Agenda

City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630
January 14, 2020
6:30 PM

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

Participation

If you would like to provide comments to the City Council, please:

- Fill out a blue speaker request form, located at the back table.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.

Reasonable Accommodations

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (916) 461-6035, (916) 355-7328 (fax) or cfreemantle@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

How to Watch

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In Person	Online	On TV
City Council meetings take place at City Hall, 50 Natoma Street	Watch the livestream and replay past meetings on the city website, www.folsom.ca.us	Watch live and replays of meetings on Sac Metro Cable TV, Channel 14

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City Council Regular Meeting

Folsom City Council Chambers
50 Natoma Street, Folsom, CA
www.folsom.ca.us

Tuesday, January 14, 2020 6:30 PM

Sarah Aquino, Mayor

Ernie Sheldon, Vice Mayor
Kerri Howell, Council Member
Roger Gaylord, Council Member
Mike Kozlowski, Council Member

REGULAR CITY COUNCIL AGENDA

CALL TO ORDER

ROLL CALL:

Council Members: Gaylord, Howell, Kozlowski, Sheldon, Aquino

The City Council has adopted a policy that no new item will begin after 10:30 p.m. Therefore, if you are here for an item that has not been heard by 10:30 p.m., you may leave, as the item will be continued to a future Council Meeting.

PLEDGE OF ALLEGIANCE

AGENDA UPDATE

BUSINESS FROM THE FLOOR:

Members of the public are entitled to address the City Council concerning any item within the Folsom City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.

SCHEDULED PRESENTATIONS:

1. Folsom Plan Area Quarterly Update for 2019 Fourth Quarter
2. Presentation Regarding New California Laws Pertaining to Accessory Dwelling Units (Effective January 1, 2020) and Upcoming Folsom Municipal Code Amendments to Ensure Consistency with State Law

CONSENT CALENDAR:

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. City Council Members may pull an item for discussion.

3. Resolution No. 10376 - A Resolution Rejecting all Submitted Bids for the Nisenan Park Basketball Court Resurfacing Project

4. Ordinance No. 1297 - An Ordinance of the City of Folsom Repealing and Re-Enacting Chapter 8.36 of the Folsom Municipal Code Concerning the Folsom Fire Code (Second Reading and Adoption)

5. Ordinance No. 1298 - An Ordinance of the City of Folsom Repealing and Re-Enacting Certain Chapters of Title 14, "Buildings and Construction," of the Folsom Municipal Code Concerning Enforcement of Folsom Construction Codes (Second Reading and Adoption)

6. Resolution No. 10378 – A Resolution Approving and Certifying an Addendum to the Environmental Impact Report for the Folsom General Plan 2035 for the Folsom Tree Preservation Ordinance Update and the 58-acre Corporation Yard Site

NEW BUSINESS:

7. Nomination of City of Folsom Representative to the Citizens' Advisory Committee for Folsom Prison

8. Presentation Regarding the Newly Formed Sacramento Homeless Policy Council and Appointment of City Council Representatives to the Sacramento Homeless Policy Council

9. Budget for FY 2020-21 - Preliminary Discussion of Budget Priorities, Requests and Expectations and Direction to Staff

10. Ordinance No. 1299 - An Ordinance Repealing and Replacing the Tree Preservation Ordinance as set forth in Chapter 12.16 of the Folsom Municipal Code (Introduction and First Reading)

PUBLIC HEARING:

11. Resolution No. 10377 - A Resolution Amending Resolution No. 4792 to Increase the City's Tree Mitigation Fees

CITY MANAGER REPORTS

COUNCIL COMMENTS

ADJOURNMENT

NOTICE: Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.

NOTICE REGARDING CHALLENGES TO DECISIONS: Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.

PERSONS INTERESTED IN PROPOSING AN ITEM FOR THE CITY COUNCIL AGENDA SHOULD CONTACT A MEMBER OF THE CITY COUNCIL.

The meeting of the Folsom City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety on the Friday and Saturday following the meeting, both at 9 a.m. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14. The City of Folsom provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the online services page of the City's website www.folsom.ca.us.

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Any documents produced by the City and distributed to the City Council regarding any item on this agenda will be made available at the City Clerk's Counter at City Hall located at 50 Natoma Street, Folsom, California and at the Folsom Public Library located at 411 Stafford Street, Folsom, California during normal business hours.

DATE: December 26, 2019

TO: Mayor and City Council Members

FROM: Community Development Department

SUBJECT: **Folsom Plan Area Quarterly Update**

BACKGROUND / ISSUE

Community Development staff will provide an update on the planning, engineering and building activity in the Folsom Plan Area south of Highway 50 during the fourth quarter of 2019.

RECOMMENDATION / CITY COUNCIL ACTION

No action is requested of the City Council at this time.

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DATE: January 14, 2020

TO: Mayor and City Council Members

FROM: Community Development Department

SUBJECT: Presentation Regarding New California Laws Pertaining to Accessory Dwelling Units (Effective January 1, 2020) and Upcoming Folsom Municipal Code Amendments to Ensure Consistency with State Law

BACKGROUND/ISSUE

During 2019, the State enacted several new laws affecting Accessory Dwelling Units or ADUs. ADUs are more commonly referred to as second units, second dwelling units, or "granny flats." These new laws go into effect on January 1, 2020. While this type of dwelling unit provides a lower-cost housing alternative that may benefit new and existing residents, particularly young people and seniors, the State has significantly curtailed jurisdictions' abilities to regulate these units.

Since the State has changed many of the requirements, it is necessary for the City to update its own ADU standards. While the new State regulations go into effect January 1, 2020 regardless of the existing standards in our current Zoning Code, staff is recommending that the City amend its local ADU standards as soon as possible for consistency and transparency for our residents.

Staff and its consultant team at MIG will explain the new State laws and how the proposed draft ordinance implements those laws in our presentation. Similar workshops with the Planning Commission and Historic District Commission are scheduled for January 15. Once staff has received input from the Council, Commissions and the public, staff will return with a final ADU ordinance for consideration and adoption in late February 2020.

POLICY/RULE

The changes in State law are, and the City's draft ADU Ordinance will be, consistent with the City's 2035 General Plan including the Land Use and Housing Elements. The City has sought to encourage ADUs in its single-family zones. Furthermore, the new State requirements mandate that the City process development applications in an expedited timeframe and that the City does so without discretionary review. As a result, the City will need to enact an ordinance that not only addresses State requirements, but which also establishes the standards needed for staff to review and approve or deny ADU applications. Finally, the new State requirements reduce or eliminate impact fees for small ADUs, which is consistent with the City's Housing Element policy of ensuring impact fees do not constrain residential development. The City policies that support the development of ADUs and these new State law requirements are listed below.

General Plan Land Use (LU) and 2013-2021 Housing Element Policies:

- *LU 1.1.11 Vacant and Underutilized Sites* - Monitor residential and non-residential development and make adjustments as necessary to the amount of land designated for various uses and the rate of project approvals to promote a reasonable citywide balance between new employment-generating development and housing development.
- *LU 6.1.2 Historic Folsom Residential Areas* - Preserve and protect the residential character of Historic Folsom's residential areas.
- *Policy H-1.4* - The City shall support the development of second units on single family parcels.
- *Policy H-2.1* - The City shall continually strive to shorten permit processing and review times to the greatest extent possible by allowing concurrent processing.
- *Policy H-2.2* - The City shall strive to ensure that its current development impact fee structure does not unnecessarily constrain production of residential development.
- *Policy H-2.4* - The City shall endeavor through its development and design standards and decision making to provide consistent and predictable policy direction for residential project applicants.
- *Policy H-5.1* - The City shall strive to ensure adequate and affordable housing for seniors.

ANALYSIS

Since 2017, State legislation has provided jurisdictions more flexibility in order to promote the development of ADUs. This included expanding where ADUs could be built, allowing reduced parking standards, allowing reduced fees, and enabling concurrent development of an ADU with a new single-family home.

However, in the 2018-2019 legislative session, the State enacted many bills that removed much of the local discretion and instead created new mandates to encourage ADU development. Seven of these bills significantly changed the current laws affecting ADUs. These new laws, which staff and its consultant team at MIG will discuss in more detail in its presentation, streamlined reviews of ADUs and created new development standards for them. The new laws affecting ADUs include:

- **AB 68 (Assembly Member Phil Ting) / AB 881 (Assembly Member Richard Bloom) – Processing Timelines, Ordinance Prohibitions and Triplexes**. These two laws do the following:
  - Prohibit minimum lot size requirement for ADUs;
  - Require ministerial (staff-level only) approval or denial of an ADU project within 60 days;
  - Allow ADUs on lots with multi-family dwellings;
  - Limit minimum ADU size to 220 square feet (sf);
  - Cannot limit maximum ADU size to less than 850 square feet (sf) for one-bedroom and to 1,000 sf for two or more bedrooms;
  - Allow attached ADUs to be 50 percent of existing home even if greater than 1,200 sq.

ft.;
  - Prohibit side or rear yard setbacks greater than 4 feet;
  - Prohibit any local standard that would not allow for at least an 800-square foot, 16-foot tall ADU with 4-foot side and rear setbacks;
  - Prohibit jurisdictions from requiring replacement off-street parking when a garage, carport or covered parking structure is demolished or converted to an ADU;
  - Allow an expansion of the existing structure of up to 150 square feet for ingress and egress for converted ADUs;
  - Prohibit required parking when ADU is located within ½-mile of transit including bus stops;
  - Allow both an ADU as well as a "junior" ADU on the same single-family parcel where certain access, setback and other criteria are met;
  - Allow up to two (2) detached ADUs on multi-family sites;
  - Allow up to one ADU and one JADU on multi-family sites;
  - Allow multiple converted ADUs on multi-family sites;
  - Cannot require correction of physical non-conforming zoning conditions as a requirement to approve an ADU or junior ADU;
  - Prohibit short-term rental of ADUs (i.e., less than 30 days);
  - Render local ordinances null and void if not consistent with State law; and
  - Make jurisdictions accountable to State Housing and Community Development Department (HCD) and Attorney General if violations.
- **SB 13 (Senator Bob Wieckowski) – Owner-Occupancy Prohibitions and Fee Limitations.** This law states that jurisdictions:
  - Cannot require either the primary dwelling or ADU to be owner-occupied until 2025;
  - Are now more limited in whether and how utility providers can charge connection fees and capacity charges for ADUs; and
  - Cannot impose impact fees on ADUs under 750 square feet.
- **AB 587 (Assembly Member Laura Friedman) – Separate Conveyances.**
  - Enables jurisdictions to allow for the sale of the ADU separately from the primary residence even though both buildings are on the same parcel if certain conditions are met.
- **AB 670 (Assembly Member Laura Friedman) – HOA Limitations.**
  - Prevents homeowners' associations (HOAs) from barring ADUs.
- **AB 671 (Assembly Member Laura Friedman) / AB 139 (Assembly Member Sharon Quirk-Silva) – Local Government Promotion of ADUs and HCD Financial Incentives.** These laws, among other housing requirements, mandate that:
  - Local governments include in the Housing Element plans to incentivize and promote the creation of affordable ADUs; and
  - State Housing and Community Development (HCD) Department must identify financial incentives for affordable ADUs.

Given the number of new ADU laws in the past three years particularly in 2019, staff expects there to be additional clean-up legislation on ADUs in future legislative sessions.

FISCAL IMPACT

There is no fiscal impact to the City as this is an informational presentation only.

ENVIRONMENTAL REVIEW

This presentation on ADUs is an administrative action and not considered a project under the California Environment Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3). As a result, the presentation is exempt from environmental review.

ATTACHMENTS

None.

RECOMMENDATION /CITY COUNCIL ACTION

This is an informational presentation designed to explain the new laws and receive input as City staff develops a new ADU ordinance.

Submitted,

PAM JOHNS
Community Development Director

DATE: December 15, 2019

TO: Mayor and City Council Members

FROM: Parks and Recreation Department

SUBJECT: **RESOLUTION NO. 10376 - A RESOLUTION REJECTING ALL SUBMITTED BIDS FOR THE NISENAN PARK COURT RESURFACING PROJECT**

BACKGROUND/ISSUE

In November of 2018, a vandalism event occurred on the basketball court at Nisenan Park. A vehicle drove from the parking lot onto the turf and entered the basketball court. The vehicle did intentional spin-outs on the full court basketball area causing tire friction damage to the color coated surface and the striped court lines. The individual that perpetrated this crime was caught by the Folsom Police Department and subsequently convicted of the crime. The City of Folsom and the Sacramento County District Attorney's office have been working with the defendant and the public defender to pay the court ordered restitution as part of the sentencing agreement.

City staff tried to remove the tire marks with a pressure washer and a light detergent, as well as other cleaning products but was unsuccessful. Any further attempts at removing the black marks would have resulted in additional damage to the court surface. The only option left was to resurface the court. In an effort to come up with a fair and equitable restitution amount that would put the basketball court surface back into the condition it was prior to the vandalism event, the Parks and Recreation Department publicly noticed bid documents to secure a price from a contractor to resurface the basketball court on June 12, 2019. The bids received were from Flexground Surfaces Inc. in the amount of $18,936.30 and Miracle Play systems in the amount of $29,478.63.

When these bid amounts were submitted to the defendant, they sought out another court resurfacing contractor, to possibly lower their restitution obligation. The defendant contacted First Serve Productions Inc. (FSPI) and they provided the defendant with a resurfacing cost of $2,500. FSPI is a reputable court resurfacing contractor and has previously performed court resurfacing projects in an acceptable and satisfactory manner for the City of Folsom. FSPI was previously asked to bid on the Nisenan Park Basketball Court Acrylic Resurfacing Project by the City of Folsom; however, they did not submit a bid. When the Park and Recreation Department staff contacted FSPI to ask why they did not originally respond to the bid request they did not have an answer; however, they are willing to perform the work to City specifications for $2,500.

POLICY/RULE

Section 2.36.180, Cancellation of Invitations for Bids or Requests for Proposals of the Folsom Municipal Code states, in part, that the City Council may reject any or all bids or proposals when it is for good cause and in the best interests of the City.

ANALYSIS

The City of Folsom Attorney's office, Parks and Recreation Department, Sacramento County District Attorney, and the Sacramento County public defender's office representing the defendant in this case, are in agreement that this case can be resolved and the Nisenan Park basketball court returned to its original condition prior to the vandalism event in November 201

by entering into a contact agreement with First Serve Productions, Inc. to provide basket acrylic resurfacing and restriping in the amount of $2,500. This contract agreement will be entered into the court record and approved by the Sacramento County Superior Court Judge presiding over the case upon adoption of the attached resolution by the City Council. The contract agreement stipulates the contractor (FSPI) will follow all the City of Folsom conditions in regards to paying prevailing wage, meeting insurance requirements and performance standards as established by the City of Folsom standard contract language. However, all bids previously received for the same project must be rejected before the City can enter into a contract with FSPI.

In this case, good cause exists to reject all bids and doing so is in the best interests of the City because FSPI will perform the necessary work for a significant cost savings. Under the circumstances, this cost savings actually makes the defendant's payment of restitution costs (and the City's recovery of the cost to resurface the basketball court) much more likely than it would have been if the City proceeded with either of the higher priced proposals received for this project.

ATTACHMENT

Resolution No. 10376 – A Resolution Rejecting all Submitted Bids for the Nisenan Park Basketball Court Resurfacing Project

RECOMMENDATION/CITY COUNCIL ACTION

Staff recommends City Council approval of Resolution No. 10376 - A Resolution Rejecting all Submitted Bids for the Nisenan Park Basketball Court Resurfacing Project.

Respectfully submitted,

Lorraine Poggione

Lorraine Poggione, Parks and Recreation Director

RESOLUTION NO. 10376

A RESOLUTION REJECTING ALL SUBMITTED BIDS FOR THE NISENAN PARK BASKETBALL COURT RESURFACING PROJECT

WHEREAS, the City Council of the City of Folsom desires to maintain an outstanding parks and recreation system responsive to the recreation needs of the residents, and fiscally responsible to the funding sources reasonably available; and

WHEREAS, the Parks and Recreation Department published a Notice to Contractors for bidding of the Nisenan Park Basketball Court Resurfacing project on June 12, 2019; and

WHEREAS, bids were opened on June 28, 2019, and two responsive and responsible bids were received from Flexground Surfaces Inc. in the amount of $18,936.30 and Miracle Play Systems in the amount of $29,478.63; and

WHEREAS, in accordance with Folsom Municipal Code Section 2.36.180, the City Council may reject any or all bids or proposals when it is for good cause and in the best interests of the City; and

WHEREAS, First Serve Productions, Inc. will provide acrylic resurfacing and restriping on the Nisenan Park basketball court in the amount of $2,500 as per all City of Folsom specifications.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom rejects all bids received through the public bid process for the Nisenan Park Basketball Court Resurfacing Project.

PASSED AND ADOPTED this 14th day of January 2020, by the following roll-call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

ATTEST:

Sarah Aquino, MAYOR

Christa Freemantle, CITY CLERK

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DATE: January 14, 2020

TO: Mayor and City Council Members

FROM: Fire Department

SUBJECT: **ORDINANCE NO. 1297 - AN ORDINANCE OF THE CITY OF FOLSOM REPEALING AND RE-ENACTING CHAPTER 8.36 OF THE FOLSOM MUNICIPAL CODE CONCERNING THE FOLSOM FIRE CODE (SECOND READING AND ADOPTION)**

BACKGROUND/ISSUE

At the December 17, 2019 meeting, the City Council introduced and held the first reading of Ordinance 1297 repealing and re-enacting Chapter 8.36 of the Folsom Municipal Code concerning the Folsom Fire Code. At the meeting, the City Council approved the first reading of the Ordinance with no proposed changes to it. No changes have been made to this item since the first reading. As such, staff recommends that the City Council conduct a second reading of the Ordinance and move to adopt it as proposed.

The purpose of this Ordinance is to complete a triennial update to the City of Folsom fire and life safety regulations and adopt the 2019 edition of the California Fire Code, based on the 2018 edition of the International Fire Code, with local amendments, pursuant to state law.

Folsom Municipal Code (FMC) Chapter 8.36 Folsom Fire Code currently contains provisions relative to building inspections and fire safety as written in the 2016 edition of the California Fire Code, based on the 2015 edition of the International Fire Code, with local amendments.

On January 10, 2017, the City Council adopted Ordinance Number 1269, and the 2016 edition of the California Fire Code. The 2019 edition of the California Fire Code has been published by the California Building Standards Commission and is mandated for use statewide on January 1, 2020. It will be applicable for the next three years ending December 31, 2022.

POLICY / RULE

The California Building Standards Commission has amended and adopted the 2018 edition of the International Fire Code as the 2019 edition of the California Fire Code. California Health & Safety Code Section 18938(b) mandates that Building Standards Codes, including the California Fire Code, are applicable to all occupancies in the State of California. Government Code Section 50022.2 grants local agencies the authority to adopt codes by reference.

ANALYSIS

The purpose of this ordinance is to adopt a fire code for the City of Folsom as required by state law. The State of California requires a triennial update to the statewide fire code and requires all municipalities to complete the same review. By adopting the 2019 edition of the California Fire Code, the City of Folsom will be compliant with state law and consistent with other cities and counties throughout California by enforcing the latest available edition of the California Fire Code.

Adoption of the 2019 edition of the California Fire Code provides the City of Folsom with the ability to make certain local amendments to that code. Pursuant to California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5, the City of Folsom must supply findings of fact that support the determination that amendments to building standards are necessary because of local climatic, geological, or topographical conditions. The following are the findings of fact:

1. **CLIMATIC**:

(a.) Climate has one of the greatest impacts to fire behavior and other major emergency events, because it cannot be controlled. Average yearly rainfall for Folsom is approximately 18 inches and typically occurs from October to April. Low-level fog is present throughout the winter months and frequently causes visibility to be reduced. Fog, in conjunction with cold temperatures, may also cause freezing and slick roadways. These weather-related conditions may cause delays for emergency responders.

(b.) Summers are arid and warm and there is generally no measurable precipitation. Temperatures for this dry period range from 70 to 112 degrees Fahrenheit and are frequently accompanied by light to gusty winds. The relative humidity during summer months ranges from 2 to 30 percent, which is arid. The City contains thousands of acres of open space, which, in conjunction with the dry and windy conditions, create hazardous situations culminating in grass and brush fires. Wind-driven fires have led to serious consequences in similar areas of the state.

(c.) The Sacramento region has extreme variations in weather patterns, too. Summers are arid and warm, winters are cool to freezing, and fall and spring

can bring any combination of weather patterns together. It is this cyclical uncertainty that allows weather events such as rapid melting of the snowpack, which causes flooding in the low-lying valley areas of Sacramento County. The doubling of average rainfall called an "El Nino" event has occurred from time to time and causes the grass to mature and grow in excess of six feet high before it dries out.

(d.) Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The drying out of wood and wildland fuels in the summer months allows for easy ignition.

2. **GEOLOGICAL**:

(a.) The City is susceptible to seismic hazards resulting from movement along any one of several known faults in Northern California. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires starting because of damage to gas lines, power lines, or heat producing appliances and the unavailability of water for fire control due to broken water mains.

(b.) In addition, unstable slopes have been identified in the City, which present a significant potential for landslides. In the event of a major earthquake or landslide, some areas of the City may not be accessible to emergency equipment and, if bridges or roads are damaged, the City may be isolated from outside assistance.

3. **TOPOGRAPHICAL**:

(a.) Several topographical features bisect the City, including the American River, Lake Natoma, and Folsom Lake, as well as creeks, natural parkways, open space, bridges, and railroad tracks. Traffic has to be channeled around several of these topographical features and limitations, which create traffic congestion and delays in emergency response. These features are located between the fire stations located within the City of Folsom.

(b.) The California Division of Occupational Safety and Health, better known as Cal/OSHA, requires two firefighters to be located outside when two or more firefighters are inside of a burning structure. This is known as the "two in-two out" rule. It is imperative to minimize the impact of delays affecting the timely response of the firefighters.

(c.) Increasingly heavy traffic congestion on the City's major streets acts as a barrier to timely response for fire and emergency vehicles. Several roadways are expected to have an increased traffic flow as the City continues to increase in population.

(d.) Preservation of wetland areas, natural parkways, riparian corridors along rivers/streams, vernal pools, open spaces, and endangered species habitats have all contributed to access problems as well as exemption from vegetation abatement programs. These situations, though very environmentally important, do increase the demands on the fire service due to the extreme fire hazard created by fuel loading, limited access, and reduced setbacks.

(e.) More development is extending from the urban core into the grass-covered sloped areas and brush/tree covered canyons such as the East Area and Folsom Plan Area, where an increase in slope increases the rate of fire spread.

(f.) Large areas of rural open space and rolling hills with residential development significantly increase response times. The rural geographical areas not yet provided with adequate fire protection are subject to a higher degree of risk without mitigating measures.

In summary, staff believes that the amendment and adoption of the 2019 edition of the California Fire Code, based on the 2018 International Fire Code, with local amendments, is necessary to provide a reasonable and prudent level of fire and life safety to residents, businesses, and visitors of the City of Folsom.

FINANCIAL IMPACT

Adopting the 2019 edition of the California Fire Code, based on the 2018 International Fire Code, with local amendments, as required by state law, should not cause any financial impact.

ATTACHMENTS

1. Ordinance No. 1297 - An Ordinance of the City of Folsom Repealing and Re-Enacting Chapter 8.36 of the Folsom Municipal Code Concerning Adoption of the Folsom Fire Code

RECOMMENDATION – CITY COUNCIL ACTION

Staff recommends that the City Council conduct the Second Reading of Ordinance No. 1297 - An Ordinance of the City of Folsom repealing and re-enacting Chapter 8.36 of the Folsom Municipal Code concerning the Folsom Fire Code and move to adopt it.

Submitted,

Felipe Rodríguez, Fire Chief

Attachment 1

Ordinance No. 1297 - An Ordinance of the City of Folsom Repealing and Reenacting Chapter 8.36 of the Folsom Municipal Code Concerning the Folsom Fire Code
(Second Reading and Adoption)

ORDINANCE NO. 1297

AN ORDINANCE OF THE CITY OF FOLSOM REPEALING AND RE-ENACTING CHAPTER 8.36 OF THE FOLSOM MUNICIPAL CODE CONCERNING THE FOLSOM FIRE CODE

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to repeal Chapter 8.36 of the Folsom Municipal Code (the "Code") in its entirety and re-enact Chapter 8.36 pertaining to the Folsom Fire Code.

Chapter 8.36 pertaining to the Folsom Fire Code shall be repealed in its entirety and re-enacted to adopt the 2019 edition of the California Fire Code, based on the 2018 edition of the International Fire Code, with local amendments, to provide for the safeguarding of life, property, and the environment from hazardous conditions within the City of Folsom.

SECTION 2 FINDINGS

In connection with the amendments enacted by Section 8.36.080 relating to the 2019 edition of the California Fire Code and its appendices, the Folsom City Council makes the following findings pursuant to Health and Safety Code Section 17958.5, 17958.7 and 18941.5. Such changes are reasonably necessary because of local climatic, geological, or topographical conditions. The Folsom City Council hereby adopts, pursuant to Section 18941.5 of the California Health and Safety Code, the following findings of fact:

A. Under this adopting ordinance, specific amendments to building standards are more restrictive than those contained within the 2019 edition of the California Fire Code, based on the 2018 edition of the International Fire Code. These amendments have been recognized by the City of Folsom to address the fire problems, hazards, concerns, and future direction by which the City can establish and maintain an environment that will afford an acceptable level of fire and life safety to all who live, work, or visit within its boundaries.

B. The 2019 edition of the California Fire Code and the 2018 edition of the International Fire Code have been printed and published as a Code in book form within the meaning of Section 50022.1 of the Government Code of the State of California.

C. The International Code Council promulgates the International Fire Code. The International Code Council has conducted open code hearings that permit participation by National, State, and local code officials; as well as industry representatives, consultants, and other private parties with an interest in the International Fire Code.

D. The International Fire Code, being the 2018 edition thereof, published by the International Code Council is a nationally recognized compilation of proposed rules, regulations and standards promulgated through an open and participatory process.

E. Under the provisions of Section 18941.5 of the Health and Safety Code, local amendments are based on climatic, geological, or topographical conditions. The findings of fact contained herein address each of these situations and present the local situation, which, either singularly or in combination, cause amendments to be adopted.

1. CLIMATIC:

(a.) Climate has one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. Average yearly rainfall for Folsom is approximately 18 inches and typically occurs from October to April. Low-level fog is present throughout the winter months and frequently causes visibility to be reduced. Fog, in conjunction with cold temperatures, may also cause freezing and slick roadways. These weather-related conditions may cause delays for emergency responders.

(b.) Summers are arid and warm and there is generally no measurable precipitation. Temperatures for this dry period range from 70 to 112 degrees Fahrenheit and are frequently accompanied by light to gusty winds. The relative humidity during summer months ranges from 2 to 30 percent, which is arid. The City contains thousands of acres of open space, which, in conjunction with the dry and windy conditions create hazardous situations culminating in grass and brush fires. Wind-driven fires have led to serious consequences in similar areas of the State.

(c.) The Sacramento region has extreme variations in weather patterns, too. Summers are arid and warm, winters are cool to freezing, and fall and spring can bring any combination of weather patterns together. It is this cyclical uncertainty that allows weather events such as rapid melting of the snowpack, which causes flooding in the low-lying valley areas of Sacramento County. The doubling of average rainfall called an "El Nino" event has occurred from time to time and causes the grass to mature and grow in excess of six feet high before it dries out.

(d.) Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The drying out of wood and wildland fuels in the summer months allows for easy ignition.

2. GEOLOGICAL:

(a.) The City is susceptible to seismic hazards resulting from movement along any one of several known faults in Northern California. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires starting because of damage to gas lines, power lines, or heat producing appliances and the unavailability of water for fire control due to broken water mains.

(b.) In addition, unstable slopes have been identified in the City, which present a significant potential for landslides. In the event of a major earthquake or landslide, some areas of the City may not be accessible to emergency equipment and, if bridges or roads are damaged, the City may be isolated from outside assistance.

3. TOPOGRAPHICAL:

(a.) Several topographical features bisect the City, including the American River, Lake Natoma, and Folsom Lake, as well as creeks, natural parkways, open space, bridges, and railroad tracks. Traffic has to be channeled around several of these topographical features and limitations, which create traffic congestion and delays emergency response. These features are located between the fire stations located within the City of Folsom.

(b.) The California Division of Occupational Safety and Health, better known as Cal/OSHA, requires two firefighters to be located outside when two or more firefighters are inside of a burning structure. This is known as the "two in-two out" rule. It is imperative to minimize the impact of delays affecting the timely response of the firefighters.

(c.) Increasingly heavy traffic congestion on the City's major streets acts as a barrier to timely response for fire and emergency vehicles. Several roadways are expected to have an increased traffic flow as the City continues to increase in population.

(d.) Preservation of wetland areas, natural parkways, riparian corridors along rivers/streams, vernal pools, open spaces, and endangered species habitats have all contributed to access problems as well as exemption from vegetation abatement programs. These situations, though very environmentally important, do increase the demands on the fire service due to the extreme fire hazard created by fuel loading, limited access, and reduced setbacks.

(e.) More development is extending from the urban core into the grass-covered areas and brush/tree covered canyons such as the East Area and Folsom Plan Area, where every 20-percent increase in slope doubles the rate of fire spread.

(f.) Large areas of rural open space and rolling hills with residential development significantly increase response times. The rural geographical areas not yet

provided with adequate fire protection are subject to a higher degree of risk without mitigating measures.

F. The City's proximity to adjoining agencies reduces the amount of fire and medical resources that are typically available within more densely populated areas. A seamless fire protection system within Sacramento County and mutual-aid agreements with neighboring county fire agencies allow for additional support but also reduces coverage of fire stations during initial and multiple response incidents either in the City or other jurisdictions. Resources from both El Dorado and Placer Counties are limited mainly by the size of the fire agencies, the rural/urban development, and extended response times.

G. The City is located in the northeastern portion of Sacramento County and is bordered by Folsom Lake, Placer, and El Dorado Counties. The City is made up of several distinct areas, each unique in its own way. Some of these areas are gated communities designed for security, not for expedient emergency response. Some of these access points are remote from main emergency response routes, extending response times. A first alarm residential structure fire assignment draws three fire engines, two ladder trucks, a medic unit, and two battalion chiefs. Commercial structure fires require one additional fire engine, therefore emptying all fire stations in the City of Folsom. If the situation intensifies, through simultaneous requests for service, long term commitments to emergencies, out-of-service emergency vehicles, etc., extended response times will occur.

H. The water supply in the City of Folsom makes extensive use of automatic fire sprinkler systems feasible. The area is favored with sources of high-quality water from private and municipal water companies.

I. The National Fire Protection Association statistics indicate that automatic fire sprinkler systems have established an efficiency record of approximately 96% satisfactory performance in the United States since 1925.

J. Based on the aforementioned local climatic, geological, or topographical, conditions, those specific amendments as specified in the amendments to this ordinance for the 2019 California Fire Code, are considered reasonable and necessary modifications to the requirements established pursuant to Section 18941.5. While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire or other hazards, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property, and protection of the environment.

K. California Health and Safety Code Section 17958.7 requires that modifications or changes to building standards as defined in Health and Safety Code Section 18909 be expressly marked and identified as to which each finding refers. Therefore, the City Council finds that the following table provides code sections that have been modified, and the associated conditions for modification due to local climatic, geological, and topographical reasons.

Section Number	Local Climatic/ Geological/Topographical Condition
105	1a-d, 2a-b, 3a-f
106	1a-d, 2a-b, 3a-f
108	1a-d, 2a-b, 3a-f
109	1a-d, 2a-b, 3a-f
110	1a-d, 2a-b, 3a-f
112	1a-d, 2a-b, 3a-f
202	1a-d, 2a-b, 3a-f
304	1a-d, 2a-b, 3a-f
311	1a-d, 2a-b, 3a-f
317	1a-d, 2a-b, 3a-f
321	1a-d, 2a-b, 3a-f
321	1a-d, 2a-b, 3a-f
503	1a-d, 2a-b, 3a-f
504	1a-d, 2a-b, 3a-f
901	1a-d, 2a-b, 3a-f
903	1a-d, 2a-b, 3a-f
907	1a-d, 2a-b, 3a-f
912	1a-d, 2a-b, 3a-f
1031	1a-d, 2a-b, 3a-f
1204	1a-d, 2a-b, 3a-f
4905	1a-d, 2a-b, 3a-f
4906	1a-d, 2a-b, 3a-f
4907	1a-d, 2a-b, 3a-f
Appendix C	1a-d, 2a-b, 3a-f
Appendix D	1a-d, 2a-b, 3a-f

L. In connection with the amendments enacted by Section 2 relating to the 2019 edition of the California Fire Code, with local amendments, the City Council makes the following findings pursuant to Health and Safety Code Section 17958.5, 17958.7, and 18941.5.

