

## ATTACHMENT 2 EXHIBIT A

Note:

Underline indicates additions.

Double Underline indicates inserted in new section.

~~Strikeout~~ indicates deletion.

~~Double-strikeout~~ indicates moved to new section.

## SECTION 26-02 DEFINITIONS

**Section 26-04-020(P)(13) Protected Tree.** Any of the following: Alder species *Alnus spp*, Big Leaf Maple *Acer macrophyllum*, Bishop Pine *Pinus muricata*, Black Oak *Quercus kelloggii*, Blue Oak *Quercus douglasii*, California buckeye *Aesculus californica*, Coast Live Oak *Quercus agrifolia*, Douglas-fir *Pseudotsuga menziesii*, Interior Live Oak *Quercus wislizenii*, Madrone *Arbutus menziesii*, Oracle Oak *Quercus morehus*, Oregon Oak *Quercus garryana*, Redwood *Sequoia sempervirens*, Tanoak *Notholithocarpus densiflorus*, Valley Oak *Quercus lobata*, California Bay *Umbellularia California*, Willow species *Salix spp* and their hybrids.

## **SECTION 26-88-080(M) TREE PROTECTION ORDINANCE**

General Provisions. Projects shall be designed to minimize the destruction of protected trees. If protected tree species greater than 6" diameter at breast height (dbh) are proposed for removal, the project shall be required to comply with replanting requirements and/or in-lieu-fees according to the arboreal value charts contained in this section. If a project requires a discretionary permit(s), the permit(s) application shall identify any applicable replanting requirements or in-lieu fees according to the arboreal value charts contained in this section. If a project does not require a discretionary permit(s), the application shall identify any applicable replanting requirements or in-lieu fees according to arboreal value charts contained in this section. With all projects involving removal of protected trees, development permits, a site plan shall be submitted that depicts the location of all protected trees greater than nine-six inches (96") diameter at breast height (dbh) and their protected perimeters in areas that will be impacted by the proposed development project, such as the building envelopes, access roads, leachfields, etc. Lot line adjustments, zoning permits not involving removal of protected trees and agricultural uses are exempt from this requirement. The provisions of this section shall not apply to trees which are the subject of a valid timber harvesting permit approved by the state of California. This section shall not be applied in a manner that would reduce allowable density lower than that permitted as a result of by applicable state laws or regulations C.E.Q.A. or by other county ordinances, or that would render a property undevelopable. To achieve this end, adjustments deviations from these standards may be made.

Agricultural uses exempt from the tree protection ordinance are as follows: the raising, feeding, maintaining and breeding of confined and unconfined farm animals, commercial aquaculture, commercial mushroom farming, wholesale nurseries, greenhouses, wineries and agricultural cultivation.

Construction Standards. Applicants are encouraged to use a qualified specialist to establish tree protection methods.

- (1) Protected trees, their protected perimeters and whether they are to be retained or removed are to be clearly shown on all improvement plans. A note shall be placed on the improvement plans that "Construction is subject to requirements established by Sonoma County to protect certain trees."
- (2) Before the start of any clearing, excavation, construction or other work on the site, every tree designated for protection on the approved site plan shall be clearly delineated with a substantial barrier (steel posts and barbed wire or chain link fencing) at the protected perimeter, or limits established during the permit process. The delineation markers shall remain in place for the duration of all work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of brush, earth and other debris as to avoid injury to any protected tree.
- (3) Where proposed development or other site work must encroach upon the protected perimeter of a protected tree, special measures shall be incorporated to allow the roots to obtain oxygen, water and nutrients. Tree wells or other techniques may be used where advisable. No changes in existing ground

level shall occur within the protected perimeter unless a drainage and aeration scheme approved by a certified arborist is utilized. No burning or use of equipment with an open flame shall occur near or within the protected perimeter (except for authorized controlled burns).

(4) No storage or dumping of oil, gasoline, chemicals or other substances that may be harmful to trees shall occur within the drip line of any tree, or any other location on the site from which such substances might enter the drip line.

