



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT A**

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS**

Permit or Project File Number: PLN 2016-00372      Hearing Date: September 20, 2016

Prepared By: Michael Schaller  
Senior Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. The proposed Ordinance Code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the County Ordinance Code will have a significant negative impact on the natural or built environment. Their intention is to prevent or deter the accidental or intentional removal or destruction of Significant and Heritage Trees.

Regarding Adoption of Amendments to (1) Part III of Division VIII of the San Mateo County Ordinance Code ("the Significant Tree Ordinance") and (2) Ordinance No. 2427 ("the Heritage Tree Ordinance"), Find:

2. That San Mateo County's Significant and Heritage tree populations have been and continue to be an invaluable asset in contributing to the economic, environmental and aesthetic stability of the County and the welfare of its people and of future generations.
3. That in order to protect the public health, safety, and welfare, it is in the public's interest for the County to amend its regulations regarding protection of significant and heritage trees, while respecting and recognizing individual rights to develop, maintain and enjoy private property, consistent with the public interest, convenience, and necessity.
4. That the proposed amendments address these findings, and furthermore is consistent with the Commitments and Goals of the County's Shared Vision 2025 document, as stated in the Vision Alignment Section of the staff report.



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT B**

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AMENDING PART III OF DIVISION VIII OF THE SAN MATEO COUNTY ORDINANCE CODE (“THE SIGNIFICANT TREE ORDINANCE”) AND ORDINANCE NO. 2427 (“THE HERITAGE TREE ORDINANCE”) TO ADD SPECIFIC PLAN REQUIREMENTS AND PENALTY MEASURES TO PROTECT SIGNIFICANT AND HERITAGE TREES FROM UNAUTHORIZED REMOVAL.**

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, San Mateo County’s Significant and Heritage tree populations have been and continue to be an invaluable asset in contributing to the economic, environmental, and aesthetic stability of the County and the welfare of its people and of future generations; and

**WHEREAS**, in order to protect the public health, safety, and welfare, it is in the public’s interest for the County to amend its regulations regarding protection of Significant and Heritage trees, while respecting and recognizing individual rights to develop, maintain, and enjoy private property, consistent with the public interest, convenience, and necessity; and

**WHEREAS**, on September 20, 2016, the Board of Supervisors conducted a public hearing on the text amendments, considered all comments received, determined that the amendments are consistent with the General Plan; and

**WHEREAS**, maximum opportunity for public participation in the hearing process was provided through (1) publication of all Board of Supervisors meeting announcements in the San Mateo County Times and the Half Moon Bay Review newspapers, and (2) direct mailing of meeting announcements and reports to interested parties; and

**WHEREAS**, all interested parties were afforded the opportunity to be heard at the Board of Supervisors hearing.

**NOW THEREFORE, BE IT RESOLVED**, that the San Mateo County Board of Supervisors amends Part III of Division VIII of the San Mateo County Ordinance Code (“The Significant Tree Ordinance”), and Ordinance No. 2427 (“The Heritage Tree Ordinance”), to add specific plan requirements and penalty measures to protect trees during land development.

\* \* \* \* \*



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT C**

County of San Mateo  
Planning and Building Department

**THE SIGNIFICANT TREE ORDINANCE OF SAN MATEO COUNTY**  
(Part Three of Division VIII of the San Mateo County Ordinance Code)

**CHAPTER 1. FINDINGS, INTENT, AND PURPOSE**

**SECTION 12,000. FINDINGS.** The Board of Supervisors finds and declares that the existing and future trees and tree communities located within the County of San Mateo are a valuable and distinctive natural resource. The trees and tree communities of the County augment the economic base through provision of resources for forest products, encouragement of tourism, and enhancement of the living environment. These resources are a major component of both the highly-localized and area-wide environment. The following environmental consequences are among those which could result from the indiscriminate removal or destruction of trees and tree communities in San Mateo County:

- (a) Modification of microclimates.
- (b) Change or elimination of animal habitat, possibly including habitats of endangered species.
- (c) Change in soil conditions, resulting in modified biological activity and erosion of soils.
- (d) Creation of increased susceptibility of flood hazards.
- (e) Increased risk of landslides.
- (f) Increased cost of construction and maintenance of drainage system through increased flow and diversion of surface waters.
- (g) Degradation of the human habitat.
- (h) Loss of environmental benefits of trees in neighborhoods, such as noise reduction, oxygen replacement, carbon dioxide reduction, interception of particulates, aesthetic qualities.
- (i) Potential for irreparable wind damage to adjacent trees.

**SECTION 12,001. INTENT.** The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect those other ordinances regulating tree cutting, but that it is the intent of this Board to control and supervise in a reasonable manner the cutting of significant trees and tree communities within the unincorporated area of the County as herein described. It is further found and declared that the preservation and replacement of significant tree communities on private and public property is necessary to protect the natural beauty of the area, protect property values, and prevent undesirable changes in the environment.

**SECTION 12,002. PURPOSE.** The Board of Supervisors further finds and declares that it is necessary to enact this ordinance for the above reasons and to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity.

**SECTION 12,003. TITLE.** This ordinance shall be known as the "Significant Tree Ordinance."

## **CHAPTER 2. DEFINITIONS**

For the purposes of this part, the following words shall have the meaning ascribed to them in this chapter.

**SECTION 12,010.** "PERSON" shall mean an individual, public agency, including the County and its departments, firm, association and corporation, and their employees, agents, or representatives.

