



Planning Director Staff Report – Hearing on February 18, 2016

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

DISCRETIONARY TREE PERMIT (DTP), 82 LOPACO COURT AND 2138 VIA VENETO, PL14-0161

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a DTP (Case No. PL14-0161) for “Trees and Native Vegetation: Removal, Relocation or Pruning” in order to: (1) abate Code Violation Case No. CV14-0020 for the unpermitted removal of heritage-sized trees; and (2) bring the properties into compliance with the Tree Protection Ordinance and Ventura County Non-Coastal Zoning Ordinance (NCZO) § 8105-4, § 8107-25.7, and § 8111-1.3.1.
2. **Applicants/Property Owners:** Yang-Chou Michael Ni (“Michael Ni”), 82 Lopaco Court, Camarillo, CA 93010, and Patricia (“Patty”) S. Adams, 2138 Via Veneto, Camarillo, CA 93010
3. **Decision-Making Authority:** Pursuant to the Ventura County NCZO (§ 8107-25.7), the Planning Director is the decision-maker for the requested DTP.
4. **Project Site Sizes, Locations, and Parcel Numbers:** The 1.14-acre property that constitutes the project site is located at 82 Lopaco Court, approximately 125 feet from the intersection of Lopaco Court and Patera Drive and approximately 106 feet from the city of Camarillo, in the unincorporated area of Ventura County. The adjacent 1.23-acre property that also constitutes the project site is located at 2138 Via Veneto immediately west of the 1.14-acre property, approximately 229 feet from the intersection of Via Veneto and Patera Drive and approximately 243 feet from the city of Camarillo, in the unincorporated area of Ventura County. The Tax Assessor’s parcel numbers (APN) for the parcels that constitute the project site are 152-0-352-055 and 152-0-352-105 (Exhibit 2).
5. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation (Exhibit 2):
 - (1) APN 152-0-352-055: Existing Community – Urban Reserve
 - (2) APN 152-0-352-105: Existing Community – Urban Reserve

b. Zoning Designation (Exhibit 2):

(1) APN 152-0-352-055: "RE-1 ac" (Rural Exclusive, 1 acre minimum lot size)

(2) APN 152-0-352-105: "RE-1 ac"

6. Adjacent Zoning and Land Uses/Development (Exhibit 2):

a. APN 152-0-352-055:

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RE-20,000 sq ft (Rural Exclusive, 20,000 square-foot minimum lot size)	Single-family dwellings with numerous trees
East	RE-1 ac	Single-family dwelling with numerous trees
South	RE-1 ac	Horse arenas with numerous trees owned by Pleasant Valley Recreation and Park District; vacant, undeveloped lot owned by Pleasant Valley Recreation and Park District
West	RE-1 ac (Rural Exclusive, 1 acre minimum lot size)	Single-family dwellings with numerous trees

b. APN 152-0-352-105:

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RE-20,000 sq ft	Single-family dwellings with numerous trees
East	RE-1 ac	Vacant, undeveloped parcel owned by Mr. Ni
South	RE-1 ac	Single-family dwelling with numerous trees
West	RE-20,000 sq ft	Single-family dwellings with numerous trees

7. History: PL14-0161 involves Tax Assessor's Parcels 152-0-352-055 and 152-0-352-105.

a. APN 152-0-352-055:

Planning Division staff researched the permit and violation history of APN 152-0-352-055. The Planning Division began processing an application for a Zoning

Clearance (ZC92187A) for a pool and spa; however, the Zoning Clearance was not issued. (The permitting records do not indicate the reason why the Zoning Clearance was not issued.) The Planning Division later issued a Zoning Clearance (ZC60547) for a single-family dwelling on January 4, 1990. Additionally, the Planning Division issued a Zoning Clearance (ZC05-0887) for a single-family dwelling and a three-car garage on June 22, 2005.

The Code Compliance Division issued a courtesy notice, Notice of Alleged Violation (Violation No. CV14-0020), on January 27, 2014, to the property owner. On April 29, 2014, the Code Compliance Division confirmed that the violation existed on the property and issued a Notice of Violation (Violation No. CV14-0020) to the property owner. The violation (CV14-0020) involved the property owner's felling of several protected heritage blue gum Eucalyptus trees (*Eucalyptus globulus*) from the property without the required discretionary tree permit to do so, in violation of Ventura County NCZO (§ 8107-25 et seq., Tree Protection Regulations). Mr. Ni submitted a DTP application on November 14, 2014, to retroactively permit the tree removal and abate the violation.

b. APN 152-0-352-105:

Additionally Planning Division staff researched the permit and violation history of APN 152-0-352-105. The Planning Division issued a Zoning Clearance (ZC42807) for a single-family residence on October 29, 1985. There are no open or closed violation cases associated with this property.

- 8. Project Description:** The project includes a request for a DTP in order to: (1) abate Code Violation Case No. CV14-0020 for the unpermitted removal of four protected heritage size blue gum Eucalyptus trees (*Eucalyptus globulus*); and (2) bring the properties into compliance with the Tree Protection Ordinance and Ventura County NCZO § 8105-4, § 8107-25.7, and § 8111-1.3.1. The four heritage size trees were among a total of 25 Eucalyptus trees (*Eucalyptus globulus*), which were felled on the properties (Exhibit 3, Addendum I to the May 27, 2014, Tree Report by LA Johnny, Appendix B, Site Plan/Tree Maps, dated February 4, 2015).

The majority of the 25 Eucalyptus trees (*Eucalyptus globulus*) were located on APN 152-0-352-055; however, several trees were located on or near the property line between APN 152-0-352-055 and APN 152-0-352-105. The co-applicant and property owner of the adjacent property, located at 2138 Via Veneto, gave permission to the applicant to remove trees located at the rear of the two properties and to retroactively apply for a DTP (Exhibits 4 and 5). Additionally, the issuance of the DTP will allow for the removal of any trunks, limbs, stumps, roots and regrowth remaining from the previously-felled trees (*Eucalyptus globulus*) from the properties.

With the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots and regrowth, from the properties, no new development, grading, or ground disturbance is proposed as part of this project. No new tree removal will occur, and no native vegetation removal will occur. No public facilities will be extended or expanded to facilitate the proposed project.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, § 15000 et seq.), the subject application constitutes a “project” that is subject to environmental review.

The Public Resources Code lists certain types of projects that are exempt from CEQA. As stated in the general rule exemption set forth in the CEQA Guidelines [§ 15061(b)(3)]: “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” The DTP involving non-native protected heritage trees is considered an activity “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment” (Ibid). The proposed project includes a DTP to abate the violation associated with the felling of non-native Eucalyptus trees (*Eucalyptus globulus*) with no new structures being proposed at this time. With the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots, and regrowth from those felled trees, no new tree removal activities will occur. As such, the issuance of the DTP will not result in a significant effect on the environment, and this project is statutorily exempt from CEQA pursuant to § 15061(b)(3) of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (2015, page 4) states:

...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

- 1. Resources Policy 1.1.2-1:** *All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative*

impacts on resources in compliance with the California Environmental Quality Act.

Resources Policy 1.1.2-2: *Except as otherwise covered by a more restrictive policy within the Resources Chapter, significant adverse impacts on resources identified in environmental assessments and reports shall be mitigated to less than significant levels or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.*

The proposed project requests a DTP for the felling of Eucalyptus trees (*Eucalyptus globulus*), and no new development is being proposed. As discussed in Section B (above), the project is statutorily exempt from CEQA review pursuant to § 15061(b)(3). As such, the proposed project will not have significant impacts on environmental resources, and no mitigation measures or a statement of overriding considerations must be adopted to approve the proposed project.

Based on the discussion above, the proposed project is consistent with Policies 1.1.2-1 and 1.1.2-2.

- 2. Water Resources Policy 1.3.2-2.** *Discretionary development shall comply with all applicable County and State water regulations.*

Water Resources Policy 1.3.2-4: *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

Hazards Policy 2.13.2-1: *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

Public Facilities and Services Policy 4.3.2-1: *Development that requires potable water shall be provided a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations. Water systems operated by or receiving water from Casitas Municipal Water District, the Calleguas Municipal Water District or the United Water Conservation District will be considered permanent supplies unless an Urban Water Management Plan (prepared pursuant to Part 2.6 of Division 6 of the Water Code) or a water supply and demand assessment (prepared pursuant to Part 2.10 of Division 6 of the Water Code) demonstrates that there is insufficient water supply to serve cumulative development within the district's service area. When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or*

inadequate, the developer shall be required to demonstrate the availability of a permanent potable water supply for the life of the project.

Public Facilities and Services Policy 4.8.2-1: *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

As discussed in Section B (above), the project will not significantly impact the environment. The project will not impact water resources as the project involves the felling of heritage Eucalyptus trees (*Eucalyptus globulus*) and will not include development that would result in water use or impact the quantity or quality of water resources. As discussed in Section A.9 (above), with the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots, and regrowth from the previously-felled trees, from the properties, no new development, grading, or ground disturbance is proposed as part of this project, and the proposed project does not include development that requires the provision of water or access for fire protection and evacuation purposes. The purpose of this project is to abate the violation and bring the lot into compliance with the Tree Protection Ordinance and Ventura County NCZO. The project will not result in adverse impacts to water resources and water supply.

Therefore based on the discussion above, the proposed project is consistent with Policies 1.3.2-2, 1.3.2-4, 2.13.2-1 4.3.2-1, and 4.8.2-1.

- 3. Scenic Resources Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

As discussed in Section B (above), the project will not result in significant environmental impacts. As discussed in Section A.9 (above), with the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots, and regrowth, from the properties, no new development, grading, or ground disturbance is proposed as part of this project. The project will not significantly impact scenic resources as the proposed project consists of the retroactive permitting of the felling and removal of non-native heritage Eucalyptus trees (*Eucalyptus globulus*), and will not include development that would result in impacts to scenic resources. The purpose of this project is to abate the violation and bring the properties into compliance with the Tree Protection Ordinance and Ventura County NCZO. As such, the project will not result in adverse impacts to scenic resources.

Therefore based on the discussion above, the proposed project is consistent with Policy 1.7.2-1.

- 4. Paleontological and Cultural Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.*

As discussed in Section B (above), the project is statutorily exempt from CEQA review pursuant to § 15061(b)(3) of the CEQA Guidelines. The project will not significantly impact paleontological and cultural resources as the project involves a DTP to abate the violation associated with the felling and removal of protected heritage Eucalyptus (*Eucalyptus globulus*) trees. As discussed in Section A.9 (above), with the exception of the removal of the previously felled trees, including any trunks, limbs, stumps, roots, and regrowth, from the properties, no new development, grading, or ground disturbance is proposed as part of this project. Furthermore, it is unlikely that subsurface resources exist or will be encountered at the depth of ground disturbance that will occur. However, in the unlikely event that undocumented, subsurface resources are encountered during ground disturbance activities, the project will be subject to a condition of approval to require the applicant to: (1) cease ground disturbance activities; (2) retain an archaeologist, paleontologist, and/or Native American consultant (as applicable) to assess the find and provide recommendations on the proper disposition of the site; and (3) implement the recommendations to which the Planning Director agrees and imposes on the project (Exhibit 6, Condition No. 13). The purpose of this project is to abate the violation and bring the properties into compliance with the Tree Protection Ordinance and Ventura County NCZO. As such, the project will not include development that would result in adverse impacts to paleontological and cultural resources.

Therefore, the proposed project is consistent with Policy 1.8.2-1.

- 5. Hazards Policy 2.16.2-1:** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts.*

Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.

The proposed project will involve noise-generating tree removal activities that have the potential to adversely affect surrounding residential uses. Tree removal activities will include removal of any trunks, limbs, stumps, roots, and regrowth of the previously-felled trees from the properties. Therefore, pursuant to the requirements of the *Ventura County Construction Noise Threshold Criteria and Control Plan*, the proposed project will be subject to a condition of approval to limit noise-generating activities to the days and times when construction noise is least likely to adversely affect surrounding residential uses (Exhibit 6, Condition No. 14).

Based on the discussion above, the proposed project is consistent with Policy 2.16.2-1.

- 6. Public Facilities and Services Policy 4.1.2-1:** *Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.*

Public Facilities and Services Policy 4.1.2-2: *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

Public Facilities and Services Policy 4.4.2-2: *Any subdivision, or discretionary change in land use having a direct effect upon the volume of sewage, shall be required to connect to a public sewer system. Exceptions to this policy to allow the use of septic systems may be granted in accordance with County Sewer Policy. Installation and maintenance of septic systems shall be regulated by the County Environmental Health Division in accordance with the County's Sewer Policy, County Building Code, and County Service Area 32.*

As discussed in Section A.9 (above), with the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots, and regrowth, from the properties, no new development, grading, or ground disturbance is proposed as part of this project. The proposed project does not involve development that requires the provision of water or sewage disposal services from a public or private purveyor. Furthermore, the proposed project will not generate new traffic that could adversely affect public roadways.

Therefore, the proposed project is consistent with Policies 4.1.2-1, 4.1.2-2, and 4.4.2-2.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County NCZO. Pursuant to the requirements of the Ventura County NCZO (§ 8105-4), the proposed use is allowed in the RE-1 ac zone district with the granting of a DTP. Upon the granting of the DTP, the proposed project will comply with the requirements of the Ventura County NCZO.

E. DTP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a DTP pursuant to § 8107-25.7 of the Ventura County NCZO. The applicable standards and the ability to make the required findings are evaluated below.

§ 8107-25.7 - Discretionary Tree Permits and Standards: *Except as provided in § 8107-25.4, 8107-25.5 or 8107-25.6, no person shall alter, fell, or remove a Protected Tree without obtaining a Planning Director approved discretionary Tree Permit. The Planning Director may approve a discretionary Tree Permit application with necessary conditions to promote the purpose of these tree ordinance regulations if:*

§ 8107-25.7.5

The Protected Tree has been recently altered or felled without the required permit and a person seeks to remove the tree, roots or limbs from the lot.

As stated in Section A.9 (above), the proposed project consists of a request for a DTP to retroactively permit the felling of four protected heritage blue gum Eucalyptus (*Eucalyptus globulus*) trees of the total 25 Eucalyptus trees (*Eucalyptus globulus*) that were felled on the properties. A qualified arborist prepared an arborist report that identified the four heritage trees that were felled (Addendum I to the May 27, 2014 Tree Report by LA Johnny, dated February 4, 2015; Exhibit 3). According to the arborist report, the felling of the blue gum Eucalyptus (*Eucalyptus globulus*) occurred several months prior to the arborist's initial inspection of the project site on May 17, 2014. The arborist also conducted additional inspections of the project site on December 28 and December 30, 2014, to determine the number of felled heritage trees (Tree Report for Michael Ni by LA Johnny, dated May 27, 2014, and Addendum I to May 27, 2014, Tree Report by LA Johnny, dated February 4, 2015; Exhibit 3).