(5) If any damage to a protected tree should occur during or as a result of work on the site, the county shall be promptly notified of such damage. If a protected tree is damaged so that it cannot be preserved in a healthy state, the planning director shall require replacement in accordance with the arboreal value chart. If on-site replacement is not feasible, the applicant shall pay the in-lieu fee to the tree replacement fund.

(6) The following design standards for protected trees shall be adhered to:

(i) Underground trenching for utilities ~~should~~ shall avoid tree roots within the protected perimeter. If avoidance is impractical, tunnels should be made below major roots. If tunnels are impractical and cutting roots is required, it shall be done by hand-sawn cuts after hand digging trenches. Trenches should be consolidated to serve as many units as possible.

(ii) Compaction within the drip line or protected perimeter shall be avoided.

(iii) Paving with either concrete or asphalt over the protected perimeter should be avoided. If paving over the protected perimeter cannot be avoided, affected trees shall be treated as removed for purposes of calculating arboreal values.

(iv) Wherever possible, septic systems and/or leachlines shall not be located on the uphill side of a protected tree.

(7) Security posted for the purpose of insuring the proper construction of public or private improvements shall also include an amount sufficient to secure any requirements imposed pursuant to this section. In addition, security for potential tree damage shall be twenty-five percent (25%) of the amount posted for planned tree replacement. In lieu fees shall be paid prior to recording any maps. Such security shall not be released until protection requirements, including planting replacement trees, and any long term maintenance requirements have been satisfactorily discharged. The initial bond amount may be reduced to cover only the maintenance and replacement of trees after construction is completed.

(8) The Valley Oak-*Quercus lobata* shall receive special ~~consideration~~ protection in the design review process to the extent that through mature specimens shall be retained to the fullest extent feasible the Valley Oak Habitat Combining Zone, as implemented per the provisions of Section 5.1 of the general plan resource conservation element. Valley Oaks contribute greatly to Sonoma County's visual character, landscape and they provide important visual relief in urban settings. All uses permitted within the respective district with which the VOH district is combined shall be permitted in the VOH district, subject to the provisions of this article.

Arboreal Value Charts. One of the following charts is to be used for determining arboreal values. The applicant shall indicate at time of application which chart is to be used. Chart No. 1 requires analysis to be done only in the development areas (building envelopes, access roads, etc.) and requires one hundred percent (100%) replacement or in-lieu fees. Chart No. 2 requires analysis of the entire site but allows for removal of up to fifty percent (50%) of the arboreal value. Compensation for the loss of greater than fifty percent (50%) arboreal value will require replacement by using the chart.

**Chart No. 1: To Be Used For Measuring Trees Removed Only in The Development Areas.**

EXPAND

d.b.h. <sup>[34]</sup> (inches)	Removed Trees	Weighted Value	Arboreal Value
<del>9-6</del> -15		1	
over <u>15-21</u>		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total\_\_\_

This value (the A.V.) is used to

calculate the replacement number.

**Chart No. 2 Complete Site Analysis.**

a.

To Be Used For Measuring Existing Trees On The Entire Site.

EXPAND

d.b.h. * (inches)	Existing Trees	Weighted Value	Existing Arboreal Value
<del>9-6</del> -15		1	

d.b.h.* (inches)	Existing Trees	Weighted Value	Existing Arboreal Value
over <u>15-21</u>		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total\_\_

b.

To Be Used For Measuring Trees To Be Removed.

EXPAND

d.b.h.* (inches)	Removed Trees	Weighted Value	Removed Arboreal Value
<u>9-6-15</u>		1	
over <u>15-21</u>		2	
over 21-27		3	
over 27-33		4	
over 33		5	

\* d.b.h. (diameter at breast height, four and one-half (4 ½) feet above ground) can be calculated by measuring the circumference of the tree and dividing by 3.14 or pi.

Total\_\_

Subtract the removed arboreal value from the existing arboreal value. If the removed arboreal value is more than fifty percent (50%) of the existing arboreal value, the developer must replace the difference between removed arboreal value and fifty percent (50%) of existing arboreal value using the arboreal valuations.

Arboreal Valuations. All trees to be replaced shall be the same native species as that removed unless specific approval has been granted by the planning director.