1. The changes are reasonably necessary because of local climatic, geological, or topographical conditions. The City Council hereby adopt pursuant to Section 18941.5 of the California Health and Safety Code, the following findings of fact:

   (a.) Under this adopting ordinance, specific amendments have been established which are more restrictive than those adopted by the State of California (California Building Standards Code) commonly referred to as Title 24 of the California Code of Regulations.

   (b.) These amendments to the 2019 edition of the California Fire Code have been recognized by the City of Folsom to address the fire problems, hazards, concerns, and future direction by which the City can establish and maintain an environment which will afford a level of fire and life safety to all who live, work, or visit within its boundaries.

   (c.) The Findings of Fact are filed separately with the California Building Standards Commission and City Clerk for the City of Folsom.

SECTION 3 ADOPTION OF THE FOLSOM FIRE CODE

Chapter 8.36 is repealed and re-enacted to the Municipal Code to read as follows:

Chapter 8.36
FOLSOM FIRE CODE

8.36.010 Short title.

This chapter shall be known and cited as the "Folsom Fire Code."

8.36.020 California Fire Code—Adopted by reference.

There is hereby adopted by the city council of the City of Folsom for the purpose of prescribing regulations governing the safeguarding of life, property, and the environment from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, that certain code known as the 2019 edition of the California Fire Code with those amendments adopted by the California Building Standards Commission and based on the 2018 edition of the International Fire Code, in its entirety, and with all other supplements, errata, and such portions as hereunder deleted, modified, or amended.

8.36.030 Enforcement.

The fire chief of the city is designated as the chief fire official of the city. The fire chief and his/her designated representatives shall have all the powers of peace officers in enforcing this

chapter and may issue orders, notices, citations and make arrests for violations within the incorporated area of the City of Folsom.

8.36.040 Definitions.

A. Whenever the words "fire code" are used in this chapter, it shall mean the 2019 edition of the California Fire Code with those amendments adopted by the California Building Standards Commission and based on the 2018 edition of the International Fire Code, in its entirety, and with all other supplements, errata, and such portions as hereunder deleted, modified, or amended.
B. Wherever the word "municipality" is used in the fire code, it shall mean the incorporated areas in the City of Folsom.
C. Wherever the words "fire code official" are used in the fire code, they shall mean the fire chief of the City of Folsom, or the designated representatives.

8.36.060 Penalties.

Any person who violates any of the provisions of the code adopted by Section 8.36.020, or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the required time, may be severally for each and every such violation and noncompliance respectively guilty of a misdemeanor, unless that provision has been identified as an infraction, and punishable as provided in Section 8.36.080. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

8.36.070 Repeal of conflicting ordinances.

All former fire prevention ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter or of the code adopted by this chapter are repealed.

8.36.080 Amendments, additions, deletions.

Chapter 1, being adopted in its entirety, is amended as follows:

Section 101, General, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Folsom Fire Code, hereinafter referred to as "this code."

Section 102, Applicability, is hereby amended by adding the following to read:

102.7.3 International codes. All references in this code to "International" codes such as Building, Residential, Mechanical, Plumbing, and Electrical Codes shall mean the appropriate code adopted by the City of Folsom and/or State of California.

Section 104, General Authority and Responsibilities, is hereby amended by adding the following to read:

104.7.2.1 Contract Inspector. The fire code official or his/her designated representatives may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department has no technical expertise available to conduct the required inspections.
The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the fire code official, for inspection of a particular type of construction, operations, fire extinguishing or detection system, or process.
Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

(a.) The Contract Inspector shall observe the work assigned for conformance with the approved design drawings and specifications.
(b.) The Contract Inspector shall furnish inspection reports to the fire code official, building code official, and other designated persons as required by the fire code official. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, fire code official, and to the building code official.
(c.) The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

Section 105, Permits, is hereby amended to read:

105.6.27 LP-gas. An operational permit is required for the storage and use of LP-gas.

EXCEPTIONS:

1. A permit is not required for outdoor containers with a total aggregate water capacity of 500-gallons (1893 L) water capacity or less serving a Group R-3 occupancy.
2. Operation of cargo tankers that transport LP-gas.
3. A permit is not required to install or maintain outdoor portable containers of less than 125-gallon (473.2 L) aggregate water capacity.

Section 105, Permits, is hereby amended by adding the following to read:

105.6.52 Activities in hazardous fire areas. An operational permit is required to conduct activities in hazardous fire areas when, in the opinion of the fire code official, it is necessary to preserve the public health, safety, or welfare. Hazardous fire area shall mean land covered with grass, grain, brush, or forest, whether privately or publicly owned which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion.

105.6.53 Motion picture and other filming. An operational permit is required to conduct activities related to the production of motion pictures, televisions, commercials, and similar productions.

105.6.54 Christmas tree lots. An operational permit is required to operate a Christmas tree lot.

105.7.26 Fire apparatus access roads. A construction permit is required to construct, alter, or remove a private fire apparatus access road or other emergency vehicle access road required by Section 503.1 or Folsom Municipal Code Section 17.57.080. For purposes of this requirement, altering shall include the installation of traffic calming systems such as stop signs, speed bumps, humps, pillows, roundabouts, traffic circles, diverters, and other traffic delaying measures.

105.7.27 Roof top obstructions. A construction permit is required for the installation of a roof top garden or a landscaped roof when constructed on a building's roof.

Section 106, Fees, is hereby amended by adding the following to read:

106.6 Administrative costs. When a test or inspection is scheduled and the contractor fails to perform to the satisfaction of the fire code official or their designee, the contractor will be liable for all costs incurred by the Fire Department for that test or inspection and the fire code official may submit a bill for said costs.

106.7 Fee schedule. Fees for plan reviews, services, and inspections conducted by the fire department shall be charged as set forth in a resolution adopted and amended from time to time by the city council. A copy of the fee schedule shall be placed on file with the city clerk. For items where there is no specific fee established, the fire code official shall determine the appropriate fee based upon consideration of the items listed in the fee schedule that most resemble the work proposed and the expected staff time involved to perform the required plan reviews, services, and inspections.

Section 108, Maintenance, is hereby amended by adding the following to read:

108.7 Occupant Count. The supervisor of each place of assembly shall have an effective system to keep count of the number of occupants present in the assembly area. If at any time, the fire

code official determines that an accurate count of occupants is not being maintained, the occupancy shall be cleared until an accurate count can be made.

108.8 Fire Safety Officers. When in the opinion of the fire code official it is necessary for the preservation of life or property, due to the hazardous nature of an event, production, operation or function, the fire code official shall require the owner or lessee to employ or cause the employment of one or more approved fire safety officers to be on duty at such place during the hazardous activity.

Section 109, Board of Appeals, is hereby amended to read:

SECTION 109—APPEALS

109.1 Appeals. Whenever the fire code official, or their designee, disapproves an application, refuses to grant a permit applied for, or when it is claimed that the provisions of this Chapter or the Fire Code do not apply or that the true intent and meaning have been misconstrued or wrongly interpreted, the affected party shall follow the procedures set forth in Chapter 1.09 of the Folsom Municipal Code.

Section 110, Violations, is hereby amended by adding the following to read:

110.3.5 Citations. The Fire Chief, and his or her duly authorized representative, may issue citations for infractions or misdemeanor violations of the Fire Code pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code of the State of California.

Section 110, Violations, is hereby amended to read:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, may be guilty of a misdemeanor, punishable by a fine of not more than $1,000 or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day that a day violation continues after due notice has been served shall be deemed a separate offense.

Section 112, Stop Work Order, is hereby amended to read:
112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, is guilty of a misdemeanor and shall be liable for a fine of not less than 500 dollars or more than 1000 dollars.

Chapter 2, Section 202, General Definitions, is hereby amended by adding the following to read:

ELECTRONIC MONITORING SYSTEM shall mean an approved method to electronically detect and transmit to an approved alarm service provider's Type A (listed) Central Station, information indicating that the automatic fire sprinkler system or electronic fire detection system has been activated and shall have the ability to relay the alarm to the Sacramento Regional Fire/EMS Communications Center in an approved manner.

FUEL MODIFICATION PLAN. A fuel modification plan shall consist of a set of scaled plans that includes a plot plan showing fuel modification zones indicated with applicable assessment notes, a detailed landscape plan, and an irrigation plan. A fuel modification plan submitted for approval shall be prepared by a state licensed landscape architect, state licensed landscape contractor, a landscape designer or an individual with expertise acceptable to the fire code official.

QUALIFIED ATTENDANT shall mean an individual that has been trained in the proper methods of the handling, storage and dispensing of any material, product or substance regulated by the code. These shall include, but not be limited to ammonia, chlorine, cryogenic fluids, flammable and combustible liquids and gases. Said attendant must be able to demonstrate to the satisfaction of the fire code official that he or she possesses adequate knowledge in the subject area.

SINGLE-PREMISES is a contiguous property under one ownership.

TRAINED CROWD MANAGER. Standby personnel, usually security or usher personnel, who are trained in the proper procedure to exit people from a tent or other place of public assemblage in an orderly and calm fashion in the event of an emergency.

WASTE OIL is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids. It does not include the products classified as Class I, II or III-A liquids or corrosives, toxic or highly toxic materials as defined in Chapter 2.

Chapter 3, Section 304, Combustible Waste Material, is hereby amended to read:

304.1.1.1 Waste material near ground mounted photovoltaic array. Accumulation of waste material shall not be permitted underneath nor within 10 feet from a ground mounted photovoltaic array.

304.1.2 Vegetation. Weeds, grass, vines, brush, branches, trees, or other growth that is capable of being ignited and/or endangering property, shall be cut down and removed by the owner or occupant of the property. Vegetation clearance requirements shall also be in accordance with Chapter 49 of this code and Folsom Municipal Code Chapter 8.37.

Chapter 3, Section 311, Vacant Premises, is hereby amended by deleting Exceptions 1, 2, and 3 to Section 311.2.2 to read:

311.2.2 Fire protection. Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times.

Chapter 3, Section 315, General Storage, is hereby amended by adding the following to read:

315.4.3 Maximum pile size. The maximum single pile dimension for outside storage of combustible materials, including pallets, shall be 25 feet X 100 feet or 2,500 square feet.

Chapter 3, Section 317, Rooftop Gardens and Landscaped Roofs, is hereby amended to read:

317.1 General. Rooftop gardens and landscaped roofs shall be installed and maintained in accordance with Sections 317.2 through 317.6.4 of the California Fire Code and Sections 1505.0 and 1507.16 of the California Building Code.

Chapter 3, Section 317, Rooftop Gardens and Landscaped Roofs, is hereby amended by adding the following to read:

317.6 Access pathways and emergency ventilation. Access and spacing requirements shall be provided in order to ensure firefighter access to the roof, provide access pathways to specific areas of the roof, provide for venting cut out areas, and to provide emergency egress from the roof. For the purpose of access pathways and emergency ventilation, designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch. All roof dimensions are measured to centerlines.

317.6.1 Alternative materials and methods. Alternative materials and methods per Section 104.9 for access pathways or venting cut outs may be requested for approval by the fire code official due to:

1. Unique site-specific limitations.
2. Alternative access opportunities (as from adjoining roofs).
3. Ground level access to the roof area in question.
4. Other adequate venting cut out opportunities when approved by the fire code official.
5. Adequate venting cut out areas afforded by panel set back from other roof top equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment).
6. Automatic ventilation device.
7. New technology, methods, or other innovations that ensure adequate fire department access pathways and ventilation opportunities.

317.6.2 Single and two dwelling unit residential buildings. Installation of roof gardens and landscaped roofs on single and two dwelling unit residential buildings shall be in accordance with Section 317.6.2.1 through 317.6.2.3.

317.6.2.1 Hip roof design. Planted sections shall be located in a manner that provides a three (3') foot wide clear access pathway from the eave to the ridge on each roof slope where the planted sections are located. The access pathway shall be located at a structurally strong location on the building such as a bearing wall.

317.6.2.2 Single ridge roof design. Planted sections shall be located in a manner that provides two three (3') foot wide access pathways from the eave to the ridge on each roof slope where the planted sections are located.

317.6.2.3 Hips and valleys. Planted sections shall be located no closer than one and one half (1.5') feet to a hip or a valley if planted sections are to be placed on both sides of a hip or valley. If the planted sections are to be located on only one side of a hip or valley that is of equal length, then the planted sections may be placed directly adjacent to the hip or valley. Planted sections shall not be located closer than three feet (3') below the ridge.

317.6.3 Commercial and industrial buildings and multi-residential buildings containing three or more dwelling units required access pathways and venting cut outs. Access pathways and venting cut outs for commercial and industrial buildings and multi-residential buildings containing three or more dwelling units. Access pathways shall be provided in accordance with Section 317.6.3.1 through 317.6.3.6.

EXCEPTION:

1. If the fire code official determines that the roof configuration is similar to that found in single and two dwelling unit residential buildings, the design requirements found in section 317.6.2 may be utilized.

317.6.3.1 Planted dimension. Planted sections shall be no greater than 150 feet by 150 feet in distance in either axis.

317.6.3.2 Access pathways. Access pathways shall be established in the design of the roof garden or landscaped roof installation. Access pathways shall meet the requirements of this section.

317.6.3.2.1 Access pathways perimeter of the roof. There shall be a minimum six (6') foot wide clear perimeter around the edges of the roof.

EXCEPTION:

1. If either axis of the building is 250 feet or less, there shall be a minimum four (4') feet wide clear perimeter around the edges of the roof.

317.6.3.2.2 Access pathway location. The center line axis of access pathways shall run on structural members or over the next closest structural member nearest to the center lines of the roof.

317.6.3.2.3 Access pathway center line. The center line axis of the access pathways shall be provided in both axis of the roof.

317.6.3.2.4 Access pathway alignment. Access pathways shall be in a straight line and provide not less than four (4') feet clear to skylights, ventilation hatches or roof standpipes.

317.6.3.5 Access pathway around roof access hatches. Access pathways shall provide not less than four (4') feet of clearance around roof access hatch with at least one not less than four feet (4') clear pathway to parapet or roof edge.

317.6.3.6 Venting cut out areas. Venting cut outs between planted sections shall be either:

1. An access pathway eight (8') feet or greater in width.
2. An access pathway that is four (4') feet or greater in width and bordering on existing roof skylights or ventilation hatches.
3. An access pathway that is four (4') feet or greater in width and bordering four (4') feet by eight (8') feet venting cut outs every twenty (20') feet on alternating sides of the access pathway.

317.6.4 Roof garden or landscaped roof maintenance plan. The fire code official is authorized to require an approved maintenance plan for vegetation placed on roofs due to the size of the garden or landscaping area, or if materials and plants used may create a fire hazard to the building or exposures.

Chapter 3, General Requirements, is hereby amended by adding the following to read:

SECTION 321—CLEARANCE OF WEEDS, BRUSH AND VEGETATIVE GROWTH

321.1 Defensible space around structures. Any person owning, leasing, controlling, operating, or maintaining any building or structure upon or adjoining any grass- or brush-covered land or land covered with flammable growth, and any person owning, leasing, or controlling any land adjacent to such structures, shall at all times:

1. Maintain around and adjacent to such building, structure, or apiary an effective fire protection or firebreak made by removing and clearing away, for a distance of not less

than 30 feet on each side thereof, all flammable vegetation or other combustible growth. This includes ornamental plants and trees known to be flammable, including but not limited to: Acacia, Cedar, Cypress, Eucalyptus, Juniper, Pine, and Pampas Grass.

EXCEPTIONS:

A. Ornamental plants and trees that are individually planted, spaced, and maintained in such a manner that they do not form a means of transmitting fire from native growth to the structure.
B. Cultivated ground cover such as green grass, ivy, succulents, or similar plants provided that they are maintained in a condition that does not form a means of transmitting fire from native growth to the structure.

2. Maintain any tree adjacent to or overhanging any building or structure free of dead wood.

3. Maintain the roof of any building or structure free of leaves, needles, or other dead vegetative growth.

321.2 Extra hazard. When the fire code official finds that because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety, the person owning, leasing, controlling, operating, or maintaining the building or structure shall maintain around or adjacent to any building or structure an additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth located from 30 to 100 feet from such building or structure, as may be required by the fire code official. Grass and other vegetation located more than 30 feet from such building or structure, and less than 18 inches in height above the ground, may be maintained where necessary to stabilize the soil and prevent erosion.

321.3 Roadway clearance. The fire code official may require removal and clearance of all flammable vegetation or other combustible growth for a minimum of 10 feet on each side of every roadway, whether public or private. The fire code official may enter upon private property to inspect, remove and clear vegetation and growth as required by this section and may charge the responsible party for the cost of such action. This section shall not apply to single specimens of trees, ornamental shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire. As used in this section, "roadway" means that portion of a highway, private street, or paved trail improved, designed, or ordinarily used for vehicular travel. The minimum clearance of 10 feet may be increased if the fire code official determines additional distance is required to provide reasonable fire safety.

321.4 Fuel modification plan. A fuel modification plan shall be submitted and have preliminary approval prior to the construction of a structure or any subdivision of land where the structure or subdivision of land is located within areas designated as a Very High Hazard Severity Zone or where a structure is located within 30 feet of an open space area or natural area. The fuel

modification plan shall have final approval prior to the issuance of a permit for any new construction, remodeling, modification, or reconstruction.

321.5 Notice to correct. All notices to clear flammable vegetation and other combustible growth shall be in writing and in accordance with Folsom Municipal Code Chapter 8.37.

321.6 Abatement and penalties. The procedures for the abatement of hazardous vegetation and penalties thereof shall be in accordance with Folsom Municipal Code Chapter 8.37.

Chapter 5, Section 503, Fire Apparatus Access Roads, is hereby amended to read:

503.2.1 Dimensions. Fire apparatus and emergency vehicle access roads required by this section and Folsom Municipal Code Section 17.57.080 shall have an unobstructed continuous width of not less than 27 feet (8230 mm) for all major / primary driveway aisles and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

EXCEPTIONS:

1. Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.
2. Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

Chapter 5, Section 503, Fire Apparatus Access Roads, is hereby amended by adding the following to read:

503.2.1.1 Group R-3 subdivisions. Fire apparatus and emergency vehicle access roads in subdivisions comprised solely of Group R-3 occupancies shall have an unobstructed continuous width of not less than 24 feet (7315 mm) and unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.1.2 Emergency Vehicle Access (EVA) roads. All other fire apparatus access roads, temporary or permanent, when approved by the fire code official, shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall have a minimum dimension of 25 feet on the inside and 50 feet on the outside.

503.2.5.1 Length. The maximum length of any dead end shall not exceed 500 feet.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed 12.5%. Where said fire apparatus access road directly fronts the exterior of a building two or more stories in height, the gradient for a fire apparatus access road shall not exceed 9%.

503.2.8 Angles of approach. The angle of approach and angle of departure of fire apparatus access roads shall not exceed 12.5% or as approved by the fire code official.

503.2.9 Center median islands. Center median islands, such as those used for gate access, shall provide for a drive lane width of not less than 13 feet 6 inches, or 12 feet for R-3 subdivisions, in each direction.

503.5.3 Obstruction of gates and barricades. Gates or barricades required by Section 503 shall not be obstructed in any manner, including the parking of vehicles. A "FIRE DEPARTMENT ACCESS – DO NOT BLOCK" sign shall be posted on the gate or barricade when required by the fire code official.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. The design and operation of gates and barricades shall be in accordance with the Sacramento County Emergency Access Gates and Barriers Standard.

Chapter 5, Section 504, Access to Building Openings and Roofs, is hereby amended by adding the following to read:

504.1.1 Required access walkways. Required access walkways shall have a minimum clear width of 5 feet, and shall not have permanent items such as heating and air conditioning units within them.

EXCEPTIONS:

1. Subdivisions with previous approval of less than 5-foot access walkways due to reduced setback requirements.
2. City-provided solid waste and recycling containers will be allowed within the access walkway. The containers shall not be placed under a required emergency escape or rescue opening.

504.5 Building projections. Cornices, parapets, eave openings, and similar projections from a building shall be designed to support a 330-pound horizontal and vertical load to the leading edge of the projection. This represents a 250-pound firefighter carrying 80 pounds of equipment stepping off of a ladder placed against the projection onto the top of the projection.

Chapter 5, Section 505, Premises Identification, is hereby amended by adding the following to read:

505.3 Numbers for one- and two- family dwellings. Numbers for one- and two-family dwellings shall be a minimum of 4 inches high. Numbers for all other buildings shall be no less than 6 inches high. The fire code official may require an increase in building address or number size when necessary due to building size or arrangement, or due to distance from the public way.

Chapter 5, Section 505, Premises Identification, is hereby amended by adding the following to read:

505.3.1 Multiple tenant buildings. Multiple tenant spaces serviced by vehicular access to the rear through any driveway, alleyway, or parking lot shall have numbers or addresses placed prior to occupancy on all new and existing buildings as to be plainly visible and legible from the rear access way when deemed necessary by the fire code official. Multiple tenant spaces serviced by rear access through a corridor, exit court, or exit yard shall have approved numbers or addresses displayed on the rear of the tenant space, when deemed necessary by the fire code official. Multiple tenant spaces that front on interior walkways or pedestrian malls shall have approved numbers or addresses placed over the entrance door in all new and existing buildings. An illuminated annunciator or directory board shall be required at every entrance where deemed necessary by the fire code official.

505.3.2 Illumination. Address numbers shall be illuminated at night in all new buildings. Signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

Chapter 5, Section 507, Fire Protection Water Supplies, is hereby amended by adding the following to read:

507.5.7 Fire hydrant markers. Fire hydrants and other firefighting water sources shall be identified by the installation of blue raised reflective pavement markers or identified by other approved means.

Chapter 5, Section 509, Fire Protection and Utility Equipment Identification and Access, is hereby amended by adding the following to read:

509.3 Fire control room. Fire sprinkler risers and fire alarm control panels shall be located inside a room with minimum dimensions of five feet by seven feet. The room shall only be accessible from the exterior and provided with a door with a clear width of not less than 32 inches and height of not less than 80 inches. A durable sign shall be affixed to the exterior of the door with the words "FIRE CONTROL ROOM" in letters not less than 3 inches in height. A key box complying with Section 506 shall be installed adjacent to the door.

The room must be capable of maintaining a minimum temperature of 40 degrees Fahrenheit. A clearance of 12 inches shall be provided from the fire sprinkler risers to any adjacent walls. This room can be shared with other building utilities or fire protection equipment that is not incompatible. An approved cabinet or container shall be provided to store record plans of the fire sprinkler system and other fire protection equipment. This room shall not be used for any other storage.

Chapter 6, Section 603, Fuel-Fired Appliances, is hereby amended by adding the following to read:

603.6.6 Spark arrestors. Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the Mechanical Code.

Chapter 9, Section 901, General, is hereby amended by adding the following to read:

901.6.4 Service contracts. A service contract shall be secured and maintained by the building owner to provide for maintenance, inspection and testing of all fire protection systems. A copy of the contract shall be provided to the fire code official prior to occupancy.

Chapter 9, Section 903, Automatic Sprinkler Systems, is hereby amended by adding the following to read:

903.2.21 Required locations. An approved automatic fire sprinkler system shall be installed in all buildings 3,600 square feet in floor area or larger.

A. For the provisions of this section, two or more buildings, except one and two family dwellings, existing entirely within the property lines of one parcel shall be considered a single building when exterior wall protection is not provided and the aggregate floor area exceeds 3,599 square feet (334.48 m^2) when applying California Building Code Section 503.1.2
B. For the provisions of this section, fire barriers or fire walls shall not apply to eliminate the installation of an automatic fire sprinkler system.

EXCEPTIONS:

1. Non-combustible, detached canopies open on four sides, not exceeding the basic allowable square footage in CBC Table 503, used exclusively for the parking or storage of private or pleasure vehicles and non-combustible storage (includes fuel islands).

903.2.20.1 Existing buildings. In existing buildings, except one and two family dwelling buildings, where an automatic fire extinguishing system does not exist, and the floor area of the building or structure is increased by more than fifty percent (50%) or 1,800 square feet, whichever is less, or when alterations or repairs within any 12-month period exceed fifty percent

(50%) of the value of the existing building or structure, such building or structure shall be made to conform to Section 903.2.20.

Chapter 9, Section 903, Automatic Sprinkler Systems, is hereby amended to read:

903.3.5.3 Passive purge system. A residential sprinkler system designed to the NFPA 13D standard shall be installed as a loop system (multi-purpose system) and have all toilets connected as points of passive purge. A standalone residential sprinkler system without points of passive purge may be installed with approval of the fire code official.

903.3.5.4 Check valve location. A residential sprinkler system designed to the NFPA 13D standard, with the passive purge requirements, shall have an approved check valve located between the water meter and the shut-off valve. For standalone residential sprinkler systems, a separate check valve shall be installed in accordance with design standards.

903.3.5.5 Shut-off valve location. A residential sprinkler system designed to the NFPA 13D standard shall have a clearly marked shut-off valve located on the exterior of the structure.

903.3.5.6 Pressure reducing valve location. A residential sprinkler system designed to the NFPA 13D standard, with the passive purge requirements, shall have a pressure reducing valve, when required, located on the exterior of the structure, after the shut-off valve, and before the sprinkler system bifurcation. The pressure reducing valve shall be installed, with a maximum static pressure of 80 psi, to prevent the over-pressurization of the fixtures.

903.3.5.7 Hose bib location. A residential sprinkler system designed to the NFPA 13D standard, with the passive purge requirements, shall have hose bib on the exterior of the structure to assist with draining the sprinkler system. It shall be located after the shut-off valve and after the pressure reducing valve, if provided. For standalone residential sprinkler systems, the hose bib shall be located after the shut-off valve and before the sprinkler system check valve. In addition, for standalone residential sprinkler systems, a separate main-drain valve shall be installed in accordance with design standards.

903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

903.4.2 Alarms. Approved audible and visual alarm notification devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. An audible and visual alarm notification device shall be provided on the exterior of the building in an approved location. An audible and visual alarm notification device shall be provided in the interior of the building within each dwelling unit or tenant space and on each level in approved locations.

903.5.5 Water Supply Test Adjustment. A water supply test required for the design of a fire protection system shall be adjusted to 90% to account for seasonal and daily pressure fluctuations. The adjustment percentage may be further reduced by the Fire Code Official for areas expected to have a significant water supply demand in the future.

Chapter 9, Section 907, Fire Alarm and Detection Systems, is hereby amended by adding the following to read:

907.2.30 All buildings. An approved monitored fire alarm and detection system shall be installed in all buildings not protected by an automatic sprinkler system with the exception of R-3 occupancies. Buildings with a floor area less than 500 square feet may be exempt, as determined by the fire code official, based on building construction material and features, location, occupancy type, and distance to exposures.

907.2.30.1 Fire alarm control panel location. The fire alarm control panel shall be located inside of a room or closet with an exterior access door with a clear opening width of no less than 32 inches. This room may be shared with other building utilities. Durable signage shall be provided on the exterior of the door stating "FIRE ALARM PANEL" in letters 3 inches in height and contrasting to the background.

907.8.5.1 Obstruction of fire alarm equipment. Fire alarm initiating devices, alarm notification appliances and annunciators shall not be concealed from view, obstructed, or impaired in any manner.

907.9.1 All existing buildings. In existing buildings, other than one or two-family dwellings, where a monitored fire alarm and detection system does not exist and the floor area of the building or structure is increased by more than fifty percent (50%) or 1,800 square feet, whichever is less, or when alterations or repairs within any 12-month period exceed fifty percent (50%) of the value of the existing building or structure, such building or structure shall be made to conform to Section 907.2.30.

Chapter 9, Section 912, Fire Department Connections, is hereby amended by adding the following to read:

912.2.3 Fire department connections. Fire department connections (FDC's) shall be located within 50 feet of a fire hydrant, and no closer than 50 feet from the buildings they supply, or other locations as approved by the fire code official.

Chapter 10, Section 1031, Maintenance of means of egress, is hereby amended by adding the following to read:

1031.7.1 Emergency escape and rescue opening access for 2 and 3 story buildings. Exterior emergency escape and rescue openings on the second story shall have a minimum clear access of

not less than 5 feet wide X 5 feet deep below the opening(s) for the placement of a ground ladder. Exterior emergency escape and rescue openings on the third story shall have a minimum clear access of not less than 5 feet wide X 7 ½ feet deep below the opening(s) for the placement of a ground ladder.

EXCEPTION:

1. Subdivisions with previous approval of reduced set back requirements.

1031.7.2 Emergency escape and rescue access for buildings 4 stories or more. Exterior emergency escape and rescue access for buildings 4 stories or more in height shall have an approved access road no closer than 15 feet from the building and with a width of at least 27 feet for the proper placement of a ladder truck.

Chapter 12, Section 1204, Solar Photovoltaic Power Systems, is hereby amended by adding the following to read:

1204.5.4 Remote electrical disconnect. Photovoltaic circuits shall be equipped with a means for remote electrical disconnect located downstream from the photovoltaic array at the point where the photovoltaic circuit first enters the structure, or at another approved location. The manual control to operate the remote electrical disconnect shall be located within five feet of the building's main electrical panel. The remote electrical disconnect shall be listed and meet the requirements of the California Electrical Code.

EXCEPTIONS:

1. Photovoltaic circuits contained in rigid or electrical metallic tubing running between the array combiner box and the main electrical panel which are entirely exterior to the building need not be equipped with a means of remote electrical disconnect other than the disconnects intrinsic to the system.
2. Photovoltaic circuits contained in rigid or electrical metallic tubing running between the array combiner box and the main electrical panel that run through the interior of the building when installed a minimum of 18" below the roof assembly when measured parallel to the surface of the roof.
3. The photovoltaic system inverter may be used for remote electrical disconnect when the inverter is located immediately upstream of the roof penetration where the circuit enters the structure

Chapter 33, Section 3310, Access for Firefighting, is hereby amended to read:

3310.1 Required access. Fire and emergency access roads shall be installed and maintained in accordance with Section 503 and Folsom Municipal Code Section 17.57.080.

EXCEPTION:

1. When approved, temporary fire and emergency vehicle access roads may be used until permanent roads are installed. Temporary access roads shall be provided with an all-weather road surface of 2 inches of asphalt concrete over 6 inches of 95% compacted aggregate base from October 1st through April 30th each year. Temporary access roads may be provided with an all-weather road surface of 6 inches of 95% compacted aggregate base from May 1st through September 30th each year.

3310.3 Premise identification. Prior to and during construction, an approved address sign shall be provided at each fire and emergency vehicle access road entry into the project.

Chapter 33, Section 3312, Water Supply for Fire Protection, is hereby amended to read:

3312.1 When required. Required fire hydrants shall be installed and accepted prior to combustible materials arriving on site or vertical construction commencing.

Chapter 49, Section 4905, Wildfire Protection Building Construction, is hereby amended by adding the following to read:

4905.3.1 Local agency establishment of limits. The establishment of limits for the Wildland Urban Interface Fire Area's required construction methods shall be applied to land within the City of Folsom designated as a Local Agency Very-High Fire Hazard Severity Zone and/or to buildings or structures that are located within 30 feet of an open space area or natural area.

Chapter 49, Section 4906, Hazardous Vegetation and Fuel Management, is hereby amended by adding the following to read:

4906.2.1 Local agency application. Buildings or structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. Land designated within the City of Folsom as a Local Agency Very-High Fire Hazard Severity Zone.
2. Land within 30 feet of an open space area or natural area.

Chapter 49, Section 4907, Defensible Space, is hereby amended by adding the following to read:

4907.1.2 Local agency defensible space. Buildings or structures located within 30 feet of an open space area or natural area shall maintain defensible space as outlined in Government Code 51175 – 51189, Folsom Municipal Code Section 8.36, and Folsom Municipal Code Section 8.37.

Appendix B, Section B105, Fire Flow Requirements for Buildings, is hereby amended to read:

B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

EXCEPTION:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

Appendix C, Table C102.1, Required Number and Spacing of Fire Hydrants, is amended to read:

TABLE C102.1
REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS [a,b,c] (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO HYDRANT[d]
1,750 or less	1	300	150
1,751 – 2,250	2	300	150
2,251 – 3,250	3	300	150
3,251 – 4,000	4	300	150
4,001 – 5,000	5	300	150
5,001 – 5,500	6	300	150
5,501 – 6,000	6	250	150
6,001 – 7,000	7	250	150
7,001 or more	8 or more[e]	200	120

Appendix D, Fire apparatus access roads, is amended by adding the following to read:
The minimum fire apparatus and emergency vehicle access road widths throughout this appendix will be 27 feet (24 feet for subdivisions comprised solely of Group R-3 occupancies).

