

Article 67.

VOH Valley Oak Habitat Combining District.

Sec. 26-67-005. Purpose.

Purpose: to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Section 5.1 of the general plan resource conservation element. (Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-010. Interpretation.

The provisions of this article shall be liberally construed to effectuate the purpose of this article. Where a provision of this article conflicts with another provision of this chapter or this code, the more restrictive provision shall prevail. (Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-020. Permitted uses.

All uses permitted within the respective district with which the VOH district is combined shall be permitted in the VOH district, subject to the provisions of this article. (Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-030. Mitigation required—Exceptions.

- (a) Except as provided in subsection (b), when any person cuts down or removes any large valley oak, or any small valley oaks having a cumulative diameter at breast height greater than sixty inches (60"), on any property within the VOH district, such person shall mitigate the resulting valley oak loss by one of the following measures: (1) retaining other valley oaks on the subject property, (2) planting replacement valley oaks on the subject property or on another site in the county having the geographic, soil, and other conditions necessary to sustain a viable population of valley oaks, (3) a combination of measures (1) and (2), or (4) paying an in-lieu fee, which shall be used exclusively for valley oak planting programs in the county. Such person shall have the sole discretion to determine which mitigation measure to use to mitigate the valley oak loss. The requirements for each mitigation measure are specified in Table 26-67-030. The selected mitigation measure shall be undertaken and completed within one (1) year after the valley oak or valley oaks are cut down or removed in accordance with guidelines established by resolution or ordinance of the board of supervisors.
- (b) This section shall not apply to the cutting down or removal of any valley oak within the VOH district that is (1) determined necessary by emergency personnel engaged in emergency procedures, (2) dead or irretrievably damaged or destroyed by causes beyond the property owner's control, including, without limitation, fire, flood, wind, lightning, or earth movement, or (3) part of a development project subject to the provisions of Section 26-67-040.

**Table 26-67-030
Mitigation Requirements for Cutting Down or
Removing Valley Oaks Within the VOH District**

Large Valley Oaks

Diameter at Breast Height of Large Valley Oak Being Cut Down or Removed	Valley Oak Retention Requirement¹	Valley Oak Replacement Requirement²	Valley Oak Retention and Replacement Requirement²	In-Lieu Fee Requirement
Greater than 20 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the diameter at breast height being cut down or removed	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than one-half the diameter at breast height being cut down or removed and plant 8 trees	\$ 50.00

1 All retained trees shall be valley oaks.

2 All replacement trees shall be valley oak acorns, seedlings, saplings, or container grown stock.

Small Valley Oaks

Cumulative Diameter at Breast Height of Small Valley Oaks Being Cut Down or Removed	Valley Oak Retention Requirement¹	Valley Oak Replacement Requirement²	Valley Oak Retention and Replacement Requirement²	In-Lieu Fee Requirement
60 inches of less	None	None	None	None
Greater than 60 inches up to and including 80 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 8 trees	\$ 50.00
Greater than 80 inches up to and including 100 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 20 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 10 trees	\$ 75.00
Greater than 100 inches up to and including 120 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 24 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 12 trees	\$100.00

Cumulative Diameter at Breast Height of Small Valley Oaks Being Cut Down or Removed	Valley Oak Retention Requirement ¹	Valley Oak Replacement Requirement ²	Valley Oak Retention and Replacement Requirement ²	In-Lieu Fee Requirement
Greater than 120 inches up to and including 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 28 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 14 trees	\$125.00
Greater than 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 32 trees plus additional 4 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 16 trees, plus additional 2 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	\$150.00, plus additional \$25.00 for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches

1 All retained trees shall be valley oaks.

2 All replacement trees shall be valley oak acorns, seedlings, saplings, or container grown stock.

(Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-040. Design review approval.

Where any development project within the VOH district is subject to design review pursuant to another provision of this chapter, the design review approval shall include measures to protect and enhance valley oaks on the project site in accordance with guidelines adopted by resolution or ordinance of the board of supervisors. Such measures shall include, but not be limited to, a requirement that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project. (Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-050. Penalty for violation of article.

Any person who knowingly fails to comply with the mitigation or design review requirements of this article shall be required to mitigate any valley oak loss at five (5) times the rate otherwise required by this article. (Ord. No. 4991 § 1(h), 1996.)