Pursuant to the requirements of the Ventura County NCZO (§ 8107-25.10), the applicant will be required to provide the offsets for the loss of the four felled heritage trees (Exhibit 6, Condition No. 12).

Therefore, for the reasons set forth above, this standard can be met.

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 65091), Ventura County NCZO (§ 8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the properties on which the project site is located and placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments.

The project site is located within the City of Camarillo's Sphere of Influence and Area of Interest. Therefore, on February 3, 2016 the Planning Division notified the City of Camarillo of the proposed project and requested the City of Camarillo to submit any comments that the City might have on the proposed project. Tim Moran, Planning Technician for the City of Oxnard, responded on February 5, 2016, via email that the City of Camarillo had reviewed the proposed project and had no comments or recommended conditions of approval for the proposed project (Exhibit 7).

G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

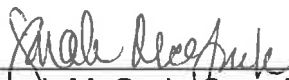
1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is statutorily exempt from CEQA pursuant to § 15061(b)(3) of the CEQA Guidelines;
3. **MAKE** the required findings to grant a DTP pursuant to § 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** DTP Case No. PL14-0161, subject to the conditions of approval (Exhibit 6); and
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or

holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Sarah McGurk at (805) 654-3136 or Sarah.McGurk@ventura.org.

Prepared by:



Sarah McGurk, Case Planner
Residential Permits Section
Ventura County Planning Division

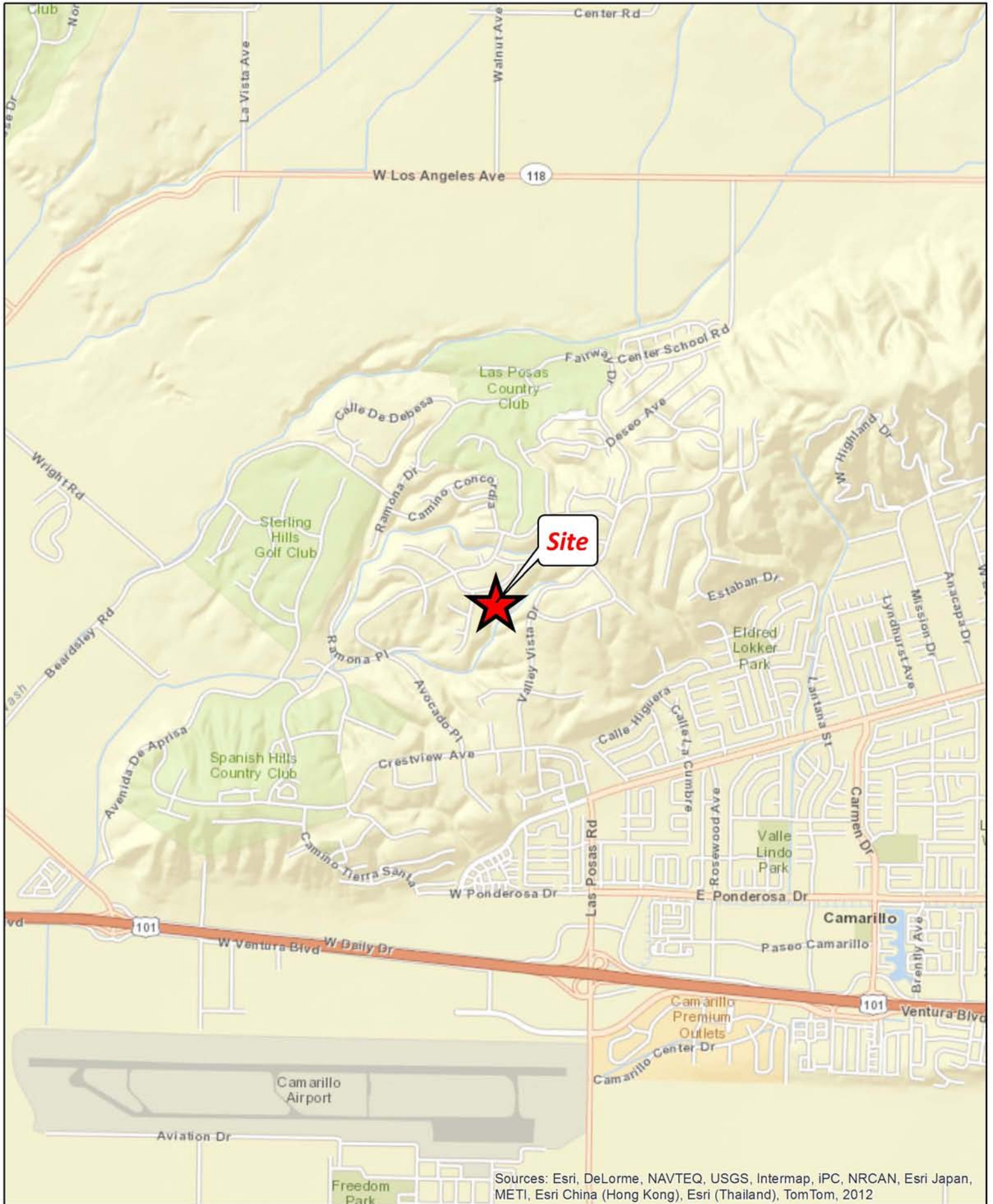
Reviewed by:



Daniel Klemann, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 - Land Use Maps
- Exhibit 3 - Tree Report and Addendum I to the Tree Report
- Exhibit 4 - Email Correspondence from Patty Adams to Whitney Wilkinson, dated January 28, 2015
- Exhibit 5 - Written Correspondence from Patty Adams to Michael Ni, dated November 19, 2013
- Exhibit 6 - Draft Conditions of Approval
- Exhibit 7 - Email Correspondence from Tim Moran to Sarah McGurk, dated February 5, 2016



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012



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Map created on 01/27/2016



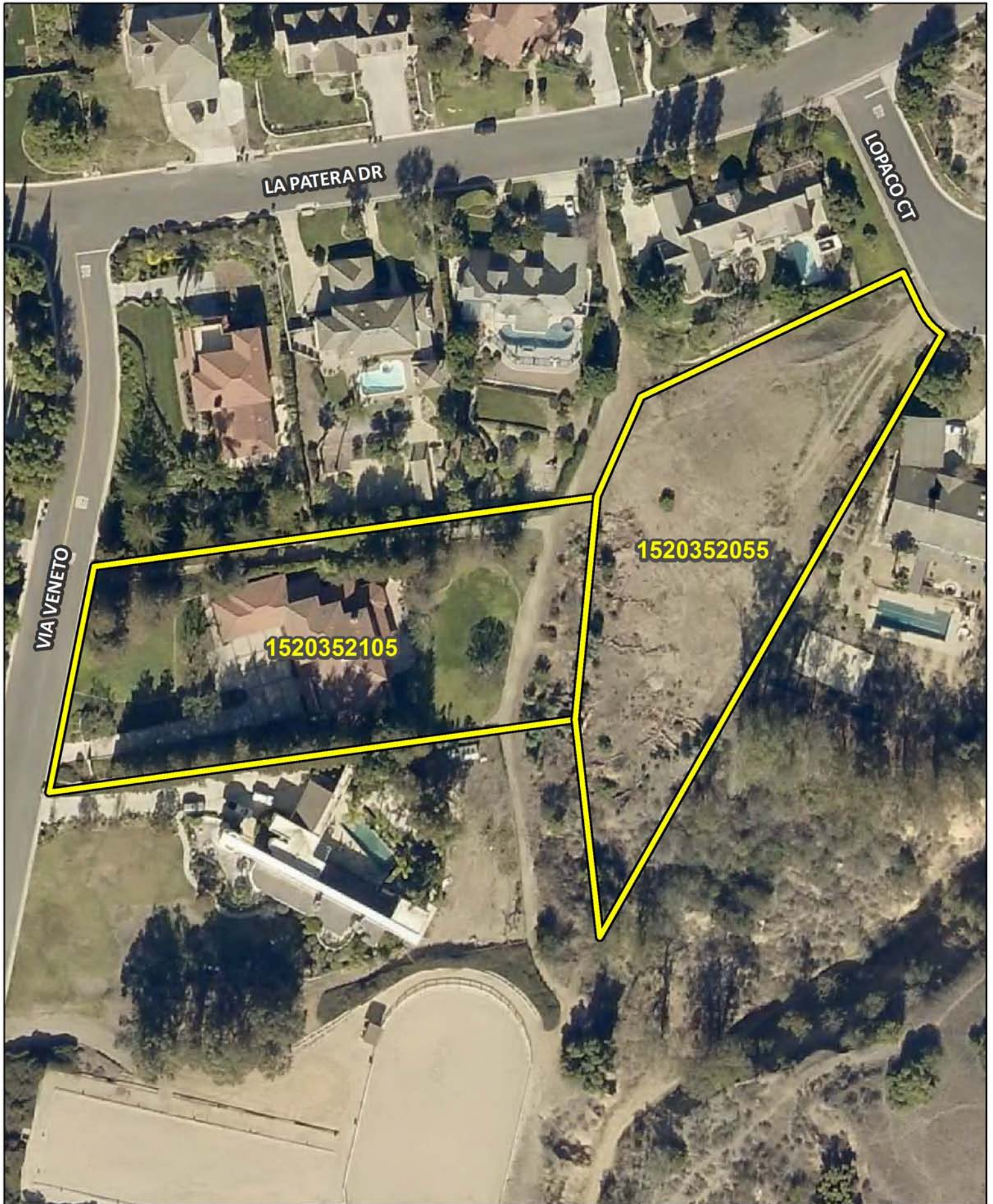
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Location Map

Exhibit 2 – Land Use Maps



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Map created on 01/27/2016
Source: Pictometry®, February 2015



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Aerial Location Map
Exhibit 2 – Land Use Maps



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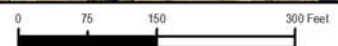
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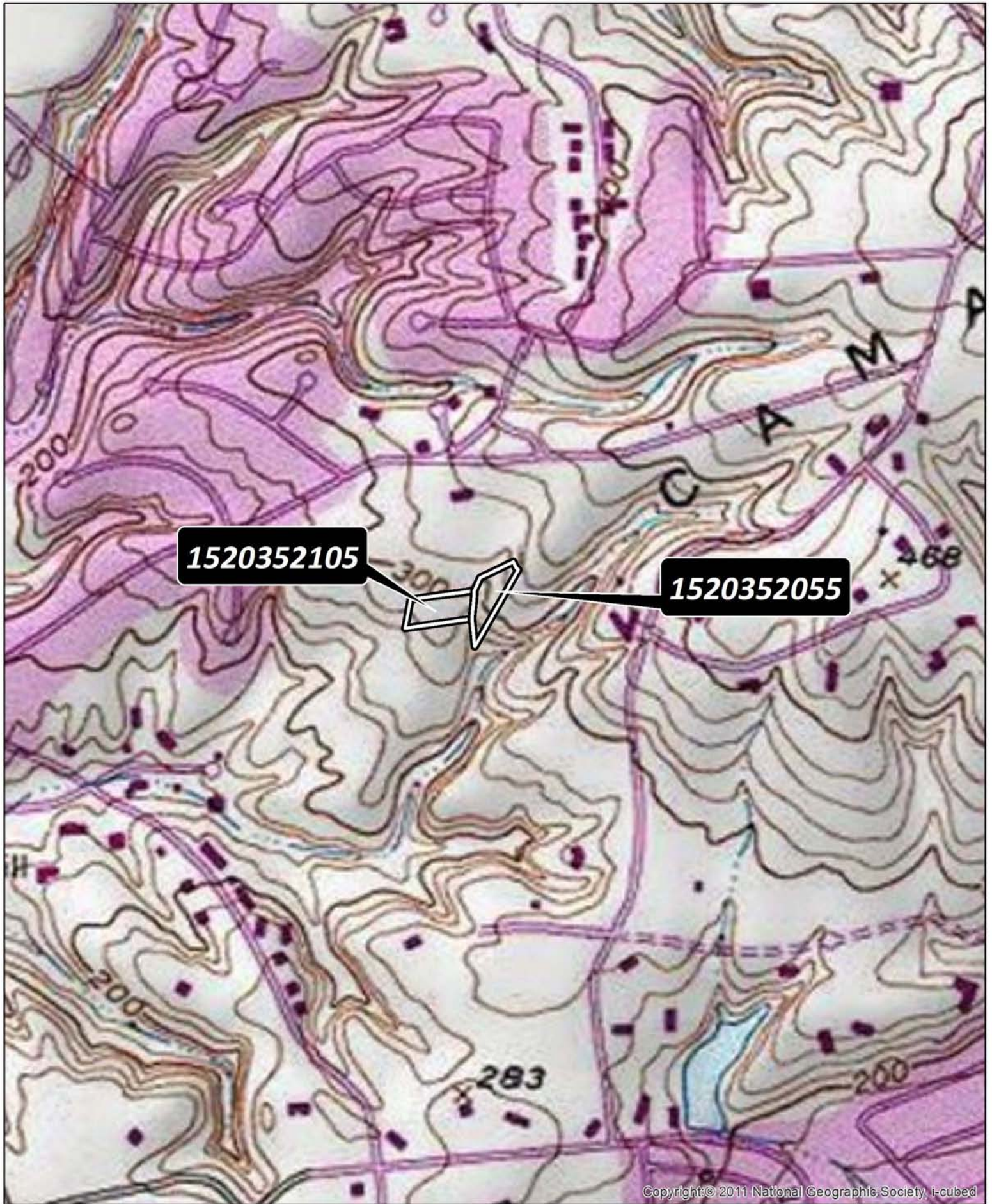
Land Use Map

Exhibit 2 – Land Use Maps



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Map created on 01/27/2016
Source: Camarillo U.S.G.S. Quadrangle
Contour interval = 20 ft



County of Ventura
Planning Division
PL14-0161
U.S.G.S. Topographic Map
Exhibit 2 – Land Use Maps



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Addendum I to Tree Report May 27, 2014 for

Michael Ni

82 Lopaco Court
Camarillo, California

Agency:

County of Ventura

Resource Management Agency

Planning Division

800 S. Victoria Avenue
Ventura, CA 93009
(805) 654-2488

As Described in Tree Doc D-AR dated 7-27-2010

Consulting Arborist:

LA Johnny

John Burke
10880 Del Norte Street #27
Ventura, California
805-754-9393

February 4, 2015

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Michael Ni Residence

LA Johnny

Landscape Architect & Consulting Arborist
ISA Certified Arborist WE8327A
805-754-9393 www.lajohnny.com

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1. Background

Include the following:

- ☐ Contact information of: property owner and arborist
 - Owner: Michael Ni, 82 Lopaco Court, Camarillo, CA,
 - Arborist: John Burke, 805-754-9393, john@lajohnny.com , ISA #WE8327A
- ☐ Assessor parcel number:
 - Address: 82 Lopaco Ct, Camarillo
 - APN: 152-0-352-055
- ☐ Assignment (# of trees evaluated, reason for the tree permit request, limitations)
 - Twenty-five trees were evaluated and four are protected.
 - The owner removed 25 eucalyptus trees not knowing that four were protected by virtue of their girth.
 - A site meeting was held on December 30, 2014 with representatives from the county (Whitney Wilkinson, Planner and Manny Ramos, Code Compliance), the owner Mr. Ni and myself. Together we measured all the cut trees that looked large enough to be protected. Together we determined that four trees were of heritage size. This report appraises the four trees we identified as protected.
 - The trees were cut and the canopy removed several months before the site inspection.
- ☐ Inspection date December 28, and 30 2014

2. Site Observations

In order to provide context, briefly describe the site from a landscape perspective. Include such factors as whether the tree is isolated or part of a larger stand or woodland, exposed or shaded, sloped or flat, on a hilltop or in a ravine, etc.