SECTION 4 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE

This ordinance shall become effective February 13, 2020. In lieu of publication of the full text of the ordinance within 20 days after its passage, a summary of the ordinance may be posted at least five (5) days prior to and published within 20 days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

This ordinance was introduced, and the title thereof read at the regular meeting of the City Council December 10, 2019, and the second reading occurred at the regular meeting of the City Council on January 14, 2020.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this fourteenth day of January 2020 by the following vote, to wit:

AYES: Council Member(s):

NOES: Council Member(s):

ABSTAIN: Council Member(s):

ABSENT: Council Member(s):

_____
Sarah Aquino, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

DATE: January 14, 2020

TO: Mayor and City Council Members

FROM: Community Development—Building Division

SUBJECT: ORDINANCE NO. 1298 - AN ORDINANCE OF THE CITY OF FOLSOM REPEALING AND RE-ENACTING CERTAIN CHAPTERS OF TITLE 14, "BUILDINGS AND CONSTRUCTION", OF THE FOLSOM MUNICIPAL CODE CONCERNING ENFORCEMENT OF FOLSOM CONSTRUCTION CODES (SECOND READING AND ADOPTION)

BACKGROUND/ISSUE

At the December 10, 2019 meeting, the City Council introduced and held the first reading of the attached Ordinance repealing and re-enacting certain chapters of Title 14, "Building and Construction" of the Folsom Municipal Code concerning enforcement of Folsom construction codes. No changes have been made to this item since the first reading.

The purpose of this Ordinance is to update building safety regulations and adopt the 2019 California Building Codes pursuant to state law.

Presently, the Folsom Municipal Code (FMC) Title 14 – Buildings and Construction, contains provisions relative to building safety regulations and is based on the 2016 editions of the California Building Codes incorporating the 2015 International Building Code, Electrical Code, Plumbing Code, Mechanical Code, Historical Building Code, Energy Code, Existing Building Code and Property Maintenance Code. The 2019 edition of the California Building Codes (Title 24), incorporating the 2018 editions of these codes, known at the 2019 California Building Codes, has been published by the California Building Standards Commission and is effective as state law January 1, 2020.

POLICY / RULE

Triennially the California Building Standards Commission publishes the California Building Codes which take effect 180 days after publication according to state statute. California Health & Safety Code Section 18938(b) mandates that Building Standards Codes, including the California Building Codes, are applicable to all occupancies in the State. Health & Safety Code Section 18941.5 allows cities to amend building standards contained in the California Codes based on specified criteria prior to the effective date of the codes. Government Code Section 50022.2 grants local agencies the authority to adopt codes by reference.

ANALYSIS

The purpose of this ordinance is to repeal the existing codes and adopt the new building and construction codes for the City of Folsom as required by state law. The majority of the 2019 California Building Standard Codes were modeled after the 2018 International Codes, the National Electrical Code and the Uniform Plumbing and Mechanical Codes. While these codes are similar in structure and content, some adjustments to the adoption process are necessary to complete references in the Folsom Municipal Code. Staff has compared the amendments made to the presently adopted 2016 California Building Codes to the provisions contained in the 2019 California Building Codes. In developing the amendments for these new codes, staff looked to provide a clear, cost-effective and equivalent level of sustainability and life safety to the citizens of Folsom. No "technical" amendments were proposed; only clarifications of those administrative requirements unique to our City.

As with the 2016 version, the 2019 California Green Building Standards Code (CalGreen) establishes mandatory requirements for new residential and nonresidential buildings as well as certain additions and alterations to existing buildings. Areas such as water and energy conservation, removal of toxic fumes and moisture from the indoor environment, landscape irrigation, light pollution and construction material recycling are addressed in this code. There are two voluntary "tiers" in addition to the mandatory requirements for those building owners who would like to provide even greater sustainability. At this time, those tiers will remain voluntary.

In summary, staff believes that the proposed amendments and adoption of the 2018 International Building Codes, as amended by the State of California and published as the 2019 California Building Codes, are necessary to provide a reasonable and prudent level of construction, sustainability and life safety to citizens and visitors to the City of Folsom.

FINANCIAL IMPACT

The impact of adopting the 2019 California Building Standards Codes with local amendments should not cause any significant impact. However, although increasing the life safety and sustainability of our buildings, the 2019 Energy Code for residential and non-residential buildings cannot help but increase their costs. It is anticipated that these costs will continue to decrease somewhat as more systems are installed and competition for services increases.

ENVIRONMENTAL REVIEW

This action by the City Council is exempt from environmental review pursuant to Section 15061(b)(3) (Review for Exemption) of the California Environmental Quality Act.

ATTACHMENTS

Ordinance No. 1298 - An Ordinance of the City of Folsom Repealing and Reenacting Certain Chapters of Title 14, "Buildings and Construction", of the Folsom Municipal Code Concerning Enforcement of Folsom Construction Codes. (Second Reading and Adoption)

RECOMMENDATION – CITY COUNCIL ACTION

Move to adopt Ordinance No. 1298 - An Ordinance of the City of Folsom Repealing and Reenacting Certain Chapters of Title 14, "Buildings and Construction", of the Folsom Municipal Code Concerning Enforcement of Folsom Construction Codes. (Second Reading and Adoption).

Reviewed and Approved,

Pam Johns
Community Development Director

ORDINANCE NO. 1298

AN ORDINANCE OF THE CITY OF FOLSOM REPEALING AND RE-ENACTING CERTAIN CHAPTERS OF TITLE 14, "BUILDINGS AND CONSTRUCTION", OF THE FOLSOM MUNICIPAL CODE CONCERNING ENFORCEMENT OF FOLSOM CONSTRUCTION CODES

THE CITY COUNCIL OF THE CITY OF FOLSOM HEREBY DOES ORDAIN AS FOLLOWS:

SECTION 1 PURPOSE

The purpose of this ordinance is to repeal and re-enact certain chapters of Title 14, "Buildings and Construction", of the Folsom Municipal Code ("The Code") to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

Unless superseded or expressly repealed, references in City forms, documents and regulations to chapters and sections of the former Folsom Construction Codes shall be construed to apply to corresponding provisions contained within the new Folsom Construction Codes.

SECTION 2 CHANGES TO FOLSOM MUNICIPAL CODE

Chapters 14.02, 14.04, 14.08, 14.12, 14.16, 14.19, 14.20, 14.22, 14.23, 14.26 of Title 14 of the Folsom Municipal Code are hereby amended to read as follows:

Title 14

BUILDINGS AND CONSTRUCTION

Chapters:

14.02 Building Code
14.04 Residential Code
14.08 Electrical Code
14.12 Plumbing Code
14.16 Mechanical Code
14.19 Energy Code
14.20 Green Building Standards Code
14.22 Historical Building Code
14.23 Existing Building Code
14.24 Property Maintenance Code
14.26 Referenced Standards Code
14.28 Swimming Pool, Spa and Hot Tub Code

Chapter 14.02
BUILDING CODE

Sections:

14.02.010 Title
14.02.015 Definitions
14.02.020 Authority Having Jurisdiction
14.02.030 Purpose
14.02.040 Adoption by reference
14.02.045 Right of entry
14.02.050 Additions, amendments or deletions to Folsom Building Code
14.02.055 Violation—Nuisance
14.02.060 Enforcement
14.02.070 Penalties
14.02.080 Enforcement procedures
14.02.085 Conflicts

14.02.010 Title.
This Chapter shall be known and cited as the "Folsom Building Code."

14.02.015 Definitions
For purpose of this chapter, the following terms shall have the meaning set forth in this section.

"Building Codes" or "Code" shall mean the Folsom Construction Codes and each and every ordinance codified therein as adopted by the city council of the City of Folsom by ordinance, including, but not limited to, the Folsom Building Code, the Folsom Residential Code, the Folsom Electrical Code, the Folsom Mechanical Code, the Folsom Plumbing Code, the Folsom Energy Code, the Folsom Fire Code, the Folsom Green Standards Building Code (CALGreen), the Folsom Referenced Standards Code, the Folsom Property Maintenance Code, the Folsom Historical Building Code, Folsom Existing Building Code and the Folsom Swimming Pool, Spa and Hot Tub Code. This shall also apply to references to the "Uniform Codes" found within the Folsom Municipal Code.

14.02.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Construction Codes. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of this Code and the referenced technical codes. The terms "code official", "administrative authority", "authority having jurisdiction", and "City" are to be considered synonymous with the terms "Chief Building Official", "Building Official", "Department of Building Safety" and "Building Department" as they appear in the Code or the technical codes. The city council shall budget and appropriate such City funds for the Division of Building Safety as it may deem necessary for the proper operation of the division.

14.02.030 Purpose.

The purpose of the Folsom Building Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction, and certain equipment specifically regulated herein, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.02.040 Adoption by Reference.

Subject to the additions, amendments, or deletions set forth in Section 14.02.050 of this chapter, the California Building Code, 2019 Edition, based on the 2018 International Building Code, including Appendix Chapter I, published as Part 2, Volumes 1 and 2, Title 24, C.C.R., published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Building Codes. One copy of the Folsom Building Code and any and all amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

14.02.45 Right of Entry.

The code enforcement officer, the fire chief, the chief building official, or their designees shall be authorized to enter upon private property or public property as provided for in Section 1.09.025 of the Folsom Municipal Code to enforce the provisions of this title, or for the purpose of making any inspection, reinspection or test of any work performed pursuant to this title.

14.02.050 Additions, Amendments, or Deletions to Folsom Building Code.

The Folsom Building Code is amended as follows:

CHAPTER 1, DIVISION II

A. Section 101.1 Title— Insert the words "City of Folsom" as the name of jurisdiction. This shall apply to any of the adopted codes wherever the name of the jurisdiction is to be inserted.

B. Section 101.2 Scope—Delete the words "California Residential Code" and insert, in lieu thereof, the words "Folsom Residential Code".

C. Section 101.4 Referenced codes—Delete in its entirety and revised to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each reference. If another code is referenced elsewhere in this Code and has not been adopted, then that section shall be considered invalid.

Where there is a conflict between the administrative requirements in this Code and those in other adopted technical codes, the more restrictive or specific requirements shall apply.

Exception: Administrative requirements in the City of Folsom Fire Code

Any references to the International Residential Code, Residential Code for One- and Two-family Dwellings, or California Residential Code shall be deleted and the words "Folsom Residential Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the National Electrical Code or California Electrical Code shall be deleted and the words "Folsom Electrical Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Fuel Gas Code shall be deleted and the words "Folsom Plumbing Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Plumbing Code or California Plumbing Code shall be deleted and the words "Folsom Plumbing Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Mechanical Code or California Mechanical Code shall be deleted and the words "Folsom Mechanical Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Property Maintenance Code shall be deleted and the words "Folsom Property Maintenance Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Fire Code or California Fire Code shall be deleted and the words "Folsom Fire Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Zoning Code shall be deleted and the words "Folsom Zoning Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Energy Conservation Code shall be deleted and the words "Folsom Energy Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the California Historical Building Code shall be deleted and the words "Folsom Historical Building Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the California Existing Building Code shall be deleted and the words "Folsom Existing Building Code adopted by the City of Folsom and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Private Sewage Disposal Code shall be deleted.

101.4.1 Electrical. The provisions of the Electrical Code adopted by the City of Folsom and amended from time to time shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Plumbing and Gas. The provisions of the Plumbing Code adopted by the City of Folsom and amended from time to time shall apply to the installation alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all applicable aspects of a medical gas system. The provisions shall also apply to the installation of gas piping from the point of delivery, gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the Mechanical Code adopted by the City of Folsom and amended from time to time shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.4 Property maintenance. The provisions of the Property Maintenance Code, adopted by the City of Folsom, and amended from time to time shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety, hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures and shall be enforced along with the requirements of Title 8, "Health, Sanitation and Welfare", of the Folsom Municipal Code. Where there is a conflict between Title 8 of the Folsom Municipal Code and` the Folsom Property Maintenance Code, the more restrictive shall apply.

101.4.5 Fire prevention. The provisions of the Fire Code adopted by the City of Folsom and amended from time to time shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire or explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 California Energy Code and California Green Building Standards Code. The provisions of the California Energy Code and California Green Building Standards Code adopted by the City of Folsom shall apply to all matters governing the sustainable and

energy efficiency design and construction of those structures regulated by the Folsom Construction Codes as adopted by the City of Folsom.

101.4.7 California Historical Building Code. The provisions of the California Historical Building Code adopted by the City of Folsom are intended to facilitate, by means of alternative solutions, the restoration of change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation, disabled access and a cost-effective approach to preservation, and to provide for the safety of the building occupants of those structures regulated by the Folsom Construction Codes as adopted by the City of Folsom.

101.4.8 California Existing Building Code. The provisions of the California Existing Building Code adopted by the City of Folsom are intended to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations.

D. Section 105.3.1 Action on application—Add a new paragraph at the end to read: "Without approval of the Building Official, no new or additional permits shall be issued to any property or person who has any outstanding violations of this Code or any other code of this jurisdiction."

E. Section 105.3.2 Time limit of application—Amend to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for a period not to exceed 90 calendar days. The extension shall be requested in writing and justifiable cause demonstrated.

F. Section 105.5 Expiration—Amend to read as follows:

Every building permit shall become invalid if the work authorized by such permit has not commenced to the satisfaction of the Building Official within 12 months of permit issuance, or if work commences within 12 months and more than 180 calendar days elapses between approval of required inspections. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 calendar days for permits that have not yet expired. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the City. If action on an expired permit also requires an additional plan review, a full plan review shall be paid based on the current fee schedule adopted by the City.

All building permits shall be valid for up to two years after the issuance date as long as the requirements in the previous paragraph are complied with. The Building Official is authorized to extend a permit beyond this period if the work authorized by the permit is, in the opinion of the Building Official, being diligently pursued but only upon written request by the permittee and evidence acceptable to the Building Official indicating substantial progress. Review of the request and granting of an approved time extension beyond two years shall be made by the Building Official and any additional fees shall be paid based on the current fee schedule as adopted by the City.

Exception: Landscape permits issued to obtain compliance with the Model Water Efficient Landscape Ordinance (MWELO) shall expire two years after date of issuance. The Building Official shall be authorized to grant one additional extension of 90 calendar days when such a written request is received before the permit expires and justifiable cause is demonstrated as acceptable to the Building Official. Such landscape permits shall be issued prior to, or at the time of, issuance of the primary building permit.

G. Section 108.3 Building Permit Valuations--Amend to read as follows:

108.3 Building Permit Valuations. The applicant for a permit for a new building or structure or additions or alterations to an existing building or structure shall provide a reasonable estimated permit value at time of application. The value to be used in computing the building permit and building plan review fees shall be, including labor, the total of all construction work for which the permit is being issued, as well as grading, roofing, siding, electrical, plumbing, gas, heating, air conditioning, elevators, fire extinguishing systems, permanent mechanical equipment and systems as well as any other items which will require plan review and/or inspection. When permitted work includes an alteration to an existing structure, or includes work outside of the standard calculated fee areas determined by square footage cost tables, the applicant shall provide legitimate actual/contracted project costs to establish the additional non-calculated valuation of the total permitted project. Value for donated and/or discounted materials and labor shall be established at typical market rates. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the Building Official.

Exceptions: The Building Official is authorized to omit the cost of land, finish materials such as paint, wallpaper, tile, flooring, interior paneling, except those finish materials requiring fire resistive qualities, solar panels, electric vehicle charging devices, counters, counter tops, cabinets, and residential appliances such as dishwashers, stoves, ovens and microwaves. In addition, the Building Official is authorized to omit the cost of electrical fixtures and plumbing fixtures such as garbage disposals, sinks, lavatories and water closets where their removal or replacement does not require inspection. These exceptions shall not include the replacement of any concealed or exposed electrical, plumbing, gas, ventilation or other mechanical systems required to operate these appliances or the exposed or concealed extension of any of these systems.

Final building permit valuation shall be set by the Building Official.

H. Section 109.1 Payment of fees—Add an additional paragraph to read as follows:

When submittal documents are incomplete or revised so as to require additional plan review after the second review, final review, or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate as set forth by resolution of the City Council.

I. Section 109.4 Work commencing before permit issuance—Add an additional sentence to read as follows:

The minimum investigative fee for commencing work before permit issuance shall be equal to and in addition to the amount of the normal permit fee as set forth by resolution of the City Council for the first offense and four times the amount of, and in addition to, the normal permit fee for second and subsequent offenses. The payment of such investigative fee shall not exempt any person from compliance with other provisions of this Code, the technical codes, or from any penalty prescribed by law.

J. Section 109.6 Refunds—Amend to read as follows:

Refunds. The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Building Official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 calendar days after the date of fee payment. Under no circumstances shall there be a refund of either fee if the plan review or building permit has expired.

K. Section 110 Inspections—Add additional section to read as follows:

Section 110.7 Reinspections is added as follows:

110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when any of the following conditions exist:

1. Such portion of work for which inspection is called is not completely ready.

2. Previous written or verbal correction notices have not been complied with.
3. The job address is not clearly posted and clearly visible from the street or the front of the building.
4. The inspector has no access to the work to be inspected.
5. The approved plans are not readily available to the inspector.
6. The building permit, application, appropriate documents, or any previous correction notice(s) are not available at the job site.
7. Deviating from the approved plans requiring further approval of the Building Official.

This section shall not be interpreted as requiring reinspection fees the first time an inspection is not approved for failure to comply with the requirements of this Code, but as controlling the practice of scheduling inspections before the project is completely ready for such inspections, the inspection site is not accessible to the building inspector or when plans and/or permit documents are not available to the building inspector at the site where the inspection is to be performed.

To obtain a reinspection, the applicant, or his/her designee, shall first pay the reinspection fee in accordance with resolution adopted by the City Council.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the reinspection fees have been paid.

L. Section 111.1 Use and occupancy—Amend to read as follows:

No building or structure shall be used, occupied, or furnished in whole or in part, and no change in the existing use or occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefore as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

M. Section 111.3-- Add a second paragraph to read as follows:

Temporary occupancy may occur only upon application for a Temporary Certificate of Occupancy and the clearance for the connection of the gas and electrical utilities is granted and payment is made for the additional inspections remaining to grant final approval for occupancy of the entire building. In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official or if the building is occupied prior to receiving a Certificate of Occupancy, the Building Official shall be authorized to cause the building to be vacated and the utilities disconnected until such time as the building is completed, final inspections are conducted and a Certificate of Occupancy is issued as set forth above.

14.02.055 Violations—Nuisance.
Any violation of any code as adopted and amended by ordinance shall be, and the same is declared to be, unlawful and a public nuisance.

14.02.060 Enforcement.
Unless otherwise set forth in this title, the Chief Building Official or his/her designee, shall enforce the provisions of title pursuant to the provisions of Chapter 1.08 to 1.10, inclusive, of the Folsom Municipal Code.

14.02.070 Penalties.
The following penalties shall apply to any violation of a provision of this title, unless a different penalty is otherwise established by the city council and specifically set forth by ordinance:

A. A violation of any provision of this title shall be an administrative violation as defined in Section 1.08.020, of Chapter 1.08, Title 1 of the Folsom Municipal Code. In addition to enforcement by any procedure set forth in Chapters 1.08 to 1.10, inclusive, any violation of this title shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed $1,000, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment.
B. Each of the sanctions for administrative violations identified in Section 1.09.013 of Chapter 1.09, Title 1 of the Folsom Municipal Code shall be available for enforcement of the provisions of this Chapter.
C. In addition to the criminal penalty set forth in Section 14.02.070(A) of this chapter, based upon the standards for the imposition of administrative sanctions set forth in Section 1.09.014 of Chapter 1.09, Title 1 of the Folsom Municipal Code, a violation of any provision of this title shall be deemed a Level E violation, as that term is described in Section 1.09.012 of Chapter 1.09, Title 1 of the Folsom Municipal Code. The range of monetary sanctions available for violation of this Chapter shall be as forth in Section 1.09.012(A) (5).

14.02.080 Enforcement Procedures.

A. Prior to the suspension, revocation, or denial of any license or permit, the assessment of any fee, penalty, or change, or the commencement of any other enforcement action pursuant to this title, the director of the Community Development Department shall follow the procedures as set forth in Sections 1.09.020 to 1.09.048, inclusive, of Chapter 1.09, Title 1 of the Folsom Municipal Code. The rights to judicial review set forth in Section 1.09.050 to 1.09.052, inclusive, of Chapter 1.09 of Title 1 of the Folsom Municipal Code shall apply.
B. A notice to correct or stop order shall be served in accordance with the provisions of Section 1.09.023 of Chapter 1.09, Title 1 of the Folsom Municipal Code.
    1. Unless otherwise set forth in this title, if the violation that is subject of the notice of correct concerns the failure to apply for and/or obtain a valid permit, the time allowed for application for a permit shall be no less than 7 calendar days and no more than 30 calendar days. A stop order shall accompany the notice to correct,

and shall remain in effect pending the review of and decision on any permit application.

2. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns (a) the failure to comply with conditions placed on a permit or other entitlement issue by the City or (b) a violation of any provision of this title, the time allowed to correct the violation shall be a minimum of 24 hours and a maximum of 90 calendar days, depending upon the type of action that will be necessary to correct the violation. If the violation creates a potential risk of harm to persons or property, a stop order may accompany the notice to correct, and shall remain in effect until the violation has been remedied to the satisfaction of the director of the Community Development Department.

C. If the Director of the Community Development Department determines that there has been a good faith effort to correct the violation(s) set forth in a notice to correct, the director may extend the deadline for compliance for a reasonable period of time. Any such extension shall be memorialized in writing and a copy shall be sent by first class mail to all responsible persons.

D. A notice of administrative violation may be issued pursuant to the procedures established in Section 1.09.024 of Title 1 of the Folsom Municipal Code.

14.02.085 Conflicts.

In the event of any conflict between this Code and any law, rule, or regulation of the Federal or State Government, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this Code.

Chapter 14.04

RESIDENTIAL CODE

Sections:

14.04.010 Title
14.04.020 Authority Having Jurisdiction
14.04.030 Purpose
14.04.040 Adoption by reference
14.04.050 Additions, amendments or deletions to Folsom Residential Code

14.04.010 Title.

This Chapter shall be known and cited as the "Folsom Residential Code."

14.04.020 Authority Having Jurisdiction.

The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Residential Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of the Folsom Residential Code and the other referenced technical codes.

14.04.030 Purpose.

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction, and certain equipment specifically regulated herein, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.04.040 Adoption by Reference.

Subject to the additions, amendments, or deletions set forth in Section 14.04.050 of this chapter, the California Residential Code, 2019 Edition, based on the 2018 International Residential Code for One- and Two-family Dwellings, including Appendix Chapters H and J published as Part 2.5, Title 24, C.C.R., published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Residential Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

14.04.050 Additions, Amendments, or Deletions to Folsom Residential Code.

The Folsom Residential Code is amended as follows:

A. Section R101.1 Title— Insert the words "City of Folsom" as the name of jurisdiction.

B. Section R105.2 Work exempt from permit, Building, Item #2 --- Delete the number "7" and insert, in lieu thereof, the number "6".

C. Table R301.2(1) --- Shall read as follows:

2019 CRC TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN					SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGING FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (MPH)	Exposure	Topographic Effects	Special Wind Region	Wind Borne Debris		Weathering	Frost Line Depth	Termite					
N/A	110 ult 85 asd	C	No	No	No	CRC: C CBC: D	Moderate	12"	Heavy	30 F	No	Reference FMC 14.32	<1500	60.6 F

1 When designing with the CBC per Section 1613.3.5. Reference Table 1613.3.5(2)

D. Appendix J Existing Buildings and Structures---Amend the following sections to read as follows:

a. AJ 102.4.1 Energy efficiency. Replacement windows shall comply with the 2019 California energy Code and the 2019 California Green Building Standards Code (CALGreen).

b. AJ301.2 Water closets. Where any water closet is replaced with a newly manufactured water closet, the replacement water closet shall comply with the requirements of the 2019 California Plumbing Code and 2019 California Green Building Standards Code (CALGreen).

c. AJ301.3 Electrical. Exceptions 1, 2 and 3. The words 'Chapters 34 through 43' shall be replaced with the words '2019 California Electrical Code'.

d. AJ501.5.1 Materials and methods. In this section and in the Exception to this section, the words 'Chapters 34 through 43' shall be replaced with the words '2019 California Electrical Code'.

e. AJ501.5.3.3 Ground-fault circuit-interrupter. The words 'Chapters 34 through 43' shall be replaced with the words '2019 California Electrical Code'.

f. AJ501.5.3.5 Clearance. The words 'Chapters 34 through 43' shall be replaced with the words '2019 California Electrical Code'.

Chapter 14.08
ELECTRICAL CODE

Sections:
14.08.010 Title
14.08.020 Authority Having Jurisdiction
14.08.030 Purpose
14.08.040 Adoption by reference

14.08.010 Title.
This Chapter shall be known and cited as the "Folsom Electrical Code."

14.08.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Electrical Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of the Folsom Electrical Code and the other referenced technical codes.

14.08.030 Purpose.
The purpose of the Folsom Electrical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare and to protect against hazards that may arise from the use of electricity by regulating and controlling the design, construction, and installation, quality of materials, location and operation of electrical equipment, wiring and systems, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.08.040 Adoption by Reference.
The California Electrical Code, 2019 Edition, based on the 2017 National Electrical Code, published as Part 3, Title 24, C.C.R., published by the National Fire Protection Agency, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Electrical Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

PLUMBING CODE
Chapter 14.12

Sections:
14.12.010 Title
14.12.020 Authority Having Jurisdiction
14.12.030 Purpose
14.12.040 Adoption by reference
14.12.050 Additions, amendments or deletions to Folsom Plumbing Code

14.12.010 Title.
This Chapter shall be known and cited as the "Folsom Plumbing Code."

14.12.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Plumbing Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of the Folsom Plumbing Code and the other referenced technical codes.

14.12.030 Purpose.
The purpose of the Folsom Plumbing Code is to provide minimum standards to safeguard life or limb, health, property and public welfare, and to protect against hazards that may arise from the use of plumbing and fuel gas piping and systems by regulating and controlling the design, construction, installation, quality of materials, location and operation of plumbing and fuel gas systems within the City, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.12.040 Adoption by Reference.
Subject to the additions, amendments, or deletions set forth in Section 14.12.050 of this chapter, the California Plumbing Code, 2019 Edition, based on the 2018 Uniform Plumbing Code, including Appendix Chapters A, B, D, G and I published as Part 5, Title 24, C.C.R., published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for

administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Plumbing Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

14.12.050 Additions, Amendments, or Deletions to Folsom Plumbing Code.

The Folsom Plumbing Code is amended as follows:

A. Section 104.3.2 Plan Review Fees, is hereby deleted in its entirety.

B. Section 104.5 Fees, and all of its subsections shall be deleted in their entirety.

C. Table 104.5 Plumbing Permit Fees, is hereby deleted in its entirety.

MECHANICAL CODE
Chapter 14.16

Sections:
14.16.010 Title
14.16.020 Authority Having Jurisdiction
14.16.030 Purpose
14.16.040 Adoption by reference
14.16.050 Additions, amendments or deletions to Folsom Mechanical Code

14.16.010 Title.
This Chapter shall be known and cited as the "Folsom Mechanical Code."

14.16.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Mechanical Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of the Folsom Mechanical Code and the other referenced technical codes.

14.16.030 Purpose.
The purpose of the Folsom Mechanical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.16.040 Adoption by Reference.
Subject to the additions, amendments, or deletions set forth in Section 14.16.050 of this chapter, the California Mechanical Code, 2019 Edition, based on the 2018 Uniform Mechanical Code published as Part 4, Title 24, C.C.R., published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Mechanical Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

14.16.050 Additions, Amendments, or Deletions to Folsom Mechanical Code.

The Folsom Mechanical Code is amended as follows:

A. Section 104.3.2 Plan Review Fees, is hereby deleted in its entirety.

B. Section 104.5 Fees, and all of its subsections are hereby deleted in their entirety.

C. Table 104.5 Mechanical Permit Fees, is hereby deleted in its entirety.

ENERGY CODE
Chapter 14.19

Sections:
14.19.010 Title
14.19.020 Authority Having Jurisdiction
14.19.030 Purpose
14.19.040 Adoption by reference

14.19.010 Title.
This Chapter shall be known and cited as the "Folsom Energy Code."

14.19.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Energy Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of the Folsom Energy Code and the other referenced technical codes.

14.19.030 Purpose.
The purpose of the Folsom Energy Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of energy and energy systems within the City, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the

provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.19.040 Adoption by Reference.
The California Energy Code, 2019 Edition, published as Part 6, Title 24, C.C.R., published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Energy Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

GREEN BUILDING STANDARDS CODE
Chapter 14.20

Sections:
14.20.010 Title
14.20.020 Authority Having Jurisdiction
14.20.030 Purpose
14.20.040 Adoption by reference
14.20.050 Additions, amendments or deletions to Folsom Green Building Standards Code

14.20.010 Title.
This Chapter shall be known and cited as the "Folsom Green Building Standards Code."

14.20.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Green Building Standards Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of the Folsom Green Building Standards Code and the other referenced technical codes.

14.20.030 Purpose.
The purpose of the Folsom Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.20.040 Adoption by Reference.
The California Green Building Standards Code (CALGreen Code), 2019 Edition, excluding Appendix Chapters A4, A5 and A6.1, published as Part 11, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Green Building Standards Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

HISTORICAL BUILDING CODE
Chapter 14.22

Sections:
14.22.010 Title
14.22.020 Authority Having Jurisdiction
14.22.030 Purpose
14.22.040 Adoption by reference

14.22.010 Title.
This Chapter shall be known and cited as the "Folsom Historical Building Code."

14.22.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Historical Building Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of Folsom Historical Code and the other referenced technical codes.

14.22.030 Purpose.
The purpose of the Folsom Historical Building Code is to provide building regulations for the rehabilitation, preservation, restoration (including related reconstruction), of relocation of buildings or structures designated as historic buildings. Such building regulations are intended to facilitate, by means of alternative solutions, the restoration of change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation, disabled access and a cost-effective approach to preservation, and to provide for the safety of the building occupants. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.22.040 Adoption by Reference.
The California Historical Building Code, 2019 Edition, published as Part 8, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Historical Building Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

EXISTING BUILDING CODE
Chapter 14.23

Sections:
14.23.010 Title
14.23.020 Authority Having Jurisdiction
14.23.030 Purpose
14.23.040 Adoption by reference

14.23.010 Title.
This Chapter shall be known and cited as the "Folsom Existing Building Code."

14.23.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Existing Building Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of Folsom Existing Code and the other referenced technical codes.

14.23.030 Purpose.
The provisions of the California Existing Building Code adopted by the City of Folsom are intended to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.23.040 Adoption by Reference.
The California Existing Building Code, 2019 Edition, published as Part 10, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Existing Building Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

PROPERTY MAINTENANCE CODE
Chapter 14.24

Sections:
14.23.010 Title
14.23.020 Authority Having Jurisdiction
14.23.030 Purpose
14.23.040 Adoption by reference
14.23.050 Additions, amendments or deletions to Folsom Property Maintenance Code

14.23.010 Title.
This Chapter shall be known and cited as the "Folsom Property Maintenance Code."

14.23.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Property Maintenance Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of Folsom Property Maintenance Code and the other referenced technical codes.

14.23.030 Purpose.
The purpose of the Folsom Property Maintenance Code is to provide minimum standards to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises, and to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code. The Folsom Property Maintenance Code is not to be construed to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by its terms.

14.23.040 Adoption by Reference.
Subject to the additions, amendments, or deletions set forth in Section 14.23.050 of this chapter, based on the 2018 International Property Maintenance Code, published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Property Maintenance Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

14.23.050 Additions, Amendments, or Deletions to Folsom Property Maintenance Code.
The Folsom Property Maintenance Code is amended as follows:

A. Section 101.1 Title— Insert the words "City of Folsom" as the name of jurisdiction.

B. Section 102.10 Other laws—Add one additional sentence to read as follows: "Whenever the requirements of this code conflict with Title 8, 'Health, Sanitation and Welfare' in the Folsom Municipal Code or the State of California requirements, the more restrictive requirements shall govern."

C. Section 103.5 Fee—Remove the words "indicated in the following schedule" and insert, in lieu thereof, the following: "adopted by resolution by the city council."

D. Section 112.4 Failure to comply—Remove the words "of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert, in lieu thereof, the following: "as

established in Title 14, Chapter 14.02, Sections 14.02.070 and 14.02.080 of the Folsom Municipal Code."

