

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDHT23-00001,
DARYL CHRZAN (APPLICANT & OWNER)**

I. HERITAGE TREE FINDINGS

A heritage tree is defined as one of the following:

1. A tree seventy-two inches or more in circumference measured four and one-half feet above the natural grade; or
2. Any tree or a group of trees particularly worthy of protection, and specifically designated as a heritage tree by the Board of Supervisors pursuant to the provisions of Chapter 816-4 (Heritage Tree Preservation District), because of:
 - i. Having historical or ecological interest or significance, or
 - ii. Being dependent upon each other for health or survival, or
 - iii. Being considered an outstanding specimen of its species as to such factors as location, size, age, rarity, shape, or health.

Project Finding: The two Canary Island date palm trees nominated for designation meet the size criteria for designation as heritage trees, as is required under the Heritage Tree Definition of the County Ordinance (Section 816-4.402). Tree #1 measures approximately 124 inches in circumference and Tree #2 measures approximately 125 inches in circumference as measured 4-1/2 feet from grade, where the minimum is 72 inches in circumference. In addition to their significant size, aesthetic benefits, and habitat for wildlife, the nominated trees are major components of the area's history. Based on available information, Tree #1 was planted in approximately the 1920s and Tree #2 in the 1970s. Therefore, the nominated trees meet the requirements of a heritage tree.

II. CEQA FINDINGS

Project Finding: The project is categorically exempt under CEQA Guidelines, Section 15307, which identifies actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance of natural resources for protection of the environment where no construction activities are involved.

III. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDHT23-00001

1. **Heritage Tree Nomination** is granted for two (2) Canary Island date palm trees, Tree #1 measuring 124 inches in circumference (approximately 39.5 inches in diameter) and Tree #2 measuring approximately 125 inches in circumference (approximately 40 inches in diameter).

2. The heritage tree nomination above is granted based on the application and heritage tree nomination package submitted to the Department of Conservation and Development, Community Development Division (CDD) on November 30, 2023.
3. **Within thirty (30) days of the effective date of this approval**, the applicant shall provide evidence for review and approval of the CDD, indicating that the designated heritage trees have been appropriately marked so as to provide continuing notice to the public of their heritage tree status. The evidence shall include color photographs of the tree markers placed on each of the designated heritage trees and a site plan showing the locations of the designated heritage trees on the property. The marking of the heritage trees shall be maintained for the life of the heritage tree designation.

Preservation

4. No person shall destroy or remove the designated heritage trees unless a permit has been obtained as required under Section 816-4.10 (Permits) of the County Ordinance.
5. When proposed future development or construction encroaches into the dripline or a radius of twelve feet from the trunk of any designated heritage tree, whichever is greater, special construction to allow the roots to breathe and obtain water and nutrients shall be required, as determined necessary by the CDD to minimize damage to such tree visible above ground level.
6. Excavation, cuts, fills or compaction of the existing ground surface within the dripline or a radius of twelve feet from the trunk of a designated heritage tree, whichever is greater, shall minimize such damage to the root system so as to result in the least damage to such tree. Permission from the CDD is required prior to backfilling.
7. Tree wells may be used where approved by the CDD.
8. The cost of required pruning or other treatment to compensate for root damage and/or cost of removal shall be at the expense of the developer and/or contractor involved but may be shared by the owner. Such pruning as is done shall not cause permanent injury or destroy any designated heritage tree.
9. No person shall store or dump any oil, gas, or chemicals that may be harmful to trees, nor place heavy construction machinery or construction materials within the dripline of any designated heritage tree or within a radius of twelve feet from the trunk of such tree, whichever is greater.
10. Burning of any material within or near the dripline of any designated heritage tree shall not be done where such will injure the tree.

11. No person shall attach any wire (except as needed for support) or sign (other than approved tree identification signs) to any heritage tree where such wire or sign may damage such designated heritage tree.

Damage Notification

12. The contractor, developer, owner, or any agent thereof, shall notify the CDD without undue delay of any damage that occurs to any heritage tree during construction. The cost of repair of the damage or tree replacement shall be at the expense of the responsible party and the repair work done according to standards approved by the CDD.

ADVISORY NOTES

ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED IN ORDER TO INFORM THE APPLICANT OF ADDITIONAL REGULATIONS, ORDINANCES, AND REQUIREMENTS THAT MAY BE APPLICABLE TO THE PROPOSED PROJECT.

A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.