**SECTION 12,011.** "COUNTY" shall mean the County of San Mateo acting by and through its authorized representatives.

**SECTION 12,012.** "SIGNIFICANT TREE" shall mean any live woody plant rising above the ground with a single stem or trunk of a circumference of thirty-eight inches (38") or more measured at four and one half feet (4 1/2') vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes.

**SECTION 12,012.1.** In the RH/DR Zone Districts, the definition of significant tree shall include all trees in excess of nineteen inches (19") in circumference.

**SECTION 12,013.** "PRIVATE PROPERTY" shall mean all property not owned by the County of San Mateo or any other public agency.

**SECTION 12,014.** "PUBLIC PROPERTY" shall mean all property owned by the County of San Mateo, any other city, county, city and county, special district or other public agency in the unincorporated area of San Mateo County.

**SECTION 12,015.** “COMMUNITY DEVELOPMENT DIRECTOR” shall mean the Community Development Director of the County of San Mateo, including his authorized or appointed representatives. For the purpose of this ordinance, the Community Development Director shall authorize or appoint a representative qualified in the field of forestry, ornamental horticulture, or tree ecology to provide the necessary technical assistance in the administration hereof.

**SECTION 12,016.** “COMMUNITY OF TREES” shall mean a group of trees of any size which are ecologically or aesthetically related to each other such that loss of several of them would cause a significant ecological, aesthetic, or environmental impact in the immediate area.

**SECTION 12,017.** “INDIGENOUS TREE” shall mean a tree known to be a native San Mateo County tree. The term may be narrowed in its meaning to include only those trees known to occur naturally in a certain portion of the County. In the Emerald Lake Hills Community Plan area, indigenous trees shall include the following species of trees: *Salix coulteri*, *Salix lasiolepis*, *Salix lasiandra* (all native willows); *Acer negundo californica* (box elder); *Aesculus californica* (buckeye); *Arbutus menziesii* (madrone); *Quercus agrifolia* (coast live oak); *Quercus lobata* (valley oak); *Quercus douglasii* (blue oak); and *Umbellularia californica* (California bay laurel). This list may be amended to include indigenous trees not currently known to occur naturally upon confirmation by a reputable authority on native trees of San Mateo County.

**SECTION 12,018.** “EXOTIC TREE” shall mean any tree known not to be a native indigenous tree, hence any tree which has been planted or has escaped from cultivation.

**SECTION 12,019.** “TRIM” or “PRUNE” means the cutting or pruning of or removal of any roots, limbs or branches of trees which will not seriously impair the health of trees. For the purposes of this Part, the definition of trim shall not apply to any tree being grown as an orchard tree or other fruit or non-indigenous ornamental tree for which trimming and pruning are considered ordinary horticultural practices.

**SECTION 12,019.1.** “EFFECTIVELY REMOVE” includes, but is not limited to, any extreme pruning that is not consistent with standard arboriculture practices for a healthy tree and that result in the tree’s permanent disfigurement, destruction, or removal pursuant to this chapter.

### **CHAPTER 3. PERMITS, CONDITIONS OF APPROVAL, POSTING, EMERGENCIES, APPEALS**

**SECTION 12,020. PERMIT REQUIRED.** Except as provided in Section 12,020.1, below, a permit shall be required under this Part for the cutting down, pruning that effectively removes a tree, poisoning or otherwise killing or destroying or causing to be removed any significant tree or community of trees, whether indigenous or exotic, on any private property.



**SECTION 12,020.1. EXEMPTIONS.** No permits shall be required under this Part in the following circumstances:

- (a) Tree cutting carried out under the provisions of Parts One (Timber Harvesting Regulations) and Two (Regulation of the Cutting of Heritage Trees) of Division VIII of the San Mateo County Ordinance Code.
- (b) Tree cutting in the Resource Management (RM or RM/CZ), Timberland Production Zone (TPZ or TPZ/CZ), and Planned Agricultural (PAD) districts, except within 100 feet of any County or State scenic road or highway, as identified in the San Mateo County General Plan, provided that any tree cutting in the RM, RM/CZ, or PAD districts shall be subject to Section 12,020.3.
- (c) Tree cutting to remove a hazard to life and personal property as determined by the Community Development Director, Director of Public Works, or Officer of the California Department of Forestry and Fire Protection.
- (d) Tree cutting where there is a unique area with a tree management program.
- (e) Tree cutting which has been authorized by the Planning Commission, Design Review Committee, or Community Development Director as part of a permit approval process in which the provisions of this Part have been considered and applied.

**SECTION 12,020.2. TRIMMING IN THE RH/DR DISTRICT.** A permit shall be required in the RH/DR District for the trimming of significant indigenous trees where the cut results in the removal of a branch or cutting of the trunk which is 19 inches or greater in circumference at the point of the cut. Exempt from the provisions of this paragraph are instances where, as determined by the Community Development Director, "limb break" or other natural occurrences that cause the loss of the crown or limb of a tree and such loss requires additional corrective cutting. Under such circumstances, appropriate tree surgery may be required, but no permit is needed.

**SECTION 12,020.3. TREE CUTTING IN THE RM, RM/CZ, AND PAD DISTRICTS:**

- (a) Within the Resource Management (RM or RM/CZ) District, the criteria of Sections 6324 through 6326.4 shall apply and any permit issued for such area shall constitute a Certificate of Compliance as required by Section 6461 of the San Mateo County Zoning Regulations.
- (b) Within the Planned Agricultural (PAD) District, the criteria of Sections 6324 through 6326.4 shall apply, in addition to the requirements, if any, of a Coastal Development Permit.