E. Section 302.4 Weeds—Delete this section in its entirety

F. Section 304.14 Insect screens—Insert the dates "January 1 to December 31".

G. Section 602.3 Heat supply—Insert the dates "October 1 to May 1".

H. Section 602.4 Occupiable work spaces—Insert the dates "October 1 to May 1."

REFERENCED STANDARDS CODE
Chapter 14.26

Sections:
14.26.010 Title
14.26.020 Authority Having Jurisdiction
14.26.030 Purpose
14.26.040 Adoption by reference

14.26.010 Title.
This Chapter shall be known and cited as the "Folsom Referenced Standards Code."

14.26.020 Authority Having Jurisdiction.
The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Referenced Standards Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of Folsom Referenced Standards Code and the other referenced technical codes.

14.26.030 Purpose.
The purpose of this Code is to provide procedures for administration and enforcement of the provisions of the Folsom Construction Codes and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

14.26.040 Adoption by Reference.
The California Referenced Standards Code, 2019 Edition, published as Part 12, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Referenced Standards Code and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining chapters of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions to be declared invalid or unconstitutional.

SECTON 4 EFFECTIVE DATE

This ordinance shall become effective February 13, 2020, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City of Folsom.

This ordinance was introduced at the regular meeting of the City Council for the first reading on December 10, 2019, and the second reading occurred at the regular meeting of the City Council of January 14, 2020.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 14th day of January, 2020, by the following vote, to wit.

AYES: Council Member(s):

NOES: Council Member(s):

ABSTAIN: Council Member(s):

ABSENT: Council Member(s):

_____
Sarah Aquino, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

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DATE: December 26, 2019

TO: Mayor and City Council Members

FROM: Community Development Department

SUBJECT: RESOLUTION NO. 10378 – A RESOLUTION APPROVING AND CERTIFYING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE FOLSOM GENERAL PLAN 2035 FOR THE FOLSOM TREE PRESERVATION ORDINANCE UPDATE AND THE 58-ACRE CORPORATION YARD SITE

BACKGROUND/ISSUE

The City Council adopted the Final Program Environmental Impact Report (FPEIR) for the Folsom General Plan 2035 in August 2018. The City Council also adopted Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the General Plan. Qualifying projects within the City of Folsom are evaluated for compliance with the goals and policies of the 2035 General Plan and the corresponding environmental analysis and determinations.

Acting as the lead agency under the California Environmental Quality Act (CEQA), the City has determined that additional environmental analysis is required for two unrelated projects as follows:

1. Tree Preservation Ordinance Update (TPOU). To analyze the effects of revising (updating) the City's Tree Preservation Ordinance relative to permit requirements, standard management and preservation conditions, and preservation of existing trees. The project would repeal and replace Folsom Municipal Code Chapter 12.16 (Tree Preservation). White the purpose and scope are in keeping with the goals and policies of the 2035 General Plan, the proposed TPOU differs from the current ordinance as described and used in assessment of potential impacts in the FPEIR and thus warrant preparation of an addendum.

2. 58-Acre Corporation Yard Site. During the preparation of (but prior to adoption of) the 2035 General Plan FPEIR, the City annexed a 58-acre parcel into the City. The parcel, south of White Rock Road and west of Stonehouse Road, is to be used for the future site of the City's Corporation Yard. The City's annexation action in June 2018 included an amendment of the 1988 General Plan and the prezoning designation of the site as Light Industrial. In August 2018, the Local Agency Formation Commission (LAFCO) approved the annexation and the 58-acre site is now within the City boundary. While the future annexation of the 58-Acre Corporation Yard Site was anticipated in the 2035 General Plan, the EIR analysis must be updated to include this area as the future site of the City's Corporation Yard.

This Addendum to the FPEIR for the 2035 General Plan (shown in Attachment 2) evaluates the TPOU and amends the FPEIR to incorporate the 58-acre Corporation Yard site into the analysis.

ANALYSIS

Separate analysis is provided for the two unrelated projects that are the subject of the Addendum to the 2035 General Plan FPEIR.

Tree Preservation Ordinance Update

The City proposes to repeal and replace Folsom Municipal Code Chapter 12.16 (Tree Preservation), which was originally adopted in 1995. The proposed TPOU project is an implementation measure of the larger City of Folsom 2035 General Plan. The FPEIR prepared for the 2035 General Plan analyzed the comprehensive range of environmental impacts of implementing the 2035 General Plan, including an update of the Tree Preservation Ordinance to be consistent with the goals and policies set forth in the 2035 General Plan. As part of the City's effort to maintain consistency between the Tree Preservation Ordinance and the adopted 2035 General Plan, the City is proposing the revision of the 1995 TPO.

The updated Tree Preservation Ordinance includes the following major changes from the City's current ordinance. The related sections in the updated ordinance are included in parentheses.

1. Permits. Two different permits depending on type of work (Tree Work Permit and Tree Removal Permit) instead of just one Tree Permit (Sections 12. 16.020 and 12.16.050).
2. Protected Tree. Broadens definition to include parking lot shading trees and trees required as mitigation (Section 12. 16.020).
3. Heritage Tree. Definition expanded to include all large trees over 30 inches (Section 12.16.020).
4. Tree Protection Zone. Better defines and expands area of protection (Section 12. 16.020).
5. Findings. Requires applicants to meet findings before Tree Work Permit or Tree Removal Permit issuance (Section 12. 16.080).
6. Standard Conditions. Identifies standard conditions of approval for each permit type (Section 12.16.130).
7. Tree Care and Maintenance Standards. Uses industry standards for tree care and maintenance.
8. Tree Protection and Mitigation Plan. Expands and clarifies requirement for the plan that focuses on minimizing impact on trees and tree removal only when necessary (Section 12.16.140).
9. Reasonable Alternative Measures. Adds new concept to provide flexibility to encourage tree preservation rather than removal (Sections 12.16.020 and 12.16.080).
10. Mitigation. Focused on tree replacement and replanting rather than just in-lieu payment (Section 12.16.150).
11. Tree Replacement Ratio. Establishes inch for inch replacement requirement except for residential street trees which is a one-to-one tree ratio (Section 12.16.150). The new ordinance requires:
    - Planting of replacement trees on-site; and/or
    - If not feasible, then payment of in-lieu fee calculated based on a dollar amount for each inch at diameter at breast height of protected tree removed (to be established separately by City Council resolution); or
    - Other strategies as may be determined appropriate by the Director if it meets the intent of the ordinance.

12. Credits. Provides mitigation credits for trees preserved on-site (Section 12.16.150).
13. Trees in Building Footprint. Reduces mitigation for trees located within proposed building footprint (Section 12.16.150).
14. Tree Planting and Mitigation Fund. Clarifies and, in a couple instances, expands the allowable use of the funds to support tree planting and urban forestry efforts (Section 12.16.160).
15. Exemption from Solar Shade Control Act. The new ordinance would exempt the City from this State law so that homeowners are not forced to significantly prune, damage, or remove Protected Trees that may partially shade solar panels (Section 12.16.210).

Table 1 of the Addendum attached to this report is structured as an environmental checklist, and is intended to evaluate all environmental topic areas for any changes in circumstances or the project description, as compared to the approved Final PEIR, and determine whether such changes were or were not adequately covered in the certified PEIR. Table 1 is not a traditional CEQA Environmental Checklist, per Appendix G of the CEQA Guidelines. As explained below, the purpose of this checklist is to evaluate the checklist categories in terms of any "changed condition" (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in a different environmental impact significance conclusion from the Folsom General Plan 2035 PEIR. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to Public Resources Code Section 21166 and State CEQA Guidelines Section 15162, 15163, 15164 and 15168.

Based on the analysis contained in Table 1, none of the factors identified in CEQA Guidelines Section 15162 are presented by the TPOU. The previously certified 2035 General Plan PEIR adequately addresses the environmental impacts associated with the Tree Preservation Ordinance Update project. A subsequent or supplemental PEIR is not required. The TPOU project and all subsequent City regulatory actions consistent with the revised TPOU will be required to comply with all applicable mitigation measures of the City of Folsom 2035 General Plan PEIR.

58-acre Corporation Yard Site

During preparation of the 2035 General Plan and its associated PEIR, but prior to the approval or certification of either document, the City annexed a 58-acre parcel into the City. The parcel, south of White Rock Road and west of Stonehouse Road, is to be used for the future site of the City's Corporation Yard. The annexation action approved by the City also included an amendment of the 1988 General Plan and the zoning designation of the site. As a result, the corporation yard Special Study Area was annexed to the City prior to the approval of the 2035 General Plan, and the City's 1988 General Plan was amended to assign the land use designation of Public/Quasi-Public to the corporation yard site and the site was pre-zoned as Light Industrial.

The 2035 General Plan Draft PEIR acknowledges the future annexation of the 58-acre Corporation Yard Site in the Project Description in Section 3.9 as set forth below:

> A single Special Study Area (for a future municipal corporation yard) was identified by the City that may be considered for annexation at some point in the future. The annexation of any of this Study Area would require the review of additional fiscal and service delivery implications on existing City service providers and ratepayers. A separate CEQA environmental review is currently being conducted for a proposed sphere of influence amendment (SOIA) to place the Special Study Area within the

City's sphere of influence. Should the sphere of influence amendment be approved b Sacramento LAFCo, the City would pursue future actions to apply pre-zoning and land use designations to the land. This would occur in conjunction with a General Plan Amendment. Sacramento LAFCo policies discourage concurrent SOI Amendment and Annexation. The City would work with LAFCo to amend the SOI and annex the area in close sequence. LAFCo would be the lead agency for environmental review relating to a SOI Amendment.

Although no specific design has been prepared for the proposed corporation yard, initial programming of the site has been initiated. Based on this programming, the 58-acre site could accommodate approximately 36 acres for the future corporation yard, 16 acres for South East Connector right-of-way, and 5 acres to realign Scott Road. In addition, a 0.8-acre easement could be included in the project but not in the SOIA/annexation area to provide access to Prairie City SVRA once the SouthEast Connector removes the current access. Additionally, the City anticipates that it would realign Scott Road to connect to Prairie City Road to permit the abandonment of Scott Road from north of the realignment to White Rock Road.

Because the Special Study Area had not yet been annexed to the City or included in the City's 1988 General Plan at the time of preparation of the 2035 Draft and Final PEIRs, the PEIR did not evaluate the potential effects of future urban development on the 58 acres of the corporation yard site.

To ensure that the 2035 General Plan PEIR comprehensively evaluates all areas of the City within which future development might occur, this Addendum amends the Draft PEIR to incorporate the 58-acre corporation yard site within the scope of the PEIR's analysis. Inclusion of the corporation yard results in minor modifications to the following chapters of the Draft PEIR as shown in Appendix B of the Addendum attached to this report.

3. Project Description
5. Introduction to the Environmental Analysis
7. Agriculture and Forestry Resources.

This Addendum evaluates whether inclusion of the corporation yard site into the 2035 General Plan PEIR's evaluation would change any of the environmental conclusions of the PEIR. This assessment was accomplished by comparing the environmental conclusions of the Folsom Corporation Yard SOIA/Annexation EIR with those of the 2035 General Plan PEIR. This analysis is presented in tabular form in Appendix C of the Addendum attached to this report.

As shown in Appendix C, for almost all potential impacts the environmental conclusions, the two EIRs are similar. In other cases, the Folsom Corporation Yard SOIA/Annexation EIR concluded that the impacts of a particular environmental topic were of less magnitude or significance than those identified in the 2035 General Plan PEIR. For both categories of impacts, the City has determined that inclusion of the 58-acre area into the 2035 General Plan PEIR would not change any of the PEIR's conclusions regarding the magnitude or significance of impacts, and that no new or modified mitigation would be necessary. Therefore, other than the inclusion of the 58 acres within the analysis, no changes in the 2035 General Plan or its circumstances have occurred since certification of the 2035 General Plan by the City, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the PEIR or modify or add mitigation measures to the PEIR. For these impact areas, none of the conditions cited in State CEQA Guidelines Section 15162 (a) would be met that would require the preparation of a Subsequent EIR.

ENVIRONMENTAL REVIEW

This Addendum to the 2035 General Plan FPEIR evaluates an update of the Folsom Tree Preservation Ordinance (TPOU). The document analyzes the effects of revising the existing Tree Preservation Ordinance (Folsom Municipal Code Chapter 12.16) to update and modify permit requirements, impose standard management and preservation conditions, and focus the TPOU on the preservation of existing trees. Additionally, this Addendum amends the certified FPEIR to incorporate a 58-acre area into the analysis that had not previously been assessed by the PEIR.

On the basis of information found in this environmental study, the City finds that none of the circumstances described in Section 15162 (a) (1), (2), or (3) of the CEQA Guidelines exist, and that there will not be a significant effect on the environment because the mitigation measures imposed with the certified 2035 General Plan Final FPEIR have either already been implemented, or will be implemented via future City actions to reduce impacts to a less-than-significant level. In the case of any unmitigated significant impacts previously identified in the certified FPEIR, these have been identified in the Statement of Findings and Overriding Considerations that was adopted during certification of the FPEIR (Resolution 10147) that applies to the Folsom General Plan 2035 project as a whole. The information in the environmental study (Addendum) supports the determination that the revisions to the Folsom Municipal Code Chapters 12.16.010 through 12.16.230 (Tree Preservation Ordinance Update) are within the scope of the previously certified FPEIR.

ATTACHMENTS

1. Resolution No. 10378 – A Resolution Approving and Certifying an Addendum to the Environmental Impact Report for the Folsom General Plan 2035 for the Folsom Tree Preservation Ordinance Update and the 58-Acre Corporation Yard Site.

2. Addendum to the Final Environmental Impact Report for the Folsom General Plan 2035

RECOMMENDATION /CITY COUNCIL ACTION

Staff respectfully requests that the City Council adopt Resolution No. 10378 - A Resolution Approving and Certifying an Addendum to the Environmental Impact Report for the Folsom General Plan 2035 for the Folsom Tree Preservation Ordinance Update and the 58-Acre Corporation Yard Site

Submitted,

PAM JOHNS
Community Development Director

Attachment 1

Resolution No. 10378 – A Resolution Approving and Certifying an Addendum to the Environmental Impact Report for the Folsom General Plan 2035 for the Folsom Tree Preservation Ordinance Update and the 58-Acre Corporation Yard Site

RESOLUTION NO. 10378

A RESOLUTION APPROVING AND CERTIFYING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE FOLSOM GENERAL PLAN 2035 FOR THE FOLSOM TREE PRESERVATION ORDINANCE UPDATE AND THE 58-ACRE CORPORATION YARD SITE

WHEREAS, on August 28, 2018 the City Council certified the Final Program Environmental Impact Report (FPEIR), adopted Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, and approved the 2035 General Plan; and

WHEREAS, the 2035 General Plan establishes goals and policies relative to tree preservation and identifies an implementation action to update the current Tree Preservation Ordinance originally adopted in 1995; and

WHEREAS, staff has prepared an update to the Tree Preservation Ordinance relative to permit requirements, standard management and preservation conditions, and preservation of existing trees; and

WHEREAS, the staff conducted public outreach and the City Council conducted a public workshop on the Tree Preservation Ordinance update to discuss proposed changes and solicit public feedback; and

WHEREAS, an Environmental Checklist and Addendum to the 2035 General Plan Final Program Environmental Impact Report (FPEIR) has been prepared for the Tree Preservation Ordinance Update in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, during the preparation of (but prior to adoption of) the 2035 General Plan FPEIR, the City annexed a 58-acre parcel into the City south of White Rock Road and west of Stonehouse Road, is to be used for the future site of the City's Corporation Yard; and

WHEREAS, the City Council approved annexation of the 58-acre Corporation Yard site in June 2018, including an amendment of the 1988 General Plan with a designation of Public/Quasi-Public and the pre-zoning designation of the site as Light Industrial; and

WHEREAS, the 2035 General Plan Draft PEIR acknowledges the future annexation of the 58-acre Corporation Yard Site in the Project Description, but did not evaluate potential effects of future development; and

WHEREAS, an Addendum to the 2035 General Plan Final Program Environmental Impact Report (FPEIR) has been prepared for the 58-acre Corporation Yard Site resulting in minor modifications to the Project Description, Introduction to the Environmental Analysis, and Agriculture and Forestry Resources in accordance with the California Environmental Quality Act (CEQA).

WHEREAS, notice has been given at the time and in the manner required by State Law and City Code; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the City Adopt the Addendum to the Folsom General Plan 2035 for the Folsom Tree Preservation Ordinance Update and the 58-Acre Corporation Yard Site with the following findings:

GENERAL FINDINGS

A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.

B. THE PROJECT IS CONSISTENT WITH THE 2035 GENERAL PLAN.

CEQA FINDINGS

C. A FINAL ENVIRONMENTAL IMPACT REPORT WAS PREVIOUSLY CERTIFIED FOR THE 2035 GENERAL PLAN IN ACCORDANCE WITH CEQA.

D. AN ADDENDUM TO THE FOLSOM GENERAL PLAN 2035 FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE TREE PRESERVATION ORDINANCE UPDATE IN ACCORDANCE WITH CEQA.

E. AN ADDENDUM TO THE FOLSOM GENERAL PLAN 2035 FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE 58-ACRE CORPORATION YARD SITE IN ACCORDANCE WITH CEQA.

F. THE CITY COUNCIL HAS REVIEWED AND CONSIDERED THE ADDENDUM TO THE FINAL EIR BEFORE MAKING A DECISION REGARDING THE PROJECT.

G. THE ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT REFLECTS THE INDEPENDENT JUDGEMENT AND ANALYSIS OF THE CITY OF FOLSOM.

H. NONE OF THE CONDITIONS DESCRIBED IN SECTION 15162 OF THE CEQA GUIDELINES CALLING FOR THE PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT HAVE OCCURRED.

PASSED AND ADOPTED on this 14th day of January 2020, by the following roll-call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

ATTEST:

Sarah Aquino, MAYOR

Christa Freemantle, CITY CLERK

Attachment 2

Addendum to the Final Environmental Impact Report for the Folsom General Plan 2035

FOLSOM
GENERAL PLAN
2035

Addendum to the Final Program Environmental Impact Report

January 2020

ADDENDUM TO THE FINAL

ENVIRONMENTAL IMPACT REPORT

FOR THE

FOLSOM GENERAL PLAN 2035

CITY OF FOLSOM
DEPARTMENT OF COMMUNITY DEVELOPMENT
50 Natoma Street
Folsom, CA 95630

Prepared with the Technical Assistance of:

environmental PLANNING PARTNERS, INC.
2934 Gold Pan Court, Suite 3
Rancho Cordova, CA 95670

SCH # 2017082054
January 2020

ADDENDUM TO THE FOLSOM GENERAL PLAN 2035 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE FOLSOM TREE PRESERVATION ORDINANCE UPDATE

JANUARY 14, 2020
STATE CLEARINGHOUSE NO. 2017082054

PROJECT NAME:	Update of the Folsom Tree Preservation Ordinance – FMC Chapter 12.16	
SITE ADDRESS:	City limits of the City of Folsom	APN: Various
APPLICANT:	City of Folsom Community Development Department Planning Services 50 Natoma Street Folsom, CA 95630	PHONE: (916) 461-6200
PROPERTY OWNER:	Various	Previous Certified EIR: General Plan 2035 FPEIR (State Clearinghouse No. 2017082054)

BACKGROUND AND ACTION TRIGGERING THE ADDENDUM

This Addendum to the Final Program Environmental Impact Report (Final PEIR or FPEIR) for the Folsom General Plan 2035 (2035 General Plan) project evaluates an update of the Folsom Tree Preservation Ordinance (TPOU). The document analyzes the effects of revising the existing Tree Preservation Ordinance (Folsom Municipal Code Chapter 12.16) to update and modify permit requirements, impose standard management and preservation conditions, and focus the TPOU on the preservation of existing trees. Additionally, this Addendum amends the certified FPEIR to incorporate a 58-acre area into the analysis that had not previously been assessed by the PEIR.

As the lead agency under the California Environmental Quality Act (CEQA), the City of Folsom (City) has determined that, in accordance with Section 15164 of the State CEQA Guidelines, the addition of 58-acres to the area assessed in the FPEIR has the potential to modify the certified PEIR's environmental conclusions. The City has also determined that the proposed TPOU differs from the current Ordinance as described and used in assessment of potential impacts in the Final PEIR for the adopted Folsom General Plan 2035. These factors are sufficient to warrant preparation of an addendum.

PREVIOUS ENVIRONMENTAL ANALYSES

The environmental process for the Folsom General Plan 2035 involved the preparation of the following documents that are relevant to the consideration of the proposed amendment to the TPOU.

- Notice of Preparation of a Draft Program EIR for the Folsom General Plan 2035, August 2017;
- Draft Program EIR for the Folsom General Plan 2035, including all Appendices, March 2018;

- Final Program EIR for the Folsom General Plan 2035, May 2018;
- CEQA Findings of Fact and Statement of Overriding Considerations for the Folsom General Plan 2035 Program EIR, May 2018;
- Mitigation Monitoring and Reporting Program for the Folsom General Plan 2035, May 2018; and
- Notice of Determination for the Folsom General Plan 2035 Program EIR, August 2018.

CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES REGARDING AN ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT

Altered conditions, changes, or additions to the description of a project that occur after certification of an EIR may require additional analysis under CEQA. The legal principles that guide decisions regarding whether additional environmental documentation is required are provided in the State CEQA Guidelines, which establish three mechanisms to address these changes: a Subsequent Environmental Impact Report, a Supplement to an EIR, and an Addendum to an EIR.

Section 15162 of the State CEQA Guidelines describes the conditions under which a Subsequent EIR would be prepared. In summary, when an EIR has been certified for a project, no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the State CEQA Guidelines states that a lead agency may choose to prepare a Supplement to an EIR, rather than a Subsequent EIR, if:

(1) any of the conditions described above for Section 15162 would require the preparation of a Supplemental EIR; and,
(2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with California Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

Based on the analysis contained within this document, preparation of a Subsequent or Supplemental EIR is not warranted because none of the conditions described in State CEQA Guidelines Sections 15162 or 15163 are present. Rather, based on the conclusions of the analysis contained in this document pursuant to State CEQA Guidelines Section 15064(e), the City has determined that the preparation of an Addendum to the FPEIR is adequate and correct.

This Addendum is intended to update the FPEIR, and evaluate and confirm CEQA compliance for the proposed TPOU.

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Appendix A Text of Tree Preservation Ordinance Update Compared to 1995 Tree Preservation Ordinance

Appendix B Amended 2035 General Plan Draft PEIR Chapters
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- B-3 Chapter 7, Agriculture and Forestry Resources

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR

Appendix D 2035 General Plan FPEIR – List of Adopted Mitigation Measures

CITY OF FOLSOM
COMMUNITY DEVELOPMENT DEPARTMENT
50 NATOMA STREET, FOLSOM, CALIFORNIA 95630

EVALUATION OF ENVIRONMENTAL SIGNIFICANCE

DETERMINATION

On the basis of information found in this environmental study, the City finds that none of the circumstances described in Section 15162 (a) (1), (2), or (3) of the California Environmental Quality Act (CEQA) Guidelines exist, and that there will not be a significant effect on the environment because the mitigation measures imposed with the certified 2035 General Plan Final FPEIR have either already been implemented, or will be implemented via future City actions to reduce impacts to a less-than-significant level. In the case of any unmitigated significant impacts previously identified in the certified FPEIR, these have been identified in the Statement of Findings and Overriding Considerations that was adopted during certification of the FPEIR (Resolution 10147) that applies to the Folsom General Plan 2035 (2035 General Plan) project as a whole. The information in this environmental study supports the determination that the revisions to the Folsom Municipal Code Chapters 12.16.010 through 12.16.230 (Tree Preservation Ordinance Update) are within the scope of the previously certified FPEIR.

A Notice of Addendum to the FPEIR and Public Hearing Notice will be prepared and posted 4 days prior to any action by the City Council regarding this project.

DE MINIMIS IMPACT FINDING

Staff finds that there is no evidence before the City that the proposed project causes adverse effects on wildlife resources, or the habitat upon which wildlife depends, which have not already been 1) considered, analyzed, and mitigated in the FPEIR for the Folsom 2035 General Plan, or 2) addressed in the Statement of Findings and Overriding Considerations. Both documents were adopted for the project. Fish and Game fees were paid for the entire project at the time the Notice of Determination was filed for the FPEIR. On the basis of substantial evidence, the presumption of any additional adverse effect not already addressed in the FPEIR is rebutted. A Certificate of Fee Exemption will be completed and filed with the Notice of Determination for the project.

Prepared by: _____ Date: 12/30/19

Pam Johns
Community Development Director
City of Folsom Community Development Department
50 Natoma Street, Folsom, California 95630
(916) 461-6202

All referenced documentation is available for Public Review during standard business hours at the City of Folsom Community Development Department, 50 Natoma Street, Folsom, California 95630.

1. Introduction and Background

This environmental study has been prepared to evaluate the Tree Preservation Ordinance Update project and its potential environmental effects in order to determine whether, and to what extent, the prior FPEIR is still sufficient to address project impacts.

Location and Setting

The City of Folsom is located in northeastern Sacramento County in California's Sacramento Valley (see Figure 1). The city limits are largely defined by county borders, physical features, and major roads and highways. Folsom immediately borders the Sacramento/Placer and Sacramento/El Dorado county lines on its northern and eastern edges. The City is located along the western edge of the Sierra Nevada foothills. The surrounding area to the east of the city includes residences, commercial uses, and rolling hills at varying elevations. To the west is the substantially urbanized Sacramento metropolitan area.

2. 2035 General Plan and Program Environmental Impact Report

On August 28, 2018 the Folsom City Council approved the 2035 General Plan. The 2035 General Plan consisted of a comprehensive update of the City's 1988 General Plan, including the continuation of many existing policies of the 1988 Plan, the modifications of others, and the addition of new policies. As adopted, the 2035 General Plan included all actions necessary to fully update the 1988 Folsom General Plan.

The boundary within which the General Plan established land uses and policies (the Planning Area) included the entire city limits north of White Rock Road, encompassing an area of 17,303 acres[1] (See Figure 2.)

Program Environmental Impact Report

Section 15378 (a) of the State CEQA Guidelines defines a "project" to mean the whole of an action, which has a potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The 2035 General Plan was defined to include all actions necessary to provide a comprehensive update of the existing City of Folsom General Plan (adopted in 1988). The purpose of the 2035 General Plan was to revise and replace the 1988 General Plan, including all of the elements[2], the Land Use and Circulation Diagrams, and other existing goals, policies, and implementation plans as needed to reflect current law and the changing matters of public interest and concern.

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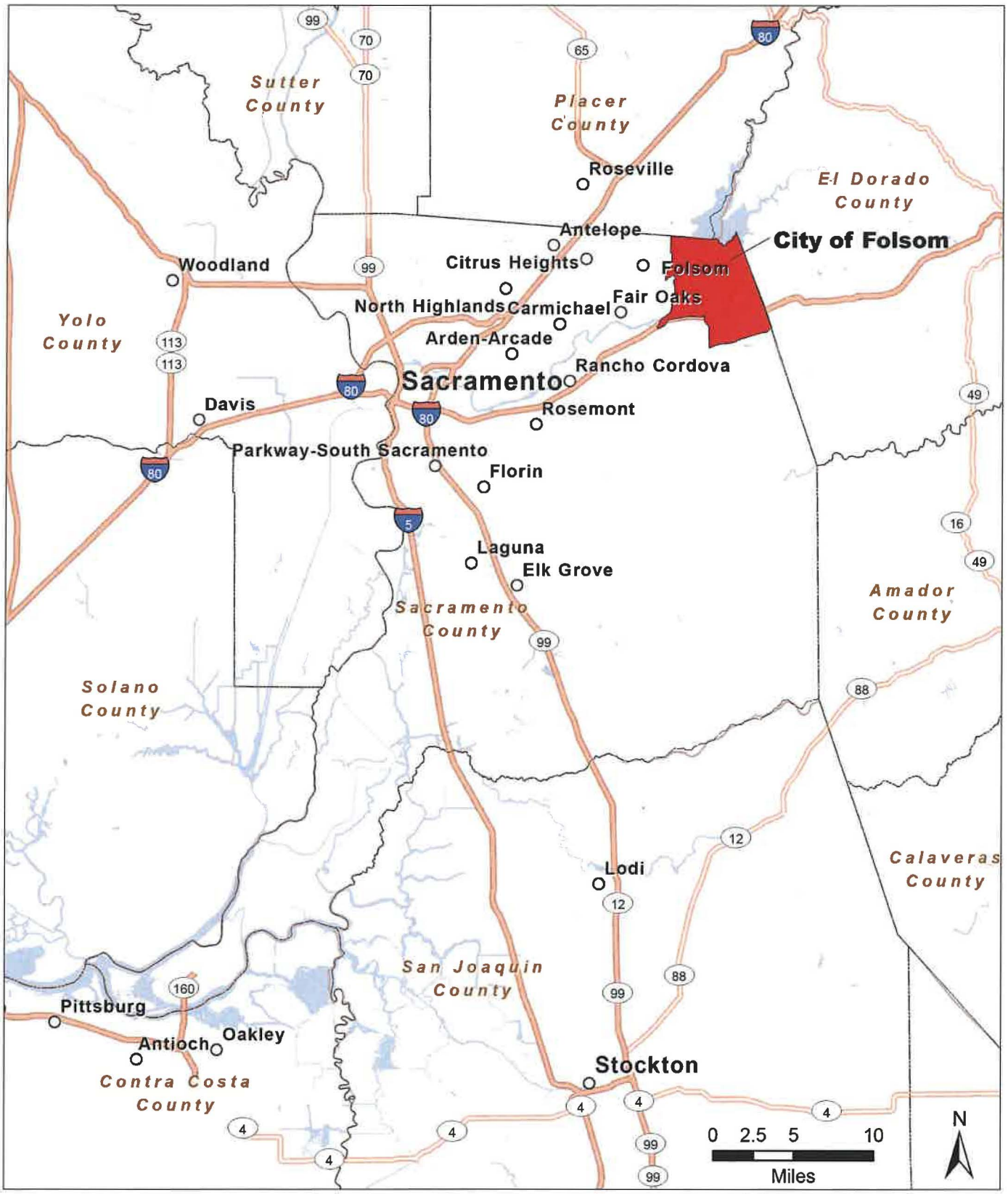
1 The 2035 General Plan Planning Area additionally included 5,600 acres south of White Rock Road, outside of the City's boundaries. No land uses or General Plan policies other than those related to a relocation of the City's Corporation Yard were set forth in the 2035 General Plan. For these reasons, the 2035 General Plan PEIR did not comprehensively assess environmental effects for the 5,600-acre area. For additional information regarding the area of the PEIR's analysis, see Section 5.5.1 of Chapter 5, *Introduction of the Environmental Analysis*, of the Draft PEIR. The proposed Tree Preservation Ordinance Update would apply only to the area within the City limits and not to unincorporated areas south of White Rock Road.