EXPAND

1 point A.V. = six 5-gallon trees (can be existing trees on site that are below ~~9~~6" d.b.h. if preservation methods are part of the development permit)

= two 15-gallon trees\*\*

= \$200 in-lieu fee\*\*\*

2 points A.V. = 24" Box Tree\*\*

= \$400 in-lieu fee\*\*\*

\*\* The large trees must come from nurseries where they have been irrigated. They must have on-site irrigation to insure their survival.

## **SECTION 26-65 RC RIPARIAN CORRIDOR COMBINING ZONE**

### **Sec. 26-65-040. - Allowed land uses, activities and permit requirements.**

The following activities and uses may be allowed within a streamside conservation area, if allowed by the base zone and any combining zones, subject to any required permits and the standards specified in this section. These activities and uses shall also be conducted and maintained in compliance with any prohibitions, permits, approvals, or authorizations required by applicable resource agencies.

A. Stream maintenance and restoration carried out or overseen by the Sonoma County Water Agency.

B. Levee maintenance.

C. Invasive plant removal, such as, but not limited to, Himalayan blackberry (*Rubus armeniacus*), giant reed (*Arundo donax*), salt cedar (*Tamrix* sp.), and star thistle (*Centaurea solstitialis*), not exceeding five (5) acres in disturbed area, principally involving hand labor and not using mechanized equipment.

D. Streamside maintenance and small riparian habitat restoration not exceeding five (5) acres of disturbed area, principally involving hand labor and not using mechanized equipment, as described by State CEQA Guidelines Section 15333, subject to a zoning permit.

E. Stream dams and stream-related water storage systems, subject to a zoning permit.

F. Road and utility line crossings in compliance with county road construction standards and maintenance guidelines, subject to a zoning permit.

G. Fencing and maintenance of existing outdoor activity areas, such as yards, gardens, and landscaped or natural vegetation, associated with a legally established structure or use and not involving further encroachment into existing riparian vegetation.

H. The following agricultural activities, provided that they are conducted and maintained in compliance with agricultural best management practices developed or referenced by the agricultural commissioner, or defined in a farm or ranch water quality plan acceptable to the agricultural commissioner. The agricultural commissioner shall determine the applicable agricultural best management practices and shall enforce the provisions of this subsection.

1. Grazing and similar agricultural production, not involving cultivation or structures. Livestock control fencing and watering facilities are allowed.
2. Agricultural cultivation and related access roads, drainage, planting, seeding, fertilizing, weeding, tree trimming, irrigation, and harvesting that do not involve the removal of existing contiguous riparian vegetation within two hundred feet (200') of the top of the higher bank, and are located as follows:
  - a. No closer than one hundred feet (100') from the top of the higher bank in the 200-foot riparian corridor for the Russian River;
  - b. No closer than fifty feet (50') from the top of the higher bank in the 100-foot riparian corridors designated in the General Plan and the upland areas of the 50-foot riparian corridors; or

c. No closer than twenty-five feet (25') from the top of the higher bank in all other riparian corridors.

3. Replanting existing cropland and related access roads, drainage, planting, seeding, fertilizing, weeding, tree trimming, irrigation, and harvesting that are located closer to the top of the higher bank than specified in Subsection 26-65-040.H.2, provided that the existing cropland is under active cultivation and the footprint of the planting area is not increased within the applicable setback for agricultural cultivation.

4. Filter strips, equipment turnarounds, grassy avenues, and fencing associated with agricultural cultivation that does not involve the removal of existing contiguous riparian vegetation within two hundred feet (200') of the top of the higher bank.

I. Selective vegetation removal as part of an integrated pest management program administered by the agricultural commissioner.

J. Wells in compliance with Sonoma County Code Chapter 25B (Water Wells).

K. Fire fuel management in compliance with county fire safe standards, provided that no old-growth redwood trees are removed and-vegetation removal is limited to the minimum required for fire safety purposes. New development located within one hundred feet (100') of any riparian corridor shall be allowed with a zoning permit only where there are no feasible alternative development locations that do not require vegetation removal for fire protection and fire resistive construction materials are used to avoid or minimize the need for vegetation removal in the riparian corridor.