**SECTION 12,020.4. EXISTING TREE PLAN-APPLICATION REQUIREMENTS**

Applicants seeking Planning or Building permits (including Grading or Demolition permits) shall submit an Existing Tree Plan separate from, but consistent with the required site plan, to assess tree impacts associated with proposed demolition or

development, and establish tree protection measures for demolition or development when activity would occur within the dripline of a significant tree or a heritage tree.

An Existing Tree Plan shall be consistent with a site survey (if said survey is required by the associated Planning or Building Permit) prepared by a licensed Surveyor or registered Civil Engineer with the existing trees plotted with accurate trunk locations and the dripline areas of all trees or groups of trees located on the site. The Existing Tree Plan shall be a separate sheet that depicts:

- Property lines and easements;
- The locations of existing trees or groups of trees, including driplines with each tree numbered, and identified by trunk diameter at breast height (DBH), with an "X" through each tree proposed for removal, including on-site trees and trees adjacent to the project site, with driplines overhanging the project site;
- A table listing each tree by number, DBH, genus, species, and common name;
- For Demolition permits, show the building footprint for the structure to be removed;
- The footprint of any existing or new structures, including additions;
- The location of existing and proposed site utilities, including water, sewer, drainage, gas, underground electrical, voice/data, septic field, well head, or other;
- An Arborist's report is required for significant or heritage trees proposed for removal on the basis of poor health, potential hazard, or when a significant or heritage tree(s) is proposed to remain, but new development would encroach within the dripline of the tree(s);
- The Arborist's report shall assess the tree condition for all significant or heritage trees, and any measures necessary to protect trees on-site during demolition or construction. Tree protection measures shall comply with San Mateo County's tree protection requirements;
- For development within a tree dripline, the report shall assess potential tree survival and longevity, and special measures needed to protect any such trees during construction.

Existing Tree Plans shall NOT include:

- Proposed Landscaping
- Topographic Lines
- Finished Floor Elevations

**SECTION 12,020.5. TREE PROTECTION PLAN.** All proposals for development (Building or Planning Permit) on sites where proposed construction has the potential to impact a significant tree shall submit a tree protection plan, for review and approval, prior to the issuance of a Building or Planning permit. Said protection plan shall be required as needed depending upon site conditions and shall include the following:

- 1) Identify, establish, and maintain tree protection zones throughout the entire duration of the project;
- 2) Isolate tree protection zones using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report;
- 3) Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas;
- 4) If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting;
- 5) Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees;
- 6) Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence and 2x4 boards in concentric layers to a height of eight feet; and
- 7) Prior to Issuance of a Building Permit (including Grading or Demolition Permits), the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.

**SECTION 12,021. PERMIT APPLICATIONS.** Any person desiring to cut down, remove, destroy, or cause to be removed any tree regulated herein shall apply to the San Mateo County Planning Department for a Tree Cutting Permit on forms provided. Said application shall be accompanied by such drawings, written material, photographs, and other information as are necessary to provide data concerning trees within the affected area, which shall include:

- (a) The diameter and height of the tree.
- (b) The type of trees (e.g., coniferous, evergreen hardwood and deciduous hardwood).
- (c) A map or accurate sketch of location and trees proposed to be cut (show other

significant trees, shrubs, buildings, or proposed buildings within 25 feet of any trees proposed to be cut including any of the parcel; photographs may be used to show the area).

- (d) Method for marking the tree proposed to be trimmed, cut down, removed, or destroyed.
- (e) Description of method to be used in removing or trimming the tree.
- (f) Description of tree planting or replacement program, including detailed plans for an irrigation program, if required.
- (g) Reasons for proposing removal or trimming of the tree.
- (h) Street address where tree is located.
- (i) General health of tree to be trimmed, cut down or removed, as documented by a licensed ~~tree surgeon~~ arborist. The arborist report shall assess the condition and health of the tree proposed for removal, the actions that could be taken to avoid removal, and the recommended course of action. The submitted arborist report shall be subject to the review of an independent arborist, who shall provide a recommendation to the Community Development Director and other decision making bodies on whether to deny or conditionally approve the application.
- (j) Other pertinent information which the Community Development Director may require.

**SECTION 12,021.1. FEES.** The application for a tree cutting permit shall be accompanied by a fee as set by resolution of the Board of Supervisors.

**SECTION 12,021.2. POSTING NOTICE OF APPLICATION.** The applicant shall cause a notice of application on a form provided by the San Mateo County Planning Department to be posted on each tree for which a permit is required and in at least two conspicuous locations clearly visible to the public, preferably on the roadside at eye level, on or close to the property affected indicating the date, a brief description of the application, the identification of the subject property, the address to which comments may be directed and from which further information may be obtained, and the final date for receipt of comments. The applicant shall indicate on the application his or her affidavit that this notice will be posted for at least ten (10) calendar days after the submission of the completed application.

**SECTION 12,022. ACTION ON PERMIT.** The Community Development Director shall review the application and, if necessary, inspect the site and shall determine on the basis of the information provided, the site inspection and the criteria contained herein whether to grant, grant with conditions, or deny the permit. Whenever any action is taken on a permit, the Community Development Director shall provide the applicant with a written statement indicating said action, and conditions imposed and the findings made in taking such action.

**SECTION 12,022.1. SCENIC CORRIDORS.** Any permits which involve substantial alteration of vegetation within a scenic corridor shall be acted upon by the Planning Commission. The Planning Commission may approve, conditionally approve, or deny the permit.