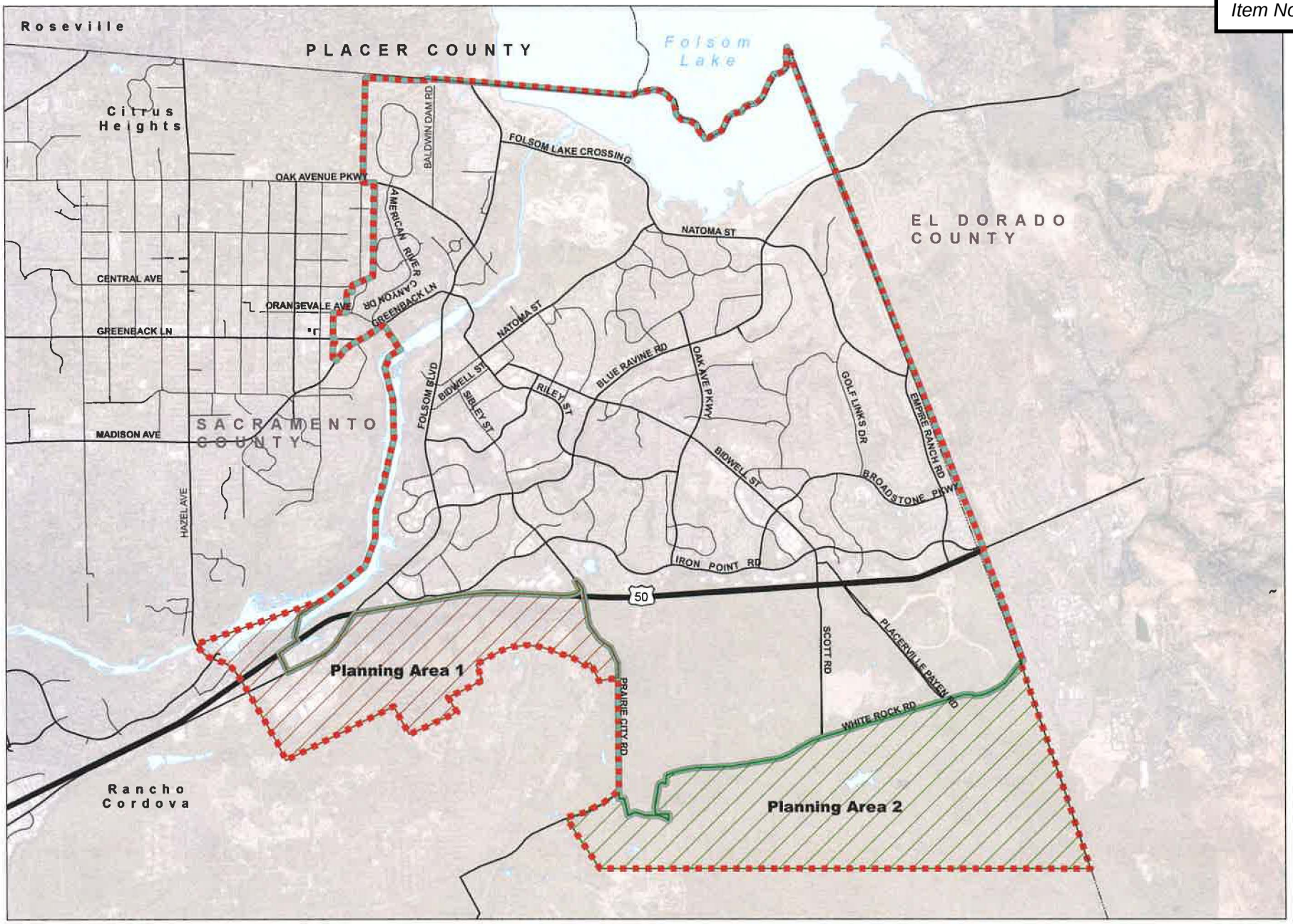
2 Except for the Housing Element, which had already been revised and adopted in 2013 as a separate project in accordance with state requirements.



Folsom Tree Protection Ordinance Project

SOURCE: StreetMaps 2016; Planning Partners 2019

Figure 1
Regional Location



Folsom Tree Protection Ordinance Project

SOURCE: City of Folsom 2019; Planning Partners 2019

Figure 2

Amended 2035 General Plan Boun

The plan also integrated new planning concepts endorsed by the Folsom City Council, and translated the updated goals and policies into implementation programs (such as amendments to the City's municipal code, zoning ordinance, and subdivision regulations) to assure that the City's vision is implemented. Pursuant to State CEQA Guidelines Section 15378, the 2035 General Plan was classified by the City as a project subject to CEQA.

To comply with CEQA, the City prepared a Program EIR (PEIR) for the 2035 General Plan that evaluated the environmental impacts associated with development of that portion of the Planning Area within the City limits based on the land use designations and policies identified in the 2035 General Plan. The PEIR prepared for the Folsom General Plan 2035 and certified on August 28, 2018 analyzed the environmental impacts of adopting the 2035 General Plan, and all actions necessary to implement the adopted General Plan. These actions included revisions to the Folsom Municiapal Code, such as the Tree Preservation Ordinance, necessary to ensure compliance with General Plan goals and policies.

The PEIR was prepared at the program "first-tier" level of environmental review consistent with the requirements of CEQA Sections 15152 and 15168. The program-level analysis considered the broad environmental impacts of adopting and implementing the overall 2035 General Plan. The PEIR acknowledged that development of the Planning Area would occur in multiple phases. As projects and programs are proposed that result in implementation of the 2035 General Plan, such as the Tree Preservation Ordinance Update, they are evaluated to determine whether the proposed entitlements/actions fall within the scope of the certified FPEIR, and whether they incorporate all applicable performance standards and mitigation measures identified therein. Should the subsequent projects or implementation programs not be consistent with the approved 2035 General Plan, additional environmental review through the subsequent review provisions of CEQA for changes to previously reviewed and approved projects may be warranted (CEQA Guidelines Sections 15162 through 15164).

History and Contents of the 2035 General Plan Program EIR

In February 2010 the Folsom City Council authorized the initiation of an update to the 1988 City of Folsom General Plan (in a document to be identified as the Folsom General Plan 2035) and preparation of a PEIR to evaluate the environmental consequences of approving the proposed 2035 General Plan.

On August 18, 2017, the City of Folsom issued a Notice of Preparation (NOP) for the PEIR. The NOP and Project Description were circulated until September 18, 2017 to the public, state and local agencies, and other interested parties to solicit comments on the 2035 General Plan and environmental issues to be addressed in the PEIR. Concurrrently, the City held a scoping meeting for the Draft PEIR consistent with State CEQA Guidelines Section 15082(c). The NOP, and subsequent comments on the NOP, identified the following issues to be evaluated in the PEIR:

Environmental Topic	Draft PEIR Chapter Where Evaluated
Aesthetics/Visual Resources	Chapter 6, Aesthetics and Visual Resources
Agriculture/Forestry	Chapter 7, Agricultural and Forestry Resources
Air Quality	Chapter 8, Air Resources
Biological Resources	Chapter 9, Biological Resources
Cultural Resources	Chapter 10, Historical and Cultural Resources
Geology, Soils, and Minerals	Chapter 11, Geology, Soils, and Mineral Resources
Global Climate Change	Chapter 12, Global Climate Change
Hazards and Hazardous Materials	Chapter 13, Hazards and Hazardous Materials
Hydrology and Water Resources	Chapter 14, Hydrology and Water Quality
Noise	Chapter 15, Noise
Public Services and Recreation	Chapter 16, Public Services and Recreation
Transportation/Circulation	Chapter 17, Transportation
Tribal Cultural Resources	Chapter 18, Tribal Cultural Resources
Utilities and Service Systems	Chapter 19, Utilities and Service Systems
Alternatives	Chapter 20, Alternatives Analysis
Cumulative Impacts	Chapter 21, Other CEQA Considerations
Growth Inducement and other CEQA topics	Chapter 4, Land Use, Population, and Housing Chapter 20, Alternatives Analysis Chapter 21, Other CEQA Considerations

In addition, responses received from public agencies and the public during circulation of the NOP raised specific concerns as noted below. Each concern is followed by a notation of the Draft PEIR section where the topic of the comment was addressed.

- Consistency of the 2035 General Plan with the adopted plans of other land management agencies (Draft PEIR Chapter 4, *Land Use, Population, and Housing*, Chapter 16, *Public Services and Recreation*, and Chapter 20, *Alternatives Analysis*)
- Vehicle traffic (Draft PEIR Chapter 17, *Transportation and Circulation*)
- Flood hazards and offsite drainage (Draft PEIR Chapter 14, *Hydrology and Water Quality*)
- Growth inducement (Draft PEIR Chapter Chapter 4, *Land Use, Population, and Housing*, Chapter 20, *Alternatives Analysis*, and Chapter 21, *Other CEQA Considerations*)
- Public utilities (Draft PEIR Chapter 19, *Utilities and Service Systems*)
- Residential quality of life (Draft PEIR Chapter 6, *Aesthetics and Visual Quality*, Chapter 8, *Air Resources*, Chapter 15, *Noise and Vibration*, and Chapter 17, *Transportation and Circulation*)
- Climate change (Draft PEIR Chapter 12, *Global Climate Change*)
- Biological Resources (Draft PEIR Chapter 9, *Biological Resources*)

The Draft PEIR for the City of Folsom 2035 General Plan project was circulated locally and with the State Clearinghouse for 45-day period from March 7, 2018 to April 20, 2018. Public review copies of the Draft PEIR and its appendices were made available to the public at the City of Folsom Community Development Department and on the City's General Plan website. The City accepted written comments on the Draft PEIR during this period. During circulation of the Draft PEIR, City of Folsom received nine comments on the Draft PEIR and/or the draft 2035 General Plan.

Subsequent to the receipt of comments on the Draft PEIR, the City prepared a FPEIR that responded to all comments related to environmental issues received on the Draft PEIR. As required

by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR were provided at least 10 days to review the proposed responses prior to the date or consideration of the FPEIR for certification. The FPEIR, which incorporated all of the environmental analyses contained in the Draft PEIR (as modified in response to comments) was circulated to commenting agencies and made available to the public in May 2018.

Consistent with the requirements of Section 15132 of the CEQA Guidelines, the FPEIR was comprised of:

- The Draft PEIR published on March 7, 2018 (incorporated by reference);
- A list of persons, organizations, and public agencies commenting on the Draft PEIR (FPEIR Chapter 3);
- Comments received on the Draft PEIR (FPEIR Chapter 3);
- The responses of the City of Folsom Department of Community Development to significant environmental issues raised in the review and consultation process (FPEIR Chapter 3); and,
- Modifications to the Draft PEIR arising from the City's response to comments received on the Draft PEIR (Chapter 4).

The PEIR and the proposed 2035 General Plan were reviewed by the Planning Commission in a public hearing held on June 6, 2018. At this hearing, the Planning Commission recommended the City Council certify the FPEIR and adopt the 2035 General Plan project as modified in the FPEIR. Subsequent to the Planning Commission hearing, the City Council reviewed the FPEIR, the proposed 2035 General Plan, and the recommendation of the Planning Commission at a noticed public hearing on July 10, 2018. The Council continued the public hearing until August 28, 2018. At this hearing, the Council certified the FPEIR, adopted Findings of Fact, a Statement of Overriding Considerations, and a Mititgation Monitoring and Reporting Program, and approved the 2035 General Plan.

FEIR FINDINGS AND OVERRIDING CONSIDERATIONS

The Statement of Findings and Overriding Considerations that was adopted August 28, 2018 by the City in its consideration of the certified FPEIR for the 2035 General Plan disclosed the following significant adverse impacts of the project for which adequate mitigation was uncertain.

- Impact AES-1: Adverse effect on a scenic vista or substantially degrade the scenic character (Draft PEIR, pps. 6-8 to 6-11)
- Impact AES-2: Damage to scenic resources within a scenic corridor (Draft PEIR, pps. 6-11 to 6-13)
- Impact AES-3: Create new source of light or glare that would adversely affect day or nighttime views (Draft PEIR, pps. 6-14 to 6-17)
- Impact AG-1: Potential conflicts with existing agricultural operations and Williamson Act Contracts adjacent to the 2035 Plan Evaluation Area (Draft PEIR, pps. 7-6 to 7-7)
- Impact AQ-2: Increase in operational emissions of criteria air pollutants and precursors associated with 2035 General Plan buildout that could contribute to a violation of air quality standards (Draft PEIR, pps. 8-25 to 8-30)
- Impact AQ-5: Increase in health risks associated with exposure of sensitive receptors to emissions of toxic air contaminants (Draft PEIR, pps. 8-34 to 8-38).
- Impact AQ-6: Increase in exposure of sensitive receptors to emissions of odors (Draft PEIR, pps. 8-38 to 8-41).

- Impact BIO-1: Have a substantial adverse effect on special-status species (Draft PEIR, pps. 9-27 to 9-34)
- Impact BIO-3: Have a substantial adverse effect on federally protected wetlands (Draft PEIR, pps. 9-39 to 9-43)
- Impact CUL-1:Cause a substantial adverse change in the significance of a historical resource (Draft PEIR, pps. 10-19 to 10-22; Final PEIR, pps. 4-4 to 4-5)
- Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource (Draft PEIR, pps. 10-23 to 10-26; Final PEIR, pps. 4-4 to 4-5)
- Impact GEO-4: Result in the loss of availability of a locally-important mineral resource recovery site (Draft PEIR, pps. 11-19 to 11-21)
- Impact GHG-2:Potential to conflict with long-term statewide GHG emissions reduction goals for 2050 (Draft PEIR, pps. 12-33 to 12-38; Final PEIR, pps. 4-7 to 4-11)
- Impact N-1: Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project (Draft PEIR, pps. 15-37 to 15-41)
- Impact T-1: Traffic level of service on local intersections (Draft PEIR, pps. 17-49 to 17-51)
- Impact T-2: Traffic level of service on U.S. Highway 50 (Draft PEIR, pps. 17-52 to 17-53)
- Impact TCR-1: Interference with tribal cultural resources (Draft PEIR, pps. 18-6 to 18-8)
- Cumulative Impact: Aesthetics and Visual Resources (Draft PEIR, p. 21-4)
- Cumulative Impact: Agriculture and Forestry Resources (Draft PEIR, p. 21-5)
- Cumulative Impact: Air Resources (Draft PEIR, pps. 21-5 to 21-6)
- Cumulative Impact: Biological Resources (Draft PEIR, pps. 21-6 to 21-7)
- Cumulative Impact: Cultural Resources (Draft PEIR, p. 21-7)
- Cumulative Impact: Geology, Soils, and Mineral Resources (Draft PEIR, pps. 21-7 to 21-8)
- Cumulative Impact: Global Climate Change (Draft PEIR, p. 21-5)
- Cumulative Impact: Noise and Vibration (Draft PEIR, pps. 21-9 to 21-10)
- Cumulative Impact: Transportation and Circulation (Draft PEIR, pps. 21-10 to 21-11)
- Cumulative Impact: Tribal Cultural Resources (Draft PEIR, p. 21-11)

In adopting a Statement of Overriding Considerations with respect to the 2035 General Plan Final PEIR, the City provided documentation as to why the project's benefits overrode and outweighed its unavoidable impacts (P.R.C. Section 21081[b], Guidelines Section 15093 [a]). The following explanation is included in the Findings Document to the certified City of Folsom 2035 General Plan Final PEIR and applies to the update of the Folsom Tree Preservation Ordinance[3]. The City found that the Project would have specific economic, legal, social, technological, or other benefits as described below.

FRAMEWORK FOR ACHIEVING THE CITY'S VISION

The Project is a guide for both development and resource conservation for the City of Folsom through 2035. It contains the policy framework necessary to fulfill the City's vision for the future. The 2035 General Plan establishes and implements new goals and policies for the future physical development, urban service and amenity delivery, economy, and conservation of natural resources in Folsom. The General Plan "Guiding Principles" express

[3] The 2035 General Plan FPEIR Findings are hereby incorporated by reference as though fully set forth herein. The Findings are available for review during standard business hours at the Folsom Community Development Department, 50 Natoma Street, Folsom, California, or downloaded for review from the City's website.

the key values and aspirations for Folsom's future and act as guideposts for the goals, policies, and implementation measures contained within the General Plan that assure that the City's vision is implemented.

ENVIRONMENTAL PROTECTION

The 2035 General Plan does not meaningfully expand the developed area of the City of Folsom beyond that already planned in the City's adopted 1988 General Plan as amended. However, the 2035 General Plan includes a large number of new policies and programs that will have environmental benefits and will act to reduce potential environmental impacts. As demonstrated in the evaluation of Alternative 1, No Project, because of the resource protective policies and programs of the 2035 General Plan, implementation of the proposed Plan would result in a significant reduction in the number and magnitude of environmental effects that would occur in the future compared to the City's existing 1988 General Plan and its related regulations.

MEET STATE TARGETS FOR CLIMATE CHANGE

The 2035 General Plan provides a framework of strategies, measures, and supporting efforts to reduce GHG emissions consistent with the state's GHG reduction goals. Numerous policies within the 2035 General Plan address sustainable development, which influence operational mobile- and area-source emissions. Policies and Implementation Programs throughout the Land Use and Mobility elements promote reductions in vehicle miles traveled (VMT) through mix and density of land uses, walkable neighborhood design, bicycle facilities, public transportation facilities and infrastructure. The proposed 2035 General Plan, with implementation of mitigation measures, would contain a comprehensive strategy that achieves a communitywide GHG emission reduction target consistent with State targets (i.e., 40 percent below 1990 levels by 2030), and sets the City on course towards achieving ongoing GHG emission reductions in the future through the year 2050.

CONSISTENCY WITH THE METROPOLITAN TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY STANDARDS AND BLUEPRINT

Comparing the 2035 General Plan forecasts with those prepared by SACOG indicates that the number of residences, population, and employees that in all cases, implementation of the 2035 General Plan would be consistent with, or slightly below regional forecasts for Folsom. Thus, implementation of the 2035 General Plan would not induce growth or development beyond that identified for the region. Therefore, the 2035 General Plan is determined to be consistent with the land use assumptions of SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Blueprint. The 2016 MTP/SCS plans for the future by including roads and transit projects where new houses and jobs are added to serve existing residents and new residents anticipated to move here over the next few decades. The proposed 2035 General Plan has been designed to reflect the MTP/SCS Blueprint principles that mitigate potential traffic-related impacts to the environment. The 2035 General Plan includes policies the recognize the linkages between transportation, land use, and air quality by intensifying growth around light rail and prioritizing alternative modes of travel, ultimately resulting in reductions in air emissions and greenhouse gas emissions.

ENHANCE NATURAL RESOURCES FOR FOLSOM RESIDENTS

The 2035 General Plan includes policies and implementation programs designed to enhance recreation resources available to City residents. These include improving existing recreation facilities and community resources, in addition to providing connections to natural parkways and other open space resources. General Plan policies include coordination and cooperation with state and federal park agencies to manage, preserve, and enhance area resources.

CEQA required that the City balance the benefits of the 2035 General Plan project against its unavoidable environmental risks when they approved the Folsom 2035 General Plan. For the reasons set forth above, the City found that the ability of the 2035 General Plan to implement the City's vision and the region's transportation and urban development goals, meet state climate change targets, and increase environmental protection under the proposed project outweighed its environmental impacts.

3. TREE PRESERVATION ORDINANCE UPDATE

PROJECT DESCRIPTION

The City proposes to repeal Folsom Municipal Code Chapter 12.16 (the 1995 Tree Preservation Ordinance or 1995 TPO) adopted in 1995. Upon repeal, the City proposes to replace the 1995 TPO with a revised and updated Chapter 12.16 consisting of Sections 12.16.010 through 12.16.230 (collectively known as the "Updated Tree Preservation Ordinance" or TPOU).

The TPOU project is an implementation measure of the larger City of Folsom 2035 General Plan. The FPEIR prepared for the 2035 General Plan analyzed the comprehensive range of environmental impacts of implementing the 2035 General Plan, including an update of the Tree Preservation Ordinance to be consistent with the goals and policies set forth in the 2035 General Plan. As part of the City's effort to maintain consistency between the Tree Preservation Ordinance and the adopted 2035 General Plan, the the City is proposing the revision of the 1995 TPO.

PROPOSED TREE PRESERVATION ORDINANCE

As stated by the City in Section 12.16.010 of the TPOU, the City's intent in proposing to amend the existing Tree Preservation Ordinance is to:

A. **Purpose**. Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, protection from heat and ultra-violet radiation, energy savings, reduced Heat Island effect, habitat for wildlife, carbon sequestration, and improvement of property values. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of the City's Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the City Council finds it necessary to establish standards and measures for the preservation of trees.

B. **Intent.** The provisions of this Chapter are enacted to:

1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values.
2. Promote conservation of tree resources and long-term sustainability.
3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices.
4. Protect the visual and aesthetic character of the City.
5. Implement the conservation goals of the General Plan.
6. Establish procedures for the City to administer this tree preservation ordinance.

As proposed, the requirements of the TPOU would apply citywide to all parties other than the City itself. The TPOU would consist of the following sections:

12.16.010	Purpose and Intent
12.16.020	Definitions
12.16.030	Applicability
12.16.040	Prohibited Activities
12.16.050	Permit Required
12.16.060	Application Requirements
12.16.070	Approving Authority
12.16.080	Findings for Approval
12.16.090	Notice of Decision
12.16.100	Appeals
12.16.110	Effective Date and Permit Expiration
12.16.120	Regulated Activity Authorized by Permit
12.16.130	Conditions of Approval
12.16.140	Tree Protection and Mitigation Plan Requirements
12.16.150	Mitigation Requirements
12.16.160	Tree Planting and Replacement Fund
12.16.170	Landmark Designation
12.16.180	Maintenance
12.16.190	Street Tree Planting
12.16.200	Parking Lot Shading Tree Planting
12.16.210	Solar Shade Control Act Exemption
12.16.230	Violations, Enforcement, and Penalties

The following summary outlines major changes in the Tree Preservation Ordinance as proposed by the City. The related sections in the proposed TPOU are included in parentheses. A side-by-side comparison between the complete text of the existing 1995 TPO and the TPOU is set forth in Appendix A to this Addendum.

- **Permits.** Two different permits depending on type of work (Tree Work Permit and Tree Removal Permit) instead of just one Tree Permit (Sections 12.16.020 and 12.16.050).
  - ✧ Reason for Change: Allows staff to develop standard conditions for each type of permit since each permit involves different types of tree work.

- **Protected Tree.** Broadens definition to include parking lot shading trees and trees required as mitigation (Section 12.16.020).
  - Reason for Change: Ensures that parking lot shading trees and trees planted as mitigation are not damaged or removed without City review and mitigation.
- **Heritage Tree.** Definition expanded to include all large trees over 30 inches (Section 12.16.020).
  - Reason for Change: Expands protection to larger trees that have the greatest benefits in terms of shading, health, sustainability, etc.
- **Tree Protection Zone.** Better defines and expands area of protection (Section 12. 16.020).
  - Reason for Change: Current ordinance does not correctly define this area. It refers to the dripline which is not the same. This provides a clear definition with illustrations.
- **Findings.** Requires applicants to meet findings before Tree Work Permit or Tree Removal Permit issuance (Section 12.16.090).
  - Reason for Change: Not clear in current ordinance under what conditions the applicant could remove a tree or work within the Tree Protection Zone. New ordinance states the findings that staff must make when granting a permit.
- **Standard Conditions.** Identifies standard conditions of approval for each permit type (Section 12.16.130)
  - Reason for Change: Current ordinance does not have standard conditions. These are provided to let the applicant know in advance the typical conditions that will be part of their project. These include such things as monitoring by a certified arborist, best practices for tree work, and, in some cases, preparation of a Tree Protection and Mitigation Plan.
- **Tree Care and Maintenance Standards.** Uses industry standards for tree care and maintenance.
  - Reason for Change: Current ordinance has no standards for maintenance. This establishes best practices for tree care and maintenance based on those standards established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI).
- **Tree Protection and Mitigation Plan.** Expands and clarifies requirement for the plan that focuses on minimizing impact on trees and tree removal only when necessary (Section 12.16.140).
  - Reason for Change: Rarely used in current ordinance because applicants typically paid the in-lieu fee as mitigation. Now plan must be prepared prior to any decision regarding mitigation (i.e., replanting, in-lieu fee payment or both).
- **Reasonable Alternative Measures.** Adds new concept to provide flexibility to encourage tree preservation rather than removal (Sections 12.16.020 and 12.16.080).
  - Reason for Change: Does not exist in current ordinance. Provides flexibility and incentives for applicant to preserve tree(s) on-site. Examples include use of root barriers, minor deviations from standard setbacks, etc.
- **Mitigation.** Focused on tree replacement and replanting rather than just in-lieu payment (Section 12.16.150). Allows Director to waive mitigation if tree must be removed because it is either dead or causing damage to buildings on the property.

- Reason for Change: Most applicants paid in-lieu fee rather than attempt to preserve tree. New strategy emphasizes preservation first then replanting and then in-lieu payment when preservation or replanting are not feasible.

- **Tree Replacement Ratio.** Establishes inch for inch replacement requirement except for residential street trees which is a one-to-one tree ratio (Section 12.16.150).
  - Reason for Change: Current ordinance has such a high replacement requirement that it encouraged applicants to pay the in-lieu fee rather than plant replacement trees. The new ordinance requires:
    - Planting of replacement trees on-site; and/or
    - If not feasible, then payment of in-lieu fee calculated based on a dollar amount for each inch at diameter at breast height of protected tree removed (to be established separately by City Council resolution); or
    - Other strategies as may be determined appropriate by the Director if it meets the intent of the ordinance.

- **Credits.** Provides mitigation credits for trees preserved on-site (Section 12.16.150).
  - Reason for Change: The current ordinance does not provide an incentive to preserve trees. With the new ordinance, applicants can receive mitigation credit for trees within the available buildable area of the parcel that remain on-site.

- **Trees in Building Footprint.** Reduces mitigation for trees located within proposed building footprint (Section 12.16.150).
  - Reason for Change: Current ordinance required one 15-gallon tree for every Protected Tree removed, but in practice a reduced mitigation in-lieu fee was paid instead. The new ordinance requires replanting and/or payment of an in-lieu fee, but those requirements are reduced by half for trees within the building envelope.

- **Tree Planting and Mitigation Fund.** Clarifies and, in a couple of instances, expands the allowable use of the funds to support tree planting and urban forestry efforts (Section 12.16.160).
  - Reason for Change: While this is included in both versions of the ordinance, the new ordinance clarifies the use of the funds including use for the development, staffing or implementation of an Urban Forestry program since this is a General Plan implementation program (refer to General Plan Program NCR-1: Urban forestry program). It also allows use of the funds for planting of trees on private property maintained by the City under the terms of a maintenance agreement with the property owner. The funds will be managed by the Community Development Department since the City Arborist resides in that department.

- **Exemption from Solar Shade Control Act.** The new ordinance would exempt the City from this State law so that homeowners are not forced to significantly prune, damage, or remove Protected Trees that may partially shade solar panels (Section 12.16.210).
  - Reason for Change: Though the Solar Shade Control Act was enacted in 1978, it was amended in 2008 long after adoption of the current Tree Preservation Ordinance. The amended law allows jurisdictions to exempt themselves from the law if they have a tree preservation ordinance or local solar shade ordinance. Sacramento, Rancho Cordova, Citrus Heights and Davis have all exempted themselves from the law.

2035 General Plan Policies Applicable to the Tree Preservation Ordinance Update

Among other goals, the proposed TPOU is undertaken by the City to ensure consistency between the Tree Preservation Ordinance and the 2035 General Plan adopted in August 2018. The 2035 General Plan is a comprehensive, long-range, general policy statement for the entire community. The primary objective of the 2030 General Plan is to provide new policy guidelines for future physical development and the conservation of natural resources in the City of Folsom. The goals and policies of the 2035 General Plan with respect to tree preservation, based upon regulatory requirements, the vision of the City established by community workshops, and the City's guiding principles as set forth in the 2035 General Plan, are as follows:

Land Use Element

LU 1.1.8 Preserve Natural Assets. Maintain the existing natural vegetation, landscape features, open space, and viewsheds in the design of new developments.

LU 1.1.10 Network of Open Space. Ensure designated open space is connected whenever feasible with the larger community and regional network of natural systems, recreational assets, and viewsheds.

LU 1.1.14 Promote Resiliency. Continue to collaborate with nonprofit organizations, neighborhoods groups, and other community organizations, as well as upstream, neighboring, and regional groups to effectively partner on and promote the issues relating to air quality, renewable energy systems, sustainable land use, adaptation, and the reduction of greenhouse gas (GHG) emissions.

LU 6.1.4 Open Space in Residential Developments. Require open space in each residential development except the following: developments located within a Specific Plan Area that has already dedicated open space, on multifamily parcels of less than 10 acres and, or parcels of less than 20 acres for single family uses surrounded by existing development. Open space includes parklands, common areas, landscaped areas, paths and trails, and plazas. Open space does not include areas devoted to vehicle parking, streets, and landscaped streetscapes. To achieve the open space guidelines, a developer may be allowed to group the homes at smaller lot sizes around shared open space features, as long as the average gross density does not increase.

LU 7.1.1 Standards for Commercial Uses. Require new commercial uses to be subject to design and parking standards for:

2. Landscaping or parking areas;

LU 7.1.5 Open Space. Require all commercial development and commercial portions of mixed-use development to contain at least 10 percent of land area in natural, improved, or functional open space, exclusive of roadways and parking lots. Developments in mixed-use designations in the FPASP shall provide at least five percent of land area in natural, improved, or functional open space, exclusive of roadways and parking lots.

LU 9.1.6 Community Beautification. Encourage the landscaping of public rights-of-way and planting of street trees to beautify Folsom consistent with water-wise policies.

Natural and Cultural Resources Element

NCR 1.1.8 Planting in New Development. Require the planting of street trees, parking lot canopy trees, screening trees, and other amenity trees and landscaping in all new development, consistent with City landscaping development guidelines, to minimize the heat island effect. Planting strips must be large enough to accommodate a large tree canopy and allow for healthy root growth.

Goal NCR 2.1. Allow residents to enjoy views of the hills, lakes, river, and habitats that make Folsom such a beautiful place to live.

NCR 2.1.2 Complimentary Development. Through the planned development permit process, require new development to be located and designed to visually complement the natural environment along Folsom Lake, the American River, nearby hillsides, and major creek corridors such as Humbug, Willow, Alder, and Hinkle.

Implementation Programs

NCR-1. Urban Forest Plan. Develop and maintain an Urban Forest Plan.

4. CORPORATION YARD ANNEXATION

During preparation of the 2035 General Plan and its associated PEIR, but prior to the approval or certification of either document, the City annexed a 58-acre parcel into the City. The parcel, south of White Rock Road and west of Stonehouse Road, is to be used for the future site of the City's Corporation Yard. The annexation action approved by the City also included an amendment of the 1988 General Plan and the zoning designation of the site.

As set forth in Section 3.9, Chapter 3, *Project Description*, of the 2035 General Plan PEIR:

> A single Special Study Area (*for a future municipal corporation yard*) was identified by the City that may be considered for annexation at some point in the future. The annexation of any of this Study Area would require the review of additional fiscal and service delivery implications on existing City service providers and ratepayers. A separate CEQA environmental review is currently being conducted for a proposed sphere of influence amendment (SOIA) to place the Special Study Area within the City's sphere of influence. Should the sphere of influence amendment be approved by Sacramento LAFCo, the City would pursue future actions to apply pre-zoning and land use designations to the land. This would occur in conjunction with a General Plan Amendment. Sacramento LAFCo policies discourage concurrent SOI Amendment and Annexation. The City would work with LAFCo to amend the SOI and annex the area in close sequence. LAFCo would be the lead agency for environmental review relating to a SOI Amendment.
>
> Although no specific design has been prepared for the proposed corporation yard, initial programming of the site has been initiated. Based on this programming, the 58-acre site could accommodate approximately 36 acres for the future corporation yard, 16 acres for South East Connector right-of-way, and 5 acres to realign Scott Road. In addition, a 0.8-acre easement could be included in the project but not in the SOIA/annexation area to provide access to Prairie City SVRA once the SouthEast Connector removes the current access. Additionally, the City anticipates that it would realign Scott Road to connect to Prairie City Road to permit the abandonment of Scott Road from north of the realignment to White Rock Road.

The following events regarding the corporation yard site occurred subsequent to the publication of the 2035 General Plan Draft PEIR and preparation of the Final PEIR. On June 5, 2018, the Sacramento Local Agency Formation Commission (LAFCo) certified the Folsom Corporation Yard Sphere of Influence Amendment (SOIA)/Annexation EIR and approved an amendment to the City of Folsom's Sphere of Influence to include the 58-acre corporation yard site. On June 12, 2018, the City certified the EIR and approved an amendment to the City's 1988 General Plan to designate the corporation yard site for Public/Quasi-Public land uses. On June 26, the City approved prezoning the site to M-2, Light Industrial. On August 1, 2018, LAFCo approved the annexation, and the 58-acre corporation yard site was included within the City boundary. The area of the site and description of the future uses of the facility remain as described above.

As a result, the corporation yard Special Study Area was annexed to the City prior to the approval of the 2035 General Plan, and the City's 1988 General Plan was amended to assign the land use designation of Public/Quasi-Public to the corporation yard site.

As set forth in the 2035 General Plan Draft PEIR (p. 5-3):

> Implementation of the 2035 General Plan would result in future land development, construction of infrastructure, and other actions that would result in increased levels of human activity, and that would convert or cover portions of the landscape. These actions would occur within areas designated by the existing 1988 General Plan and the 2035 General Plan for urban uses. Future development would consist of a variety of land uses, including residences, commercial activities, industrial uses, and the infrastructure necessary to support urban development.

Because the Special Study Area had not yet been annexed to the City or included in the City's 1988 General Plan at the time of preparation of the 2035 Draft and Final PEIRs, the PEIR did not evaluate the potential effects of future urban development on the 58 acres of the corporation yard site.

5. Amendment of the Folsom 2035 General Plan PEIR to Incorporate the Corporation Yard Site into the PEIR's Analysis

To ensure that the 2035 General Plan PEIR comprehensively evaluates all areas of the City within which future development might occur, this Addendum amends the Draft PEIR to incorporate the 58-acre corporation yard site within the scope of the PEIR's analysis. Inclusion of the corporation yard results in minor modifications to the following chapters of the Draft PEIR:

3. Project Description
5. Introduction to the Environmental Analysis
7. Agriculture and Forestry Resources.

The amended portions of each of these chapters are set forth in Appendix B of this Addendum.

