

Ordinance No. 6089

An Ordinance Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Amending Chapter 26 Of The Sonoma County Code To Add Or Replace Miscellaneous Definitions, Rename The Rural Commercial District, Replace The Biotic Resource Combining District With Separate Combining Zones For Riparian Corridors And Biotic Habitat, Revise Stream Protection Policies For Riparian Corridors To Implement Sonoma County General Plan 2020, And Rezone Properties To Add The Riparian Corridor Combining Zone To All Designated Streams

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Chapter 26 of the Sonoma County Code is amended as follows:

(a) Section 26-020-140 [Definitions] is amended to add or replace the following terms:

Agricultural Crop: Any cultivated crop grown and harvested for commercial purposes.

Agricultural Cultivation: The act of preparing the soil for the raising of agricultural crops.

Contiguous riparian vegetation: Riparian vegetation that is physically touching or adjacent, and not separated by features like roads, developed land, or cropland.

Cropland: Land devoted to the production of agricultural crops.

Designated Stream: A river or stream mapped or identified in the Open Space and Resource Conservation Element of the General Plan, or in an adopted area plan or specific plan or other adopted stream protection standards, guidelines, or mitigation measures.

Resource Agency: A federal or state agency having jurisdiction by law over natural resources affected by an activity or use. Resource agencies include the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, NOAA Fisheries, California Department of Fish and Wildlife, North Coast and San Francisco Bay

Riparian Corridor: The area occupied by a river or stream and related plant and animal communities.

Riparian Corridor, 50-foot: A riparian corridor with a streamside conservation area of 50 feet on each side of a designated stream measured from the top of the higher bank.

Riparian Corridor, 100-foot: A riparian corridor with a streamside conservation area of 100 feet on each side of a designated stream measured from the top of the higher bank.

Riparian Corridor, 200-foot: A riparian corridor with a streamside conservation area of 200 feet on each side of a designated stream measured from the top of the higher bank.

Riparian Functions: The beneficial uses of areas in and along streams, including: providing food, water, and breeding, egg deposition and nesting areas for fish, amphibians, reptiles, birds, insects, and mammals; providing protective cover, shade and woody debris to stream channels as habitat for coho salmon, steelhead, freshwater shrimp, and other protected and common aquatic-dependent species; providing movement opportunities, protective cover, and breeding, roosting, and resting habitat for terrestrial wildlife; filtering sediment and pollutants in runoff into streams; providing erosion protection for stream banks; and facilitating groundwater recharge.

Riparian Tree: A woody perennial plant growing in a riparian corridor, typically larger than 14 feet at maturity with a well-defined stem and definite crown having a single or multi-trunk structure, with a minimum diameter at breast height of two (2) inches for a single stem or aggregate of multi-trunk stems of five (5) inches, and a minimum height of ten (10) feet.

Riparian Vegetation: Plant communities contiguous to and affected by surface and subsurface hydrologic features of water bodies (rivers, streams, lakes, or wetlands) that have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian vegetation is usually transitional between wetland and upland.

Vegetation Removal: The cutting, breaking, burning or uprooting of vegetation, the application of herbicide to vegetation, the covering over of vegetation with earth, or the compacting of the soil under and around vegetation. For the purposes of this chapter, vegetation means all natural, non-cultivated plant life including the root system, stem, trunk, crown, branches, leaves or blades.

(b) Section 26-04-010 (d) [Permitted Uses - LIA zoning district], Section 26-06-010 (d) [Permitted Uses - LEA zoning district], Section 26-08-010 (d) [Permitted Uses - DA zoning district], Section 26-10-010 (d) [Permitted Uses - RRD zoning district], Section 26-16-010 (h) [Permitted Uses - AR zoning district], Section 26-18-010 (e) [Permitted Uses - RR zoning district], Section 26-26-030 (g) (2) [Permitted Uses - PC zoning district], Section 26-40-010 (e) [Permitted Uses - AS zoning district], and Section 26-42-010 (e) [Permitted Uses - K zoning district] are amended to read as follows:

“The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries, **conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone.**”

(c) Article 38 RC Rural Commercial District is amended to change the title of the Article to the CR Commercial Rural District.

(d) Article 65 RC Riparian Corridor Combining Zone is added to read as set forth in Exhibit “A,” attached hereto and incorporated herein by this reference.

(e) Article 66 BR Biotic Resource Combining District is amended to change the title of the Article to the BH Biotic Habitat Combining Zone, and amended to read as set forth in Exhibit “B,” attached hereto and incorporated herein by this reference.

(f) The Official Zoning Database is amended to rezone properties to reflect the new combining zones for all riparian corridors and biotic habitat areas and to rezone Rural Commercial properties to CR Commercial Rural as set forth in the Table in Exhibit “C,” attached hereto and incorporated herein by this reference.

Section II. For the purposes of Section I of this ordinance, only cropland under active cultivation on the effective date of this ordinance shall be deemed to be existing cropland.

standards of the applicable Area/Specific Plan when those standards are more stringent than the General Plan as required by General Plan Policy LU-1a.

