

## 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.** A protected tree includes any tree species considered native to Sonoma County and includes any of the following: Big Leaf Maple (*Acer macrophyllum*), Black Oak (*Quercus kelloggii*), Blue Oak (*Quercus douglasii*), Boxelder (*Acer negundo*), California Bay (*Umbellularia californica*), California Black Walnut (*Juglans californica*), California Buckeye (*Aesculus californica*), Canyon Live Oak (*Quercus chrysolepis*), Coast Live Oak (*Quercus agrifolia*), Cottonwood species (*Populus fremontii*, *P. trichocarpa*), Cypress species (*Hesperocyparis macrocarpa*, *H. macnabiana*), ~~Douglas fir (*Pseudotsuga menziesii*), Grand Fir (*Abies grandis*), Interior Live Oak (*Quercus wislizenii*), Madrone (*Arbutus menziesii*), Oracle Oak (*Quercus morehus*), Oregon Ash (*Fraxinus latifolia*), Oregon Oak (*Quercus garryana*), Pine species (*Pinus attenuata*, *P. contorta*, *P. lambertiana*, *P. muricata*, *P. ponderosa*, *P. sabiniana*), Red or White Alder (*Alnus rubra*, *A. rhombifolia*), Redwood (*Sequoia sempervirens*), ~~Tanoak (*Notholithocarpus densiflorus*), Valley Oak (*Quercus lobata*), California Bay (*Umbellularia californica*), Western Hemlock (*Tsuga heterophylla*), Willow species (*Salix laevigata*, *S. lucida*), and their any natural hybrids of these tree species.~~~~

**Section 26-040(020)(P)(12) Protected Perimeter.** A protected area surrounding a protected tree, the radius of which is at least 1.5 times the distance from trunk to outermost extent of canopy. ~~The tree dripline.~~

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

### **A. General Provisions.**

1. Projects shall be designed to ~~minimize~~ avoid the destruction of protected trees.
2. If protected tree trees greater than 6" diameter at breast height (dbh) are proposed for removal, the removal shall comply with Section E of this ordinance.
3. A zoning permit is required for 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 perimeter in areas that will be impacted by the proposed development project, such as the building envelopes, access roads, leach fields, etc. The application shall also specify the proposed mitigation and any locations of proposed plantings, or as otherwise specified on forms required by the Director.
4. The proposed removal of redwoods with single stem d.b.h. exceeding 48" or oaks and other hardwoods with single stem d.b.h. exceeding 36" shall be subject to a use permit. 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~~ minimal deviations from these standards may be approved by the Director.
5. If this ordinance conflicts with another section of County Code, the ordinance providing greater protection to protected trees shall apply to any proposed impacts to protected trees.

### **B. Exemptions.**

The following activities and uses may be allowed without a zoning permit for removal of protected trees, if they are ministerial and 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.

1. Hazard Reduction. Vegetation management consistent with county approved vegetation management plans, activities necessary to comply with local defensible space requirements. Prescribed or cultural burning projects qualify for this exemption when such burning permits have been reviewed and approved by either County, State, or Federal entities.
2. Emergency Operations. Actions taken by public agencies during emergency operations or in post-disaster remediation.
3. Hazardous, Dead, Dying, or Diseased Trees. The removal of dead, dying, or diseased trees, is permitted when all of the following is true:
  - a. The tree is dead, dying, or diseased, as determined by an arborist or Registered Professional Forester; AND



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 dripline of any tree, or any other location on the site from which such substances might enter the dripline.
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.

D. **General Provisions.** Projects subject to the Tree Protection Ordinance shall adhere to the following. The following design standards for protected trees shall be adhered to.

1. 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~~ shall be consolidated to serve as many units as possible.
2. Compaction within the ~~drip line or~~ protected perimeter shall be avoided.
3. 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.
4. Wherever possible, septic systems and/or leachlines shall not be located on the uphill side of a protected tree.
5. When a project requiring discretionary permits proposes removal of or impacts to protected trees, the application shall demonstrate that no feasible options are available to avoid removal or impacts to protected trees.
6. 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.