As noted above, LAFCo and the City, as joint lead agencies, caused the preparation of an EIR that evaluated the amendment of the City's sphere of influence to include the corporation yard Special Study Area, annexation of the site to the City, designation of the site for Public/Quasi-Public uses under the 1988 General Plan, and rezoning the site for M-2, Light Industrial, uses.

This Addendum evaluates whether inclusion of the corporation yard site into the 2035 General Plan PEIR's evaluation would change any of the environmental conclusions of the PEIR. This assessment was accomplished by comparing the environmental conclusions of the Folsom Corporation Yard SOIA/Annexation EIR[4] with those of the 2035 General Plan PEIR. This analysis is presented in tabular form in Appendix C of this Addendum.

As shown in Appendix C, for almost all potential impacts the environmental conclusions, the two EIRs are similar. In other cases, the Folsom Corporation Yard SOIA/Annexation EIR concluded that the impacts of a particular environmental topic were of less magnitude or significance than those identified in the 2035 General Plan PEIR. For both categories of impacts, the City has determined that inclusion of the 58-acre area into the 2035 General Plan PEIR would not change any of the PEIR's conclusions regarding the magnitude or significance of impacts, and that no new or modified mitigation would be necessary. Therefore, other than the inclusion of the 58 acres within the analysis, no changes in the 2035 General Plan or its circumstances have occurred since certification of the 2035 General Plan by the City, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the PEIR or modify or add mitigation measures to the PEIR. For these impact areas, none of the conditions cited in State CEQA Guidelines Section 15162 (a) would be met that would require the preparation of a Subsequent EIR.

The only exceptions to this equivalency between the two EIR documents are for agricultural resources and utilities. These impact areas are addressed separately in the following discussions.

AGRICULTURAL RESOURCES

Appendix G of the State CEQA Guidelines states that an impact to farmlands would be significant if a project would "convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (*Farmland*) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use."

As stated in the Folsom Corporation Yard SOIA/Annexation EIR, the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP) identified the corporation yard project site as grazing land. According to the FMMP, lands classified for grazing are not considered to be important farmlands by the State.

As noted, both LAFCo and the City were joint lead agencies for preparation of the Folsom Corporation Yard SOIA/Annexation EIR. The guiding legislation for LAFCos (Government Code §56064) sets forth special criteria for identifying prime agricultural land beyond the CEQA definition. These criteria are:

> "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

[4] The Folsom Corporation Yard SOIA/Annexation EIR is hereby incorporated by reference as though fully set forth herein. The EIR may be examined at the Folsom Community Development Department, 50 Natoma Street, Folsom, CA during standard business hours, or downloaded from the City's website.

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

Additionally, at the time of preparation of the Folsom Corporation Yard SOIA/Annexation EIR the corporation yard project site was located in unincorporated Sacramento County. For this reason, the SOIA/Annexation EIR identified a number of Sacramento County General Plan policies to preserve agricultural lands, including Policy AG-5. This policy requires that the loss of 50 acres or more of important farmlands, including grazing lands outside of the County's urban service boundaries, be mitigated by the protection of similar quality farmlands elsewhere in Sacramento County. The ratio of farmland lost to preserved is required to be 1:1.

The Folsom Corporation Yard SOIA/Annexation EIR's analysis based on Sacramento County standards identified that the loss of 58 acres of grazing land would result in a significant environmental impact (Impact 3.2-1). The EIR identified mitigation to replace 58 acres by protecting similar quality land elsewhere within Sacramento County. This mitigation was adopted by both LAFCo and the City of Folsom. However, the EIR concluded that the farmland loss would be significant and unavoidable because once farmland is removed or converted by development, it is irretrievably lost to future generations.

The EIR also identified a significant impact to farmlands according to LAFCo's prime agricultural land definitions. As set forth in Table 3.2-2 in the Folsom Corporation Yard SOIA/Annexation EIR, the document identifies four soils within the project area with varing suitability for agricultural production. Two of the soils, totaling 78 percent of the site, have been identified as Grade 1 soils, if irrigated, by the National Resources Conservation Service. No irrigation water is currently available to the site or area. The Folsom Corporation Yard SOIA/Annexation EIR did not evaluate the feasability of providing irrigation to the corporation yard site. No additional mitigation was identified to meet LAFCo requirements.

The analysis presented in the Folsom Corporation Yard SOIA/Annexation EIR did not identify any significant impact to important farmlands as defined by Appendix G of the CEQA guidelines since no important farmlands as mapped by the FMMP are located on the proposed corporation yard site.

For the evaluation of agricultural resources within the corporate limits of the City of Folsom (where the corporation yard project site is now located), the City is not required to assess effects to farmlands using LAFCo or Sacramento County standards. For purposes of the 2035 General Plan PEIR, the City relied, and conitnues to rely, upon the State CEQA Guidelines Appendix G standard of significance. Under this standard, because the 58-acre corporation yard project site consists solely of grazing lands, a less-than-significant impact to important farmlands would be identified for this area by the 2035 General Plan PEIR. Since a less-than-significant citywide impact using this standared was identified for the loss of important farmlands in the PEIR, the addition of 58-acres of grazing land to the PEIR's analysis would not change the PEIR's environmental conclusion regarding important farmlands.

Therefore, other than the inclusion of the 58 acres of the corportion yard within the PEIR's analysis, no changes in the 2035 General Plan or its circumstances have occurred since certification of the 2035 General Plan FPEIR by the City, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR. For this impact to important farmlands, none of the conditions cited in State CEQA Guidelines Section 15162 (a) would be met that would require the preparation of a Subsequent EIR.

Notwithstanding the conclusions of the PEIR regarding important farmlands, implementation of the previously adopted mitigation for the loss of LAFCo prime farmlands or more than 50 acres of grazing land identified in the Folsom Corporation Yard SOIA/Annexation EIR would remain the responsibility of the City of Folsom.

ENERGY

The Folsom Corporation Yard SOIA/Annexation EIR identified significant impacts on a project-specific and cumulative basis for utility extensions to the corporation yard site. As set forth in that EIR, the extension of gas and electric utilities to the project area, as well as any needed upgrades to offsite utility infrastructure, could result in various environmental effects that would not be within the City of Folsom's or LAFCo's ability to assess or control (Impact 3.6-2). The impact also identified a potential conflict between SMUD's power line easements and future uses on the corporation yard site. Mitigation was identified in the EIR to avoid conflicts beween SMUD easements and future land uses, but the EIR concluded that the secondary effects of extending utility services to the site would be significant and unavoidable.

The EIR stated that potential environmental effects identified in Impact 3.6-2 could occur for the following environmental issue areas: Aesthetics; Air Quality; Archaeological/Historical/Tribal Cultural Resources; Biological Resources; Greenhouse Gases; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; and, Transportation:

- Aesthetics: temporary and/or permanent alteration of public views from construction of infrastructure improvements.
- Air Quality: air pollutant and toxic air contaminant emissions from construction activities that exceed thresholds recommended by the Sacramento Metropolitan Air Quality Management District.
- Archaeological, Historical, and Tribal Cultural Resources: damage or loss of significant cultural resources from construction activities.

- Biological Resources: loss of habitat and direct impacts to special status plant and animal species.
- Greenhouse Gases: temporary emission of GHGs during construction.
- Hazards and Hazardous Materials: potential exposure or release of hazardous materials or contamination during construction.
- Hydrology and Water Quality: construction-related stormwater quality impacts.
- Noise: temporary excessive noise levels during construction on sensitive noise receptors.
- Transportation: temporary disruption of roadways and congestion from construction activities and equipment.

While the Folsom Corporation Yard SOIA/Annexation EIR identified both project and cumulative significant environmental effects for utility extensions, the 2035 General Plan PEIR employed a different tactic. Within the PEIR, the environmental assessment for all impact topics evaluated several aspects of urban development that could occur under the 2035 General Plan. According to PEIR Chapter 5, *Introduction to the Environmental Analysis*,

> Implementation of the 2035 General Plan would result in future land development, *construction of infrastructure*[5], and other actions that would result in increased levels of human activity, and that would convert or cover portions of the landscape. These actions would occur within areas designated by the existing 1988 General Plan and the 2035 General Plan for urban uses. Future development would consist of a variety of land uses, including residences, commercial activities, industrial uses, and the infrastructure necessary to support urban development.

Thus, the construction and operation of infrastructure necessary to serve future development consistent with the 2035 General Plan was considered in each of the environmental topical sections of the PEIR. The potental effects of urban development, including infrastructure, were assessed in the PEIR for all of the environmental topics identified in Impact 3.6-2 of the Folsom Corporation Yard SOIA/Annexation EIR:

- Aesthetics/Visual Resources
- Biological Resources
- Global Climate Change
- Hydrology and Water Quality
- Transportation and Circulation
- Air Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Noise and Vibration
- Tribal Cultural Resources

Similar to the Folsom Corporation Yard SOIA/Annexation EIR, the PEIR identified 2035 General Plan-specific and/or cumulative significant and unavoidable impacts from the development of urban uses and supporting infrastructure. This environmental conclusion applies to all listed environmental topics with the exception of Hazards and Hazardous Materials, and Hydrology and Water Quality. For those issue areas, the PEIR concluded that the operation of existing federal, state, regional, and local requirements and adopted mitigation measures would reduce potential impacts below a level of significance. These federal and state standards would also apply to utility providers operating outside of the Folsom city limits, and additional regional requirements may apply to utility providers operating in Sacramento County.

[5] Emphasis provided in this Addendum.

Based on the foregoing, the 2035 General Plan PEIR evaluated all of the environmental issues identified in the Folsom Corporation Yard SOIA/Annexation EIR Impact 3.6-2, and no additional evaluation is necessary in the PEIR. For all environmental issues raised in EIR Impact 3.6-2 except for Hazards and Hazardous Materials and Hydrology and Water Quality, the impact conclusions of the EIR and PEIR are the same, and the addition of the 58-acre corporation yard site to the PEIR's environmental analysis would not change any of the PEIR's environmental conclusions or result in any of the circumstances set forth in State CEQA Guidelines Section 15162 that would require preparation of a Subsequent EIR.

For construction effects related to Hazards and Hazardous Materials and Hydrology and Water Quality, all federal, State, and regional requirements as set forth in PEIR Impacts HZ-1, HZ-2, HWQ-1, and HWQ-2 would apply to the construction of any needed infrastructure outside of the City of Folsom. As established by the PEIR, implementaion of these requirements and standards would result in less-than-significant impacts caused by the future construction and operation of infrastructure for these two environmental topics.

Notwithstanding the envronmental conclusions of the Folsom Corporation Yard SOIA/Annexation EIR, the PEIR has adequately and completely evaluated the potential for offsite construction impacts on these environmental resources for all areas of the City, including the corporation yard site. Based on the foregoing, the City concludes that for these two issue areas, the addition of the 58-acre corporation yard site to the PEIR's environmental analysis would not change any of the PEIR's environmental conclusions.

Therefore, other than the inclusion of the 58 acres within the analysis, no changes in the 2035 General Plan or its circumstances have occurred since certification of the 2035 General Plan by the City, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the PEIR or modify or add mitigation measures to the PEIR. For this impact regarding offsite utility construction, none of the conditions cited in State CEQA Guidelines Section 15162 (a) would be met that would require the preparation of a Subsequent EIR.

CONCLUSION REGARDING THE ADDITION OF 58-ACRES TO THE AREA ASSESSED BY THE 2035 GENERAL PLAN PEIR.

Based on the foregoing analyses supported by the information contained in Appendix C, for all impact topics, the addition of 58-acres to the area assessed by the 2035 General Plan PEIR would not result in changes to the 2035 General Plan or its circumstances have occurred since certification of the 2035 General Plan by the City since the addition of the 58-acre area occurred prior to certification of the PEIR. The City has no knowledge of any new information since certification of the PEIR requiring analysis or verification that has resulted, or would result, in the need to modify the environmental conclusions of the PEIR or modify or add mitigation measures to the PEIR. For the addition of 58 acres to the PEIR's environmental assessment, none of the conditions cited in State CEQA Guidelines Section 15162 (a) would be met that would require the preparation of a Subsequent EIR.

6. Environmental Evaluation of the Tree Preservation Ordinance Update

The following environmental evaluation assesses whether any of the proposed changes to the TPOU would have any adverse environmental effects not previously evaluated in the FPEIR or whether the severity of previously identified effects would increase. Table 1 of the Addendum is structured as an environmental checklist, and is intended to evaluate all environmental topic areas for any changes in circumstances or the project description, as compared to the approved Final PEIR, and determine whether such changes were or were not adequately covered in the certified PEIR. Table 1 is not a traditional CEQA Environmental Checklist, per Appendix G of the CEQA Guidelines. As explained below, the purpose of this checklist is to evaluate the checklist categories in terms of any "changed condition" (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in a different environmental impact significance conclusion from the Folsom General Plan 2035 PEIR. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to Public Resources Code Section 21166 and State CEQA Guidelines Section 15162, 15163, 15164 and 15168.

7. Conclusions of the Checklist Analysis

Conclusion Regarding the Geogrphic Coverage of the 2035 General Plan and the TPOU

The area regulated by the proposed TPOU is coterminous with the area within the City limits regulated by the 2035 General Plan, and coterminous with the area assessed in the 2035 General Plan PEIR as modified.

Environmental Conclusion

Based on the analysis contained in Table 1, none of the factors identified in CEQA Guidelines Section 15162 are presented by the TPOU. The previously certified 2035 General Plan PEIR adequately addresses the environmental impacts associated with the Tree Preservation Ordinance Update project. A subsequent or supplemental PEIR is not required. The TPOU project and all subsequent City regulatory actions consistent with the revised TPOU will be required to comply with all applicable mitigation measures of the City of Folsom 2035 General Plan PEIR.

8. Mitigation Monitoring Program

As required by Public Resources Code Section 21081.6 sub (a)(1), the preparation and adoption of a mitigation monitoring and reporting program is required to permit the City of Folsom to monitor the implementation of the PEIR mitigations that have been adopted, if any, for the Tree Preservation Ordinance Update. As set forth in the attached environmental analysis, no new significant impacts requiring mitigation measures were identified. Therefore, no new or modified mitigation monitoring plan is necessary.

9. Approvals Required

- The City of Folsom is required to make a CEQA determination that the modification of the previously certified Final Program Environmental Impact Report prepared for the City of Folsom 2035 General Plan as amended would not change any of the environmental

conclusions of the PEIR as supported by the analysis in this Addendum; and that none of the factors described in CEQA Guidelines Section 15162 a (1), (2) & (3) exist.

- The City of Folsom is required to make a CEQA determination that the project is within the scope of the previously certified Final Environmental Impact Report (FPEIR) prepared for the City of Folsom 2035 General Plan as supported by the analysis in this Addendum; and that none of the factors described in CEQA Guidelines Section 15162 a (1), (2) & (3) exist.
- The City of Folsom would then consider the approval of the revision of the Tree Preservation Ordinance as proposed.

10. Evaluation of the Folsom Tree Preservation Ordinance Update Project within the 2035 Folsom General Plan FPEIR

The purpose of the following checklist is to evaluate the categories in terms of any **"changed condition"** that may result in changed environmental conclusions. Although the following checklist mirrors the environmental topics set forth in Appendix G of the State CEQA Guidelines, it is not intended to act as an Initial Study as defined by Section 15063 of the Guidelines. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigations in the FPEIR. Overriding considerations were adopted with the certification of the FPEIR that accepted the possibility of certain impacts regardless of whether mitigations could adequately reduce them to a less-than-significant level (see pages 7 - 10 in this Addendum). These environmental categories might be answered with a "no" in the checklist since the Folsom Tree Preservation Ordinance Update project does not introduce changes that would result in a modification to the environmental conclusions of the FPEIR Findings Document.

Explanation of Checklist Evaluation Categories

Where Impact was Analyzed in DPEIR or FPEIR

This column provides a crosswalk to the pages of the DPEIR or FPEIR where information and analysis may be found relative to the environmental issue listed under each topic.

Do Proposed Changes Involve New Impacts?

Pursuant to Section 15162 (a)(1) of the CEQA Guidelines, this column indicates whether the changes represented by the Folsom Tree Preservation Ordinance Update project will result in new impacts that have not already been considered and mitigated by the FPEIR for the 2035 General Plan or substantially increase the severity of a previously identified impact. If a "yes" answer is given, additional mitigations will be specified in the discussion section including a statement of impact status after mitigation. (Note: as a result of this study, no new mitigation measures were found to be necessary.)

Any New Circumstances Involving New Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (environmental setting) which have occurred subsequent to the certification of the FPEIR, which would result in the Folsom Tree Preservation Ordinance Update project having significant impacts that were not considered or mitigated by the FPEIR or which substantially increase the severity of a previously identified impact.

Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether new information is available requiring an update to the analysis of the FPEIR to verify that the environmental conclusions and mitigations remain valid. This also applies to any new regulations that might change the nature of analysis or the specifications of a mitigation measure. If additional analysis is conducted as part of this environmental study and the environmental conclusion remains the same, no new or additional mitigation is necessary. If the analysis indicates that a mitigation requires supplemental specifications, no additional environmental documentation is needed if it is found that the modified mitigation achieves a reduction in impact to the same level as originally intended.

FPEIR Mitigations Implemented or Address Impacts?

Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether the FPEIR provides mitigations to address effects in the related impact category. In some cases, the mitigations have already been implemented by approval of the 2035 General Plan, or will be implemented with approval of the proposed Folsom Tree Preservation Ordinance Update project; in some cases, mitigations will be implemented in future programs and policies; a "yes" response will be provided in any of these three instances. If NA is indicated, the FPEIR and this environmental study conclude that the impact does not occur with this project and therefore no mitigations are needed.

Discussion and Mitigation Sections

Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue and the status of any mitigation that may be required or that has already been implemented.

Standard Mitigation Measures

Applicable Standard Mitigation Measures are listed under each environmental category. These generally derive from existing City requirements and ordinances, or from existing requirements of the Folsom Municipal Code, both of which would be unchanged by the proposed Folsom Tree Preservation Ordinance Update project.

DPEIR/FPEIR Mitigation Measures

Mitigation measures from the DPEIR/FPEIR that apply to the Folsom Tree Preservation Ordinance Update project are listed under each environmental category. These mitigation measures are cited by number only in this Addendum. For the complete text of the cited measures, please refer to Appendix D (*2035 General Plan FPEIR - List of Adopted Mitigation Measures*) of this Addendum.

Special Mitigation Measures

If proposed changes represented by the Folsom Tree Preservation Ordinance Update project involve new impacts, special mitigations will be listed which will be included as project conditions to address those impacts. (No new mitigations have been required as a result of this study.)

TABLE 1: ENVIRONMENTAL CHECKLIST

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
I. Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	DPEIR pps. 6-8 to 6-11	NO	NO	YES	NO
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	DPEIR pps. 6-11 to 6-13	NO	NO	YES	NO
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	DPEIR pps. 6-8 to 6-11	NO	NO	YES	NO
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	DPEIR pps. 6-14 to 6-17	NO	NO	YES	NA

Discussion: The analysis of impacts to visual resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 6, *Aesthetics and Visual Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in visual quality within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework to protect visual resources during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics resulted in no changes to the environmental conclusions of the FPEIR, or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the Tree Preservation Ordinance would result in the conservation of trees and tree cover that would result in a beneficial effect to visual resources. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
Standard Mitigation Measures: • Multiple existing City zoning and other regulations, and design guidelines; mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 6-1 through 6-3 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures AES-3a and 3b.					
II. Agricultural Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Dept. of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	DPEIR pps. 7-4 to 7-5	NO	NO	YES	NA
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	DPEIR pps. 7-6 to 7-7	NO	NO	YES	NA
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	DPEIR pps. 7-4 to 7-5	NO	NO	YES	NA
d) Result in the loss of forest land or conversion of forest land to non-forest use?	DPEIR pps. 7-4 to 7-5	NO	NO	YES	NA
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	DPEIR pps. 7-4 to 7-5	NO	NO	YES	NA

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts

Discussion: The analysis of impacts to agricultural resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 7, *Agricultural and Forestry Resources*, of the program-level DPEIR. No feasible mitigation measures were identified for significant impacts in the DPEIR/FPEIR and adopted by the City. Except as discussed below regarding the annexation of the future corporation site to the City, there has been no major change in agricultural resources in the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework to protect agricultural or forestry resources. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the Tree Preservation Ordinance would have no effect on agricultural resources. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Because there are no important farmlands or agricultural resources within the City of Folsom, the City has no standard requirements to manage or protect such resources. State standards would still apply. See DPEIR Table 7-1 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES: None.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
III. Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	DPEIR pps. 8-31 to 8-32	NO	NO	YES	NA
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	DPEIR pps. 8-21 to 8-30	NO	NO	YES	NO
c) Expose sensitive receptors to substantial pollutant concentrations?	DPEIR pps. 8-33 to 8-38	NO	NO	YES	NA
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	DPEIR pps. 8-34 to 8-41	NO	NO	YES	NA

Discussion: The analysis of impacts to air resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 8, *Air Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in air quality within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework to protect air resources during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the Tree Preservation would have a minor but beneficial effect on air quality due to an increase in the shading of developed uses thereby decreasing energy needed for cooling and by reducing particulate matter concentrations within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to air resources would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
Standard Mitigation Measures: • Multiple existing federal, State, regional, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 8-5, 8-6, 8-9 and 8-10 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures AQ-2a, AQ-2b and AQ-6.					
IV. Biological Resources. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	DPEIR pps. 9-27 to 9-34	NO	NO	YES	NA
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	DPEIR pps. 9-34 to 9-39	NO	NO	YES	NA
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	DPEIR pps. 9-39 to 9-43	NO	NO	YES	NA
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	DPEIR pps. 9-44 to 946	NO	NO	YES	NA
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	DPEIR p. 9-26	NO	NO	YES	NO
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	DPEIR p. 9-26	NO	NO	YES	NA

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts

Discussion: The analysis of impacts to biological resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 9, *Biological Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in biological resources within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework to protect biological resources within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have a beneficial impact to trees and tree cover within the City thereby benefitting tree-dependent wildlife and migratory birds. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to biological resources would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 9-1, 9-2, 9-3, and 9-4 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):

- Mitigation Measures BIO-1, BIO-2 and BIO-3.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
V. Cultural Resources. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	DPEIR pps. 10-19 to 10-22; FPEIR pps. 4-4 to 4-5	NO	NO	YES	NA
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	DPEIR pps. 10-23 to 10-26	NO	NO	YES	NA
c) Disturb any human remains, including those interred outside of formal cemeteries?	DPEIR pps. 10-30 to 10-32	NO	NO	YES	NA

Discussion: The analysis of impacts to cultural and historic resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 10, *Cultural Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in cultural resources within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework to protect cultural resources within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effect on cultural and historic resources within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to cultural or historic resources would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 10-2, 10-3, and 10-5 for a detailed listing of all applicable measures.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS): • Mitigation Measure CUL-2.					
VI. Energy. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	DPEIR pps. 21-16 to 21-19	NO	NO	YES	NA
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	DPEIR pps. 12-21 to 12-33, 21-12 to 21-14	NO	NO	YES	NA

Discussion: The analysis of impacts to energy use and management from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapters 12, *Global Climate Change*, and 21, *Required CEQA Analyses*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in energy use and management within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework for energy use and management within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including energy use and management, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have a minor beneficial effect on energy use and management within the City due to an increase in the shading of developed uses thereby decreasing energy needed for cooling. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to energy use and management would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 12-3 and 21-2 for a detailed listing of all applicable measures.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS): • Mitigation Measures GHG-1 through GHG-17, and ENR-1.					
VII. Geology and Soils. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	DPEIR pps. 11-12 to 11-14	NO	NO	YES	NA
b) Result in substantial soil erosion or the loss of topsoil?	DPEIR pps. 11-15 to 11-17	NO	NO	YES	NA
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	DPEIR pps. 11-17 to 11-19	NO	NO	YES	NA
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	DPEIR pps. 11-17 to 11-19	NO	NO	YES	NA
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	DPEIR p. 11-11	NO	NO	YES	NA
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	DPEIR pps. 10-27 to 10-29	NO	NO	YES	NA
Discussion: The analysis of impacts to geology, soils, and paleontological resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapters 10, *Cultural Resources*, and 11, *Geology, Soils, and Mineral Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to geology, soils, and paleontological resources within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no changes in the regulatory framework for these environmental resources within the					

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts

City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including geology, soils, and paleontological resources, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have a minor beneficial effect to geology and soils within the City by retaining vegetation and decreasing the potential for water erosion. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to energy use and management would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 10-4 and 11-1, 11-2, and 11-3 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):

- Mitigation Measure CUL-3.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
VIII. Greenhouse Gas Emissions. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	DPEIR pps. 12-33 to 12-40; FPEIR pps. 4-6 to 4-7	NO	NO	YES	NA
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	DPEIR pps. 12-21 to 12-33; FPEIR pps. 4-7 to 4-11	NO	NO	YES	NA

Discussion: The analysis of impacts to greenhouse gas emissions from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 12, *Global Climate Change*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in greenhouse gas emissions within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for greenhouse gas emissions within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including greenhouse gas emissions, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have a minor beneficial effect on energy use and management within the City due to an increase in the shading of developed uses thereby decreasing energy needed for cooling. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to greenhouse gas emissions would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Table 12-3 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):

- Mitigation Measures GHG-1 through GHG-17.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
IX. Hazards and Hazardous Materials. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	DPEIR pps. 13-21 to 13-23	NO	NO	YES	NA
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	DPEIR pps. 13-18 to 13-20	NO	NO	YES	NA
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	DPEIR pps. 13-26 to 13-28	NO	NO	YES	NA
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	DPEIR pps. 13-24 to 13-26	NO	NO	YES	NA
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	DPEIR p. 13-17	NO	NO	YES	NA
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	DPEIR p. 17-47	NO	NO	YES	NA
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	DPEIR pps. 13-28 to 13-30	NO	NO	YES	NA
Discussion: The analysis of impacts to hazards and hazardous materials from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 13, *Hazards and Hazardous Materials*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in hazards and hazardous materials within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for hazards or hazardous materials within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential					

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts

environmental topics, including hazards and hazardous materials, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effect on hazards or hazardous materials within the City. Section 12.16.180 (B) of the proposed Ordinance specifically exempts fuel modification requirements and actions required by FMC Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material) from provisions of the Tree Preservation Ordinance. Because of these exceptions, implementation of the revised Tree Preservation Ordinance would have no adverse effects on wildfire risks and hazards within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to hazards and hazardous materials would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 13-1 through 13-5 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):

- Mitigation Measure HZ-5.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
X. Hydrology and Water Quality. Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	DPEIR pps. 14-15 to 14-18	NO	NO	YES	NA
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	DPEIR p. 14-14	NO	NO	YES	NA
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. result in substantial erosion or siltation on- or off-site? ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? iv. impede or redirect flood flows?	DPEIR pps. 14-19 to 14-29	NO	NO	YES	NA
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	DPEIR p. 14-14; pps. 14-27 to 14-29	NO	NO	YES	NA
j) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	DPEIR pps. 14-15 to 14-36	NO	NO	YES	NA

Discussion: The analysis of impacts to hydrology and water quality from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 14, *Hydrology and Water Quality*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change in hydrology and water quality within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for hydrology and water quality within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including hydrology and water quality, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have a minor beneficial effect to hydrology and water quality within the City by retaining vegetation and decreasing the potential for water erosion. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to hydrology and water quality would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR. **Standard Mitigation Measures:** • Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 14-1 through 14-6 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures HWQ-3a, HWQ-3b, HWQ-3c, HWQ-4, HWQ-5.					

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
XI. Land Use Planning. Would the project:					
a) Physically divide an established community?	DPEIR p. 4-5	NO	NO	NO	NA
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	DPEIR pps. 4-1 to 4-4	NO	NO	NO	NA

Discussion: The analysis of land use impacts from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 4, *Land Use, Population, and Housing*, of the program-level DPEIR. No environmental impacts or mitigation measures were identified for this environmental topic. There has been no major change in land use within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for land use within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this 58-acre area to the FPEIR's analysis of land use resulted in no changes to the conclusions of the FPEIR. For more information, see pages 4-4 to 4-14 of the DPEIR.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effect on land use within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to land use would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures: None.

DPEIR/FPEIR MITIGATION MEASURES: None.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
XII. Mineral Resources. Would the project					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	DPEIR pps. 11-19 to 11-21	NO	NO	YES	NA
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	DPEIR pps. 11-19 to 11-21	NO	NO	YES	NA

Discussion: The analysis of impacts on mineral resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 10, *Geology, Soils, and Mineral Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There have been no major changes to mineral resources within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for mineral resources within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including mineral resources, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effect on mineral resources in the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to mineral resources would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures: None.

DPEIR/FPEIR MITIGATION MEASURES: None.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
XIII. Noise. Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	DPEIR pps. 15-37 to 15-43; DPEIR pps. 15-46 to 15-47	NO	NO	YES	NA
b) Generation of excessive groundborne vibration or groundborne noise levels?	DPEIR p. 15-36	NO	NO	YES	NA
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	DPEIR pps. 15-44 to 15-46	NO	NO	YES	NA

Discussion: The analysis of impacts to noise and vibration from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 15, *Noise*, of the DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to the noise environment within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for noise within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including noise and vibration, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effects on noise and vibration within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to noise and vibration would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
Standard Mitigation Measures: • Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 15-14 through 15-16 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures N-1 and N-3.					
XIV. Population/Housing. Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	DPEIR pps. 4-6 to 4-10	NO	NO	NO	NA
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	DPEIR pps. 4-6 to 4-10	NO	NO	NO	NA

Discussion: The analysis of population and housing impacts from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 4, *Land Use, Population, and Housing*, of the program-level DPEIR. No environmental impacts or mitigation measures were identified for this environmental topic. There has been no major change in population or housing within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for population or housing within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this 58-acre area to the FPEIR's analysis of population and housing resulted in no changes to the conclusions of the FPEIR. For more information, see pages 4-14 to 4-17 of the Draft PEIR.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effect on population and housing within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to population and housing would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
Standard Mitigation Measures: None. **DPEIR/FPEIR MITIGATION MEASURES:** None.					
XV. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Fire protection?	DPEIR pps. 16-35 to 16-38	NO	NO	YES	NA
b. Police protection?	DPEIR pps. 16-35 to 16-38	NO	NO	YES	NA
c. Schools?	DPEIR pps. 16-35 to 16-38	NO	NO	YES	NA
d. Parks ?	DPEIR pps. 16-38 to 16-49	NO	NO	YES	NA
e. Other public facilities?	DPEIR pps. 16-35 to 16-38	NO	NO	YES	NA

Discussion: The analysis of impacts to public services from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 16, *Public Services and Recreation Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to public services within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for public services within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including public services, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effects on public services within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to public services would occur, and no additional mitigation would be

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR. **Standard Mitigation Measures:** • Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 15-14 through 15-16 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures PSR-4a to PSR-4m.					
XVI. Recreation.					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	DPEIR pps. 16-38 to 16-49	NO	NO	YES	NA
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	DPEIR pps. 16-38 to 16-49	NO	NO	YES	NA
The analysis of impacts to recreation resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 16, *Public Services and Recreation Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to recreation resources within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for recreation resources within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including recreation, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum. The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effects on recreation resources within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan,					

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to recreation resources would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR. **Standard Mitigation Measures:** • Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 15-14 through 15-16 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures PSR-4a to PSR-4m.					
XVII. Transportation. Would the project:					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	DPEIR pps. 17-47 to 17-53	NO	NO	YES	NA
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	DPEIR pps. 17-47 to 17-53	NO	NO	YES	NA
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	DPEIR p. 17-47	NO	NO	YES	NA
d) Result in inadequate emergency access?	DPEIR p. 17-47	NO	NO	YES	NA
Discussion: The analysis of impacts to transportation and circulation from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 17, *Transportation and Circulation*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to transportation and circulation within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for transportation and circulation within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including transportation and circulation, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.					

