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From: Tiffany Schmid, Director, Planning and Building Department

Subject: Director Interpretation - Zoning Ordinance Section 130.39.050.J
(Exemption for Personal Use), Oak Resources Conservation Ordinance

INTERPRETATION:

The Exemption For Personal Use from the Oak Resources Conservation Ordinance allows property owners to remove no more than 8 individual native oak trees from a single parcel per year provided that the total diameter inches of the trees removed does not exceed 140 inches. This exemption does not apply to the removal of Heritage Oak Trees, individual valley oak trees, or valley oak woodlands.

The Ordinance does not define Personal Use but was intended to be primarily for the property owner's use of the cut wood as firewood, but is not limited to only firewood. (Other personal uses of the cut wood may apply such as for woodworking, fabrication of oak wood products.) The Personal Use exemption applies to both developed and vacant parcels.

DISCUSSION:

Chapter 130.39, Section 130.39.050 (Exemptions and Mitigation Reductions) contains provisions under subsection J (Exemption for Personal Use):

“Removal of a native oak tree, other than a Heritage Tree or individual valley oak trees and valley oak woodlands, when it is cut down on the owner’s property for the owner’s personal use, is exempted from the mitigation requirements included in this Chapter provided that no more than 8 trees are removed from a single parcel per year and provided that the total diameter inches at breast height (dbh) of trees removed from a single parcel per year does not exceed 140 inches.”

The recent over utilization of this exemption has demonstrated the need to provide further clarification that this exemption does not exclusively apply to the removal of oak trees for the use of firewood and does not apply to the removal of trees for clearing the land for future

development. The act of preparing the land for subsequent land use development constitutes an impact that is not covered under the *Exemption for Personal Use*.

Impact to oak trees is defined in Section 130.39.030 (Definitions) as follows:

“Impact: For Individual Native Oak Trees, the physical destruction, displacement or removal of a tree or portions of a tree caused by poisoning, cutting, burning, relocation for transplanting, bulldozing or other mechanical, chemical, or physical means. For oak woodlands, tree and land clearing associated with land development, including, but not limited to grading, clearing, or otherwise modifying land for roads, driveways, building pads, landscaping, utility easements, fire-safe clearance and other development activities.”