to the people, species and environs that currently depend on the habitat, and to the public, health, and welfare as a whole. As a result, the Board of Supervisors, as the legislative body of the County of San Luis Obispo, determined that there is a need to consider and study potential changes in the County's General Plan and/or land use ordinances to assure appropriate oversight of Native Tree removal.
- D. Pursuant to Government Code section 65858, after notice and public hearing, the Board of Supervisors may by four-fifths vote extend the Ordinance for up to 12 months, if the Board finds and determines that the adoption of this Ordinance as an

urgency ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code sections 25123 and 65858, and is necessary to provide additional time to prepare the studies and reports required to consider a comprehensive and permanent ordinance.

- E. On April 11, 2017, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code section 65858, the Board of Supervisors held a duly noticed public hearing to consider a second extension of the Ordinance for up to 12 months, until and through April 15, 2018. The Board of Supervisors heard and considered all evidence, both written and oral, that was duly presented during said hearing.
- F. The Board of Supervisors' findings and declarations as contained in the Ordinance remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference.
- G. As stated in those findings and declarations contained in the Ordinance, the County is contemplating amendments to its zoning ordinance to address the problem of clear-cutting and removal of oak woodlands and native trees. The County continues to need more time to complete the necessary studies and reports to fully evaluate and support such contemplated amendments, while the current and immediate threat to health, safety, and welfare continues to exist.
- H. The extension of the Ordinance is necessary for continued study of a permanent oak woodlands and native tree ordinance. In light of said findings and declarations contained herein and in the Ordinance, a current and immediate threat to the public health, safety and welfare continues to exist, necessitating the extension of the Ordinance, pursuant to Government Code section 65858.
- I. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) ("CEQA") because:
 - 1. Per CEQA Guidelines §15061(b)(3) – The interim zoning/urgency ordinance is not subject to CEQA due to the general rule that an action is not subject to CEQA where it can be seen with certainty that there is no possibility that there will be a significant effect on the environment. The Ordinance provides for regulations to protect Native Tree species, woodlands, and critical habitats and thus, will not have a significant adverse effect on the environment.
 - 2. Per CEQA Guidelines §15307 (Class 7) – The interim zoning/urgency ordinance consists of regulations and restrictions that prohibit the unauthorized removal of Native Tree species and promotes maintenance and restoration activities for the enhancement of these natural resources.
 - 3. Per CEQA Guidelines §15308 (Class 8) – The interim zoning/urgency ordinance consists of regulations and restrictions on development activities to minimize damage, stress, premature death and unnecessary removal of

trees; and it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including Native Tree species and all of the people, species, and environs that rely on that resource.

Section 2. Extension

Based on all of the foregoing findings and declarations, Ordinance No. 3325 shall be extended until and through April 15, 2018.

Section 3. Effective Date.

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

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the eleventh day of April 2017, by the following roll call vote, to wit:

AYES: Supervisors Adam Hill, Bruce S. Gibson, Lynn Compton, Debbie Arnold and Chairperson John Peschong

NOES: None

ABSENT: None

ABSTAINING: None

John Peschong
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

Tommy Gong
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California
By: /s/Sandy Currens
Deputy Clerk

[SEAL]