L. Bikeways, trails, and parks on publicly owned land or public use easements, or on private lands, subject to a zoning permit.

M. Temporary seasonal gangway and floating dock of up to one hundred twenty square feet (120' sq.) with encapsulated floatation and grated deck, subject to a zoning permit.

N. Timber operations conducted in compliance with an approved timber harvest plan.

O. Tree removal subject to a zoning permit, to protect life or property from the threat of harm posed by a dead, dying, diseased, or damaged tree likely to die within one (1) year of the date proposed for removal, or a tree at risk of falling when the structural instability cannot be remedied. A report by a certified arborist or registered professional forester documenting the hazardous condition and a tree replacement plan is required. Tree removal shall be conducted in such a manner as to protect the functions and values of the riparian corridor. No stumps shall be removed, unless it can be demonstrated that stump removal would not result in erosion or sedimentation in the riparian corridor.

P. Mining operations, subject to a use permit for surface mining activities in compliance with the Chapter 26A (Surface Mining) of this code.

Q. Other activities or uses not meeting the above criteria may be permitted with an exception under Section 26-65-030 (Prohibited Uses and Exceptions), subject to a use permit and approval of a conservation plan.

## **SECTION 26-88-140 MINOR TIMBERLAND CONVERSIONS**



## Minor Timberland Conversions

- a. All minor timberland conversions shall require a zoning permit subject to discretionary review. Notice of the permit shall be mailed to all owners of real property as shown on the latest equalized assessment roll within three hundred feet (300') of the subject property and posted in at least three (3) public places on or near the subject property at least ten (10) days prior to issuance of the permit. The notice shall include an explanation of the procedure to appeal issuance of the permit. In addition to such other plans and data as are necessary to determine compliance with this chapter, the application for the permit shall be accompanied by all of the following:
  - i. A statement of the approximate number, size, species, age, and condition of the trees to be included in the minor timberland conversion, the amount of land clearing to be done, the equipment to be used, the method by which slash and debris are to be removed or disposed of, and a schedule of daily operations.
  - ii. A copy of the notice of conversion exemption timber operations prepared by a registered professional forester and submitted to the California Department of Forestry and Fire Protection for the minor timberland conversion.
  - iii. A statement by the owner of subject property consenting to the minor timberland conversion, certifying that the conversion is a one-time conversion to a non-timber growing use and that there is a bona fide intent to undertake and complete the conversion in conformance with the provisions of this chapter, and specifying what the new non-timber growing use will be after conversion. The statement shall include evidence acceptable to the planning director of the bona fide intent to undertake and complete the conversion. Such evidence shall include, but not be limited to, a valid use permit, building permit, or septic permit, approved grading plans for road construction, or an agricultural management plan or soil capability study demonstrating the feasibility of the new non-timber growing use.
  - iv. Any other information the planning director deems necessary to make a decision on the application. Such information may include, but shall not be limited to, drainage or erosion control details and biotic studies.
- b. No zoning permit shall be issued for a minor timberland conversion unless it is determined that the conversion is a one-time conversion to a non-timber growing use and that there is a bona fide intent to undertake and complete the conversion in conformance with the provisions of this chapter. The determination of bona fide intent shall include consideration of the economic feasibility of the conversion, the environmental feasibility of the conversion, including, but not limited to, the suitability of soils, slope, aspect, quality and quantity of water, and microclimate, and any other foreseeable factors necessary for successful conversion to the new non-timber growing use.
- c. All minor timberland conversions shall be conducted in accordance with the provisions of Title 14, California Code of Regulations, Section 1104.1.

- d. All minor timberland conversions shall be completed and the new non-timber growing use underway within two (2) years after the zoning permit is granted.
- e. All minor timberland conversions shall minimize damage to soils, residual trees, young growth, and other vegetation, and prevent erosion and damage to neighboring properties.
- f. No minor timberland conversion shall be conducted during the winter period unless it is carried out in accordance with Title 14, California Code of Regulations, Section 914.7, subsections (a) and (b).
- g. No minor timberland conversion shall be conducted without a valid on-site copy of the zoning permit issued for the conversion.
- h. No minor timberland conversion shall include the cutting or removal of any old growth redwood unless a registered professional forester certifies in writing that the tree poses a serious danger to persons or property.