Michael Ni Residence

LA Johnny

Landscape Architect & Consulting Arborist
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Exhibit 3 - Tree Reports

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The trees were part of an “L” shaped stand of eucalyptus trees growing in and around an “L” shaped ravine at end of a gentle open slope. See Figures 1, 2 and 3 on the following pages.

Figure 1 Terrain Context



Above: looking north at ravine where the two protected eucalyptus grew.

Michael Ni Residence

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Figure 2 Terrain Context



Above: looking southwest at ravine where two protected eucalyptus grew.

Michael Ni Residence

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Figure 3 Terrain Context



Above: looking east across the ravine at five small eucalyptus and standing trees on next lot.

Michael Ni Residence

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Exhibit 3 - Tree Reports

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3. Tree Condition and Impact Table

Four trees are large enough to achieve protected status including: 1, 2, 4, and 5.

Tree No.	Genus	Species	Girth	Heritage	Hazard?	Vitality	Impact	P. Fence	Notes
1	Eucalyptus	globulus	112	yes	unk.	F	none	no	cut
2	Eucalyptus	globulus	120	yes	unk.	F	none	no	cut
3	Eucalyptus	globulus	57	no	unk.	F	none	no	cut
4	Eucalyptus	globulus	102	yes	unk.	F	none	no	cut
5	Eucalyptus	globulus	43 + 39	yes	unk.	F	none	no	cut
6	Eucalyptus	globulus	78	no	unk.	F	none	no	cut
7	Eucalyptus	globulus	69	no	unk.	F	none	no	cut
8	Eucalyptus	globulus	72	no	unk.	F	none	no	cut
9	Eucalyptus	globulus	76	no	unk.	F	none	no	cut
10	Eucalyptus	globulus	50	no	unk.	F	none	no	cut
11	Eucalyptus	globulus	86	no	unk.	F	none	no	cut
12	Eucalyptus	globulus	44	no	unk.	F	none	no	cut
13	Eucalyptus	globulus	50	no	unk.	F	none	no	cut
14	Eucalyptus	globulus	63	no	unk.	F	none	no	cut
15	Eucalyptus	globulus	63	no	unk.	F	none	no	cut
16	Eucalyptus	globulus	63	no	unk.	F	none	no	cut
17	Eucalyptus	globulus	25	no	unk.	F	none	no	cut
18	Eucalyptus	globulus	38	no	unk.	F	none	no	cut
19	Eucalyptus	globulus	28	no	unk.	F	none	no	cut
20	Eucalyptus	globulus	25	no	unk.	F	none	no	cut
21	Eucalyptus	globulus	75	no	unk.	F	none	no	cut
22	Eucalyptus	globulus	60	no	unk.	F	none	no	cut
23	Eucalyptus	globulus	53	no	unk.	F	none	no	cut
24	Eucalyptus	globulus	79	no	unk.	F	none	no	cut
25	Eucalyptus	globulus	85	no	unk.	F	none	no	cut

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4. Individual Tree Analysis

Observations Tree 1

- ☐ Indicate whether the tree is single- or multi-trunked (below 4.5').
 - Single Trunk
- ☐ An explanation if girth measurements are taken at other than 4.5'.
 - The tree was cut prior to my observations. I used a tape to measure the circumference at 4.5'
- ☐ Indicate if the tree is of heritage size or potentially of historical status.
 - 112 inch girth
- ☐ Location of tree by tree number and distance from a fixed landmark.
 - Tree 1 is 19.5 feet east of a metal post and sign marking the edge of the equestrian trail. It is at the north end of the ravine.
- ☐ Health class of tree using the flowing rating system:
 - F—dead/dying. Tree has been cut.
- ☐ Description of the TPZ, including any factors relevant to the tree's condition:
 - Ravine with eucalyptus litter
- ☐ If removal of a dead tree is part of the proposal, include likely causes of death.
 - It was cut
- ☐ If tree relocation is part of the proposal, include a statement about each tree's transplant viability.
 - Not possible
- ☐ Indicate whether spread of disease or insects from the tree a concern, and if so any special disposal or handling requirements.
 - None apparent
- ☐ Potential impacts to the tree and to the TPZ from the proposed project.
 - none

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Specific Recommendations Tree 1

- ☐ Shall be based upon the above impacts and the County's Tree Protection Ordinance.
 - none
- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflict.
 - no

Observations Tree 2

- ☐ Indicate whether the tree is single- or multi-trunked (below 4.5').
 - Single Trunk
- ☐ An explanation if girth measurements are taken at other than 4.5'.
 - The tree was cut prior to my observations. I used a tape to measure the circumference at 4.5'
- ☐ Indicate if the tree is of heritage size or potentially of historical status.
 - 120 inch girth
- ☐ Location of tree by tree number and distance from a fixed landmark.
 - Tree 2 is 35 feet south of tree 1.
- ☐ Health class of tree using the flowing rating system:
 - F—dead/dying. Tree has been cut.
- ☐ Description of the TPZ, including any factors relevant to the tree's condition:
 - Ravine with eucalyptus litter
- ☐ If removal of a dead tree is part of the proposal, include likely causes of death.
 - It was cut
- ☐ If tree relocation is part of the proposal, include a statement about each tree's transplant viability.
 - Not possible

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- ☐ Indicate whether spread of disease or insects from the tree a concern, and if so any special disposal or handling requirements.
 - None apparent
- ☐ Potential impacts to the tree and to the TPZ from the proposed project.
 - none

Specific Recommendations Tree 2

- ☐ Shall be based upon the above impacts and the County's Tree Protection Ordinance.
 - none
- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflict.
 - No

Observations Tree 4

- ☐ Indicate whether the tree is single- or multi-trunked (below 4.5').
 - Single Trunk
- ☐ An explanation if girth measurements are taken at other than 4.5'.
 - This tree was measured by myself and Mr. Ni and observed by Whitney Wilkinson.
- ☐ Indicate if the tree is of heritage size or potentially of historical status.
 - 102 inch girth
- ☐ Location of tree by tree number and distance from a fixed landmark.
 - Tree 4 is 25 feet south of the property line stake (see map).
- ☐ Health class of tree using the flowing rating system:
 - F—dead/dying. Tree has been cut.
- ☐ Description of the TPZ, including any factors relevant to the tree's condition:
 - Ravine with eucalyptus litter
- ☐ If removal of a dead tree is part of the proposal, include likely causes of death.
 - It was cut

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- ☐ If tree relocation is part of the proposal, include a statement about each tree's transplant viability.
 - Not possible
- ☐ Indicate whether spread of disease or insects from the tree a concern, and if so any special disposal or handling requirements.
 - None apparent
- ☐ Potential impacts to the tree and to the TPZ from the proposed project.
 - none

Specific Recommendations Tree 4

- ☐ Shall be based upon the above impacts and the County's Tree Protection Ordinance.
 - none
- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflict.
 - no

Observations Tree 5

- ☐ Indicate whether the tree is single- or multi-trunked (below 4.5').
 - Multi Trunk
- ☐ An explanation if girth measurements are taken at other than 4.5'.
 - This tree was measured by myself and Mr. Ni and observed by Whitney Wilkinson.
- ☐ Indicate if the tree is of heritage size or potentially of historical status.
 - 43 inch girth and 39 inch girth
- ☐ Location of tree by tree number and distance from a fixed landmark.
 - Tree 5 is 30 feet south of the property line stake (see map).
- ☐ Health class of tree using the flowing rating system:
 - F—dead/dying. Tree has been cut.
- ☐ Description of the TPZ, including any factors relevant to the tree's condition:
 - Ravine with eucalyptus litter

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- ☐ If removal of a dead tree is part of the proposal, include likely causes of death.
 - It was cut
- ☐ If tree relocation is part of the proposal, include a statement about each tree's transplant viability.
 - Not possible
- ☐ Indicate whether spread of disease or insects from the tree a concern, and if so any special disposal or handling requirements.
 - None apparent
- ☐ Potential impacts to the tree and to the TPZ from the proposed project.
 - none

Specific Recommendations Tree 5

- ☐ Shall be based upon the above impacts and the County's Tree Protection Ordinance.
 - none
- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflict.
 - no

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5. Appraisals (For projects that require mitigation or offsets.)

Figure 4 Appraisal Calculations Tree 1 and Tree 2

FIELD OBSERVATION		ID NUMBER	1	2
	HEIGHT		80	80
	WIDTH		35	35
1	SPECIES		<i>Eucalyptus globulus</i>	<i>Eucalyptus globulus</i>
			blue gum	blue gum
	NUMBER OF TRUNKS		1	1
	CIRCUMFERENCE		112	120
2	TRUNK DIAMETER		35.7	38.2
3	CONDITON PERCENTAGE		20%	20%
	ROOTS		1	1
	TRUNK		1	1
	SCAFFOLD BRANCHES		1	1
	SMALL BRANCHES		1	1
	FOILIAGE		1	1
	CONDITON DESCRIPTION		POOR	POOR
4	LOCATION PERCENTAGE		47%	47%
	SITE		75%	75%
	CONTRIBUTION		33%	33%
	PLACEMENT		33%	33%
REGIONAL PLANT COMMITTEE INPUT				
5	SPECIES RATING		30%	30%
	NURSERY GROUP		4	4
6	REPLACEMENT TREE TRK. AREA		33.17	33.17
7	REPLACEMENT TREE COST		\$ 1,482	\$ 1,482
8	INSTALLATION COST		\$ 1,300	\$ 1,300
9	INSTALLED COST (#7 + #8)		\$ 2,782	\$ 2,782
10	UNIT TREE / PALM COST		\$ 45	\$ 45
CALCULATION FROM APPRAISAL HANDBOOK				
	ACTUAL TRUNK AREA		1004	1152
11	APPRAISED/ADJUSTED TRUNK AREA		970	1085
12	APPRAISED TRUNK INCREASE (#11 - #6)		937	1052
13	BASIC TREE COST(#12 x #10 + #9)		\$ 44,939.35	\$ 50,114
14	APPRAISED VALUE (#13 x #5 x #3 x #4)		\$ 1,260	\$ 1,410

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Figure 5 Appraisal Calculations Tree 4 and Tree 5

FIELD OBSERVATION		ID NUMBER	4	5
		HEIGHT	80	80
		WIDTH	35	35
1	SPECIES		<i>Eucalyptus globulus</i>	<i>Eucalyptus globulus</i>
			blue gum	blue gum
		NUMBER OF TRUNKS	1	2
		CIRCUMFERENCE	107	82
2	TRUNK DIAMETER		34.1	26.1
3	CONDITON PERCENTAGE		20%	20%
		ROOTS	1	1
		TRUNK	1	1
		SCAFFOLD BRANCHES	1	1
		SMALL BRANCHES	1	1
		FOILAGE	1	1
		CONDITON DESCRIPTION	POOR	POOR
4	LOCATION PERCENTAGE		47%	47%
		SITE	75%	75%
		CONTRIBUTION	33%	33%
		PLACEMENT	33%	33%
		REGIONAL PLANT COMMITTEE INPUT		
5	SPECIES RATING		30%	30%
		NURSERY GROUP	4	4
6	REPLACEMENT TREE TRK. AREA		33.17	33.17
7	REPLACEMENT TREE COST		\$ 1,482	\$ 1,482
8	INSTALLATION COST		\$ 1,300	\$ 1,300
9	INSTALLED COST (#7 + #8)		\$ 2,782	\$ 2,782
10	UNIT TREE / PALM COST		\$ 45	\$ 45
		CALCULATION FROM APPRAISAL HANDBOOK		
		ACTUAL TRUNK AREA	916	538
11	APPRAISED/ADJUSTED TRUNK AREA		896	538
12	APPRAISED TRUNK INCREASE (#11 - #6)		863	505
13	BASIC TREE COST(#12 x #10 + #9)		\$ 41,609	\$ 25,499
14	APPRAISED VALUE (#13 x #5 x #3 x #4)		\$ 1,170	\$ 710

Done using the Trunk Formula Method as described in Guide for Plant Appraisal 9th edition

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Tree 1 =	\$1260
Tree 2 =	\$1410
Tree 4 =	\$1170
Tree 5 =	\$710
Total =	\$4550

6. Discussion

Use this section for discussion of information not covered elsewhere.

When I returned to the site in December of 2014 for the site visit, the cut stumps had regrown and produced mature leaves with an obvious sickle shape which identified these trees as blue gum instead of Red River gum as I originally thought. For appraisal purposes, blue gums have a lower species rating (30% vs 50%) making their appraised value less than for a Red River gum of equal size and condition, at the same location.

7. Recommendations

Note: If a TPP will not be prepared, then this section should give a comprehensive treatment of recommendations, including the following recommendations:

- ☐ Any immediate response that is needed for safety.
 - ☐ none
- ☐ Whether TPZ fencing (and hence a TPP) or site supervision is warranted during construction.
 - ☐ no
- ☐ timing of any pruning or removal
 - ☐ does not apply
- ☐ Tree care and injury prevention.
 - ☐ does not apply

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- ☐ If the Arborist Report is assessing the impact of a violation, include practical recommendations for onsite remediation and monitoring if applicable.

