

22.256.070 - Waiver of Certain Permit Requirements.

- A. Oak Tree Permits. Temporary housing, like-for-like replacements, accessory structures, and related development activities eligible under this Chapter are not subject to Chapter 22.174 (Oak Tree Permits), subject to and except for the following:
1. Waiver of applicability of Chapter 22.174 (Oak Tree Permits) applies only to oak trees where a legally-established structure was located within the protected zone of a protected oak tree on the day the structure was damaged or destroyed by a disaster.
 2. Temporary housing, like-for-like replacement, accessory structures, and related development activities shall not result in the encroachment into the protected zone of a protected oak tree not otherwise described in Subsection A.1.
 3. Temporary housing, like-for-like replacement, accessory structures, and related development activities shall not result in the removal of any protected oak tree.
 4. Protected oak trees within 200 feet of proposed construction, grading, landfill, or other development activity shall be fenced and protected during site activities to the satisfaction of the Director and in accordance with the following:
 - a. For protected oak trees that have retained their canopy after a disaster, the protected zone is established according to whichever has the greatest area:
 - i. The area within the dripline of a protected oak tree extending therefrom to a point at least five feet outside of the dripline; or
 - ii. The area within 15 feet from the trunk of a protected oak tree.
 - b. For protected oak trees that have lost all their canopy due to the disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established as the area within the radius extending 18 inches per one inch of trunk diameter. Trunk diameter shall be measured four and one-half feet above the natural grade.
 - c. For protected oak trees that have lost part of their canopy due to the disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established according to the following:
 - i. Where the canopy remains, as measured by Subsection A.4.a, above; and
 - ii. Where the canopy has been lost, as measured in accordance with Subsection A.4.b, above.
 - d. Chain link fencing not less than four feet in height shall be installed around the protected zone of protected oak trees in order to restrict storage, machinery storage, and access during rebuilding activities. Said fencing shall be in place prior to commencement of any

development activity on the lot. Said fencing shall remain in place throughout the entire period of development and shall not be removed until development activities have concluded.

- e. Any excavation or grading allowed within the protected zone of a protected oak tree shall be limited to hand tools or small hand-power equipment; and
 - f. Utility trenching shall avoid encroaching into the protected zone of a protected oak tree on its path to and from any structure.
5. Removal of any protected oak tree damaged by a disaster is prohibited for two years following the disaster, unless such tree poses a danger to people or property as determined by the County Forester or unless an Oak Tree Permit (Chapter 22.174) is obtained. The Director shall reduce the two-year time period, to not less than one year, if the rainfall in the disaster area in the winter or spring following the disaster is greater than the average rainfall for such winter or spring, and the Department Biologist or County Forester determines that the protected oak tree is dead.
6. Activities that damage, encroach, or remove protected oak trees not otherwise authorized by this Subsection A shall be subject to Chapter 22.174 (Oak Tree Permits), including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Review Authority.
- B. Significant Ecological Areas. Temporary housing, like-for-like replacement, accessory structures, and related development activities eligible under this Chapter are not subject to Chapter 22.102 (Significant Ecological Areas), subject to and except for the following:
 1. Waiver of applicability of Chapter 22.102 (Significant Ecological Areas) applies only to significant ecological areas and SEA Resources where a legally-established structure was located in a significant ecological area on the day the structure was damaged or destroyed by a disaster.
 2. Temporary housing, like-for-like replacements, accessory structures, and related development activities shall result in equal to or fewer impacts to the significant ecological area or SEA Resources.
 3. All priority biological resources shall be avoided and protected during development activities.
 4. Activities that impact the significant ecological area, by damaging or removing SEA resources not otherwise authorized by this Subsection B, shall be subject to Chapter 22.102 (Significant Ecological Areas), including, but not limited to, requiring a retroactive SEA review or permit.
- C. Grading. Temporary housing, like-for-like replacement, and accessory structures eligible under this Chapter are not subject to Chapter 22.158 (Conditional Use Permit) for grading and a haul route, subject to and except for the following:
 - 1.

Waiver of applicability of any requirement in this Title 22 where a Conditional Use Permit (Chapter 22.158) is required for grading or haul route applies only to where a legally-established structure was damaged or destroyed by a disaster.

2. The Director shall approve only the minimum amount of grading required to restore the lot to a pre-disaster state or prepare the lot for like-for-like replacement. For purposes of determining the minimum amount of grading, justification by the project soils engineer, geologist, or civil engineer may be required by the Director and may be subject to verification by Public Works, Building and Safety Division.
3. Any such grading activities shall provide erosion control best management practices to the satisfaction of Public Works.
4. Any requirement in this Title 22 that prohibits the commencement of grading operations during the rainy season (from October 15 through April 15) shall not apply.

(Ord. 2023-0025 § 7, 2023.)