**SECTION 12,023. CRITERIA FOR PERMIT APPROVAL.** The Community Development Director or any other person or body charged with determining whether to grant, conditionally grant or deny a Tree Cutting or Trimming Permit may approve a permit only if one or more of the following findings are made:

- (a) The tree: (1) is diseased; (2) could adversely affect the general health and safety; (3) could cause substantial damage; (4) is a public nuisance; (5) is in danger of falling; (6) is too closely located to existing or proposed structures consistent with LCP Policy 8.9(a); (7) meets standards for tree removal of Chapter 28.1 (*Design Review District*) of the San Mateo County Zoning Regulations; (8) substantially detracts from the value of the property; (9) interferes with utility services consistent with the San Mateo County Local Coastal Program (LCP) Policy 8.9(a); (10) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; (11) is a substantial fire hazard; or (12) will be replaced by plantings approved by the Community Development Director or Design Review Administrator, unless special conditions indicate otherwise.
- (b) The required action is necessary (1) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action; or (2) to allow reasonable economic or other enjoyment of the property. These findings cannot be made for any property in the Coastal Zone.

**SECTION 12,024. CONDITIONS OF APPROVAL.** In granting any permit as provided herein, the Community Development Director, Planning Commission, or Board of Supervisors may attach reasonable conditions to ensure compliance with the intent and purpose of this ordinance including, but not limited to:

- (a) Outside of the RH/DR District, replacement of trees removed shall be with plantings of trees acceptable to the Community Development Director.
- (b) In the RH/DR District, replacement shall be in a manner and quantity prescribed by the Design Review Committee but shall not exceed the following specifications:
  - (1) For each loss of a significant indigenous tree in the RH/DR District, there shall be a replacement with three (3) or more trees, as determined by the Community Development Director, of the same species using at least five (5) gallon-size stock.
  - (2) For each loss of a significant exotic tree in the RH/DR District, there shall be a replacement with three (3) or more trees, as determined by the Community Development Director, from a list maintained by the Community Development Director. Substitutes for trees listed by the

Community Development Director may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.

- (3) Replacement trees for trees removed in the RH/DR District shall require a surety deposit for both performance (installation of tree, staking, and providing an irrigation system) and maintenance. Maintenance shall be required for no less than two (2) and no more than five (5) years as determined by the Community Development Director.
  - (4) Loss of any particular replacement prior to the termination of the maintenance period shall require the landowner at his/her expense to replace the lost tree or trees. Under such circumstances, the maintenance period will be automatically extended for a period of two (2) additional years.
  - (5) Release of either the performance or maintenance surety shall only be allowed upon the satisfactory installation or maintenance and upon inspection by the County.
  - (6) Where a tree or trees have been removed on undeveloped lands in the RH/DR District and no existing water system is available on the parcel, the replacement tree or trees, if required to be installed, shall be of sufficient size that watering need not be done by automatic means. Under such circumstances, water can be imported by tank or some other suitable method which would ensure tree survival in accordance with subparagraphs (4) and (5), above.
  - (7) Postponing the planting of replacement trees can be done if approved by the Design Review Administrator.
- (c) Use of measures to effect erosion control, soil and water retention and diversion or control of increased flow of surface waters.
  - (d) Use of measures to ensure that the contemplated action will not have adverse environmental effects relating to shade, noise buffers, protection from wind, air pollution, and historic features.
  - e) Removal of posting following all tree cutting activity and inspection by the County.

**SECTION 12,025. PERMIT ON-SITE.** The approved Tree Cutting Permit shall be posted on the site at all times during the tree cutting operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.

**SECTION 12,026. EXPIRATION OF PERMIT.** If work authorized by an approved permit is not commenced within a period of one year from the date of approval, the permit shall be considered void.

**SECTION 12,027. EMERGENCIES.** In case of an emergency, caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Part, except that the person responsible for the cutting or removal of the trees shall report such action to the Community Development Director within five (5) working days thereafter, and the provisions regarding replacement trees in accordance with Section 12,024 of this Part shall be required.

**SECTION 12,028. APPEALS.** The applicant or any other person who is aggrieved by the issuance or non-issuance of the permit or any conditions thereof, or by any other action taken by the Community Development Director as authorized by this Part, may appeal in the manner set forth below. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (a) Any action under this Part taken by the Community Development Director may be appealed to the Planning Commission by filing a written notice of appeal with the Secretary of the Planning Commission within ten (10) days of the issuance or denial of said permit. The Planning Commission shall hear such appeal within thirty (30) days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing. The Community Development Director shall notify the affected parties of said action as provided for in Section 12,022.
- (b) Any action under this Part taken by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the Secretary of the Planning Commission within (10) days from the decision of the Planning Commission. The Board of Supervisors shall hear such appeal within sixty (60) days and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties as provided for in Section 12,022 herein.

#### **CHAPTER 4. INSPECTIONS, VIOLATIONS**

**SECTION 12,030. PERMISSION TO ENTER PROPOSED PERMIT AREA.** Filing of an application for a Tree Cutting Permit shall constitute a grant of permission for County personnel concerned with administering this Part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of any requirements to maintain replacement trees as conditions to the permit.

**SECTION 12,031. INSPECTION.** The Planning and Building Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

**SECTION 12,032. VIOLATIONS: CEASE AND DESIST; REMEDIATION OF UNLAWFUL TREE CUTTING.** If the Chief Building Official or Community Development Director or their designated representative, or any officer of the San Mateo County Sheriff's Department or any other peace officer finds any tree cutting activity for which a permit under this Part is required but not issued, or the tree cutting is not in substantial compliance with an issued permit or the plans and specifications relating thereto, an order to cease work may be issued. No further tree cutting may be done except upon approval of the Community Development Director. Conditions may be imposed as necessary to protect the health, safety, and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this Part, or as may be provided by law in Division VI (Zoning Regulations), San Mateo County Ordinance Code.