Remediation. In her email concerning our December site meeting, the planner Whitney Willkinson said, "I believe, Michael, that you wished to provide a financial contribution to account for the felling of the four Heritage trees? Please confirm this or provide another method of offset/replacement in the revised Arborist Report."

- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflicts
 - Does not apply, trees have been cut.

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8. Supporting Information Photos:

1 to 4 color photos per affected tree or stand—as needed to document the situation—are required. Photo print outs are required. Digital photo files are requested.

Figure 7 Photos Trees 1 and 2



Above: standing in the ravine looking north at trees 1 and 2

Figure 8 Photos Tree 1



Above: standing in the ravine looking north at trees 1

Figure 9 Photos Tree 2



Above: looking across the ravine, east at tree 2

Figure 10 Photos Measuring Tree 4



Figure 11 Photos Measuring Tree 4



Figure 12 Photos Measuring Tree 11



Figure 13 Photos Measuring Tree 16



Figure 14 Photos Measuring Tree 16



Figure 15 Photos Measuring Tree 21



Figure 16 Photos Measuring Tree 21



Figure 17 Photos Measuring Tree 25



Figure 18 Photos Measuring Tree 25



8. Supporting Information Site Plan:

See Appendix B Site Plan

9. Tree Protection Plan (if required)

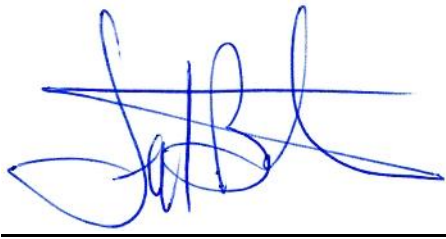
Does not apply. No

Certification

PREMISES: Michael Ni residence, 82 Lopaco Court, Camarillo, CA

I, John Burke, CERTIFY to the best of my knowledge and belief:

1. That the statements of fact contained in this plant appraisal are true and correct.
2. That the appraisal analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and that they are my personal, unbiased professional analysis, opinions and conclusions.
3. That I have no present or prospective interest in the plants that are the subject of this appraisal, and that I have no personal interest or bias with respect to the parties involved.
4. That my compensation is not contingent upon predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.



Date: 2-4-15

John Burke

Landscape Architect 5251

ISA Certified Arborist WE-8327A

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LA Johnny

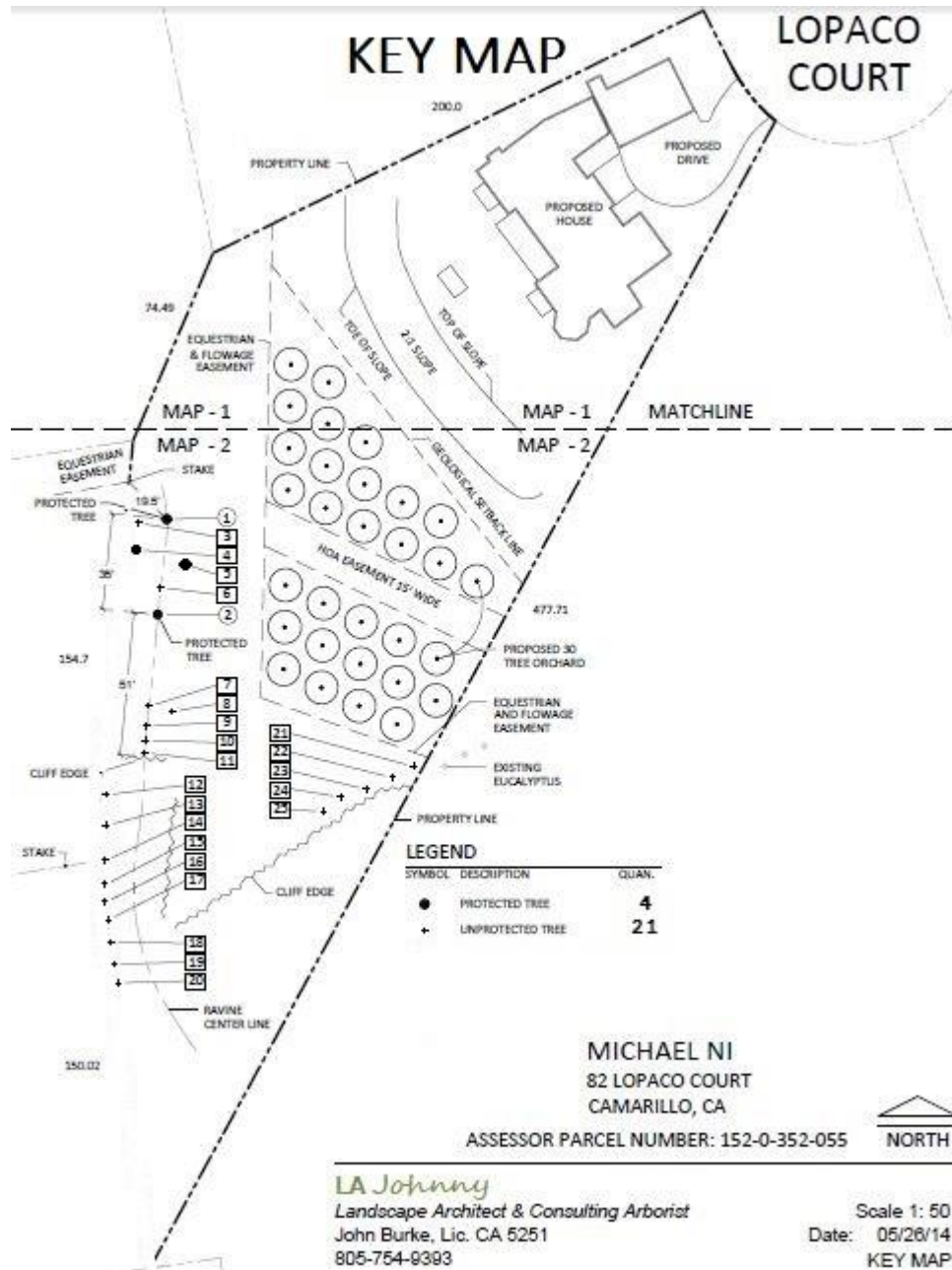
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Appendix B: Site Plan/Tree Maps



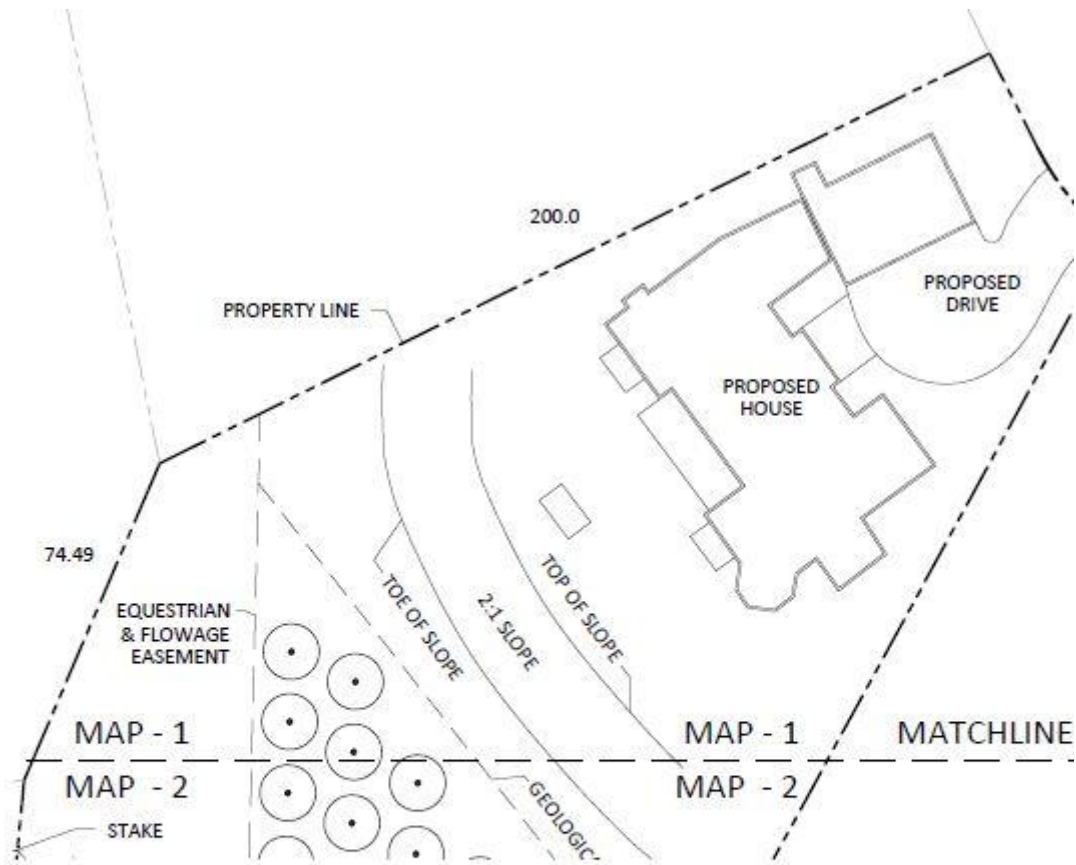
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MICHAEL NI
82 LOPACO COURT
CAMARILLO, CA

ASSESSOR PARCEL NUMBER: 152-0-352-055



LA Johnny

Landscape Architect & Consulting Arborist
John Burke, Lic. CA 5251
805-754-9393

Scale 1: 30
Date: 05/26/14
MAP 1 OF 2

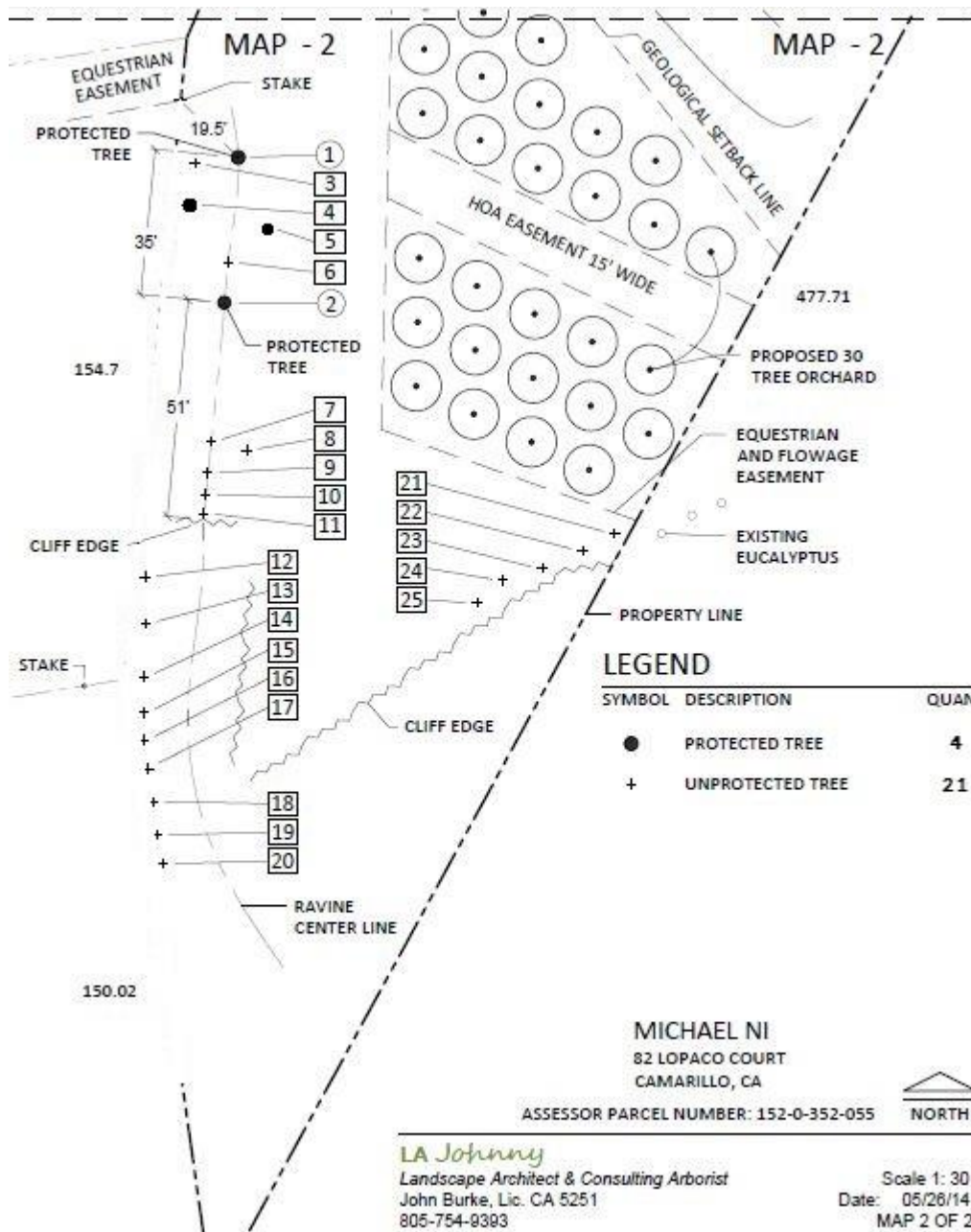
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1/22/2014 @ 1200-1300 HRS
82 LORADO CT, CAM

CV14-0020

Diagram illustrating a tree structure with various measurements and labels:

- Top left: (54" cir) 27" (19" cir) 28"
- Top right: 23" (72" cir)
- Middle left: (53" cir) 17" (75" cir) 24" 30" (94" cir)
- Middle center: 35" (109" cir) MULTI-trunk 15" 17" (97" cir) (53" cir)
- Middle right: 20" (94" cir) 23" (72" cir) 21" (65" cir)
- Bottom left: 36" (8" cir) MULTI-trunk (8" cir)
- Bottom center: 31" (99" cir) 36" (MULTI-trunk 113" cir) 27"
- Bottom right: 35" MULTI-trunk (109" cir) 19" (59" cir) 40" MULTI-trunk (135" cir) Heritage

Additional notes:

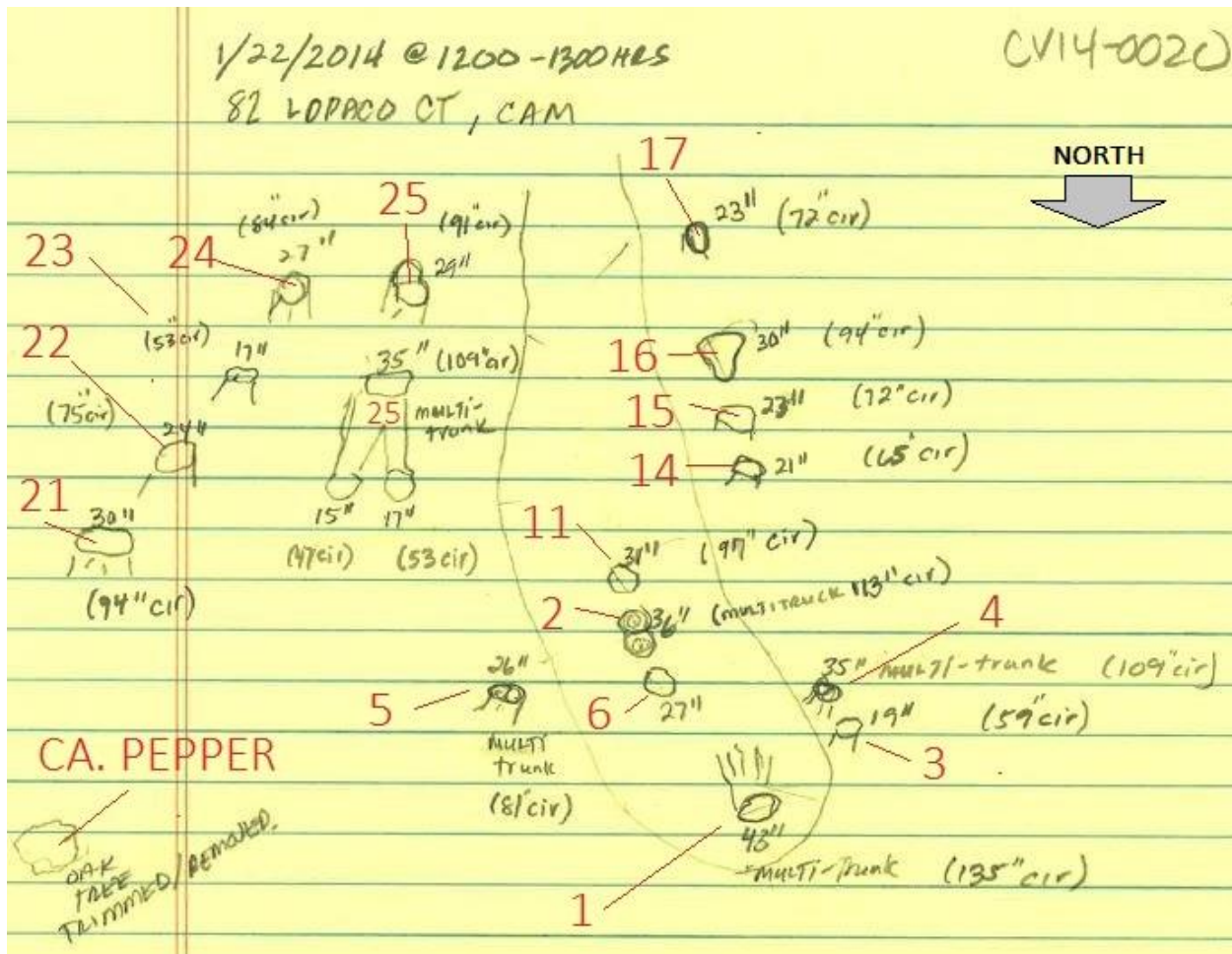
- 107" o.d. Heritage
- 30" FACE TRIMMED / REMOVED
- Trunk #1 = 43"
- Trunk #2 = 39"
- 82"
- Double trunk > 72" = Heritage

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Manny Ramos Field Sketch

(With tree map numbers superimposed in red by the arborist)



Above: Field sketch by Manny Ramos with tree map numbers superimposed in red. This sketch includes 16 individual trees while the tree map shows 25 trees including nine smaller trees not shown on the sketch.

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PL14-0161 Disc Tree Permit- Site Visit Notes

Hi Michael/John,

I've attached my notes from our site visit today. I got some of the numbers from John's system; please fill in the missing number below using the same system when updating the arborist report. I've also provided a summary below:

Tree #1- Heritage, Circumference = 112" at dbh per the original arborist report (update with field measurements if different)

Tree #2- Heritage, Circumference = 120" at dbh per the original arborist report (update with field measurements if different)

Tree #?- Heritage, Circumference = 107" at dbh per site visit measurement

Tree #5- Heritage, Circumference = 82" at dbh per site visit measurement, each individual trunk measured.

For reference, the following are the definitions for multiple trunk tree and Heritage Tree, found in the Ventura County Non-Coastal Zoning Ordinance:

Multiple Trunk Tree - A tree which has two (2) or more trunks forking below four and one-half (4.5) feet above the uphill side of the root crown. (ADD. ORD. 4092 - 6/27/95)

Heritage Tree - Any species of tree with a single trunk of ninety (90) or more inches in girth or with multiple trunks, two of which collectively measure seventy-two (72) inches in girth or more. In addition, species with naturally thin trunks when full grown (such as Washington Palms), species with naturally large trunks at an early age (such as some date palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls) must be at least sixty feet tall or 75 years old to be considered as a heritage tree. (AM. ORD. 4092 - 6/27/95)

Also, be advised that planting orchard trees will not be an acceptable form of mitigation as originally included in the Arborist Report dated May 27, 2014. I believe, Michael, that you wished to provide a financial contribution to account for the felling of the four Heritage trees? Please confirm this or provide another method of offset/replacement in the revised Arborist Report. I've attached the tree guidelines for your reference.

Also, if you can send the document that contains any agreements you have with adjacent property owners regarding tree removal, that would be helpful as well. We may need to have the neighboring property owners notified of the DTP since it is likely some of the trees removed were on their property. If you have any evidence to show whether or not the trees are all on your property, I'd be happy to look it over.

Thanks,

Whitney Wilkinson, MESM I Planner

Residential Permit Section, Ventura County Resource Management Agency | Planning Division

Whitney.Wilkinson@ventura.org

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Tree Report for
Michael Ni
82 Lopaco Court
Camarillo, California

Agency:
County of Ventura
Resource Management Agency
Planning Division
800 S. Victoria Avenue
Ventura, CA 93009
(805) 654-2488

As Described in Tree Doc D-AR dated 7-27-2010

Consulting Arborist:
LA Johnny
John Burke
10880 Del Norte Street #27
Ventura, California
805-754-9393

May 27, 2014

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1. Background

Include the following:

- ☐ Contact information of: property owner and arborist
 - Owner: Michael Ni, 82 Lopaco Court, Camarillo, CA,
 - Arborist: John Burke, 805-754-9393, john@lajohnny.com , ISA #WE8327A
- ☐ Assessor parcel number:
 - Address: 82 Lopaco Ct, Camarillo
 - APN: 152-0-352-055
- ☐ Assignment (# of trees evaluated, reason for the tree permit request, limitations)
 - Twenty-five trees were evaluated and two are protected.
 - The owner removed 25 eucalyptus trees not knowing that two were protected by virtue of their girth (120" and 112"). The County received a complaint and the owner was told by the Code Compliance Officer Manuel (Manny) Ramos to hire an arborist to prepare a report. The email correspondence between Mr. Ramos and Mr. Ni is attached in Appendix A.
 - The trees were cut and the canopy removed several months before the site inspection.
- ☐ Inspection date May 17, 2014

2. Site Observations

In order to provide context, briefly describe the site from a landscape perspective. Include such factors as whether the tree is isolated or part of a larger stand or woodland, exposed or shaded, sloped or flat, on a hilltop or in a ravine, etc.

The trees were part of an "L" shaped stand of eucalyptus trees growing in and around an "L" shaped ravine at end of a gentle open slope. See Figures 1, 2 and 3 on the following pages.

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Figure 1 Terrain Context



Above: looking north at ravine where the two protected eucalyptus grew.

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Figure 2 Terrain Context



Above: looking southwest at ravine were two protected eucalyptus grew.

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Figure 3 Terrain Context



Above: looking east across the ravine at five small eucalyptus and standing trees on next lot.

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3. Tree Condition and Impact Table

Tree No.	Genus	Species	Girth	Heritage	Hazard?	Vitality	Impact	P. Fence	Notes
1	Eucalyptus	camaldulensis	112	yes	unk.	F	none	no	cut
2	Eucalyptus	camaldulensis	120	yes	unk.	F	none	no	cut
3	Eucalyptus	camaldulensis	57	no	unk.	F	none	no	cut
4	Eucalyptus	camaldulensis	82	no	unk.	F	none	no	cut
5	Eucalyptus	camaldulensis	72	no	unk.	F	none	no	cut
6	Eucalyptus	camaldulensis	78	no	unk.	F	none	no	cut
7	Eucalyptus	camaldulensis	69	no	unk.	F	none	no	cut
8	Eucalyptus	camaldulensis	72	no	unk.	F	none	no	cut
9	Eucalyptus	camaldulensis	76	no	unk.	F	none	no	cut
10	Eucalyptus	camaldulensis	50	no	unk.	F	none	no	cut
11	Eucalyptus	camaldulensis	86	no	unk.	F	none	no	cut
12	Eucalyptus	camaldulensis	44	no	unk.	F	none	no	cut
13	Eucalyptus	camaldulensis	50	no	unk.	F	none	no	cut
14	Eucalyptus	camaldulensis	63	no	unk.	F	none	no	cut
15	Eucalyptus	camaldulensis	63	no	unk.	F	none	no	cut
16	Eucalyptus	camaldulensis	63	no	unk.	F	none	no	cut
17	Eucalyptus	camaldulensis	25	no	unk.	F	none	no	cut
18	Eucalyptus	camaldulensis	38	no	unk.	F	none	no	cut
19	Eucalyptus	camaldulensis	28	no	unk.	F	none	no	cut
20	Eucalyptus	camaldulensis	25	no	unk.	F	none	no	cut
21	Eucalyptus	camaldulensis	75	no	unk.	F	none	no	cut
22	Eucalyptus	camaldulensis	60	no	unk.	F	none	no	cut
23	Eucalyptus	camaldulensis	53	no	unk.	F	none	no	cut
24	Eucalyptus	camaldulensis	79	no	unk.	F	none	no	cut
25	Eucalyptus	camaldulensis	85	no	unk.	F	none	no	cut

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4. Individual Tree Analysis

Observations Tree 1

- ☐ Indicate whether the tree is single- or multi-trunked (below 4.5').
 - Single Trunk
- ☐ An explanation if girth measurements are taken at other than 4.5'.
 - The tree was cut prior to my observations. I used a tape to measure the circumference at 4.5'
- ☐ Indicate if the tree is of heritage size or potentially of historical status.
 - 112 inch girth
- ☐ Location of tree by tree number and distance from a fixed landmark.
 - Tree 1 is 19.5 feet east of a metal post and sign marking the edge of the equestrian trail. It is at the north end of the ravine.
- ☐ Health class of tree using the flowing rating system:
 - F—dead/dying. Tree has been cut.
- ☐ Description of the TPZ, including any factors relevant to the tree's condition:
 - Ravine with eucalyptus litter
- ☐ If removal of a dead tree is part of the proposal, include likely causes of death.
 - It was cut
- ☐ If tree relocation is part of the proposal, include a statement about each tree's transplant viability.
 - Not possible
- ☐ Indicate whether spread of disease or insects from the tree a concern, and if so any special disposal or handling requirements.
 - None apparent
- ☐ Potential impacts to the tree and to the TPZ from the proposed project.
 - none

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Specific Recommendations Tree 1

- ☐ Shall be based upon the above impacts and the County's Tree Protection Ordinance.
 - none
- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflict.
 - no

Observations Tree 2

- ☐ Indicate whether the tree is single- or multi-trunked (below 4.5').
 - Single Trunk
- ☐ An explanation if girth measurements are taken at other than 4.5'.
 - The tree was cut prior to my observations. I used a tape to measure the circumference at 4.5'
- ☐ Indicate if the tree is of heritage size or potentially of historical status.
 - 120 inch girth
- ☐ Location of tree by tree number and distance from a fixed landmark.
 - Tree 2 is 35 feet south of tree 1.
- ☐ Health class of tree using the flowing rating system:
 - F—dead/dying. Tree has been cut.
- ☐ Description of the TPZ, including any factors relevant to the tree's condition:
 - Ravine with eucalyptus litter
- ☐ If removal of a dead tree is part of the proposal, include likely causes of death.
 - It was cut
- ☐ If tree relocation is part of the proposal, include a statement about each tree's transplant viability.
 - Not possible

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- ☐ Indicate whether spread of disease or insects from the tree a concern, and if so any special disposal or handling requirements.
 - None apparent
- ☐ Potential impacts to the tree and to the TPZ from the proposed project.
 - none

Specific Recommendations Tree 2

- ☐ Shall be based upon the above impacts and the County's Tree Protection Ordinance.
 - none
- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflict.
 - no

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5. Appraisals (For projects that require mitigation or offsets.)

Tree 1 = \$1790, Tree 2 = \$2050 Grand Total \$3840

Figure 4 Appraisal Calculations

FIELD OBSERVATION		ID NUMBER	1	2
	HEIGHT		80	80
	WIDTH		35	35
1	SPECIES		<i>Eucalyptus camaldulensis</i>	<i>Eucalyptus camaldulensis</i>
			Red River gum	Red River gum
	NUMBER OF TRUNKS		1	1
2	TRUNK DIAMETER		35.7	38.2
3	CONDITON PERCENTAGE		20%	20%
	ROOTS		1	1
	TRUNK		1	1
	SCAFFOLD BRANCHES		1	1
	SMALL BRANCHES		1	1
	FOILIAGE		1	1
	CONDITON DESCRIPTION		POOR	POOR
4	LOCATION PERCENTAGE		28%	28%
	SITE		50%	50%
	CONTRIBUTION		20%	20%
	PLACEMENT		15%	15%
REGIONAL PLANT COMMITTEE INPUT				
5	SPECIES RATING		50%	50%
	NURSERY GROUP		3	3
6	REPLACEMENT TREE TRK. AREA		23.75	23.75
7	REPLACEMENT TREE COST		\$ 1,482	\$ 1,482
8	INSTALLATION COST		\$ 1,300	\$ 1,300
9	INSTALLED COST (#7 + #8)		\$ 2,782	\$ 2,782
10	UNIT TREE / PALM COST		\$ 62	\$ 62
CALCULATION FROM APPRAISAL HANDBOOK				
11	APPRAISED TRUNK AREA		999	1147
12	APPRAISED TRUNK INCREASE (#11 - #6)		975	1123
13	BASIC TREE COST(#12 x #10 + #9)		\$ 63,262	\$ 72,428
14	APPRAISED VALUE (#13 x #5 x #3 x #4)		\$ 1,790	\$ 2,050
GRAND TOTAL: \$		3,840		

Done using the Trunk Formula Method as described in Guide for Plant Appraisal 9th edition

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6. Discussion

Use this section for discussion of information not covered elsewhere.