## **SECTION 26-88-160 MAJOR TIMBERLAND CONVERSIONS**

- a. This section establishes standards for major timberland conversions.
- b. Permitted Use, Zoning Districts. Except as otherwise provided in subsection (b) of this section, major timberland conversions shall be a use permitted with a use permit in the RRD, ~~RRDWA~~, and TP zoning districts, and a permitted use in all other zoning districts. Major timberland conversions may convert timberland to any permitted use or use permitted with a use permit in all zoning districts, except for the TP zoning district. In the TP zoning district, major timberland conversions may be undertaken only to convert timberland to a permitted use or use permitted with a use permit that does not significantly detract from the use of the property for, or inhibit, timber production.
- c. Permit Requirement. A major timberland conversion shall require use permit approval in compliance with this chapter in the RRD and TP zoning districts, except for a major timberland conversion to convert timberland to a minor public service use or facility, which shall be a permitted use and shall not require a use permit. The minor public service use or facility itself, however, shall require use permit approval in compliance with this chapter.
- d. Application Requirements. The use permit application for a major timberland conversion shall include all of the information and materials required by Section 26-92-170, and, ~~where the California Department of Forestry and Fire Protection is the lead agency,~~ the timberland conversion permit ~~and~~ timber harvesting plan, ~~and~~ environmental documents approved by that agency the California Department of Forestry and Fire Protection for the proposed major timberland conversion.
- e. Criteria for Approval. A use permit for a major timberland conversion shall not be approved unless the decision maker makes the findings required by Section 26-92-080, and determines that the proposed major timberland conversion complies with the following standards:
  - i. The proposed major timberland conversion includes substantial public benefits that outweigh the long-term loss of timberland, considering both the quantity and quality of the timberland being converted and the timberland being preserved pursuant to subsection (d)(2) of this section.
  - ii. Two (2) acres of timberland with a natural slope no steeper than fifty percent (50%) are permanently preserved for timber production for each acre of timberland being converted, subject to the following requirements:
    1. The preserved timberland shall be subject to the review and approval of the decision maker as part of the use permit approval for the proposed major timberland conversion.
    2. The preserved timberland shall be enforceably restricted with a perpetual protective easement preserving and conserving the preserved timberland for timber production, while protecting any riparian or other biotic resources on the preserved timberland

consistent with applicable federal, state, and county statutes, ordinances, rules, and regulations. The protective easement shall be dedicated to the county or a public agency or qualified nonprofit organization approved by the county, and shall be recorded prior to commencement of timber operations for the major timberland conversion.

3. The preserved timberland shall be located within the county, either on the same property as the timberland being converted or on other property in the local area.
4. The preserved timberland shall be contiguous to other timberland where contiguity is feasible and is necessary or desirable to better ensure the viability of the preserved timberland for timber production.
5. The preserved timberland shall have the same site classification or higher as the timberland being converted.
6. Any preserved timberland that does not meet state stocking standards shall be rehabilitated in compliance with the following requirements:
  - a. The understocked preserved timberland shall be rehabilitated to meet state stocking standards within five (5) years after the use permit approval for the proposed major timberland conversion. The rehabilitation shall be conducted by or under the supervision of a registered professional forester. Timber seedling planting for the rehabilitation shall be completed and verified by the registered professional forester prior to commencement of timber operations for the major timberland conversion. Upon completion of the rehabilitation, the registered professional forester shall certify that the preserved timberland meets state stocking standards.
  - b. Performance of the rehabilitation shall be guaranteed by a bond or other form of security acceptable to the planning director in the amount of one hundred percent (100%) of the total estimated cost of the rehabilitation. The security shall be released upon certification by the registered professional forester that the preserved timberland meets state stocking standards. The county may redeem the security, complete the rehabilitation with its own forces or by contract, and use the security to offset the costs of such undertaking where satisfactory progress is not made toward completion of the rehabilitation in a timely manner, or where at the conclusion of the five (5) year rehabilitation period the preserved timberland does not meet state stocking standards.