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effects on transportation and circulation within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to transportation and circulation would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR. **Standard Mitigation Measures:** • Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR pages 17-22 to 17-29 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS):** • Mitigation Measures T-1 to T-3.					
XVIII. Tribal Cultural Resources. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Codes section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	DPEIR pps. 18-6 to 18-8	NO	NO	YES	NA
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	DPEIR pps. 18-6 to 18-8	NO	NO	YES	NA

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts

Discussion: The analysis of impacts to tribal cultural resources from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 18, *Tribal Cultural Resources*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to tribal cultural resources within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for tribal cultural resources within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including tribal cultural resources, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effects on tribal cultural resources within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to tribal cultural resources would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing State and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Table 18-2 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES: None.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
XIX. Utilities and Service Systems. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	DPEIR pps. 19-33 to 19-46	NO	NO	YES	NA
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	DPEIR pps. 19-40 to 19-42	NO	NO	YES	NA
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	DPEIR pps. 19-33 to 19-34 and 19-37 to 19-39	NO	NO	YES	NA
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	DPEIR pps. 19-43 to 19-44	NO	NO	YES	NA
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	DPEIR pps. 19-43 to 19-44	NO	NO	YES	NA

The analysis of impacts to utilities and service systems, from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 19, *Utilities and Service Systems*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to utilities and service systems within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for utilities and service systems within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including utilities and service systems, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Implementation of the revised Tree Preservation Ordinance would have no effects on utilities and service systems within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to utilities and service systems would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR. **Standard Mitigation Measures:** • Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Tables 19-14 to 19-17 for a detailed listing of all applicable measures. **DPEIR/FPEIR MITIGATION MEASURES:** None.					
XX. Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	DPEIR p. 17-47	NO	NO	YES	NA
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	DPEIR pps. 13-28 to 13-30	NO	NO	YES	NA
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency wate rsources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	DPEIR pps. 13-28 to 13-30	NO	NO	YES	NA
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability or drainage changes?	DPEIR pps. 13-28 to 13-30	NO	NO	YES	NA
The analysis of impacts to wildfire from urban development and other activities resulting from buildout of the 2035 General Plan was evaluated in Chapter 13, *Hazards and Hazardous Materials*, of the program-level DPEIR. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City continue to remain the responsibility of the City as part of its implementation of the 2035 General Plan. There has been no major change to wildfire risks and hazards within the City of Folsom since adoption of the 2035 General Plan FPEIR. Further, there have been no significant changes in the regulatory framework for wildfire risks and hazards within the City during this period. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics, including wildfire risks and					

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts

hazards, resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum.

The proposed revisions of the Tree Preservation Ordinance would result in a rewriting of the existing Ordinance and refocusing of its intent to the preservation of existing protected trees and the planting of replacement trees. The proposed changes to the Tree Preservation Ordinance are designed to formalize administrative procedures and ensure conformity of the Ordinance with the 2035 General Plan, including the assumptions and Findings contained in the FPEIR. Section 12.16.180 (B) of the proposed Ordinance specifically exempts fuel modification requirements and actions required by FMC Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material). Because of these exceptions, implementation of the revised Tree Preservation Ordinance would have no adverse effects on wildfire risks and hazards within the City. Because the revisions to the Tree Preservation Ordinance would bring certain sections of the Tree Preservation Ordinance into compliance with the 2035 General Plan, and would not result in additional adverse effects or represent a substantial increase in the severity of environmental effects previously identified in the 2035 General Plan DPEIR/FPEIR, no new or more severe environmental effects related to wildfire risks and hazards would occur, and no additional mitigation would be required. Therefore, no changes in the project or its circumstances have occurred since certification of the 2035 General Plan by the City of Folsom, nor has new information requiring analysis or verification resulted in the need to modify the environmental conclusions of the FPEIR or modify or add mitigation measures to the FPEIR.

Standard Mitigation Measures:

- Multiple existing federal, State, and City regulations; Mitigation measures adopted for the Folsom Plan Area Specific Plan and the Russell Ranch project. See DPEIR Table 13-5 for a detailed listing of all applicable measures.

DPEIR/FPEIR MITIGATION MEASURES (SEE APPENDIX D OF THIS ADDENDUM FOR DETAILS)

- Mitigation Measure HZ-5.

Environmental Issue Area	Where Impact was Analyzed in 08/18 EIR	Do Proposed Changes Involve New Impacts?	Any New Circumstances Involving New Impacts?	Any New Information Requiring New Analysis or Verification?	FPEIR Mitigations Implemented or Address Impacts
XXI. Mandatory Findings of Significance.					
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	DPEIR pps. 9-1 to 9-40; 10-1 to 10-32	NO	NO	YES	NA
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	DPEIR pps. 21-1 to 21-11	NO	NO	YES	NA
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	"	NO	NO	YES	NA
Discussion: Based on the information in this comparative checklist, for impacts that may be reduced below a level of significance, the mitigations from the certified FPEIR remain adequate in addressing impacts from urban development and other activities resulting from buildout of the 2035 General Plan. All mitigation measures identified for significant impacts in the DPEIR/FPEIR and adopted by the City of Folsom continue to remain the responsibility of City as part of its implementation of the 2035 General Plan. No changes in the project or its circumstances have occurred since certification of the 2035 General Plan FPEIR by the City. This Addendum evaluates a minor modification to the FPEIR to include within the FPEIR's area of evaluation a 58-acre area for a municipal corporation yard annexed to the City prior to certification of the FPEIR. As assessed in this Addendum, the addition of this area to the FPEIR's analysis of all potential environmental topics resulted in no changes to the environmental conclusions of the FPEIR or the need for new or modified mitigation measures. For more information, see pages 15 to 21 and Appendix C of this Addendum. None of the circumstances described in Section 15162 (a) (1), (2) and (3) of the CEQA Guidelines exist and therefore no additional environmental documentation is required.					

APPENDIX A

Text of Tree Preservation Ordinance Update Compared to 1995 Tree Preservation Ordinance

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Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

Folsom Municipal Code Chapter 12.16 Tree Preservation (Existing)	Folsom Municipal Code Chapter 12.16 Tree Preservation Ordinance (Proposed)[1][2]
Sections:	
12.16.010 Purpose and intent.	12.16.010 Purpose and intent.
12.16.020 Definitions.	12.16.020 Definitions.
12.16.030 Regulated activity and exemptions.	12.16.030 Applicability.
12.16.040 Tree permit process.	12.16.040 Prohibited Activities.
12.16.050 Environmental review.	12.16.050 Permit Required.
12.16.060 Conditions.	12.16.060 Application Requirements.
12.16.070 Mitigation.	12.16.070 Approving Authority.
12.16.080 Street tree planting.	12.16.080 Findings for Approval.
12.16.090 Establishing landmark tree(s).	12.16.090 Notice of Decision.
12.16.100 Appeals from action on issuance or denial of a permit.	12.16.100 Appeals.
12.16.110 Appeal fee for appeals from action on issuance or denial of a permit.	12.16.110 Effective Date and Permit Expiration.
12.16.120 Appeal hearings concerning action on issuance or denial of a permit.	12.16.120 Regulated Activity Authorized by Permit.
12.16.130 Actions on appeals concerning issuance or denial of a permit.	12.16.130 Conditions of Approval.
12.16.140 Enforcement.	12.16.140 Tree Protection and Mitigation Plan Requirements.
12.16.143 Penalties.	12.16.150 Mitigation Requirements.
12.16.145 Enforcement procedures—Notice to correct.	12.16.160 Tree Planting and Replacement Fund.
12.16.150 Mitigation fees.	12.16.170 Landmark Designation.
12.16.160 Delegation.	12.16.180 Maintenance.
12.16.170 Application fees.	12.16.190 Street Tree Planting.
12.16.180 Amendment of project.	12.16.200 Parking Lot Shading Tree Planting.
12.16.190 Notices.	12.16.210 Solar Shade Control Act Exemption.
	12.16.220 Violations, Enforcement, and Penalties.

[1] The right column documents the proposed Tree Preservation Ordinance. The sections (e.g., 12.16.010, 12.16.020) of the proposed Ordinance are presented in the order that they would appear in the Folsom Municipal Code. In contrast, since the sections of the existing and proposed Ordinances do not precisely mirror each other, the contents of the left column have been moved or adjusted to match the topics as set forth in each of the sections of the proposed Tree Preservation Ordinance.

[2] All figures, excluding tables, from the Tree Preservation Ordinance (Proposed) are shown on p. Appendix A-36.

12.16.010 Purpose and intent.	12.16.010 Purpose and intent.
A. In order to promote the public health, safety and general welfare, to enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish basic standards, measures and compliance for the preservation and protection of trees.	A. **Purpose.** Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, protection from heat and ultra-violet radiation, energy savings, reduced Heat Island effect, habitat for wildlife, carbon sequestration, and improvement of property values. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of the City's Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the City Council finds it necessary to establish standards and measures for the preservation of trees.
B. The provisions of this chapter are enacted to: 1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values; 2. Promote conservation of tree resources; 3. Authorize the planning director to administer the tree ordinance; 4. Implement the conservation goals of the General Plan. (Ord. 826 § 1 (part), 1995)	**B. Intent.** The provisions of this chapter are enacted to: 1. Establish and maintain the optimum amount of tree cover on public and private lands. 2. Promote conservation of tree resources and long-term sustainability. 3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices. 4. Protect the visual and aesthetic character of the City. 5. Implement the conservation goals of the General Plan. 6. Establish procedures for the City to administer this tree preservation ordinance.
12.16.020 Definitions.	**12.16.020 Definitions.**
	This section includes the definition of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, the terms and phrases as defined in this Chapter shall control for the purposes of this Chapter. If a word is not defined in this Chapter, the Community Development Director shall determine the most appropriate definition for purposes of enforcing the tree preservation ordinance.
	Adjacent. Having a common property line, or immediately next to a property or to a property located across from an alley, path, private street, easement, or public street as shown in Figure 12.16-1.
	American National Standards Institute (ANSI). The American National Standards Institute is a private non-profit organization that oversees the development of voluntary consensus standards in the United States.
	American Society of Consulting Arborists (ASCA). A non-profit organization that provides educational resources and represents consulting arborists in the United States.

Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

	ANSI A300 Standards. The most current version of Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices of the American National Standards Institute, as amended from time to time.
For purposes of the issuance of any permit required under this chapter, an "appeal body" means either the city council or the planning commission, as described in Section 12.16.100, whose responsibility is to hear appeals from decisions made by the approving authority.	**Appeal Authority.** The Director or Commission authorized under this Chapter to consider appeals of Tree Removal Permits. Final Appeal Authority for Purposes of this Chapter is the Planning Commission or Historic District Commission depending on the location of the Regulated Activity.
"Approving authority" means any one of the following: city council, planning commission, or planning director or his/her designated person, or other body granted authority under this code to act on subject entitlement.	**Approving Authority.** The City Arborist is the Approving Authority for the Tree Work Permit and Tree Removal Permit covered by this Chapter.
"Arborist report" means a report prepared by an arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.	**Arborist Report.** A report prepared by an Arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.
	Arborist. An individual certified as an Arborist by the International Society of Arboriculture (ISA) and holds a current and unexpired certification.
	Buildable Area. The area of a parcel where buildings may be constructed excluding front, rear and side yard setbacks as required by the Zoning Code. In the case of a parcel that is to be subdivided, the buildable footprint would be the Buildable Area of each proposed new parcel excluding front, rear and side yard setbacks as required by the existing or proposed zoning for the new parcel(s). Refer to Figure 12.16-2
	City Arborist. An Arborist who is a City employee whose job duties include the review, evaluation and preparation of reports and permits under this Chapter.
	Certificate of Compliance. A written statement from an Arborist verifying that the conditions associated with a Tree Permit have been satisfied.
	Commission. The Planning Commission or Historic District Commission depending on the location of the Regulated Activity.
	Critical Root Zone (CRZ). The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This Critical Root Zone area for all trees except Heritage Trees is a circle with a minimum radius of 1 foot for every 1 inch in trunk diameter at DSH. Refer to Figure 12.16-3. For Heritage Trees, the Critical Root Zone area shall be a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at DBH, unless reduced by the City Arborist. Refer to Figure 12.16-4.

"Diameter at breast height (DBH)" means the diameter of a tree measured at 4 1/2 feet above the ground while standing on the high side of the tree. The diameter shall be calculated by use of the following formula: diameter = circumference/3.142	**Diameter at Standard Height (DSH).** The diameter of a tree measured at four and one-half (4.5) feet above the ground while standing on the high side of the tree. For a tree other than a Multi-trunked Tree that branches at or below four and one-half feet, DSH shall mean the diameter at the narrowest point between the grade and the lowest branching point. The diameter shall be calculated by use of the following formula: diameter = circumference/3.142 For Multi-trunked Trees, the DSH shall be the diameter of each stem measured at four and one-half above the ground while standing on the high side of the tree added together in total. Refer to Figure 12.16-5. **Extrapolated Diameter at Standard Height (DSH).** This shall be used for purposes of calculating the mitigation for a Multi-trunked Tree. It is derived from adding the cross-sectional area of each stem measured at four and one-half (4.5) feet above grade to determine a value for the DSH. In a Multi-trunked Tree, this is calculated by taking the square root of the sum of each individual stem's DSH squared. The Extrapolated DSH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.
	Director. The Director of the City's Community Development Department or his/her designee.
"Discretionary projects" means a project which requires the exercise of judgment or deliberation when the city council or planning commission decides to approve or disapprove a particular activity. "Discretionary projects" include, but are not limited to: conditional use permits, tentative parcel maps, changes in zoning districts, tentative subdivision maps, variances or planned development permits.	
"Dripline" means the outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as an irregular-shaped circle that follows the contour of a tree's outermost branches as seen from overhead.	**Dripline Radius (DLR).** A perfect circle around the tree with the radius being equal to the longest branch of the tree. Refer to Figure 12.16-6.
"Enforcement authority" means the director of the department of planning, inspections and permitting or his/her designee.	
	Emergency. For purposes of this Chapter, emergency is defined as an imminent safety risk and/or the imminent loss of water, sewer, gas or electrical service or access to public or private property(ies).
	Heat Island. An urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.
"Heritage tree" means a native oak tree over 19 inches in diameter at breast height or a multitrunked native oak tree having an aggregate diameter of 38 inches or more at breast height.	**Heritage Tree.** Except for trees listed as "Not Eligible for Heritage Status" on the City's Master Tree List, a tree on the City's Master Tree List over 30 inches in DSH or a multi-trunked tree on the Master Tree List having a combined DSH of 50 inches or more.

Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

	International Society of Arboriculture (ISA). A nonprofit organization and network of practitioners, scientists, academics, and students that is recognized as a source for arboricultural information and knowledge.
	ISA Best Management Practices. Recommended methods for the planting, care, maintenance, pruning of trees prepared by the ISA.
"Landmark tree" means a tree or group of trees determined by the city council to be a significant community benefit.	**Landmark Tree.** A tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to its size, age, location, historic association or ecological value
	Major Pruning. The cutting of any individual branch or root with a diameter of two inches or greater or a circumference of more than six and one-quarter inches at the location of the cut on such branch or root. It shall also include the cutting of a cumulative amount of more than ten percent of the Root System, the Tree Crown, or a combination of both within a 12-month period.
"Master tree list" means a list prepared by the planning director which identifies the species of trees which may be planted as replacement or as street trees.	**Master Tree List.** A list prepared by the City, as amended from time to time, identifying the species of trees that may be planted as replacement trees, as Parking Lot Shading Trees, or as Street Trees as well as trees that are not-recommended or excluded from protection.
"Minor trimming" means the cutting from protected trees of: (1) dead or diseased limbs or twigs; (2) parts which may result in damage to a dwelling; (3) parts which must be removed for safety or public utilities; or the pruning of protected trees to promote health and growth. Trimming which substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered minor trimming.	**Minor Pruning.** The cutting of any individual branch or root of less than two inches in diameter at the point of the cut on such branch or root. The cumulative amount of cutting shall not be more than ten percent the Root System, the Tree Crown, or a combination of both within a 12-month period. Pruning that substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered Minor Pruning.
	Mitigation. For purposes of this Chapter, this is the action or set of actions designed to reduce the negative effects resulting from the loss of a Protected Tree and the reduction to Folsom's tree canopy.
	Monitoring Period. A time period specified in the Tree Protection and Mitigation Plan and approved by the City Arborist in order to ensure that preserved trees and replacement trees are in good health and remain viable. For replacement trees, this time period is typically three years.
	Multi-trunked Tree. A tree with multiple stems originating from a single root mass.

<table>
<tr>
<td>"Native oak tree" means any tree over 6 inches (DBH) of the genus quercus and species lobata (valley oak), douglasii (blue oak), wislizenii (interior live oak), or hybrids, thereof; or a multitrunked native oak tree having an aggregate diameter of 20 inches (DBH) or more.</td>
<td>Native Oak Tree. One of the following indigenous species of tree or hybrids of any of the trees listed below, with a minimum diameter in Table 12.16-7:

Table 12.16-7
Native Oak Trees
<table><tr><th>Common Name</th><th>Botanical Name</th><th>Trunk (DSH)</th><th>Multi-trunked Combined (DSH)*</th></tr><tr><td>Valley Oak</td><td>Quercus lobata</td><td>6”</td><td>20”</td></tr><tr><td>Blue Oak</td><td>Quercus douglasii</td><td>6”</td><td>20”</td></tr><tr><td>Interior Live Oak</td><td>Quercus wislizenii</td><td>6”</td><td>20”</td></tr><tr><td>Coast Live Oak</td><td>Quercus agrifolia</td><td>6”</td><td>20”</td></tr></table>*A Native Multi-trunked Tree listed above with a single stem 6 inches or greater shall be considered a Native Oak Tree.</td>
</tr>
<tr>
<td>“Owner-occupant” means any owner residing in a constructed single-family residence.</td>
<td>Owner-occupant. Any property owner residing in a constructed and permitted residence on the property.</td>
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<tr>
<td></td>
<td>Parking Lot Shading Tree. Any tree planted in a parking lot in order to meet shade coverage requirements and as identified in Section 17.57.070 of the Zoning Code.</td>
</tr>
<tr>
<td>“Planning director” means the director of planning, inspections and permitting.</td>
<td></td>
</tr>
<tr>
<td>“Project” means an activity which has the potential for resulting in a physical change in the environment.</td>
<td></td>
</tr>
<tr>
<td>“Protected trees” means native oak trees, heritage trees, street trees and landmark trees.</td>
<td>Protected Tree. Trees protected under this Chapter include Native Oak Trees, Heritage Trees, Landmark Trees, and Regulated Trees, as defined herein.</td>
</tr>
<tr>
<td>“Protected zone” means an irregular circle around a protected tree, equal to the protected tree’s dripline plus 1 foot.</td>
<td></td>
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<tr>
<td>“Priming and trimming standards” means those pruning standards established by the Western Chapter of the International Society of Arboriculture.</td>
<td></td>
</tr>
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<td></td>
<td>Pruning. To cut off or cut back parts a tree to enhance health and structure. Pruning refers to both above surface and underground cutting. See also “Major Pruning” and “Minor Pruning”.</td>
</tr>
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<td></td>
<td>Reasonable Alternative Measures. Measures determined and authorized by the Approving Authority or Appeal Authority that may be reasonably implemented to minimize impact to a Protected Tree in order to avoid activities which could result in greater impact to the tree or removal of the tree. Examples may include tree management practices such as root barriers, pruning, root pruning, and soil protection. It may also include minor modifications to the development standards set forth in the Zoning Code to allow a development to preserve existing trees on-site (which may require a variance or other land use entitlements).</td>
</tr>
</table>

Appendix A
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"Regulated activity" means any activity to be done to a protected tree or undertaken within the protected zone of a protected tree.	**Regulated Activity.** Activities involving Major Pruning of a Protected Tree, activities such as grading, trenching, paving or soil disturbance undertaken within the Tree Protection Zone of a Protected Tree, removal of a Protected Tree, cabling and/or bracing of a Protected Tree, or other activities that may impact the long-term health and survivability of a Protected Tree as may be determined by the City Arborist.
	Regulated Tree. Trees required by the City's Zoning Code, such as Parking Lot Shading Trees and Street Trees, or trees required by this Chapter as mitigation for the removal of a Protected Tree(s).
	Replacement Tree. A tree required to be planted as mitigation for removal of a Protected Tree in accordance with the requirements of this Chapter.
	Root System. The configuration of the underground parts or appendages of a tree, providing several functions including anchoring and providing water and nutrients to the tree.
	Routine Maintenance. Includes the following activities: Minor Pruning; dead branch removal; irrigation; mulch application; mowing or trimming grass or other ground cover close to a tree; application of fertilizer, insecticides, or herbicides in accordance with their label; or any other similar activities that promote the life, growth, or health of trees. Any procedure, technique, or practice that is considered unacceptable or prohibited under the City's Tree Care and Maintenance Standards or by this Chapter as may be determined by the City Arborist is not Routine Maintenance.
"Street tree" means any tree growing within the tree maintenance strip and contained on the master tree list.	**Street Tree.** A tree of an approved species in accordance with the Folsom Master Tree List located within 12.5' of a street or sidewalk, measured from the back of the sidewalk or back of curb if no sidewalk exists. Street Trees can be either privately or publicly owned.
	Structure. Something, such as a building, that is constructed. A permanent structure is a building that is attached to a foundation system. This excludes temporary items such as flyers, tags, and leaflets.
	Subject Property. The property, or properties, for which a permit request has been filed.
	Terminal Leader. This is the vertical stem(s) at the top of the trunk of a tree.
"Tree" means a woody perennial plant with a trunk over 6 inches (DBH) or a multitrunked plant having an aggregate diameter of 20 inches (DBH) or more.	
	Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards, the ISA Best Management Practices, and any other relevant standards as determined by the City Arborist and as amended by the City from time to time.
	Tree Crown. This is the top part of the tree, which features branches, foliage, flowers, and seeds that grow out from the main trunk and support the various leaves used for photosynthesis.

	Tree Permit. A permit issued by the City of Folsom covering any Regulated Activity affecting a Protected Tree, which may be a Tree Work Permit or a Tree Removal Permit or both.
"Tree maintenance strip" means a strip of land parallel and adjacent to a public street thereto and which is twelve and one-half feet wide, measured from the property line. (Ord. 851 § 2(1), 1996)	
	Tree Protection and Mitigation Plan. A report and/or plan submitted for review and approval before the start of any Regulated Activity
	Tree Protection Zone (TPZ). The circumference of the outermost edge of a tree's Critical Root Zone or Dripline Radius, whichever is greater, plus one foot. When depicted on a map, the Tree Protection Zone will appear as a perfect circle, or group of overlapping circles for multiple trees.
	Topping. A type of pruning that is not Routine Maintenance and involves the removal of tops of trees, or large branches or trunks from tops of trees, leaving large stubs or lateral branches that are too small to assume the role of a Terminal Leader.
	Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow within an urban boundary.
	Zoning Code. Title 17 of the Folsom Municipal Code.
	12.16.030 Applicability
	The provisions of this Chapter shall apply to all Regulated Activities affecting Protected Trees, excluding those activities undertaken by the City. Trees that are not Protected Trees are not subject to the provisions of this Chapter. When a tree qualifies as more than one type of Protected Tree, the more stringent requirements apply.
	12.16.040 Prohibited Activities
	The following activities shall be prohibited with respect to Protected Trees:
	A. Topping.
	B. Attaching structures using nails, screws, and/or spikes except for the attachment of tags by an Arborist for purposes of tree identification.
	C. Wounding or breaking tree trunks or branches through contact with vehicles and heavy equipment.
	D. Wounding trunks with string weed trimmers, lawn mowers, and similar equipment.
	E. Causing injury by fire or excessive heat.
	R. Pruning activities not conducted in accordance with City's Tree Care and Maintenance Standards.
	G. The use of tree spikes or spurs while pruning.
	H. Any of the following activities within the Tree Protection Zone of any Protected Tree, unless specifically approved by the City and conducted in accordance with the standards of Section 12.16.130 (Conditions of Approval):

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	1. Storage of large quantities of soil and/or mulch.
	2. Excavation and trenching.
	3. Changing soil grade by cutting or filling.
	4. Grading, tearing, and/or grubbing.
	5. Compacting soil with equipment, vehicles, material storage, and/or foot traffic.
	6. Installing impervious surfaces, including but not limited to parking lots, driveways, and walkways.
	I. Washing out equipment (especially paint, stucco and concrete) and vehicle maintenance.
	J. Storing or placing construction materials or construction debris and waste.
	K. Accumulation of water from construction-related activities.
	L. Cutting down, destroying, effectively destroying through damaging, removing, or moving any Protected Tree without a Tree Work Permit or a Tree Removal Permit at any time unless specifically exempted by this Chapter.
12.16.030 Regulated activity and exemptions.	**12.16.050 Permit Required**
A. Tree Permit Required. Except as otherwise provided in this chapter, it is unlawful to perform any regulated activity without a tree permit.	A. **Tree Work Permit Required.** A Tree Work Permit is required for any Regulated Activities undertaken with respect to a Protected Tree, except where specifically exempted by subsection "C" below:
	B. **Tree Removal Permit Required.** A Tree Removal Permit is required before removal of any Protected Tree, except where specifically exempted by subsection "C" below.
B. Tree Permit Exemptions. The following activities may be undertaken without a tree permit:	C. **Exemptions**. The following activities with respect to Protected Tree are specifically exempted from the requirements for obtaining a Tree Work Permit or a Tree Removal Permit.
1. Paving for streets and/or driveways under the supervision of an arborist to guarantee appropriate measures are taken to ensure tree survival;	1. Resurfacing, repaving, or concrete replacement of existing paved areas within the Tree Protection Zone, if conducted under the supervision of an Arborist to guarantee appropriate measures are taken to ensure tree survival.
2. Parking or operation of motor vehicles within the protected zone on existing paved areas;	2. Parking or operation of motor vehicles within the Tree Protection Zone on existing paved areas.
3. Placement or storage of equipment or construction material within the protected zone on existing paved areas;	3. Placement or storage of equipment or construction material within the Tree Protection Zone on existing paved areas.
4. Maintenance of under-canopy landscaping for non-oak species;	4. Proper planting and maintenance of under-canopy landscaping in accordance with the City's Tree Care and Maintenance Standards.
5. Activities in subsection B(1) through (4) of this section within improved parking lots approved by the city;	5. Routine maintenance of Protected Trees.
6. Removal of limbs or trees damaged by acts of God;	6. Emergency work involving the removal of limbs or trees damaged by extreme weather, chance occurrence, or unavoidable accident beyond the reasonable control of the property owner.

7. Removal of a tree certified as being dead which poses a health and/or safety risk to the public;	7. Removal of a Protected Tree that is dead or dying as determined by an Arborist and verified by the City Arborist provided that the property complies with the requirements of the Zoning Code.
8. Removal of a tree certified by an arborist to be in poor health, and a risk or hazard to the general public as determined by the planning director;	8. Removal of a Protected Tree that poses an imminent safety risk to the public as determined by the City Arborist or City Fire Chief.
9. Minor trimming as defined in Section 12.16.020;	9. Minor pruning activities.
10. Activity which does not disturb the soil or result in physical contact to the protected tree;	10. Activities that do not disturb or contaminate the soil within the Tree Protection Zone or result in physical contact to the Protected Tree.
11. Activity performed by a public utility necessary to comply with safety regulations or to repair or avoid the interruption of services, provided such activity is done under the supervision of a certified arborist. (Ord. 826 § 1 (part), 1995)	11. Public and private investor-owned utilities performing pruning activities or removal as is necessary to comply with electrical regulations or safety regulations and to maintain a safe operation of their facilities. However, the utility shall notify the Community Development Department at least seven (7) business days before taking any action. If the utility conducts routine maintenance in Folsom on a regular basis, receipt of an annual encroachment permit from the City shall satisfy the notification requirement of this section. The City may cause such pruning work to be inspected and the City shall have the authority to stop any tree-pruning performed by a utility if such practices are inconsistent with current ANSI A300 Standards and ISA Best Management Practices.
	D. Combined Activities. Separate but similar tree-related activities may be reviewed under one permit. The City's decision on the permit shall apply to all activities included in the permit.
	E. Limitation. Permit issued under this Chapter entitles the permittee to perform only the Regulated Activities authorized in the permit and is not valid for any other purpose.
12.16.040 Tree permit process.	**12.16.060 Application Requirements**
A. Applications for a tree permit shall be submitted to the planning director. The application shall be acted upon by the planning director, unless other project entitlements will be necessary in order to develop the property, in which case, the application will be acted upon by the appropriate approving authority. Said application shall contain:	**A. Application Form.** All Tree Work Permit or Tree Removal Permit applications must be submitted in writing to the Community Development Department on a form provided by the City.
1. Application Form. Application shall be made on a form supplied by the planning director. The signature of the property owner is required on the application.	1. Minimum submittal requirements shall be established by the City. Additional information necessary for the complete evaluation of an application may be required by the City Arborist. All required material and information shall be provided by the applicant before the application may be deemed complete and accepted for processing.
2. Justification Statement. A written statement stating the justification for the tree permit.	2. No application shall be considered complete for acceptance and processing until the required application fee is paid in full.

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3. Site Map. The requirement for a site map may be waived by the planning director if the application is for removal of dead or hazardous trees. A site map, if required, shall include the following information, and any other information determined by the planning director to be necessary:	3. For work within the Tree Protection Zone or work involving the removal of a Protected Tree, a Tree Protection and Mitigation Plan may be required as part of the permit application as determined by the City Arborist unless exempt under Section 12.16.050(C). If Protected Trees are present on or encroaching into a proposed development site, a Tree Protection and Mitigation Plan may be required as part of the entitlement application and before submittal of a Tree Permit application. a. If all Regulated Activity is outside of the Tree Protection Zone of the Protected Trees located on or Adjacent to the property, then only a site plan showing the location of the Protected Trees in accordance with Section 12.16.140(A) will be required. b. Owner-occupants shall submit information concerning the tree(s) including tree location(s) in a form acceptable to the City Arborist.
a. Physical Characteristics (Existing and Proposed).	
i. Property lines;	
ii. Streets, access easements and/or public or private driveways and other paved areas;	
iii. Buildings or structures;	
iv. Setbacks of all buildings and structures from property lines;	
v. Parking and other paved areas;	
vi. Land uses on parcel (existing and proposed as applicable);	
vii. Proposed grading and construction, including utilities, if available.	
b. Tree Locations. All trees located on the property must be depicted on the site plan map. Identify those protected trees which are to be preserved and which will be subject to regulated activity. Additionally, the site plan map shall indicate the exact location of the base and protected zone for all such trees within the project boundary. Except for applications filed by owner-occupants, a survey of the exact location(s) of such tree(s), both horizontally and vertically, shall be conducted by a professional engineer or a licensed land surveyor. Owner-occupants shall submit information concerning tree locations in a form acceptable to the planning director. The tree number(s) shall be shown on both the site plan and grading plan and on the trees themselves (attached by nonharmful methods). The base elevation of each protected tree shall be shown on the grading plan.	
c. Protected Zone of Protected Tree(s). The exact location of the protected zone of protected trees.	

4. Preservation Program. A program for the preservation of protected trees during and after completion of the project (including avoidance of activity within the protected zone of protected trees), which shall include the following:	
a. Each tree or group of trees to be preserved shall be enclosed with high-visibility fencing prior to any grading, movement of heavy equipment, approval of improvement plans, or the issuance of any grading or construction permits. Such fence shall be removed following construction but prior to installation of landscaping material. Fencing shall enclose the entire protected zone.	
b. Parking of vehicles, equipment, or storage of material within the protected zone of trees is prohibited at all times, except that parking shall be permitted within the protected zone of street trees as outlined in subsections (B)(2) and (3) of Section 12.16.030.	
c. Signs shall be posted on all sides of fences surrounding each tree or trees stating that enclosed tree(s) are to be preserved. The signs shall state the penalty for damage to, or removal of, the protected tree. The number of posted signs required for the site shall be determined by the planning director.	
5. Arborist's Report. Except for applications filed by owner-occupants, an arborist's report shall be submitted and shall contain such information as the planning director determines is required to evaluate tree conditions, identify measures to protect trees for preservation and to evaluate areas in which to plant replacement trees. Owner-occupants shall submit information concerning tree condition in a form acceptable to the planning director. The contents of the arborist's report and site plan shall include but is not limited to the following information:	
a. Botanical and common name of tree(s) by tree number;	
b. Location of tree(s) by tree number;	
c. Diameter at breast height (DBH) by tree number, identifying whether single or multitrunked trees;	
d. Protected zone radius by tree number (measure longest radius);	
e. Condition by tree number based upon the following tree rating system:	
i. Excellent,	
ii. Good,	
iii. Fair to good,	
iv. Fair,	
v. Fair to poor,	
vi. Poor.	