This ravine will be more vulnerable to surface erosion, retaining some of the deadwood may help.

Given the steep terrain this group of eucalyptus appears to be volunteers that displaced native species found in ravines like California walnut and California sycamore. The gums trees created a monoculture in the ravine.

A dense stand of eucalyptus like this creates a lot of highly flammable litter which is apparent in the ravine. The litter and dead standing trees increases the risk of wildfire. The owner was concerned about the fire hazard posed by the trees.

7. Recommendations

Note: If a TPP will not be prepared, then this section should give a comprehensive treatment of recommendations, including the following recommendations:

- ☐ Any immediate response that is needed for safety.
 - none
- ☐ Whether TPZ fencing (and hence a TPP) or site supervision is warranted during construction.
 - no
- ☐ timing of any pruning or removal
 - does not apply
- ☐ Tree care and injury prevention.
 - does not apply

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- If the Arborist Report is assessing the impact of a violation, include practical recommendations for onsite remediation and monitoring if applicable.
- I endorse the remediation proposed by Mr. Ni's to plant a 30 tree orchard of trees such as Avocado, Guava, Wax Apple, Loquat, Citrus and Cherimoya trees.
 - In addition I recommend planting 15 California native riparian trees in the ravine using 5 gallon plants. By helping the smaller native trees get reestablished you create a real amenity while also stabilizing the ravine.
 - The native trees will benefit and attract native wildlife and provide favorable fire resistance.
 - The smaller native riparian trees will be more in scale with the setting than the red gum trees. (See Figure 5 Recommended Mitigation Planting on the next page)
 - The native trees will need supplemental water for the first two summers either water by hand or with temporary drip irrigation or slow release watering bag for trees.
 - I would leave most of the wood laying in the ravine. Some logs might need moved to make a place to plant the 5 gallon natives. Logs and debris laying outside the ravine can be removed.
 - The orchard trees should receive drip irrigation.
 - Monitoring could be achieved by having the owner provide a letter prepared by a certified arborist describing the condition of the 47 trees planted for remediation after 24 months

Figure 5 Recommended Tree Remediation Table

Tree Mitigation	Quan	Cost	Sum
15-GAL Fruit Tree	30	\$ 100	\$ 3,000
5-GAL Native Riparian Tree	15	\$ 30	\$ 450
24" Landscape Tree	2	275	\$ 550
Total Mitigation Trees			\$ 4,000
Total Appraised Value of Protected Trees			\$ 3,840

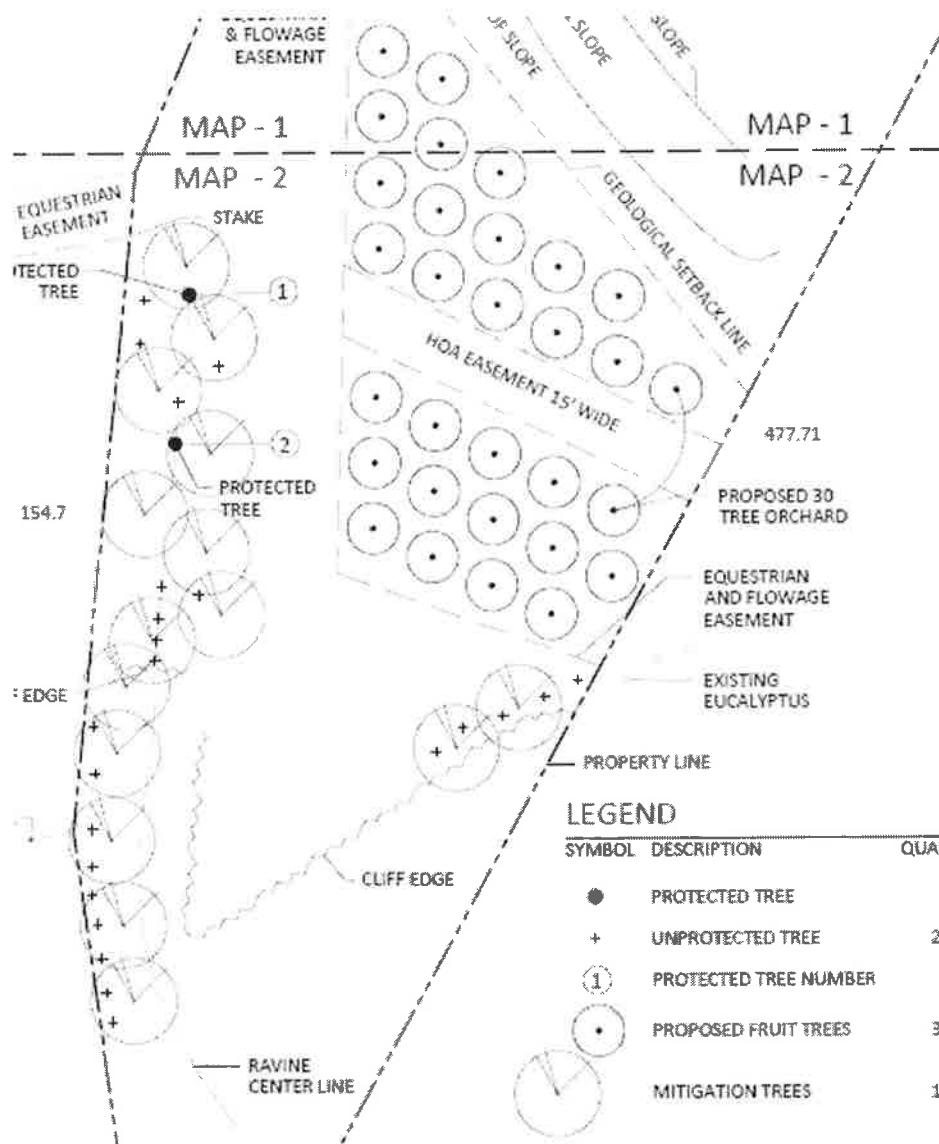
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Figure 6 Recommended Mitigation Planting



- ☐ If the tree removal or alteration is being requested to allow for reasonable use of property as allowed by the Zoning Ordinance, indicate whether tree modifications could alleviate conflicts
- Does not apply, trees have been cut.

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8. Supporting Information Photos:

1 to 4 color photos per affected tree or stand—as needed to document the situation—are required. Photo print outs are required. Digital photo files are requested.

Figure 7 Photos Trees 1 and 2



Above: standing in the ravine looking north at trees 1 and 2

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Figure 8 Photos Tree 1



Above: standing in the ravine looking north at trees 1

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Figure 9 Photos Tree 2



Above: looking across the ravine, east at tree 2

8. Supporting Information Site Plan:

See Appendix B Site Plan

9. Tree Protection Plan (if required)

Does not apply. No

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Certification

PREMISES: Michael Ni residence, 82 Lopaco Court, Camarillo, CA

I, John Burke, CERTIFY to the best of my knowledge and belief:

1. That the statements of fact contained in this plant appraisal are true and correct.
2. That the appraisal analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and that they are my personal, unbiased professional analysis, opinions and conclusions.
3. That I have no present or prospective interest in the plants that are the subject of this appraisal, and that I have no personal interest or bias with respect to the parties involved.
4. That my compensation is not contingent upon predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.



Date: 5-27-14

John Burke

Landscape Architect 5251

ISA Certified Arborist WE-8327A

Michael Ni Residence

LA Johnny

Landscape Architect & Consulting Arborist

ISA Certified Arborist WE8327A

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Email with Ventura County

----- Forwarded message -----

From: **Tony Chen** <Tony.Chen@ventura.org>

Date: Thu, Feb 6, 2014 at 2:35 PM

Subject: Fwd: Re: 82 Lopaco Ct, Camarillo; NI YANGCHOU M-SU-JEN, property owner; CV14-0020; Tree Protection Regulations

To: "Y. Michael Ni" <ymni88@gmail.com>

FYI

Manny Ramos 2/6/2014 2:29 PM >>>

Tony,

In short, he should work immediately to secure the services of a license arborist who can prepare the report which is required as a part of the tree permit application process. I would recommend Mr. Ni *NOT* remove the downed tree debris and stumps from the property until he secures the services of a licensed arborist and allow the arborist an opportunity to examine the property and trees/debris. It is my understanding that Mr. Ni plans to develop the property and the Tree Permit will be the first item to resolve before the County's Planning Division will completely process any application for development of the parcel. Below are helpful links regarding Tree Permit application requirements. I highly recommend Mr. Ni, and/or his licensed arborist/representative assisting him with this matter, (1) review the first two links below, and (2) contact the Planning Division with questions as to the appropriate application/process for his property and circumstance.

<http://www.ventura.org/rma/planning/pdf/permits/tree/Tree-FAQs.pdf> **[FAQs]**

<http://www.ventura.org/rma/planning/pdf/permits/tree/Submittal-Requirements.pdf> **[Submittal Requirement]**

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Email with Ventura County

<http://www.ventura.org/rma/planning/permits/tree/tree.html> [Planning Division Tree Permit webpage with links to applications + other]

The Planning Division can be contacted at (805) 654-2488 (805) 654-2488. I recommend Mr. Ni review and discuss this matter with Winston Wright in the Planning Division.

Information to have ready:

Address: 82 Lopaco Ct, Camarillo

APN: 152-0-352-055

Non-Coastal Zone: RE-1ac (Rural Exclusive)

Code Compliance Case: CV14-0020

I hope this information is helpful to you and Mr. Ni.

Thank you for assistance in this matter.

Manuel (Manny) Ramos

Code Compliance Officer
County of Ventura- RMA
800 S. Victoria Ave., L #1750
Ventura, CA 93009

(805) 654-3586 (805) 654-3586 ofc
(805) 654-5177 fax

Tony Chen 02/06/2014 10:47 AM >>>

Michael Ni Residence

LA Johnny

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Email with Ventura County

Hi Manny,

Mr. Ni told me long time ago that he is going to replant another kind of trees to replace these dangerous Eucalyptus trees. He has no intent to break the County Tree Regulation. The major reason of remove these Eucalyptus trees is that these trees are too dangerous to live with.

As a friend of Mr. Ni, may I ask your opinion of what to do if there is one or two trees that belongs to the Heritage tree. What he shall do now?

Can you please provide the legal steps that he shall do?

Thanks.

Tony Chen 10:45 AM 1-6-2014

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Email with Ventura County

Manny Ramos 2/5/2014 3:13 PM >>>

Tony,

Thank you for the side story and information.

Unfortunately the County received a formal complaint about the removal of the trees from the subject property. Regardless of the species, if the trees are a certain size (as defined in the Tree Protection Regulations, NCZO 8107-25) they are considered heritage tress and thus considered protected tress under County Ordinance and the requirement for a Tree Permit is required (at minimum requires a tree permit application to be submitted for review by the County's Planning Division).

When I spoke to Mr. Ni he indicated the company he hired may be a licensed arborist, so I directed him to have a tree report prepared by a licensed arborist and submit the report for review by the County. Unfortunately, the company Mr. Ni used does not have a licensed arborist.

It is our understanding that Mr. Ni was approached by the Home Owner's Association, before the tree work was conducted, regarding the possible requirement of a tree permit. Had the property owners reviewed the matter with the County's Planning Division and/or secured an arborist's report before the work was done, this may not have become a complaint to the County and a Code Compliance case. At this point in the case, and with a formal complaint, a notice of violation will be generated to the property owners of record.

If you have further questions, please contact me or come by my cubicle on the 3rd floor- Code Compliance area in RMA.

Manuel (Manny) Ramos
Code Compliance Officer
County of Ventura- RMA
800 S. Victoria Ave., L #1750
Ventura, CA 93009

(805) 654-3586 (805) 654-3586 ofc (805) 654-5177 fax

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Email with Ventura County

Tony Chen 02/05/2014 2:38 PM >>>

Hi Manny,

Mr. Ni is my friend. I met him from Chinese Club about three to five years ago.

Mr. Ni is living close to my house about two miles away (South-west side from my home).

I heard that he bought a land in hillside about two miles away (north-west side from my home).

Up to now, I never ever visit his new property. I do not have any visual impression of his land.

Yes, he asked some questions about tree removal issues.

The information of the Eucalyptus Trees in Mr. Ni property is as following: He wants to remove Eucalyptus Trees. These trees are about 18" to 24" in Diameter.

Several years ago, I have a project of St. John Seminary Channel Improvements. In the project, there are about twenty to thirty Eucalyptus Trees that needs to removed. These trees are your Heritage Tree size. I asked our co-worker in Environmental Service Section Angela Bonfiglio-Allen Environmental Planner IV about the Eucalyptus Trees. She told me the Eucalyptus Tree comes from Austria. Its roots are very shallow. It will be pulled and up-root during a small storm. the tree branches are very fragility. It is not a native tree. It is not a endangered specie. It is not protected by the State. You can remove them. So, District did it and completed the project. We have an Environmental MND for this project.

As I remember, I saw on the project construction site, there are about five Eucalyptus Trees fall down on the river bed with roots exposed in the air and some broken trunks on the river bed. The remaining piece of trunks are extruded in the air.

This time, I asked Pam Lindsey. She is the manager of the Environmental Service Section. She told me the same thing as Angela told me. Pam also told me that please remove the trees before February because of the bird will make nests after February.

Michael Ni Residence

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Email with Ventura County

I told Mr. Ni the above information and let him make his decision.

I do not understand why we want to protect a foreign trees if the tree has no real values to human in USA.
It is good for a certain animal in Austria only.

When a Santa Ana Condition comes, the trunk could be twisted and fall. If someone be hurt or killed by the Eucalyptus Tree trunk, how do you think?

The above are my side story.

Tony Chen 2:35 PM 2-5-2014

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Email with Ventura County

Manny Ramos 2/4/2014 10:04 AM >>>

Tony,

Hoping you can provide some insight on the subject property and tree removal issue. The subject property owner claims to have reviewed the matter of tree removals with you. He claims he contacted you before removing the trees on his parcel, that you reviewed the matter with "Environmental" (a person he named as "Leslie"), and you all advised him no permits were required from the County.

Do you recall reviewing this matter with the subject property owner? If so, was the matter reviewed with Planning staff?

Any information you can provide may be helpful.

Thanks.