7. The Valley Oak-Quercus lobata shall receive special consideration in the design review and other discretionary permit processes to the extent that mature specimens shall be retained to the fullest extent feasible. Valley Oaks contribute greatly to Sonoma County's visual character, landscape, habitat, carbon sequestration and they provide important visual relief in urban settings. On existing parcels created without the benefit of an accompanying EIR, ~~design~~-review shall focus on the preservation of Valley Oaks to the fullest extent feasible. Where such preservation would render a lot unbuildable, partial protection with accompanying appropriate mitigations developed by a certified arborist shall be incorporated into the project design. In such cases where only partial protection can be achieved, full replacement in accordance with the arboreal value chart shall be required.

**E. Required mitigations for removal of protected trees.**

Tree removal subject to mitigation shall provide replacements or provide in-lieu payment consistent with this section.

Option 1. In-lieu Payment. Payment amount shall be determined using a methodology for tree replacement cost contained in the most recent version of "Guide for Plant Appraisal" published by the Council of Tree and Landscape Appraisers or an alternative methodology of common practice acceptable to the applicable decision maker issuing the permit. Appraisal of cost shall be conducted by a qualified professional certified or licensed to make such determinations.

Option 2. Tree Replacement. ~~Arboreal Value Charts. One of the~~ 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>9-6-15</del> <u>12</u>        |               | 1              |                |
| over <del>15-21</del> <u>12-18</u> |               | 2              |                |
| over <del>21-27</del> <u>18-24</u> |               | 3              |                |

| d.b.h. <sup>[34]</sup> (inches)  | Removed Trees | Weighted Value | Arboreal Value |
|--|---------------|----------------|----------------|
| over <del>27-33</del> <u>24-30</u>   |               | 4              |                |
| <u>Over 30-36</u>  |               | <u>5</u>       |                |
| over <del>33</del> <u>36-42</u>  |               | <u>6</u>       |                |
| <p><u>Weighted values for trees that exceed the preceding size classes shall be based on the same increment established in this table (i.e. one additional weighted value point per 6" step in dbh.) For example, a tree with d.b.h. of over 48" to 54" shall have a weighted value of 8</u></p> |               |                |                |

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>9-6-15</del> <u>12</u>        |                | <u>1</u>       |                         |
| over <u>15-21</u> <del>12-18</del> |                | <u>2</u>       |                         |
| over <u>21-27</u> <del>18-24</del> |                | <u>3</u>       |                         |
| over <u>27-33</u> <del>24-30</del> |                | 4              |                         |
| <u>Over 30-36</u>                  |                | <u>5</u>       |                         |

Total \_\_\_

~~b. To Be Used For Measuring Trees To Be Removed.~~

~~EXPAND~~

| d.b.h.* (inches)            | Removed Trees | Weighted Value | Removed Arboreal Value |
|-----------------------------|---------------|----------------|------------------------|
| <del>9-6-15-12</del>        |               | <del>1</del>   |                        |
| <del>over 15-21-12-18</del> |               | <del>2</del>   |                        |
| <del>over 21-27-18-24</del> |               | <del>3</del>   |                        |
| <del>over 27-33-24-30</del> |               | <del>4</del>   |                        |
| <del>Over 30-36</del>       |               | <del>5</del>   |                        |

~~\* 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.~~

Where mitigation plantings are utilized, on-site planting shall be prioritized. Off-site mitigation shall be allowed if the applicant submits evidence acceptable to the Director that onsite mitigation is not available, and a suitable offsite location is available.

~~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. Monitoring shall be required for a period of seven years to ensure that trees have survived. An annual report shall be prepared and submitted by the applicant to the Department. Any mortality that occurs during the reporting period shall be replaced.

~~\*\*\* Annual average retail cost can be changed to reflect cost increases.~~

Replacement trees may be located on residentially zoned parcels of at least one and one-half acres and on any commercial or industrial zoned parcel, regardless of size, where feasible. Where infeasible, they may be located on public lands or maintained private open space. In-lieu fees may be used to acquire and protect stands of native trees in preserves or place trees on public lands.

## **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.

...

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.

...

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.

## **SECTION 26-88-140 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...

...

- e. All minor timberland conversions shall ~~minimize~~ avoid damage to soils, residual trees, young growth, and other vegetation, and prevent erosion and damage to neighboring properties

## **SECTION 26-88-160 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.

...

- 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...