



## Sonoma County Planning Commission **STAFF REPORT**

**FILE:** ORD21-0001  
**DATE:** August 31, 2023  
**TIME:** At or after 1:05 pm  
**STAFF:** Doug Bush, Comprehensive Planning  
Robert Aguero, Natural Resources

**A Board of Supervisors hearing on the project will be held at a later date and will be separately noticed.**

### **SUMMARY**

Applicant: County of Sonoma, Permit Sonoma

Supervisory District: All

Location: All unincorporated parcels outside coastal zone

Description: Amendments to Sonoma County Code Chapter 26 (Sonoma County Zoning Regulations) including technical changes and updates to the Tree Protection Ordinance, Riparian Corridor Ordinance, and the Minor and Major Timberland Conversion Ordinances.

CEQA Review: Categorical Exemptions Section 15307 for Actions by Regulatory Agencies for Protection of Natural Resources, and Section 15308 Actions by Regulatory Agencies for Protection of the Environment

Zoning: Various

### **RECOMMENDATION**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt the attached ordinance (Attachment 2) and find the proposed action exempt from the California Environmental Quality Act (CEQA).

### **BACKGROUND**

On August 3, 2023, the Planning Commission reviewed proposed updates to the Tree Protection Ordinance, Riparian Corridor Combining Zone, and Timberland Conversion Ordinances.

The Planning Commission took a straw vote to follow staff recommendations with several modifications:



- 1) With respect to maintenance of existing agricultural crop cultivated areas, the proposed ordinance text has been refined to clarify that both "Permit Sonoma and the Department of Agriculture Weights and Measures are empowered to implement and enforce the ordinance."
- 2) The Commission recommended that the tree protection ordinance remain in the Subdivision Ordinance, but that the current language be replaced by the updated Tree Protection Ordinance.
- 3) Mitigation monitoring requirements shall be 7 years.
- 4) The term "protected perimeter" is now defined as 1.5 times the dripline of a tree. This was applied based on the Commission's recommendation, to help create a protective barrier around retained trees that is more reflective of the actual extent of roots.
- 5) The previously proposed affordable housing exemption has been struck as directed by the Planning Commission.

## **DISCUSSION**

In addition to the items identified above, Staff were asked to return on August 31 to provide alternatives to existing mitigation measures. The Commission asked that mitigation options be refined to address outdated fees and ensure that mitigations are proportional to impacts. The following section discusses recommended changes to mitigation options in the Tree Protection Ordinance. A complete list of changes is available in Attachment 2, Exhibit A.

### 1. Keep existing replanting ratios

Staff reviewed current replacement ratios and compared them to standard ratios required in other County review processes, such as the Riparian Corridor Combining Zone, as well as State regulatory processes. Staff found that existing ratios are consistent with current standards for replanting used by the County for streamside conservation plans and as required by the Department of Fish and Wildlife and State Water Boards for their permitting programs. The proposed ordinance maintains the existing replacement ratios.

### 2. Eliminate Arboreal Value Chart 2.

The current ordinance allows for two alternative methods for calculating arboreal values which ultimately determine the number and size of required replacement trees. The second of these methods allowed up to half of the arboreal value on site to be removed without any required replacements. As a result of Commission discussion that identified this option as too permissive, staff has removed this second option from the ordinance. As a result, if an applicant chooses to replant as their preferred



mitigation, they must consult Arboreal Value Chart 1, which will result in replacement requirements, even if only one protected tree is proposed for removal.

### 3. Eliminate existing in-lieu fee option.

Existing fees were adopted into code in 1989 and do not reflect the current costs of raw materials and the labor required for replanting and maintaining newly planted trees over the 7-year initial maintenance and monitoring period. Using the current arboreal value method for determining mitigations, the minimum fee requirement is equivalent to \$200. When adjusted for inflation, that fee should now be adjusted to approximately \$500. Without adjustment, the existing fees are insufficient to cover current replacement tree cost and installation costs.

Updating current mitigation fees, even based solely on rates of inflation or the consumer price index would require a fee study. Staff has not received authorization or funding to pursue a fee study at this time. In addition, the Commission agreed that fees should generally be avoided in either case. As a result, staff has struck the existing fee option from the ordinance and instead provides an alternative approach discussed below.

### 4. Added mitigation payment option using an accepted appraisal method.

With the existing fees struck from the ordinance, as discussed above, staff has maintained an alternative to replanting. This alternative would allow mitigating parties to pay into a mitigation fund based on the appraised cost of the protected trees proposed for removal. The value of the trees would be determined using appraisal methods that are standardized and published by the Council of Tree and Landscape Appraisers in the Guide for Plant Appraisal, 10<sup>th</sup> Edition or an equivalent methodology approved by the Director of Permit Sonoma or the Agricultural Commissioner. The appraisals would be conducted by a professional qualified to make such appraisal determinations. These appraisal methods are accepted by the largest national and international arboriculture organizations including the American Society of Consulting Arborists, American Society of Landscape Architects, and International Society of Arboriculture. The total appraised value of the removals would be paid to the County for planting and subsequent maintenance of native tree species, administered by Sonoma County Regional Parks.

### **CEQA Determination**

Adoption of the proposed ordinance amendments to County Code are exempt pursuant to the categorical exemptions provided in CEQA Guidelines Section 15307 for Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308 for Actions by Regulatory Agencies for Protection of the Environment because the amendments are regulatory in nature and are designed to assure the maintenance, restoration, or enhancement or protection of natural resources and the environment. No exceptions listed under Section 15300.2 apply. There is no reasonable possibility that the project would have a significant effect on the environment.

### **Attachments**

- 1) Planning Commission Resolution



- 2) Draft Ordinance
  - a) Exhibit A – County Code With Tracked Changes