Manuel (Manny) Ramos

Code Compliance Officer

County of Ventura- RMA

800 S. Victoria Ave., L #1750

Ventura, CA 93009

(805) 654-3586 (805) 654-3586 ofc

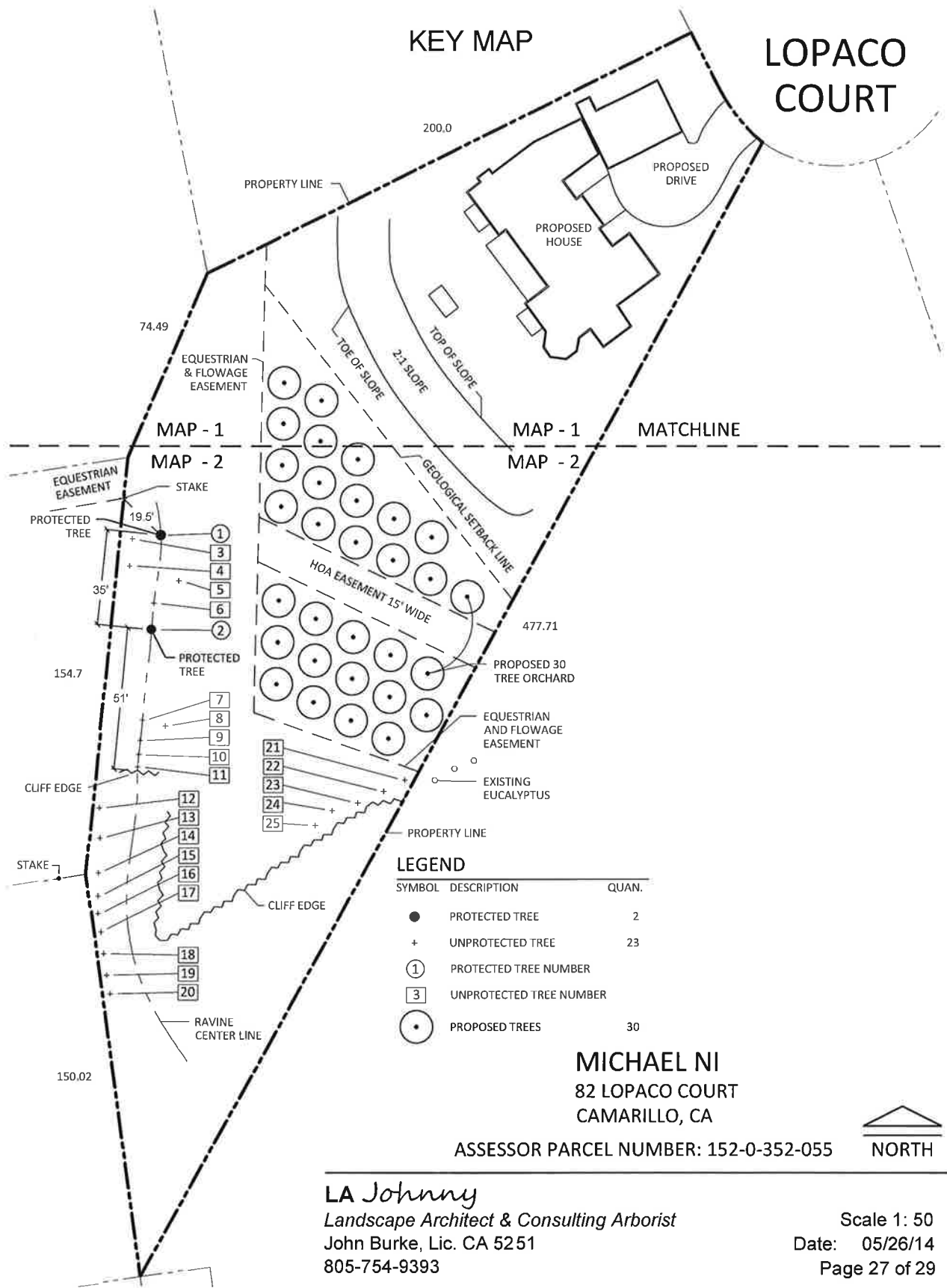
(805) 654-5177 fax

Michael Ni Residence

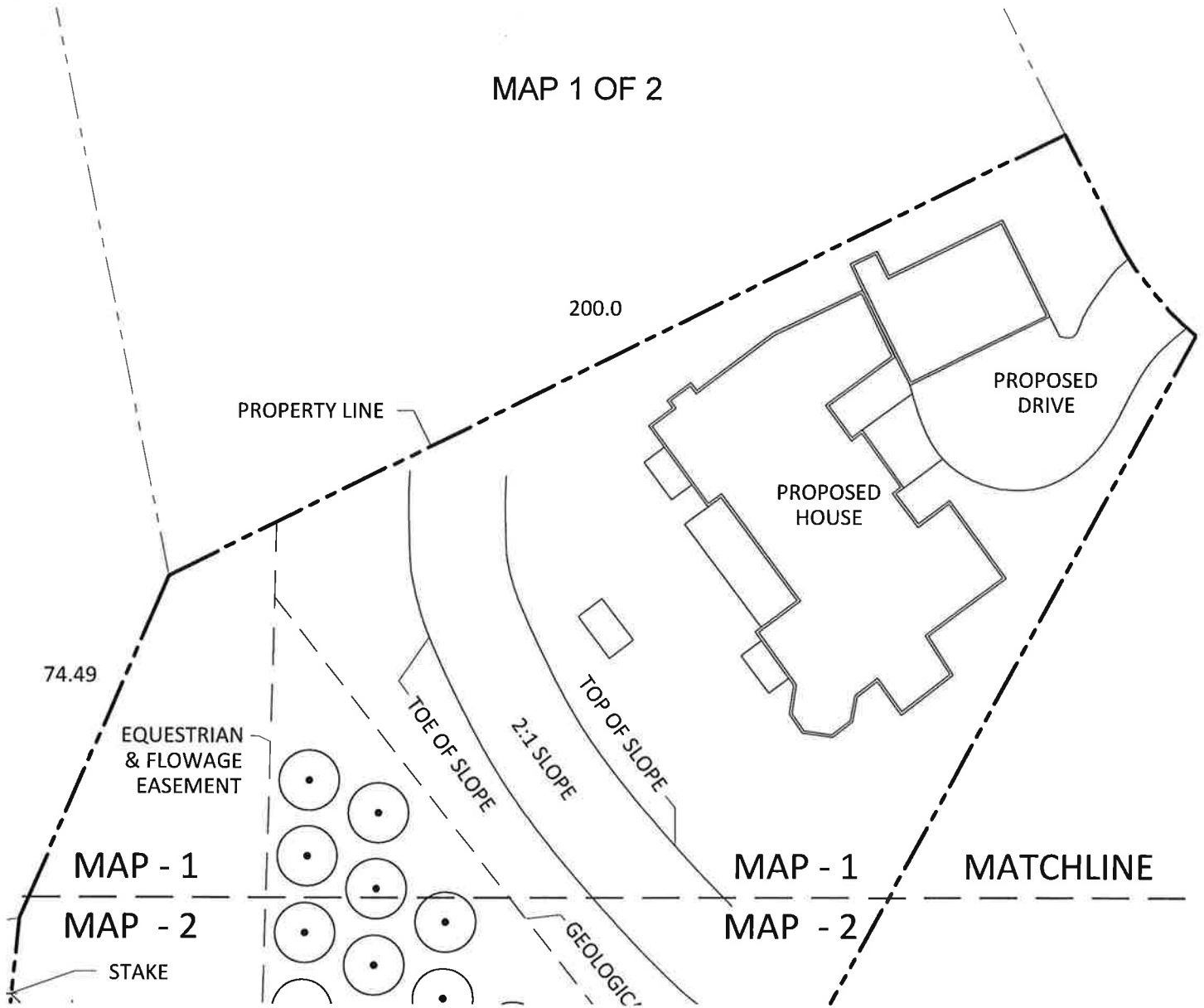
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MAP 1 OF 2



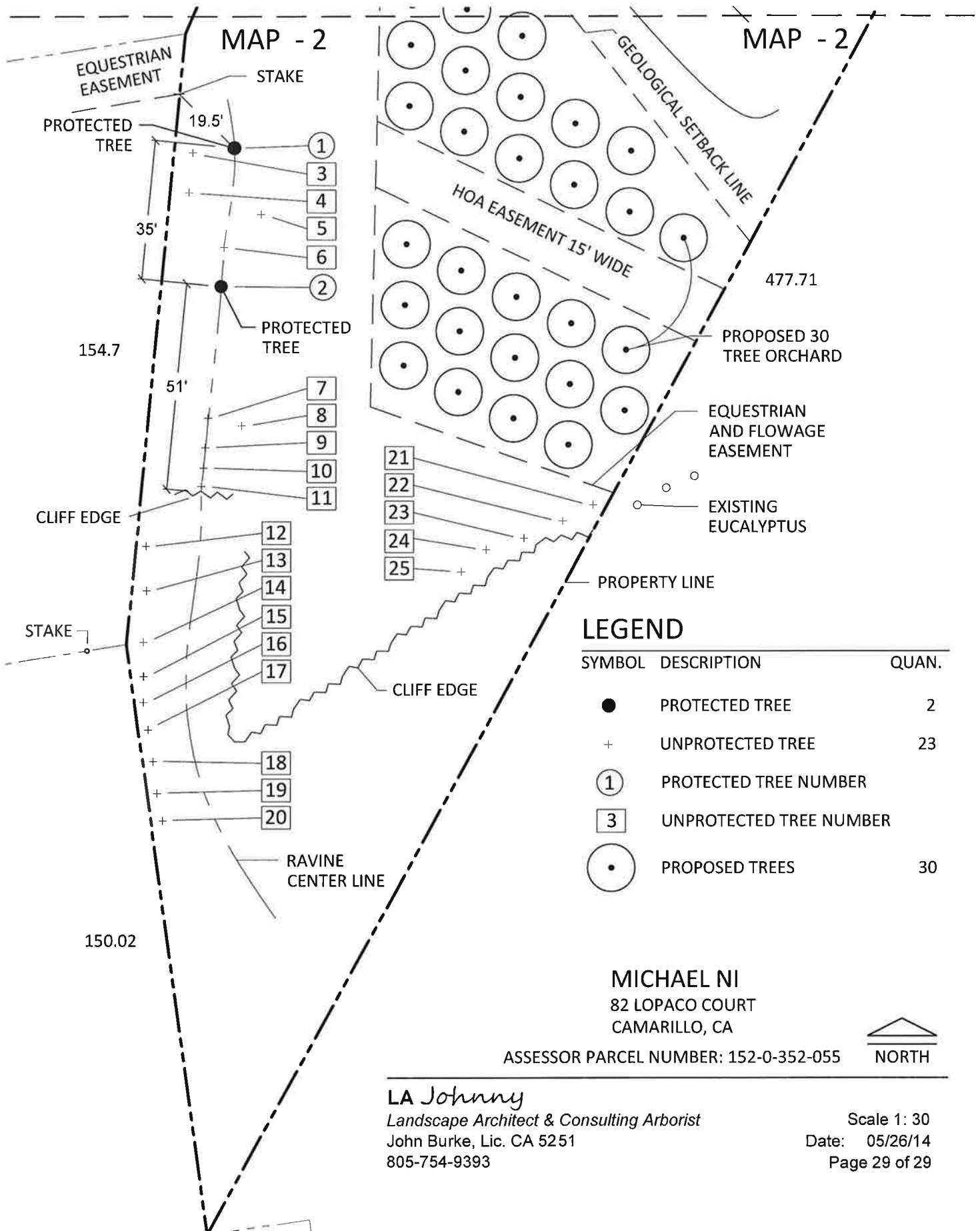
MICHAEL NI
82 LOPACO COURT
CAMARILLO, CA

ASSESSOR PARCEL NUMBER: 152-0-352-055



LA Johnny
Landscape Architect & Consulting Arborist
John Burke, Lic. CA 5251
805-754-9393

Scale 1: 30
Date: 05/26/14
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LEGEND

SYMBOL	DESCRIPTION	QUAN.
●	PROTECTED TREE	2
+	UNPROTECTED TREE	23
①	PROTECTED TREE NUMBER	
③	UNPROTECTED TREE NUMBER	
○●	PROPOSED TREES	30

MICHAEL NI
82 LOPACO COURT
CAMARILLO, CA

ASSESSOR PARCEL NUMBER: 152-0-352-055



LA Johnny

Landscape Architect & Consulting Arborist
John Burke, Lic. CA 5251
805-754-9393

Scale 1: 30
Date: 05/26/14
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State License #819225

1242 Domingo Place
Oxnard, CA 93030
Phone (805) 485-2202 Cell (805) 377-1561

Name MICHAEL NEP

Company Name _____

Street Address 82 LODOCO CT

City, ST ZIP Code COMPTON CA

Phone 1862 812 7580

[illegible]

Total due when services are completed.

FIRE WOOD SALE

Brush Clearance (For Fire Reg.)
Pruning, Topping, Removing Yard & Slope Clean-Ups Removing,
Grounds Covers New Lawns, Ivy Topping & Removal Lots & Hillside
Cleaned and Planted Haul Stumps & Rubbish

THANK YOU FOR YOUR BUSINESS!

County of Ventura

County of Ventura
Planning Director Hearing

PL14-0161

Exhibit 3 - Tree Reports

November 19, 2013

Michael Hi
612 Corte Elegante
Camarillo, Calif. 93010

Dear Michael,

This letter will confirm our recent phone conversations regarding the eucalyptus trees that are located at the rear of our two properties. I understand that you will be cutting these trees, which include those on my lot as well as your own. I also understand that you will bear the cost of this work. You have my permission to do so.

I hope that all goes well as you move forward with the construction of your new home. Please let me know if any other issues arise that may affect my property, or if I can be of any further assistance.

Sincerely,
Patricia

McGurk, Sarah

From: psadams22@aol.com
Sent: Wednesday, January 28, 2015 4:54 PM
To: Wilkinson, Whitney
Subject: Re: Memo needed for Heritage Tree

Dear Whitney,

This memo authorizes Mr. Michael Ni to act on my behalf to (retroactively) apply for and implement a discretionary tree permit for the one Heritage tree on my property at 2138 Via Veneto that was cut down by Mr. Ni, the owner of the adjacent property at 82 Lopaco Court. Mr. Ni is not authorized to represent me or act on my behalf for any other purpose except obtaining the discretionary permit for the specific Heritage tree that has been identified by the arborist's report on file with the County of Ventura. Any and all costs associated with this application and permit are to be the responsibility of Mr. Ni, along with any liability that may result from the tree removal.

Please forward this email to the appropriate department within Ventura County so that Mr. Ni can move ahead with his construction plans. If you have any further questions, please let me know.