In the event that the Community Development Director determines that one or more significant trees have been removed, cut, or trimmed without the required permit or permits, the following additional requirements shall be imposed:

If a violation of this Ordinance occurs during development of a property:

- (a) A stop work notice may be issued on all construction of any kind on the property to remain in effect until the remaining requirements of this section are satisfied.
- (b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part. The owner or applicant shall be required to submit a mitigation plan for review and approval by the Planning and Building Department. The mitigation plan shall include:
  - Measures for protection of any remaining trees on the property.
  - Shall provide for replacement of each tree removed or heavily damaged.
  - Size, number and species of replacement tree(s) shall be at the discretion of the Planning and Building Department and shall be commensurate with the size and species of tree(s) removed.
  - Replacement shall occur on the subject parcel or at a location approved by the County.

At the time of permit application, the applicant shall pay all fees, including penalty fees of up to 10 times the permit fee, and satisfy all conditions in connection therewith, including replacement planting.



- (c) The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the Community Development Director has determined that the above described mitigation plan has been fully implemented, up to and including the submittal of a non-revocable bond, made payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s).

If a violation of this Ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:

- a) The Community Development Director (or designee) may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure that measures are incorporated into any future development approvals for the property.
- b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part.
- c) A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Planning and Building Department. Upon approval, said plan shall be implemented prior to rescinding of the moratorium.
- d) At the time of permit application, the applicant shall pay all fees, including penalty fees of up to 10 times the permit fee, and satisfy all conditions in connection therewith, including replacement planting.

**SECTION 12,032.2. VIOLATIONS: CITATION PENALTIES FOR INFRACTION.** A. ~~Any person to whom a citation is issued under~~ who violates the provisions of this Part, including property owners and persons performing tree removal or trimming activities, shall be subject to a fine, as follows: ~~Upon a first violation, by a fine not exceeding One Hundred Dollars (\$100); for a second violation within a period of one (1) year, by a fine not exceeding Two Hundred Dollars (\$200); and for any additional violation within a period of one (1) year, by a fine not exceeding Five Hundred Dollars (\$500), in accordance with Section 25132 of the Government Code.~~

<u>First Significant Tree</u>	<u>\$2,500</u>
<u>Second Significant Tree</u>	<u>\$3,750</u>
<u>Each Additional Significant Tree</u>	<u>\$5,000</u>

If personal service of a ~~citation~~ fine is made on a tree cutting operator, a second citation for the same infraction may be personally served on the record owner of the property. For the purposes of this Section, each single tree being cut without benefit of a permit shall constitute a separate infraction, the fine being cumulative.

**SECTION 12,032.3. VIOLATIONS: CUMULATIVE REMEDIES.** The remedies for violations set forth in Sections 12,032 and 12,032.2 can be enforced separately or cumulatively. In addition to the penalties provided for in this Chapter, any violations may be addressed by civil action.

**SECTION 12,032.4. VIOLATIONS: RECORDATION OF NOTICE OF VIOLATION.**

A notice of violation may be recorded in the Office of the County Recorder for non-compliance with the provisions of this Part. The Community Development Director shall notify, by certified mail, the owner of the affected real property and any other known party responsible for the violation of the recordation. If the property owner or other responsible party disagrees with the County's determination that the tree cutting violates this Part, proof may be submitted to the Community Development Director, including documentation and professional tree surgeon or arborist reports that a tree cutting permit is not required. If the Community Development Director determines that a tree cutting permit is required, the property owner and/or party responsible for the tree cutting work shall apply for the necessary tree cutting permit within a specified time period set by the Community Development Director.

**SECTION 12,032.5. NOTICE OF EXPUNGEMENT.** A notice of expungement of the notice of violation shall be recorded with the Office of the County Recorder when:

- (a) The Community Development Director or other appellate authority determines that a tree cutting permit is not required; or
- (b) All permit conditions have been met including those conditions imposed as part of project review under any other provisions of the San Mateo County Ordinance Code for the parcel affected by the notice of violation. The meeting of any long term conditions, such as maintenance of replacement plantings, is to be guaranteed by a surety deposit to run with the land and the term for which shall not be imposed as a demand for meeting these requirements for the expungement.

---

This Ordinance was adopted in its entirety on May 15, 1990 as Ordinance No. 3229. This action repealed and added Part Three of Division VIII, San Mateo County Ordinance Code.



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT D**

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DIVISION**  
(Excerpt from the San Mateo County Ordinance Code)

**REGULATIONS FOR THE PRESERVATION, PROTECTION, REMOVAL AND  
TRIMMING OF HERITAGE TREES  
ON PUBLIC AND PRIVATE PROPERTY**  
(Ordinance No. 2427 - April 5, 1977)

(Note: New Text is Highlighted and Underlined)

**CHAPTER 1. PURPOSE, FINDINGS, INTENT, AND POLICY**

**SECTION 11,000.** The Board of Supervisors finds and declares that the County of San Mateo is an area of great natural beauty and that its outstanding heritage tree population has been and continued to be an invaluable asset in contributing to the economic, environmental, and aesthetic stability of the County and the welfare of its people and of future generations. The County is a highly desirable residential, business, and recreational area because of its great scenic beauty, its forests, trees and beaches, mountains, proximity to the San Francisco Bay and the Pacific Ocean, its equable climate, its parks and recreational areas, and other natural characteristics. Irresponsible, wanton, and wholesale destruction of heritage trees could, among other things, diminish such beauty, scientific and historical values, adversely affect the environment, reduce property values, detract from scenic highways, and destroy the County's recreational economy.

