

Resolution Number #23-39

County of Sonoma
Santa Rosa, California

August 31, 2023
ORD21-0001 Doug Bush

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING GENERAL PLAN CONSISTENCY, DETERMINING THAT THE PROPOSED ORDINANCE IS EXEMPT FROM CEQA, AND RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING SONOMA COUNTY CODE TO REVISE SECTION 26-04-020 (DEFINITIONS), SECTION 26-88-010(m) (TREE PROTECTION ORDINANCE), ARTICLE 65 (RIPARIAN CORRIDOR COMBINING ZONE), AND SECTIONS 26-88-140,-160 (MINOR AND MAJOR TIMBERLAND CONVERSIONS).

WHEREAS, the County of Sonoma General Plan 2020 (GP2020) includes an Open Space and Resource Conservation Element which sets forth goals, objectives and policies to increase protections of native trees, woodlands and forests, and the wide range of ecosystem services they provide, including but not limited to facilitation of groundwater recharge and water quality, stream bank stability, air quality, carbon sequestration, localized climate moderation, wildlife habitat, cultural, spiritual and aesthetic value; and

WHEREAS, GP2020 directs that the tree protections set forth in the Open Space and Resource Conservation Element be implemented through zoning; and

WHEREAS, the GP2020 EIR identified that land uses and development consistent with the plan would result in reduction of existing wildlife or fish habitat, contribute to habitat fragmentation, and result in the obstruction of wildlife movement opportunities, and it is now recognized that greater tree protection would help reduce these development impacts; and

WHEREAS, the Sonoma County Strategic Plan contains climate goals and objectives which are inextricably linked to forest health and associated regulations including:

- Climate Action and Resiliency Goal 5: Maximize opportunities for mitigation of climate change and adaptation through land conservation work and land use policies.
 - Objective 1: By 2025, update the County General Plan and other county/special district planning documents to incorporate policy language and identify areas within the County that have the potential to maximize carbon sequestration and provide opportunities for climate change adaptation. The focus of these actions will be to increase overall landscape and species resiliency, reduce the risk of fire and floods, and address sea level rise and biodiversity loss.
 - Objective 2: Develop policies to maximize carbon sequestration and minimize loss of natural carbon sinks including old growth forests, the Laguna de Santa Rosa, and rangelands. Encourage agricultural and open space land management to maximize sequestration. Develop a framework and policies to incentivize collaboration with private and public land owners.

WHEREAS, in the years since the adoption of the Tree Protection Ordinance and later the General Plan, forest and woodland resources and the benefits they provide to the community have been diminished by a variety of factors including: urban and rural development, agricultural conversion, forestry practices, historical fire suppression, and climate related phenomena including drought, fire, pests and pathogens; and

WHEREAS, forests and woodlands absorb carbon dioxide from the atmosphere and store it in different repositories which include trees (both living and dead), root systems, undergrowth, the forest floor and soils and live trees, where live trees have the highest carbon density, followed by soils and the forest floor, and where existing mature trees help sequester carbon at greater volumes than young trees or sapling planted as mitigation for large tree removal; and

WHEREAS, approximately 23% of Sonoma County's land area has been affected by wildfire since 2017, and though the ecosystems are home to many fire adapted species, the intensity of recent fires has, in some cases, decimated local forests and woodlands; and

WHEREAS, climate change, in addition to post-fire salvage logging and development both challenge the ability of trees, woodlands and related ecosystems to recover; and

WHEREAS, the Planning Commission finds that it is necessary and appropriate to update Chapter 26 to fully implement natural resource conservation policies of the General Plan 2020; and

WHEREAS, the Planning Commission held public workshops on November 4, 2021 and August 18, 2022, at which time the Planning Commission heard and received information and comments on County tree protection regulations and discussed potential updates to be considered at a future hearing; and

WHEREAS, the Planning Commission reviewed potential updates to the Tree Protection Ordinance, Riparian Corridor Combining Zone, and Timberland Conversion Ordinances and requested specific updates to ordinance text to expand the applicability of the Tree Protection Ordinance; and

WHEREAS, the Commission directed staff to update the ordinance, which currently applies only to discretionary permits, to apply to all County approvals of discretionary and ministerial permits involving the removal of protected tree species over a threshold size; asked for additional regulatory options and analysis regarding current exemptions for agricultural uses, modification of existing mitigation measures, and potential updates to mitigation fees; and

WHEREAS, Planning Staff conducted extensive outreach with community stakeholders, including a public survey that received over 500 responses and received feedback showing that a majority of respondents support increased protection of trees; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on August 3, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed Ordinance amendments. All interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission continued the August 3 hearing to a date and time

certain of August 31 at 1:05 p.m. and asked staff to return with an updated ordinance reflecting their recommendations including revised mitigation options, and the Commission considered the updated ordinance at the hearing; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the proposed Ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed ordinance amending Chapter 26 (Zoning Regulations) is consistent with the County's General Plan in that it incorporates into the Zoning Code and furthers the General Plan's goals, objectives, and policies which seek to limit the cumulative loss of native trees, by requiring tree replacements or in-lieu fees when trees of specified species and size are removed in the unincorporated county and by creating standards for the protection of trees during the course of development.
2. Adoption of the proposed Ordinance is a project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (actions by regulatory agencies for protection of natural resources) and Section 15308 (actions by regulatory agencies for protection of environment). These exemptions cover actions taken to assure the maintenance, restoration, enhancement, or protection of natural resources or the environment where the regulatory process involves procedures for the protection of the environment. The proposed Ordinance makes changes to clarify and strengthen existing requirements, standards and definitions in Sonoma County Code Chapter 26, and does not involve construction or any other activity that could degrade or physically change the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Ordinance will have an adverse effect on the environment. The proposed Ordinance makes changes to strengthen standards in Chapter 26 for the protection of the environment.

BE IT FURTHER RESOLVED that the Planning Commission finds that adoption of the proposed ordinance is exempt from CEQA, for the reasons articulated in paragraph 2 above.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the Ordinance amending 26 of the Sonoma County Code attached as Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission also recommends that the Board of Supervisors: 1) Ask that all County departments, as well as the Sonoma County Water Agency and Sonoma County Agricultural Preservation and Open Space District, follow the Tree Protection Ordinance for public projects; and 2) as part of its climate change efforts, the County of Sonoma develop a program for monitoring forest health, including potentially monitoring changes in tree canopy over time; and that 3) Permit Sonoma should establish a monitoring program and fee to support implementation of the Tree Protection Ordinance.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource

Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Carr who moved its adoption, seconded by Commissioner Koenigshofer and adopted on roll call by the following vote:

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| Commissioner Carr | Aye |
| Commissioner Reed | Aye |
| Commissioner Ocaña | Aye |
| Commissioner Koenigshofer | Aye |
| Commissioner McCaffery | Aye |

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.