Thank you,
Patty Adams
Owner of 2138 Via Veneto

Mailing Address:
1158 26th Street, #514
Santa Monica, Ca. 90403
(310) 453-2709
(310) 453-9008 (FAX)

-----Original Message-----

From: Wilkinson, Whitney <Whitney.Wilkinson@ventura.org>
To: psadams22 <psadams22@aol.com>
Sent: Mon, Jan 26, 2015 11:32 am
Subject: Memo needed for Heritage Tree

Hi Patty: Per your request, please send a memo or letter that says that Mr. Michael Ni can act on your behalf to apply for and implement a discretionary tree permit for the one Heritage tree on your property, if you agree. Please specify your address and his. Please address it to the following: RMA, Planning Division Attn: Whitney Wilkinson 800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740 Thanks, Whitney Wilkinson, MESM I Planner Residential Permit Section Whitney.Wilkinson@ventura.org & Ventura County Resource Management Agency | Planning Division P. 805.654.2462 | F. 805.654.2509 800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740 www.ventura.org/rma/planning For online permits and property information, visit VC Citizen Access

EXHIBIT 6 – DRAFT CONDITIONS OF APPROVAL FOR DISCRETIONARY TREE PERMIT (DTP) CASE NO. PL14-0161

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

1. Project Description

This DTP is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibit 1, 2, and 3, dated February 18, 2016, and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the DTP or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit.

The Project description is as follows:

The Project includes a request for a DTP in order to: (1) abate Code Violation Case No. CV14-0020 for the unpermitted removal of four protected heritage size blue gum Eucalyptus trees (*Eucalyptus globulus*); and (2) bring the properties into compliance with the Tree Protection Ordinance and Ventura County NCZO § 8105-4, § 8107-25.7, and § 8111-1.3.1. The four heritage size trees were among a total of 25 Eucalyptus trees (*Eucalyptus globulus*), which were felled on the properties (Exhibit 3, Addendum I to the May 27, 2014, Tree Report by LA Johnny, Appendix B, Site Plan/Tree Maps, dated February 4, 2015).

The majority of the 25 Eucalyptus trees (*Eucalyptus globulus*) were primarily located on Tax Assessor's Parcel (APN) 152-0-352-055; however, several trees were located on or near the property line between APN 152-0-352-055 and APN 152-0-352-105. The co-applicant and property owner of the adjacent property, located at 2138 Via Veneto, gave permission to the applicant to remove trees located at the rear of the two properties and to retroactively apply for and request a DTP (Exhibits 4 and 5). Additionally, the issuance of the DTP will allow for the removal of any trunks, limbs, stumps, roots, and regrowth remaining from the previously-felled trees (*Eucalyptus globulus*) from the properties.

With the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots and regrowth, from the property, no new development, grading, or ground disturbance is proposed as part of this Project. No new tree removal will occur,

and no native vegetation removal will occur. No public facilities will be extended or expanded to facilitate the Project.

The removal of the felled trees from the property and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

2. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the Project site.

Requirement: The Permittees shall maintain the Project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this DTP, shall be stored on the property during the life of this DTP.

Documentation: Pursuant to Condition No. 1 (Permitted Land Uses), the DTP and any amendments thereto.

Timing: The Permittees shall maintain the Project site in accordance with the requirements of this condition, during the removal of the previously-felled trees, including any trunks, limbs, stumps, roots, and regrowth from the properties that is authorized pursuant to this DTP.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittees' ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-4)

3. DTP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project description, the Permittees shall first contact the Planning Director to determine if the proposed activity requires a modification of this DTP. The Planning Director may, at the Planning Director's sole discretion, require the Permittees to file a written and/or mapped description of the proposed activity in order to determine if a DTP modification is required. If a DTP modification is required, the modification shall be subject to:

- i. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and

- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time. (PL-5)

4. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittees acceptance of this DTP and/or commencement of tree removal activities under this DTP shall constitute the Permittees' formal agreement to comply with all conditions of this DTP. Failure to abide by and comply with any condition for the granting of this DTP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), which shall include, but is not limited to, the following:

- i. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- ii. Suspension of the permitted land uses (Condition No. 1);
- iii. Modification of the DTP conditions listed herein;
- iv. Recordation of a "Notice of Noncompliance" on the deed to the properties;
- v. The imposition of civil administrative penalties; and/or
- vi. Revocation of this DTP.

The Permittees are responsible for being aware of and complying with the DTP conditions and all applicable federal, state, and local laws and regulations. (PL-7)

5. Time Limits

Financial Contribution to Tree Mitigation Fund:

- a. The approval decision for this DTP becomes effective upon the expiration of the 10-day appeal period following the date on which the Planning Director approved the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittees must pay the financial contribution to the Resource Management Agency, Planning Division, pursuant to Condition No. 12 (below).
- b. This DTP shall expire and become null and void if the Permittees fails to pay the financial contribution to the Tree Mitigation Fund for the tree removal within 30 days following the effective date of this DTP, pursuant to Condition No. 12 (below). The Planning Director may grant a 30-day extension of time to the Permittees in order to pay the financial contribution for the Tree Mitigation Fund, if the Permittees requests the time extension in writing at least seven days prior to the expiration date.
- c. Prior to the financial contribution for the Tree Mitigation Fund, all fees and charges billed to that date by any County agency, as well as any fines,

penalties, and sureties, must be paid in full. After the financial contribution for the Tree Mitigation Fund is paid, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this DTP.

6. Notice of DTP Requirements and Retention of DTP Conditions On-Site

Purpose: To ensure full and proper notice of the DTP requirements and conditions affecting the use of the properties.

Requirement: Unless otherwise required by the Planning Director, the Permittees shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the operation of the proposed activities, of the pertinent conditions of this DTP.

Documentation: The Permittees shall present to the Planning Division a copy of the conditions of this DTP, upon the Planning Division's request.

Timing: The Permittees shall maintain a copy of these DTP conditions at the Project site, during the removal of the previously felled trees, including any trunks, limbs, stumps, roots, and regrowth from the properties that is authorized pursuant to this DTP.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-10)

7. Defense and Indemnity

As a condition of DTP issuance and use including adjustment, modification, or renewal thereof, the Permittees agrees to:

- i. Defend, at the Permittees' sole expense, any action brought against the County by a third party challenging either the County's decision to issue this DTP or the manner in which the County is interpreting or enforcing the conditions of this DTP; and
- ii. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittees shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Permittees defended or controlled the defense thereof pursuant to Section 7.a above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittees of the Permittees' obligations under this condition.

Neither the issuance of this DTP, nor compliance with the conditions thereof, shall relieve the Permittees from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this DTP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Permittees shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this DTP. (PL-13)

8. Invalidation of Condition(s)

If any of the conditions or limitations of this DTP are held to be invalid, that holding shall not invalidate any of the remaining DTP conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittees in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the *Code of Civil Procedures* (§ 1094.6), or other applicable law, this DTP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittees has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings associated with the approval of this DTP, at the discretion of the Planning Director, the Planning Director may review the Project and impose substitute feasible conditions to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this DTP may be revoked. (PL-14)

9. Relationship of DTP Conditions, Laws, and Other Permits

The Permittees shall design, maintain, and operate the DTP area in compliance with all applicable requirements and enactments of federal, state, and county authorities. In the event of conflict between various requirements, the more restrictive requirements shall

apply. In the event the Planning Director determines that any DTP condition contained herein is in conflict with any other DTP condition contained herein, when principles of law do not provide to the contrary, the DTP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this DTP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this DTP, nor compliance with the conditions of this DTP, shall relieve the Permittees from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

10. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittees shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this DTP.

Documentation: The Permittees shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittees' field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the DTP site.

Timing: Prior to the granting of the DTP, the Permittees shall provide the Planning Division the contact information of the Permittees' field agent(s) for the Project file. If the address or phone number of the Permittees' field agent(s) should change, or the responsibility is assigned to another person, the Permittees shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittees' field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittees in the respective Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-17)

11. Change of Ownership

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of ownership affecting the Project site.

Requirement: The Permittees shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/fax number(s), and email addresses of the new owner(s) of the properties that constitute the Project site. The Permittees shall provide the Planning Director with a final notice once the transfer of ownership has occurred.

Documentation: The initial notice must be submitted with the new property owner's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new property owner(s) acknowledging and agreeing to comply with all conditions of this DTP.

Timing: The Permittees shall provide written notice to the Planning Director 10 calendar days prior to a change of ownership. The Permittees shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittees in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-20)

12. Tree Mitigation

Purpose: To comply with the Ventura County Tree Protection Regulations (TPR) [Ventura County Non-Coastal Zoning Ordinance, § 8107-25 et seq.] and Tree Protection Guidelines (TPG).

Requirement: The Permittees shall offset the loss of the four, felled protected heritage size blue gum Eucalyptus trees (*Eucalyptus globulus*), by remitting payment of a financial contribution to the Tree Mitigation Fund, pursuant to the TPG [§ IV.(c)] and the Ventura County Non-Coastal Zoning Ordinance (§ 8107-25.10.1).

The Permittees shall calculate and remit payment of the financial contribution, in accordance with the following guidelines:

- a. Financial contributions shall be based on the purchase price of the replacement tree stock of the same species as the removed tree(s), hereafter referred to as "reimbursement funds."
- b. The Permittees shall submit a check in the amount of \$4,550.00 to the Planning Division for the Tree Mitigation Fund.

Documentation: The Permittees shall submit a check for the reimbursement funds for the Tree Mitigation Fund shall be provided to the Planning Division.

Timing: The Permittees shall submit the reimbursement funds that will be paid to the Planning Division's Tree Mitigation Fund within 30 days following the effective date of this DTP.

Monitoring and Reporting: The Resource Management Agency, Operations Division, maintains copies of all financial documentation.

13. Archaeological Resources Discovered During Construction

Purpose: In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

Requirement: The Permittees shall implement the following procedures:

- i. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittees shall:
 - a. Cease operations and assure the preservation of the area in which the discovery was made;
 - b. Notify the Planning Director in writing, within three days of the discovery;
 - c. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and,
 - e. Implement the agreed upon recommendations.
- ii. If any human burial remains are encountered during ground disturbance or construction activities, the Permittees shall:
 - a. Cease operations and assure the preservation of the area in which the discovery was made;
 - b. Immediately notify the County Coroner and the Planning Director;
 - c. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and,
 - e. Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Permittees shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may

be required to demonstrate that the Permittees has implemented any recommendations made by the archaeologist's report.

Timing: The archaeologist's reports shall be provided to the Planning Division immediately upon completion.

Monitoring and Reporting: The Permittees shall provide any archaeologist report prepared for the Project site to the Planning Division to be made a part of the Project file. The Permittees shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director. (PL-58)

14. Construction Noise

Purpose: In order for this Project to comply with the Ventura County General Plan *Goals, Policies and Programs* (2011) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Permittees shall limit tree removal activities for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday and State holidays. Construction equipment maintenance shall be limited to the same hours.

Documentation: The Permittees shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public.

Timing: The sign shall be installed throughout tree removal activities. The Permittees shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and any corrective action taken.

Monitoring and Reporting: The Permittees shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of construction activities. (PL-59)

McGurk, Sarah

From: Tim Moran <tmoran@cityofcamarillo.org>
Sent: Friday, February 05, 2016 11:37 AM
To: McGurk, Sarah
Cc: Joe Vacca; Steve Mitchell
Subject: RE: PL14-0161 - Discretionary Tree Permit

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sarah,

Thank you for clarifying that the abatement of the code compliance case for removal of the 4 protected heritage trees will be the payment of fees and that the scope of the project will not involve any construction or planting.

Due to this and the distance of the property from the City of Camarillo City Limits, The City of Camarillo has no comments on the project at this time.

Thank you for taking the time to discuss the project with me.

Tim Moran
Planning Technician
City of Camarillo | Community Development Department
805.383.5613 phone | 805.388.5388 fax | 805.388.5360 office
tmoran@cityofcamarillo.org | www.cityofcamarillo.org

From: McGurk, Sarah [mailto:Sarah.McGurk@ventura.org]
Sent: Thursday, February 04, 2016 12:12 PM
To: Tim Moran
Subject: PL14-0161 - Discretionary Tree Permit
Importance: High

Hi Tim,

Per our phone conversation, I wanted to provide you with the project application, maps, project description for Case No. PL14-0161. Please note the project application mentions there were 2 protected heritage size Eucalyptus trees (*Eucalyptus globulus*); however, it was later determined that there were 4 protected heritage Eucalyptus size trees (*Eucalyptus globulus*).

The project description is as follows:

The project includes a request for a DTP in order to: (1) abate Code Violation Case No. CV14-0020 for the unpermitted removal of four protected heritage size blue gum Eucalyptus trees (*Eucalyptus globulus*); and (2) bring the properties into compliance with the Tree Protection Ordinance and Ventura County NCZO § 8105-4, § 8107-25.7, and § 8111-1.3.1. The four heritage size trees were among a total of 25 Eucalyptus trees (*Eucalyptus globulus*), which were felled on the properties.

The majority of the 25 Eucalyptus trees (*Eucalyptus globulus*) were located on APN 152-0-352-055; however, several trees were located on or near the property line between APN 152-0-352-055 and APN 152-0-352-105. The co-applicant and property owner of the adjacent property, located at 2138 Via Veneto, gave permission to the applicant to remove trees located at the rear of the two properties and to retroactively apply for a DTP. Additionally, the issuance of the DTP will allow for the removal of any trunks, limbs, stumps, roots and regrowth remaining from the previously-felled trees from the properties.

With the exception of the removal of the previously-felled trees, including any trunks, limbs, stumps, roots and regrowth, from the properties, no new development, grading, or ground disturbance is proposed as part of this project. No new tree removal will occur, and no native vegetation removal will occur. No public facilities will be extended or expanded to facilitate the proposed project.

Please review the project materials included with this request, and provide information regarding the following any concerns you may have about the proposed project; and/or requirements or standards you may recommend that the County impose, whether or not these are the same as what you require in your jurisdiction, and whether the requirements/standards were adopted as ordinances or policies by the City Council.

Please provide any comments or questions to me no later than Monday, February 8, 2016. If you have questions or need additional time to review the project, please contact me at (805) 654-3136 or sarah.mcgurk@ventura.org prior to the requested response date. The Planning Division will consider a non-response to this letter as an indication that the agency you represent does not wish to comment on the proposed development at this time. Please contact the case planner if you wish to be sent copies of formal correspondence regarding the project.

Best,
Sarah

Sarah McGurk, MPA | Planner
Residential Permits Section
Sarah.McGurk@ventura.org

Ventura County Resource Management Agency | Planning Division
P. 805.654.3136 | F. 805.654.2509
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