**SECTION 11,001.** The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect that ordinance, but that it is the intention of the Board to control and supervise in a reasonable manner the cutting of heritage trees within the unincorporated area of the County as herein prescribed.

**SECTION 11,002.** It is further found and declared that, for the above reasons and in order to protect and preserve heritage trees in San Mateo County on both public and private property and to enhance the environment, the economy, and promote the general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity, it is necessary to enact this ordinance and regulate the removal of heritage trees in the unincorporated area of San Mateo County. Designation of a heritage tree does not give or intend to give the public access to, or use or enjoyment of, private property.

## CHAPTER 2. PRESERVATION OF TREES ON PRIVATE PROPERTY

**SECTION 11,050. DEFINITIONS.** For the purposes of this part, the following words shall have the meaning ascribed to them in this section:

- (a) "Person" means individuals, firms, associations and corporations, and agents, employees or representatives thereof.
- (b) "County" means the County of San Mateo acting by and through its authorized representatives.
- (c) "Tree" means a woody plant which has the inherent capacity of producing naturally one main erect axis of at least 12 feet, continuing to grow for a number of years more vigorously than the lateral axes.
- (d) "D.B.H." means diameter at breast height, 4 1/2 feet above average ground level.
- (e) "Basal area" means the cross-sectional area.
- (f) "Exotic Tree" means any tree introduced into areas of the County where such trees are not native as a part of their natural distribution.
- (g) "Heritage Tree" means any of the following:

Class 1 shall include any tree or grove of trees so designated after Board inspection, advertised public hearing and resolution by the Board of Supervisors. The affected property owners shall be given proper written notice between 14 and 30 days prior to inspection and/or hearing by the Board.

Class 2 shall include any of the following trees, healthy and generally free from disease, with diameter equal to or greater than the sizes listed:

- (1) Acer macrophyllum - Bigleaf Maple of more than 36 inches in d.b.h. west of Skyline Boulevard or 28 inches east of Skyline Boulevard.
- (2) Arbutus menziesii - Madrone with a single stem or multiple stems touching each other 4 1/2 feet above the ground of more than 48 inches in d.b.h., or clumps visibly connected above ground with a basal area greater than 20 square feet measured 4 1/2 feet above average ground level.
- (3) Chrysolepis chrysophylla - Golden Chinquapin of more than 20 inches in d.b.h.
- (4) Cupressus abramsiana - All Santa Cruz Cypress trees.
- (5) Fraxinus latifolia - Oregon Ash of more than 12 inches in d.b.h.

- (6) Lithocarpus densiflorus - Tan Oak of more than 48 inches in d.b.h.
  - (7) Pseudotsuga menziesii - Douglas Fir of more than 60 inches in d.b.h. east of Skyline Boulevard and north of Highway 92.
  - (8) Quercus agrifolia - Coast Live Oak of more than 48 inches in d.b.h.
  - (9) Quercus chrysolepis - Canyon Live Oak of more than 40 inches in d.b.h.
  - (10) Quercus garryana - All Oregon White Oak trees.
  - (11) Quercus kelloggii - Black Oak of more than 32 inches in d.b.h.
  - (12) Quercus wislizenii - Interior Live Oak of more than 40 inches in d.b.h.
  - (13) Quercus lobata - Valley Oak of more than 48 inches in d.b.h.
  - (14) Quercus douglasii - Blue Oak of more than 30 inches in d.b.h.
  - (15) Umbellularia californica - California Bay or Laurel with a single stem or multiple stems touching each other 4 1/2 feet above the ground of more than 48 inches in d.b.h., or clumps visibly connected above ground with a basal area of 20 square feet measured 4 1/2 feet above average ground level.
  - (16) Torreya californica - California Nutmeg of more than 30 inches in d.b.h.
  - (17) Sequoia sempervirens - Redwood of more than 84 inches in d.b.h. west of Skyline Boulevard or 72 inches d.b.h. east of Skyline Boulevard.
- (h) "Protected Tree" means a tree specially listed as endangered by either the California Native Plant Society's List as amended or the Federal Register or any tree species designated protected by the Board of Supervisors.
  - (i) "Private Property" means all property not owned by the County of San Mateo or any other public agency.
  - (j) "Public Property" means all property owned by a public entity which is controlled or regulated by San Mateo County.
  - (k) "Trim" or "Prune" means the cutting of or removal of any limbs, branches or roots of trees which will not seriously impair the health of trees.
  - (l) "Effectively Remove" includes, but is not limited to, any extreme pruning (including root pruning) that is not consistent with standard arboriculture practices for a

healthy tree and that result in the tree's permanent disfigurement, destruction, or removal pursuant to this chapter.

#### **SECTION 11,051. PERMIT REQUIRED TO REMOVE, DESTROY, OR TRIM TREES.**

It shall be unlawful for any person to cut down, destroy, move, trim or prune a tree so that it effectively removes any heritage tree growing on any public or private property within the unincorporated area of San Mateo County without first obtaining a permit from the San Mateo County Planning Department except as herein provided. The Community Development Director may require that a permit for trimming of a heritage tree in an area defined by the General Plan as urbanized be carried out only by a licensed tree surgeon. A minimal charge shall be made for permits required by this ordinance.

Any area to which a valid Timber Harvesting Permit applies is exempt from this Ordinance.

