

Attachment 3

RESOLUTION 23-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES DETERMINING AN OAK TREE PRESERVATION ORDINANCE VIOLATION, ASSESSING VIOLATION PENALTIES AND AUTHORIZING THE REMOVAL OF ONE OAK TREE DAMAGED BEYOND RECLAMATION

**APN: 009-034-020
(OTR 23-10 – 1234 Olive Street)**

WHEREAS, an application for an Oak Tree Removal Permit (OTR 23-10) has been submitted, proposing the removal of one Live Oak tree, totaling 21.5-inches in diameter; and

WHEREAS, Robert Schreiber, Certified Arborist of Arbor First, provided a report that indicates the tree the tree is dying and beyond reclamation; and

WHEREAS, in violation of PRMC 10-01.030, large roots of the 21.5" diameter at breast height (DBH) valley oak were cut during construction occurring under a residential remodel permit (B23-0048) at 1234 Olive Street, causing rapid deterioration of the tree; and

WHEREAS, given the construction impacts the tree has undergone, the rapidly declining health of the tree and proximity to the residence, the arborist is recommending removal; and

WHEREAS, the Community Development Director could not make the determination that the tree is "clearly dead or diseased beyond correction," and therefore, the tree is "healthy" as defined by Section 10.01.050.C of the Oak Tree Preservation Ordinance; the City Council must make the determination of whether the tree should be removed or not, after consideration of the factors listed in Section 10.01.050.D; and

WHEREAS, the City Council conducted a duly noticed public hearing on October 3, 2023, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this oak tree removal request.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Findings: Pursuant to Paso Robles Municipal Code section 10.01.050.D., and based on the entire record including all written and oral evidence presented, the City Council finds as follows:

- a. Having considered the factors outlined in Section 10.01.050.D. of the Paso Robles Municipal Code, the information provided by the Arborist in Exhibit A, and the Planning Director's recommendation in Exhibit B, the City Council finds that allowing the removal of the tree would be consistent with the required findings for removal, based on the tree being in poor condition and a hazard to existing structures.

Section 3: Approval. The City Council of the City of El Paso de Robles does hereby:

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- a. Authorize the removal of one (1) Live oak tree, totaling 21.5-inches inches in diameter; and
- b. Require the owner to plant seven (2) valley oak trees on-site and pay an in-lieu / violation fee of \$1000.
- c. Find the action exempt from CEQA. The action to remove one Valley Oak tree is exempt from the California Environmental Quality Act (CEQA) as a minor public alteration in the condition of the land, and does not require the removal of a healthy tree, but rather a tree in poor condition that could pose a safety hazard (State CEQA Guidelines section 15304).

APPROVED this 3rd day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibits

- A. Arbor First - Arborist Report