Section IV. The Program Environmental Impact Report (EIR) for Sonoma County General Plan 2020, certified by the Board of Supervisors in 2008, disclosed, evaluated, and mitigated potential environmental impacts of General Plan policies. Potential impacts of riparian protection measures and stream setbacks were analyzed in multiple sections of the EIR. In addition, Mitigation Measure 4.6-2(b) directs the rezoning of all lands within Streamside Conservation Areas to the Biotic Resources combining zoning district, and the adoption of a riparian protection ordinance. The amendments in Section I of this ordinance would implement Mitigation Measure 4.6-2(b). Riparian protection will be achieved through application of the zoning database and planning process. The amendments in Section I of this ordinance would not relax any existing standards or policies in the General Plan or Area Plans. The amendment in Section I of this ordinance would not result in any new significant impacts, or a substantial increase in the severity of any previously-identified impacts, due to substantial changes in the project or its circumstances, or new information of substantial importance that was not known and could not have been known at the time of certification of the General Plan Program EIR in 2008. The amendments in Section I of this ordinance are within the scope of the General Plan covered by the EIR, and would not have effects that were not examined in the EIR. As a result, pursuant to CEQA Guidelines Section 15168 (c) (2), no new environmental document is required. The Program EIR for the General Plan 2020 is available for review at the PRMD office and online at <http://www.sonoma-county.org/prmd/divpages/compplandiv.htm>.

Section V. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California. Pursuant to Government Code Section 25124, complete copies of Exhibits “A”, “B”, and “C” to this ordinance are on file with the Clerk of the Board of Supervisors and are available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California. Complete copies of the Exhibits are also available for public review on

Adopted November 24, 2014

Supervisors:

Gorin: Aye Zane: Aye McGuire: Aye Carrillo: Aye Rabbitt: Aye

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

Whereupon, the Chair declared the above and foregoing ordinance duly adopted and

So Ordered.

Chair, Board of Supervisors
County of Sonoma

Attest:

Veronica A. Ferguson,
Clerk of the Board of Supervisors

By: _____
Chief Deputy Clerk of the Board

Exhibit “A”

Article 65. RC Riparian Corridor Combining Zone

Sec. 26-65-005. Purpose

Sec. 26-65-010. Applicability

Sec. 26-65-020. Determination of Streamside Conservation Areas and Setbacks for
Agricultural Cultivation

Sec. 26-65-030. Prohibited Uses and Exceptions

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

Sec. 26-65-005. Purpose

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

Sec. 26-65-010. Applicability

The RC combining zone shall be applied to designated streams and include the stream bed and bank and an adjacent streamside conservation area on each side of the stream as measured from the top of the higher bank. The minimum streamside conservation area shall be shown in the zoning database followed by the minimum setback for agricultural cultivation (e.g., RC 100/50). Where the drip line of existing riparian trees with trunks located wholly or partially within the streamside conservation area extends beyond the streamside conservation area boundary, as indicated in the zoning database, the boundary shall be increased to include the outer drip line of the riparian trees.

Sec. 26-65-020. Determination of Streamside Conservation Areas and Setbacks for Agricultural Cultivation

The streamside conservation area indicated in the zoning database is approximate to allow for a parcel-specific determination of the boundary based upon the location of the top of the higher bank and existing riparian vegetation. The streamside conservation

Sec. 26-65-030. Prohibited Uses and Exceptions

Except as allowed by Section 26-65-040, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines, and parking lots shall be prohibited within any stream channel or streamside conservation area.

- A. An exception to this prohibition may be approved by the Director with a Zoning Permit if:
 - 1. It makes a parcel unbuildable, provided vegetation removal is minimized;
 - 2. The use involves the minor expansion of an existing legally established structure in conformance with Article 94 where it is demonstrated that the expansion will be accomplished with minimum vegetation removal and protection of riparian functions;
 - 3. The use involves only the maintenance, restoration, or reconstruction of an existing legally established structure or use in conformance with Article 94; or
 - 4. The Director determines that the affected area has no substantial value for riparian functions.
- B. An exception to this prohibition may be approved with a use permit if a conservation plan is adopted that provides for the appropriate protection of the biotic resources, water quality, floodplain management, bank stability, groundwater recharge, and other applicable riparian functions. Off-site mitigation will be considered only where on-site mitigation is infeasible or would provide superior ecological benefits, as determined by the Director.

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.

- D. Streamside maintenance and small riparian habitat restoration not exceeding 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 200 feet of the top of the higher bank, and are located as follows:
 - a. No closer than 100 feet from the top of the higher bank in the 200-foot riparian corridor for the Russian River;
 - b. No closer than 50 feet 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 25 feet from the top of the higher bank in all other riparian corridors.

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 200 feet 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 redwood trees are removed and vegetation removal is limited to the minimum required for fire safety purposes. New development located within 100 feet 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 120 square feet 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 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.
- 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.

Exhibit “B”

Article 66. BH Biotic Habitat Combining Zone

Sec. 26-66-005. Purpose

The BH combining zone is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans. Protection of these areas helps to maintain the natural vegetation, support native plant and animal species, protect water quality and air quality, and preserve the quality of life, diversity and unique character of the County.

Sec. 26-66-010. Applicability

The BH combining zone is applied to the areas that are designated as Biotic Habitat Areas in the General Plan Open Space and Resource Conservation Element. The BH combining district may also be applied to other biotic resource areas that are identified in adopted area or specific plans. Where such plans require greater protection of biotic resources, the more restrictive standards shall apply. As biotic resources are assessed and new occurrences are reported, additional areas may be considered for BH zoning.

Sec. 26-66-020. Standards for Biotic Habitats

The following requirements shall apply to properties within the BH combining zone that are designated as Biotic Habitat Areas on Open Space Plan Maps, of the General Plan Open Space and Resource Conservation Element.

- A. **Biotic resource assessment.** A biotic resource assessment to develop mitigation measures may be required where the Director determines that a discretionary project could adversely impact a designated critical habitat area.
- B. **Tentative map requirements.** Each tentative map shall include building envelopes that avoid biotic habitat areas.
- C. **Setback requirements.** Each proposed structure shall be set back a minimum of 50 feet from the edge of any wetland within a designated biotic habitat area, with the following exceptions:
 - 1. Existing farm structures are exempt and may be expanded or modified, provided that the expansion or modification shall not encroach further into any wetland; and