#### **SECTION 11,051.1. EXISTING TREE PLAN - APPLICATION REQUIREMENTS.**

Applicants seeking Planning or Building permits (including Grading or Demolition permits) for development on a site where construction has the potential to impact a Heritage Tree shall submit an Existing Tree Plan separate from, but consistent with the required site plan, to assess tree impacts associated with proposed demolition or development, and establish tree protection measures for demolition or development when activity would occur within the dripline of a significant tree or a heritage tree.

An Existing Tree Plan shall be consistent with a site survey (if said survey is required by the associated Planning or Building permit) prepared by a licensed surveyor or registered civil engineer with the existing trees plotted with accurate trunk locations and the dripline areas of all trees or groups of trees located on the site.

(1) The Existing Tree Plan shall be a separate sheet that depicts:

- Property lines and easements;
- The locations of existing trees or groups of trees, including drip lines with each tree numbered, and identified by trunk diameter at breast height (DBH), with an "X" through each tree proposed for removal, including on site trees and trees adjacent to the project site, with drip lines overhanging the project site;
- A table listing each tree by number, DBH, genus, species and common name;
- For demolition permits, show the building footprint for the structure to be removed;
- The footprint of any existing or new structures, including additions;

- The location of existing and proposed site utilities, including water, sewer, drainage, gas, underground electrical, voice/data, septic field, well head, or other;
- Existing Tree Plans shall NOT include (1) Proposed Landscaping or (2) Finished Floor elevations.

(2) In addition to said plan:

- An arborist's report is required for significant or heritage trees proposed for removal on the basis of poor health, potential hazard, or when a significant or heritage tree(s) is proposed to remain, but new development would encroach within the drip line of the tree.
- The arborist's report shall assess tree condition for all significant or heritage trees, and any measures necessary to protect trees on site during demolition or construction, including any remedial measures necessary to sustain impacted trees. Tree protection measures shall comply with San Mateo County's tree protection requirements.
- For development within a tree dripline the report shall assess potential tree survival and longevity, and special measures needed to protect any such trees during or post construction.

Prior to Issuance of a Building permit (including Grading or Demolition permits), the Planning and Building Department shall complete a pre-construction site inspection to verify that all required tree protection and erosion control measures are in place. It shall be the responsibility of the applicant to schedule such an inspection prior to the commencement of construction.

**SECTION 11,052. APPLICATION FOR AND GRANTING OF PERMITS.** Any person desiring to cut down, destroy, move or trim one or more heritage trees on public or private property must apply to the San Mateo County Planning Department for a Heritage Tree Removal/Trimming Permit on a form provided by the Planning Department. Said application shall, consistent with Section 11,051.1 above, include a detailed site plan and arborist report, contain a brief statement of the reason for the requested action, and describe any other pertinent information the Community Development Director may require. The arborist report shall assesses the condition and health of the tree proposed for removal, the actions that could be taken to avoid removal, and the recommended course of action. The submitted arborist report shall be subject to the review of an independent arborist, who shall provide a recommendation to the Community Development Director and other decision making bodies on whether to deny or conditionally approve the application.

Within 20 working days of receipt of the application, the Community Development Director or his authorized representative shall inspect the premises and the trees that



are the subject of the permit; provided however, the Community Development Director may upon receipt of the application and such information, maps, sketches and/or photographs as he deems sufficient, make a determination without an inspection; provided further, failure to act within 20 days shall not be deemed approval. If trimming is to be performed by a licensed tree surgeon, the tree surgeon's inspection and decision may be accepted by the Community Development Director for purposes of compliance with this section.

If no action on the approved permit is taken within a period of one year from the date of approval, the permit shall be considered void. The determination of the Community Development Director in granting or denying the permit or in affixing conditions shall be based upon the following criteria:

- (a) The general health of the tree;
- (b) The anticipated longevity of the tree;
- (c) Whether the tree is a public nuisance;
- (d) Proximity to existing or proposed structures and interference with utility services;
- (e) The necessity of the required action to construct improvements or otherwise allow economic or other enjoyment of the property;
- (f) The number, species, size and location of existing trees in the area;
- (g) The effect of the requested action in terms of historic values;
- (h) The topography of the land and effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface waters.

The Community Development Director may refer the application to another department, committee, or person for report and recommendation.

In granting a Heritage Tree Removal/Trimming Permit, the Community Development Director or their representative may attach reasonable conditions to insure compliance with the content and purpose of this ordinance, such as, but not limited to, requiring replacement of trees removed with plantings acceptable to the Community Development Director or their representative. If a permit is denied or conditions attached, the Community Development Director or their representative shall provide the applicant with a written statement of the reasons for said denial or conditions based upon the above standards.

The Community Development Director shall give priority to those applications based upon imminent hazard.

**SECTION 11,053. EMERGENCIES.** If an emergency develops which requires immediate response for the safety of life or property, action may be taken by seeking oral permission of the Community Development Director or their designee, notwithstanding other provisions contained in this chapter. If the Community Development Director or their designee is not available and action must be taken, the Community Development Director shall be notified within 72 hours of the emergency action. The owner of the property on which the emergency action took place shall submit an After-the-Fact application for Heritage Tree Removal/Trimming Permit within 30 days from which the emergency trimming or removal took place.

**SECTION 11,054. PRESERVATION AND MAINTENANCE OF EXISTING TREES.**

- (1) When proposed structures or developments encroach into the dripline area of any heritage tree, special construction to allow irrigation and aeration of roots, as determined by the Community Development Director, may be required with respect to any application for a building permit.
- (2) The existing ground surface within the dripline of the heritage tree shall not be cut, filled, compacted, or paved without having first obtained permission of the Community Development Director. Tree wells or other techniques may be used where advisable. Excavation adjacent to such trees, where material damage to the root system will result, shall be allowed only after obtaining a permit as provided under Sections 11,051 and 11,052.
- (3) Consistent with the requirements of Section 11,051.1 (EXISTING TREE PLAN - APPLICATION REQUIREMENTS) above, all applications for building permits, use permits, variances and other applicable permit applications shall be accompanied by a scaled plot plan indicating the location, size and species of heritage trees as defined in this Ordinance, which may be impacted upon by said permit execution.

**SECTION 11,055. BUILDING PERMITS.** When any building permit is applied for pursuant to the San Mateo County Ordinance Code and a proposed structure would require the cutting down, destruction, moving, removal, or trimming of one or more heritage trees, the Building Inspection Section of the Planning and Building Department shall refer the matter to the Community Development Director who shall take into consideration the provisions of this Ordinance before signing the building permit. In addition, as a condition of approval for all development that has the potential to impact a heritage tree, the applicant shall submit a tree protection plan prior to the issuance of a Building or Planning permit. Said protection plan shall include the following:

- (1) Identify, establish and maintain tree protection zones throughout the entire duration of the project;
- (2) Isolate tree protection zones from all construction activity using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report;

- (3) Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms or equipment within these areas;
- (4) If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting.
- (5) Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees; and
- (6) Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence and 2" x 4" boards in concentric layers to a height of 8 feet.

### **CHAPTER 3. PRESERVATION OF HERITAGE TREES - ENFORCEMENT**

**SECTION 11,100. NOTIFICATION.** Any person who owns or controls a heritage tree shall give a 60-day notice to the County of San Mateo of intent to sell lands upon which those trees are growing if such lands are contiguous to an existing County park.

**SECTION 11,101. PERMISSION TO ENTER PROPOSED PERMIT AREA.** Filing of an application for a Tree Cutting Permit shall constitute a grant of permission for County personnel concerned with administering this Part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of any requirements to maintain replacement trees as conditions to the permit.

**SECTION 11,102. INSPECTION.** The Planning Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

**SECTION 11,103. VIOLATIONS: CEASE AND DESIST; REMEDIATION OF UNLAWFUL TREE REMOVAL, CUTTING OR TRIMMING.** If the Chief Building Official or Community Development Director or their designated representative, or any officer of the San Mateo County Sheriff's Department or any other peace officer finds any tree removal, cutting, or trimming activity for which a permit under this Part is required but not issued, or the tree cutting is not in substantial compliance with an issued permit or

the plans and specifications relating thereto, an order to cease work may be issued. No further tree cutting may be done except upon approval of the Community Development Director. Conditions may be imposed as necessary to protect the health, safety and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this Part, or as may be provided by law in Division VI (Zoning Regulations), San Mateo County Ordinance Code.

In the event that the Chief Building Official or Community Development Director determines that one or more heritage trees have been removed, cut or trimmed without the required permit or permits, the following additional requirements shall be imposed:

If a violation of this Ordinance occurs during development of a property:

(a) A stop work notice may be issued on all construction of any kind on the property to remain in effect until the requirements of this section are satisfied.

(b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part. The owner or applicant shall be required to submit a mitigation plan for review and approval by the Planning and Building Department. The mitigation plan shall include:

- Measures for protection or remediation of any remaining trees on the property, and
- Shall provide for replacement of each tree removed or heavily damaged.
- Size, number and species of replacement tree(s) shall be at the discretion of the Planning and Building Department and shall be commensurate with the size and species of tree removed.
- Replacement shall occur on the subject parcel or at a location approved by the County.

At the time of permit application, the applicant shall pay all fees, including penalty fees as set forth below, and satisfy all conditions in connection therewith, including replacement planting.

First Heritage Tree	\$5,000
Second Heritage Tree	\$7,500
Each Additional Heritage Tree	\$10,000

(c) The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the Community Development Director has determined that the above described mitigation plan has been fully implemented, up to and including the submittal of a non-revocable bond, made

payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s).

If a violation of this Ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:

- (a) The Community Development Director (or designee) may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property.
- (b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part.
- (c) A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Planning and Building Department. Upon approval, said plan shall be implemented prior to rescinding of the moratorium.

At the time of the After-the-Fact Tree Removal Application, the applicant shall pay all fees, including penalty fees as set forth below, and satisfy all conditions in connection therewith, including replacement planting.

<u>First Heritage Tree</u>	<u>\$5,000</u>
<u>Second Heritage Tree</u>	<u>\$7,500</u>
<u>Each Additional Heritage Tree</u>	<u>\$10,000</u>

#### **SECTION 11,104. CUTTING, STRIPPING AND KINDRED ACTIONS FORBIDDEN.**

Any person who willfully strips off bark from, trims, cuts burls, branches or leaves from, defaces or gouges any part, or destroys by fire any Heritage Tree located in the unincorporated area of San Mateo County without having first received authority under the provisions of the County Timber Harvesting Ordinance or under provisions of this Part is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not less than 25 nor more than 150 days, or by both such fine and imprisonment.

### **CHAPTER 4. APPEALS**

**SECTION 11,105. APPEALS.** The applicant, or any other person, who is aggrieved by the issuance or non-issuance of the permit or any penalties or conditions thereof may appeal as set forth below. A statement by the appellant shall be required indicating how he is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved

party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (1) Permits considered and acted upon by the Community Development Director may be appealed to the Planning Commission by filing a written Protest with the Secretary of the Planning Commission within ten (10) days of issuance or denial of said permit. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing. The Community Development Director shall notify the affected parties of said action in writing.
- (2) Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Secretary of the Planning Commission within (10) days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal within sixty (60) days, and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties in writing.