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Tree ratings shall be based on: (1) the condition and environment of the tree's root crown; (2) the condition of the trunk, including decay, injury, callusing or presence of fungus sporophore; (3) the condition of the limbs, including strength of crotches, amount of dead wood, hollow areas, and whether there is excessive weight borne by them; (4) the condition and growth rate history of the twigs, including pest damage and diseases; (5) the leaf appearance, including abnormal size and density as well as pest and disease damage; (6) the protected zone environment, including evidence of grade changes and presence of water courses or ponding.	
Using an averaging of the above factors together with the arborist's best judgment, the tree shall then be described using the above rating categories. Based upon the conditions and findings, recommendations should be made that logically follow the report conditions. Recommended mitigative measures to improve the tree's condition ratings shall be included in the report. The report should also include information regarding the tree's life expectancy under existing and planned-for conditions.	
B. Application Evaluation Criteria. The approving authority shall review and approve, conditionally approve or deny applications in accordance with the provisions of this chapter. The following criteria will be considered in the evaluation of applications for tree permits:	
1. The gross floor area of any proposed structures in relation to the size of the site and the amount of area on the parcel which does not require the removal of protected trees;	
2. Design features of any proposed structures, as compared to other structures in the same vicinity which have or had protected trees on the parcel;	
3. Topographic constraints, lot configuration and other physical limitations;	
4. The health and structural condition of the protected trees;	
5. Whether the encroachment is likely to result in the decline of the protected tree or create a risk to persons or property;	
6. The approximate age of the protected tree compared with the average life span for that species;	
7. Whether removal of the protected tree would encourage healthier, more vigorous growth of younger similar trees in the area;	
8. The number of existing protected trees in the area;	
9. The number of healthy protected trees that a given parcel of land will support with and without the proposed development;	
10. The effect of removal on soil stability/erosion, particularly near watercourses or on steep slopes;	
11. The potential for the protected tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures;	

12. Present and future shade potential with regard to solar heating and cooling and other climatic conditions;	
13. Whether there are any alternatives that would allow for the preservation of the protected tree;	
14. Accepted tree management practices to ensure long-term survival of the tree;	
15. Whether the tree exhibits one of the following attributes: (1) historical value; (2) excellent health rating; (3) outstanding habitat value; (4) unusual species; or (5) superior beauty;	
16. Whether other discretionary entitlements are contemplated within one year;	
17. Any other information which may impact the health, safety or general welfare of the public.	
C. Tree Permit Provisions.	
1. The approving authority's decision to approve or deny the application, including reasons for any denial shall be provided to the applicant in writing. The approving authority's decision is final upon such filing and notification pursuant to Sections 12.16.100 and 12.16.190.	
2. A tree permit shall not be effective until the time in which an appeal may be filed has elapsed without an appeal having been filed. A tree permit shall be valid for 1 year or for the life of other associated project entitlements (i.e., tentative maps, conditional use permits, etc.), whichever is longer. Any changes to the project not in substantial compliance with the original approval shall require reapplication to the approving authority.	
3. It shall be the responsibility of the person undertaking a regulated activity to have the tree permit at the site. The property owner shall be ultimately responsible for complying with the requirements of the tree permit.	
4. The permit shall entitle the applicant to perform only the regulated activities described in the tree permit. (Ord. 826 § 1 (part), 1995)	
12.16.050 Environmental review.	
Review by the approving authority is subject to the requirements of the California Environmental Quality Act (CEQA). The approving authority shall not approve an application prior to considering the applicable environmental document and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents. (Ord. 826 § 1 (part), 1995)	
	B. Application Fees. The City Council may establish a fee by resolution for the processing of permit applications under the provisions of this Chapter, which may be amended from time to time.

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	12.16.070 Approving Authority
	The Approving Authority may approve, modify, approve with conditions, or deny the permit application in accordance with this Chapter. The Approving Authority shall be responsible for the interpretation of provisions of this Chapter in the event of confusion or a conflict. The decision of the Approving Authority on a Tree Work Permit shall be final and not subject to appeal. A Tree Removal Permit may be appealed to the Appeal Authority pursuant to procedures set forth in Section 12.16.100 (Appeals).
12.16.060 Conditions.	
The approving authority shall at the time of approval impose such conditions as are necessary to ensure compliance with this chapter, state or federal laws. Such conditions shall be reasonably related to the public needs created by the proposed project. Conditions to mitigate environmental impacts of the activity shall also be imposed by the approving authority. (Ord. 826 § 1 (part), 1995)	
	12.16.080 Findings for Approval
	The following findings are required before issuance of the specified permits.
	A. Tree Work Permit. Before approving an application for a Tree Work Permit, the Approving Authority shall make the following findings:
	1. The proposed activity is not detrimental to the immediate or long-term health of the Protected Tree; or
	2. The proposed activity may impact the immediate health of the Protected Tree(s), but a Tree Protection and Mitigation Plan has been prepared that minimizes the impact and protects the long-term health of the tree(s) to the satisfaction of the Approving Authority; and
	3. The proposed activity is in accordance with the provisions of this Chapter and all applicable City standards and policies.
	B. Tree Removal Permit. Before approving an application for a Tree Removal Permit, the Approving Authority shall make at least one of the following findings:
	1. The condition of the Protected Tree with respect to disease, danger of falling, or long-term health of the tree is such that the tree is not likely to survive.
	2. The condition or location of the Protected Tree or its roots is interfering with water, sewer, gas, electrical services, streets or sidewalks and is likely to cause a foreseeable interruption in service or function to the subject property or properties in the vicinity and there are no Reasonable Alternative Measures to avoid, prevent or lessen the interference.
	3. The Protected Tree or its roots are causing or will cause damage in the near future to any existing permanent structure or feature on the property or on any Adjacent property including pools, driveways, and there are no Reasonable Alternative Measures to avoid, prevent or remove and repair the damage or imminent damage.

	4. Use of the property consistent with the Zoning Code cannot be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.
	5. The tree is a Protected Tree, other than a Native Oak Tree or Landmark Tree, in the front yard of a residential property of one-half acre or less with an existing residential structure on-site, and the property owner agrees to plant a replacement tree on the property consistent with the requirements of Section 12.16.150 (A)(1)(c).
	12.16.090 Notice of Decision
	A. Written Notice. Written Notice. Written notice of decision on an application for a Tree Work Permit or Tree Removal Permit shall be provided to the applicant as part of the permit issuance or denial. Written notice of an application for a Tree Removal Permit shall be provided to owners of properties located immediately Adjacent to the subject property after an application has been received by the City. The notice shall include the following:
	1. Location where the application may be viewed.
	2. The timing for the decision on the application to be made by the Approving Authority.
	3. The location where the decision and any conditions imposed as part of the approval or reasons for denial may be viewed.
	4. The timeline and process for appeals, as applicable.
12.16.100 Appeals from action on issuance or denial of a permit.	**12.16.100 Appeals**
A. If the applicant for a tree permit, or other interested parties, are dissatisfied with any determination made by the planning director, such person may appeal to the planning commission. If the applicant for a tree permit, or other interested parties, are dissatisfied with any determination made by the planning commission, such person(s) may appeal to the city council. Decisions of the planning commission, when sitting as an appeal body, may not be appealed to the city council.	**A. Right to Appeal.** The decision on a Tree Work Permit is final and not subject to appeal. For a Tree Removal Permit, any applicant or person Adjacent property owner dissatisfied with the determination of the Approving Authority may file an appeal with the Director. The decision of the Director may be further appealed to the Planning Commission or the Historic District Commission depending upon the location of the Protected Tree. The decision of the Planning Commission or Historic District Commission shall be final for all purposes and not appealable further.
B. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the planning director not later than ten calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived. (Ord. 851 § 2(2), 1996)	**B. Filing an Appeal.** An appeal shall be submitted in writing to the City Clerk within 10 calendar days following a decision rendered under this Chapter, with payment of an appeal fee adopted by the City Council. The appeal shall, at a minimum, state the following:
12.16.110 Appeal fee for appeals from action on issuance or denial of a permit.	1. The project or matter being appealed.

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The city council shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration and processing of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal request. No appeal request shall be deemed valid unless the prescribed fee has been paid. (Ord. 851 § 2(3), 1996)	2. The date of the City's decision that is the subject of the appeal.
	3. The specific finding(s), condition(s), or regulation(s) being appealed.
	a. A statement specifying the basis or grounds of the appeal, such as why the decision is not in agreement with the regulations of this Chapter.
	b. How the decision of the Approving Authority should be changed.
	4. No appeal request shall be deemed filed until the prescribed appeal fee has been paid.
	5. If an appeal is not filed within the time and in the manner stated above, the right to appeal shall be deemed waived.
12.16.120 Appeal hearings concerning action on issuance or denial of a permit. After the filing of an appeal within the time and in the manner prescribed by Section 12.16.100, the appeal body shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the appellant not later than ten days preceding the date of the hearing. (Ord. 851 § 2(4), 1996)	**C. Notice and Schedule of Appeal Hearings.** 1. *No Hearing Required.* For timely appeals filed following a decision by the Approving Authority, no hearing shall be required prior to a decision by the Director on the appeal request. 2. *Hearing Required.* For timely appeals filed following a decision by the Director on the appeal request, the Director shall schedule an appeal hearing with the Planning Commission or the Historic District Commission, as applicable, as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing. Any hearing may be continued from time to time.
12.16.130 Actions on appeals concerning issuance or denial of a permit.	**D. Appeal Review and Action.** The Director, Planning Commission and/or Historic District Commission, acting as Appeal Authority shall review the entire proceeding or proceedings relating to the act or decision being appealed and may make any order it deems just and equitable, including but not limited to the approval or denial of the Tree Removal Permit application, the addition or modification of any condition applicable to an approved Tree Removal Permit.
A. The appeal body shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.	

B. At the conclusion of the hearing, the appeal body shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the city clerk. The clerk shall serve such decision on the applicant. The decision of the appeal body shall become final upon the date of filing and service with respect to any appeal. (Ord. 851 § 2(5), 1996)	**E. Notice of Appeal Decision.** 1. *Director Decisions.* At the conclusion of the review, the Director shall make findings supporting the decision on the appeal. Written notice of the decision shall be issued in accordance with Section 12.16.090 (Notice of Decision). 2. *Planning Commission and Historic District Commission Decisions.* At the conclusion of the hearing, the Planning Commission or Historic District Commission shall make findings supporting its decision on the appeal. The decision of the Planning Commission or Historic District Commission shall be filed with the City Clerk and provided to the appellant and the project applicant.
	12.16.110 Effective Date and Permit Expiration
	A. Effective Date.
	1. *Tree Work Permit.* Tree Work Permits shall become effective on the date an approval is issued by the Approving Authority.
	2. *Tree Removal Permit.* Tree Removal Permits issued under this Chapter shall become effective 10 calendar days following the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal. If the Appeal Authority upholds or grants a Tree Removal Permit application, the permit shall become effective on the date of approval by the Appeal Authority.
	B. Time Limits.
	1. *Application Expiration.* Any application inactive for a period of six (6) months from the last written correspondence with the applicant shall expire, as determined by the Approving Authority. If the applicant subsequently wishes to continue to pursue the requested permit, a new application, including fees and all submittal requirements must be filed in compliance with this Chapter.
	2. *Permit Expiration.* Any permit not exercised within six (6) months from the date of approval shall expire. The exercise of a permit occurs when the permittee performs substantial work for the activity approved under the permit, as determined by the Director.
	3. *Associated Entitlements.* When a permit under this Chapter is approved in association with other project entitlements (i.e., tentative map, design review, etc.), the permit expiration date shall track the expiration of said project entitlements not to exceed two (2) years.
	4. *Extensions.* An applicant may request an extension in writing for up to six (6) months for a permit or a permit application, which may be granted at the discretion of the Approving Authority. The request must include the reason(s) for the extension.

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	12.16.120 Regulated Activity Authorized by Permit
	A. Compliance with Permit Requirements. A Tree Permit shall entitle the applicant to perform only the Regulated Activity authorized by the permit. No person shall undertake any Regulated Activity that does not comply with an approved Tree Permit. Any proposed change in the nature or scope of the Regulated Activity that is not in compliance with the approved permit shall require an application to amend the approved permit, which shall be submitted, processed, and reviewed as a new application under the provisions of this Chapter.
	B. Substantial Compliance. The Approving Authority may approve minor changes to an approved permit if the proposed changes are in substantial compliance with the permit and permit conditions. Such proposed changes shall not significantly affect the scope and intent of the approved work or reduce any requirement intended to mitigate an impact to a Protected Tree.
	C. Tree Permit Kept on Site. A copy of the applicable Tree Permit and Tree Protection and Mitigation Plan shall always be kept at the project site and shall be made available for inspection upon request.
	D. Permittee Responsibilities. The permittee is responsible for compliance with all requirements of the applicable Tree Permit.
	E. Indemnification. All Tree Permits shall include the following indemnification statement: Permittee shall defend, indemnify and save harmless the City (including its officials, employees, agents, and representatives, and each of them) of and from any and all claims, demands, suits, causes of action, damages, costs, expenses, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the permittee's work to be performed under the Tree Permit.
	12.16.130 Conditions of Approval
	The Approving Authority may impose such conditions as are necessary to ensure compliance with this Chapter with respect to the proposed project, including but not limited to conditions to lessen impacts to Protected Trees or to mitigate environmental impacts of the proposed activity. The following are standard conditions of approval that shall apply to each type of work listed below.
	A. Tree Pruning. Tree Work Permit for Protected Tree pruning activities shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
	1. All pruning activities shall be conducted in accordance with the City's Tree Care and Maintenance Standards.
	3. All work shall be performed by or under the supervision of an Arborist.
	B. Tree Protection Zone Work. Tree Work Permit for Regulated Activities conducted within the Tree Protection Zone shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:

	1. As determined by the Approving Authority, a Tree Protection and Mitigation Plan may be required and, if required, must be prepared in accordance with Section 12.16.140.
	2. All work shall be conducted and performed:
	a. In accordance with the City's Tree Care and Maintenance Standards.
	b. In accordance with the approved Tree Protection and Mitigation Plan and the Tree Work Permit.
	c. By or under the supervision of an Arborist unless this requirement is waived by the Approving Authority.
	3. For construction activities, each Protected Tree or group of Protected Trees to be preserved shall be enclosed with high visibility fencing prior to the commencement of any Regulated Activity.
	4. Signs shall be posted on all sides of fences surrounding each Protected Tree or Trees stating that enclosed tree(s) are to be preserved. The signs shall state the penalty for damage to, or removal of, the Protected Tree. The size and number of posted signs required for the site shall be determined by the Approving Authority.
	5. Any approved Tree Protection and Mitigation Plan must be submitted as part of the application and plan set submittal for the Regulated Activity such as applications and plans for a grading permit, building permit, landscape permit, etc.
	6. An Arborist or their authorized representative shall be present on-site during all permit activities in order to monitor compliance with the permit, the permit conditions, and this Chapter to the satisfaction of the Approving Authority.
	7. A Certificate of Compliance shall be submitted by an Arborist as follows:
	a. Once all permit activities are complete – to confirm compliance with the Tree Protection and Mitigation Plan.
	b. Once the Monitoring Period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the Protected Trees are in good health and remain viable.
	8. Tree Work Permits are not transferable between parties.
	C. Tree Removal. A Tree Removal Permit for removal of a Protected Tree shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
	1. As determined by the Approving Authority, a Tree Protection and Mitigation Plan may be required and if required must be prepared in accordance with Section 12.16.140.
	2. A Certificate of Compliance shall be submitted by an Arborist as follows:

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	a. Once replacement planting is complete – to confirm that the replacement tree(s) have been planted in accordance with the submitted Tree Protection and Mitigation Plan and any other applicable conditions of approval.
	b. Once the monitoring period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the replacement trees are in good health and remain viable.
	3. Tree Work Permits are not transferable between parties.
12.16.070 Mitigation.	**12.16.140 Tree Protection and Mitigation Plan Requirements**
Except for owner-occupants of single-family residential homes, applicants who are granted permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of the regulated tree, temporary or permanent irrigation, and monitoring for a 2-year period.	The Tree Protection and Mitigation Plan, if required under this Chapter, shall be prepared by an Arborist or other licensed professional, as approved by the Approving Authority, and contain the following information:
A. On-Site Mitigation Plan. The on-site mitigation plan shall include, but is not limited to, the following:	A. A site plan, which shall include the following information, and any other information determined to be necessary by the Approving Authority.
1. A site plan depicting all living protected trees to remain and all living protected trees to be removed, utilizing clear and concise graphics.	1. Physical characteristics (existing and proposed).
2. A table indicating each protected tree to be removed by tree number, the DBH, condition, and any other information pertinent to the trees being removed.	a. Property lines; b. Streets, access easements and/or public or private driveways and other paved areas; c. Buildings or structures; d. Setbacks of all buildings and structures from property lines; e. Parking and other paved areas; f. Land uses on parcel (existing and proposed as applicable); and g. Proposed grading and construction, including utilities, if available.
3. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.	2. Tree locations, including:
	a. All trees located on the property; b. Diameter at Standard Height of each tree; c. Species of each tree; d. Those Protected Trees which are to be preserved and which will be subject to Regulated Activity; e. Protected Trees that may or will be impacted by the proposed Regulated Activities shall be clearly indicated; f. The location of any replacement trees proposed as mitigation; g. The exact location of the base and Tree Protection Zone for each tree within the project boundary; h. The tree number(s) shall be shown on both the site plan and grading plan and on the trees themselves (attached by nonharmful methods); i. The base elevation of each Protected Tree shall be shown on the site plan as well as the grading plan; and

j. A survey of the exact location(s) of such tree(s), both horizontally and vertically, shall be conducted by a professional engineer or a licensed land surveyor.

B. An Arborist Report which includes the following and any other information determined to be necessary by the Approving Authority:

1. A statement of qualifications for the Arborist(s) or others that prepare the Tree Protection and Mitigation Plan.

2. Protected Trees shall be rated according to this American Society of Consulting Arborists (ASCA) Tree Rating System shown in Table 12.16-10.

Table 12.16-10
ASCA Tree Rating System

Rating	Rating No.	Rating Description
Excellent	5	No problem(s)
Good	4	No apparent problem(s)
Fair	3	Minor problem(s)
Poor	2	Major problem(s)
Hazardous or Non-correctable	1	Extreme problem(s)
Dead	0	Dead

3. A description of Regulated Activities to be conducted.

4. A procedure and course of action recommended by an Arborist which addresses the impacts to individual Protected Trees from the proposed Regulated Activity and provides the details necessary for preservation and mitigation and which shall include the following:

a. For Regulated Activity to be conducted within a Tree Protection Zone, the Tree Protection and Mitigation Plan shall identify those methods that shall be used by the applicant to protect the tree(s) during the proposed Regulated Activities, consistent with the requirements of Section 12.16.150. The methods used shall include, but not necessarily be limited to, the following:

i. Preservation devices such as soil or surface protection, protective fencing, root protection devices or other such methods.
ii. The detailed recommendations for existing or proposed planting and/or irrigation within the Tree Protection Zone.
iii. Standards for performing work such as trenching, root cutting, or grading shall be consistent with the City's Tree Care and Maintenance Standards to preserve the Protected Tree.

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	b. For removal of a Protected Tree, the Tree Protection and Mitigation Plan shall include: i. The number of replacement trees required to mitigate for removal of the Protected Tree(s) consistent with Section 12.16.150(A). ii. The number of replacement trees that may be accommodated on the same property as the Protected Tree(s) proposed for removal. The number of replacement trees that may be accommodated on the property shall be determined by an Arborist based on the long-term viability of the replacement tree(s). Long-term viability shall be determined based on the following factors: 1. Whether the proposed location of the replacement tree can accommodate full growth. 2. Quality of the environment in which the tree is to be located. 3. Potential impact to the replacement tree from any proposed development or construction activities. iii. The schedule for planting of the replacement trees subject to approval of the Approving Authority. iv. The strategy chosen by the applicant to satisfy the required mitigation shall be consistent with the provisions of Section 12.16.150(B). v. If in-lieu fee payment is the only feasible option available to satisfy the mitigation requirements set forth in Section 12.16.150(B) then the information listed above in Section 12.16.140(B)(4) is not required.
	c. A monitoring program for the replacement trees, including a specified time period, the party responsible for monitoring, and the method and frequency by which monitoring reports will be submitted to the City.
	d. Other items as determined by the City to satisfy the requirements of this Chapter.

B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve 1 of the following methods for off-site mitigation within the city:	**12.16.150 Mitigation Requirements** Removal of any Protected Tree shall be mitigated in accordance with the provisions of this section.
1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution, to cover the cost of purchasing, planting and initial care of the off-site tree plantings. Such fee shall be placed into the tree planting and maintenance fund to purchase property for tree mitigation sites, to provide for tree planting and maintenance on public projects or for a community forestry program, if established.	**A. Replacement Trees Required.** Replacement trees shall be required as follows: *1. Protected Trees.* Protected Trees rated 3, 4 or 5 in the ASCA Tree Rating System in Section 12.16.140(B) shall be replaced at a ratio of one-inch equivalent for every one-inch of DSH removed as shown in Table 12.16-11. Smaller trees such as saplings or trees in containers less than 15-gallons may be used, but two replacement trees of that size would be required for every inch of Protected Tree removed. Protected Trees rated 2 shall be replaced at a ratio of 0.5-inch equivalent for every one-inch removed. Protected Trees rated 0 or 1 require no replacement or any other mitigation unless a Parking Lot Shading Tree or Street Tree replacement is required under the Zoning Code. Before removal of a Landmark Tree, the landmark designation shall be declassified pursuant to Section 12.16.170(D).
2. Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = .004 acres of land (175 square feet)	*a. Equivalency Table.* The following equivalent sizes shall be used whenever new trees are planted pursuant to a Tree Protection and Mitigation Plan (refer to Table 12.16-11). **Figure 12.16-11** **Tree Replacement Equivalency Table** **Replacement Tree Size** / **DBH Equivalency** A sapling tree; or — 0.5-inch DBH Tree in container less than 15 gallons — 0.5-inch DBH 15-gallon container tree — 1-inch DBH 24-inch box tree — 2-inch DBH 36-inch box tree — 3-inch DBH
The minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land. Off-site mitigation of this type must be approved by the city council.	b. *Reduced Mitigation Rate Within the Buildable Area of Residential Lots. Reduced Mitigation Rate Within the Buildable Area of Residential Lots.* Within the buildable area of a parcel zoned to allow for residential development, the mitigation requirements shall be reduced by 50 percent if any part of the tree base is located within the Buildable Area as shown in Figure 12.16-12.

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3. Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.	c. *Removal of Street Trees on Residential Property with Existing Residential Dwellings.* Street trees on residential property one-half acre or less shall be replaced at a ratio of one replacement tree for every tree removed if the property has an existing residential structure on-site. For residential properties greater than one-half acre, two replacement trees for every Street Tree removed shall be required at the discretion of the Approving Authority. Regardless of property size, removal of Street Trees that are Native Oak Trees or Heritage Trees requires the mitigation set forth in Section 12.16.150(B).
	d. *Waiver of Tree Replacement Requirements.* The Director may reduce or waive the tree replacement requirements in this section provided that the applicant has met findings 1, 2, or 3 as set forth in 12.16.080(B) and the Protected Tree(s) is removed pursuant to a Tree Removal Permit issued in accordance with the permit requirements in Sections 12.16.050 through 12.16.130.
C. Mitigation Tree Planting and Tree Preserve Replacement Ratios.	
1. Mitigation for approved removal of each protected tree, including protected trees outside of the designated building envelope within the setback envelope of a custom single-family lot, as determined by the planning director, shall be based on the diameter inch measured at breast height. Replacement ratios shall be based on the size of each protected tree falling within one of the following eight categories:	
a. A six- to ten-inch protected tree measured at diameter breast height equals eight fifteen-gallon native oak trees, or four twenty-four-inch box native oak trees, or fee set by city council resolution.	
b. Above ten- to fifteen-inch protected tree measured at diameter breast height equals fifteen fifteen-gallon native oak trees, or six twenty-four-inch box native oak trees, or fee set by city council resolution.	
c. Above fifteen- to twenty-inch protected trees measured at diameter breast height equals twenty fifteen-gallon native oak trees, or ten twenty-four-inch box native oak trees, or fee set by city council resolution.	
d. Above twenty- to twenty-five-inch protected tree measured at diameter breast height equals thirty fifteen-gallon native oak trees, or fifteen twenty-four-inch box native oak trees, or fee set by city council resolution.	
e. Above twenty-five- to thirty-inch protected tree measured at diameter breast height equals thirty-five fifteen-gallon native oak trees, or seventeen twenty-four-inch box native oak trees, or fee set by city council resolution.	

f. Above thirty- to thirty-five-inch protected tree measured at diameter breast height equals forty fifteen-gallon native oak trees, or twenty twenty-four-inch box native oak trees, or fee set by the city council resolution.	
g. Above thirty-five- to forty-inch protected tree measured at diameter breast height equals fifty fifteen-gallon native oak trees, or twenty-five twenty-four-inch box native oak trees, or fee set by the city council resolution.	
h. Above forty-inch protected tree measured at diameter breast height equals thirty-five twenty-four-inch box native oak trees, or fee set by the city council resolution.	
i. Mitigation for regulated activities for protected trees within the designated building envelope within the setback envelope of a custom single-family lot, as determined by the planning director, shall be one fifteen-gallon tree per protected tree.	
	B. Mitigation Strategies.
	1. *On-Site Replacement Planting.* Replacement trees shall be planted on the same property as the Protected Tree proposed for removal, subject to review by the Approving Authority. Where the subject property is not able to accommodate the required number of replacement trees on-site, the payment of in-lieu fees shall be required in accordance with Section 12.16.150(B)(2).
	a. Replacement Tree Species. Unless funded through the Tree Planting and Replacement Fund, trees planted as replacement trees shall be the same species as those removed or a species that is acceptable to the Approving Authority, with consideration given to species diversity.
	2. *Payment of In-Lieu Fee.* Payment of in-lieu fees may be allowed where the subject property is not able to accommodate the required number of replacement trees on-site. The in-lieu fee shall be calculated as a dollar amount for each DSH inch of Protected Tree removed, as adopted by City Council resolution.
	3. *Combination of Planting and Fee Payment.* A combination of on-site replacement planting and payment of in-lieu fees may be used where the number of replacement trees cannot be accommodated on-site. The in-lieu payment shall be reduced based on the number of DSH inches of the replacement trees planted on-site.

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	4. *Tree Preservation Credit.* Protected Trees, including Native Oaks measuring one inch DSH or greater, may be preserved in order to receive a Tree Preservation Credit (TPC). Credit of one-half inch DSH shall be granted for every inch DSH preserved. However, required mitigation cannot be entirely satisfied using Tree Preservation Credit alone. Even when credit is granted, in no case can mitigation for Protected Tree removal be less than either:
	a. The replanting, maintenance and monitoring for 3 years of one 15-gallon tree from a species of similar size at maturity that is listed on the Folsom Master Tree List; or
	b. The in-lieu fee equivalent to the replacement of the Protected Tree at one-inch DSH.
	Any tree that is to be considered for Tree Preservation Credit shall be evaluated, included in the Tree Protection and Mitigation Plan, and shall have been found to be rated a 3, 4, or a 5 by an Arborist based on the ASCA Tree Rating System identified in Section 12.16.140. Credits shall only be accepted if any part of the base of the tree to be preserved is located within the Buildable Area of the parcel as shown in Figure 12.16-13, the Tree Protection Zone (TPZ) is protected on the construction site, the spacing is equal to or greater than the proper spacing dictated by the Folsom Master Tree List, and the tree is determined by the City Arborist to be viable long-term.
2. Mitigation for the removal of protected trees may be in the form of preserving an existing, and sustainable preserve of oaks, subject to approval of the approving authority. At minimum, the preserved area must contain diameter inches and tree species equivalent to the inches and species of the protected trees to be removed. The preservation area must be either dedicated to the city, placed in a conservation easement, or some other method accepted by the city council to ensure preservation of the oak woodland habitat.	5. *Other Strategies.* Other strategies as may be determined appropriate by the Approving Authority and that meet the intent of mitigation for removal of the Protected Tree(s).
3. Mitigation requirements for approved removal of each protected tree that is within the easement area of overhead electrical transmission lines, as confirmed by the appropriate utility, shall be reduced by fifty percent. Applicant must provide written confirmation from the appropriate utility, to the satisfaction of the community development director, that the protected trees are within the easement area of the overhead electrical transmission lines and the utility has requested that the tree be removed.	

D. Project Compliance. In order to ensure compliance with specific conditions of a tree permit, the applicant shall submit to the planning director, at the time of mitigation plan submittal, and prior to the issuance of a grading permit, a minimum one-thousand-dollar deposit (or amount deemed necessary by the approving authority on a case-by-case basis) which shall be posted and maintained to ensure the preservation of protected trees during construction. The deposit shall be posted in a form approved by the city attorney prior to any grading or movement of heavy equipment onto the site or issuance of any permits. (Ord. 1053 § 3, 2006; Ord. 826 § 1 (part), 1995)	
12.16.150 Mitigation fees.	**12.16.160 Tree Planting and Replacement Fund**
Tree Planting and Replacement Fund. A tree planting and replacement fund shall be established in which mitigation fees and penalty assessments shall be deposited. The tree planting and replacement fund shall be utilized for city tree planting and revegetation projects such as parkways, parks and beautification projects, to purchase property for tree mitigation sites, to construct multi-use Class I public trails in conjunction with tree planting, revegetation projects or beautification projects, for the retention of a city arborist, or for a community forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the exception of maintenance of landmark trees and at the recommendation of the community development director, on property subject to a conservation easement. This fund shall be administered by the community development department. (Ord. 1053 § 2, 2006: Ord. 826 § 1 (part), 1995)	Mitigation fees and penalty assessments under this Chapter shall be deposited into the Tree Planting and Replacement Fund. The Tree Planting and Replacement Fund may be used for tree planting and revegetation projects such as parkways, parks, planting of trees along public trails and beautification projects, to purchase property for tree mitigation sites, or beautification projects, for the retention of a City Arborist, or for the development, staffing or implementation of an Urban Forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the following exceptions: 1) private property that is maintained by the City under the terms of a maintenance agreement; or 2) maintenance of Landmark Trees at the recommendation of the City Arborist. This fund shall be administered by the Community Development Department.
12.16.090 Establishing landmark tree(s).	**12.16.170 Landmark Designation**
A. Request for Establishing a Landmark Tree. A private property owner, or interested party, may submit an application to the planning department, requesting that the city council establish by resolution a tree or group of trees as a landmark tree(s). Applications shall be made on a form supplied by the planning director and be subject to an application fee pursuant to Section 12.16.170. The city council may also, on its own motion and without the payment of a fee, commence the process of designating a landmark tree. The planning department shall notify, by first-class mail, the owner of the proposed landmark tree(s) thirty days prior to the hearing on the application. Once an application has been submitted, and prior to city council action, the tree shall have the same status as a protected tree under this chapter.	A. Establishment of Landmark Designation. *Application for Landmark Designation.* Any interested party may submit an application to the Community Development Department, requesting that the City Council establish by resolution a tree or group of trees as a Landmark Tree(s). Applications shall be made on a form supplied by the City and be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of a fee, commence the process of designating a Landmark Tree. If the owner of the proposed Landmark Tree(s) is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed Landmark Tree(s) thirty days before the hearing on the application, and the owner must provide written confirmation to the City that they support the application. Once an application has been submitted, and before City Council action, the proposed Landmark Tree shall have the same status as a Protected Tree under this Chapter.

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B. Designation of Landmark Trees. In order to designate a tree as a landmark tree, the city council must find that the tree is a significant community benefit because it possesses one or more of the following attributes: (1) historical value; (2) excellent health rating; (3) outstanding habitat value; (4) unusual species; or (5) superior beauty.	*Designation of Landmark Trees.* In order to designate a tree as a Landmark Tree, the City Council shall find that the tree is in good health and is a significant community benefit because it possesses one or more of the following attributes:
If the city council designates a tree as landmark tree, the city clerk shall mail a copy of the resolution to the owner of the tree, and direct the planning director to add the tree to the list of landmark trees.	1. Historical value. 2. Outstanding habitat value. 3. Unusual species. 4. Superior beauty.
C. Declassification of Landmark Trees. An owner of a landmark tree may submit an application to the planning department, requesting that the city council declassify by resolution a tree or group of trees previously designated as a landmark tree(s). Applications shall be made on a form supplied by the planning director and be subject to an application fee pursuant to Section 12.16.170. The city council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a landmark tree. The planning department shall notify, by first-class mail, the owner of the landmark tree(s) thirty days prior to the city council meeting scheduled for the proposed action. The city council may declassify a landmark tree upon a finding that the tree(s) is no longer a significant community benefit because: (1) it has deteriorated in health or appearance; (2) it no longer has habitat value; or (3) it prevents reasonable use of the property.	*Property Owner Notification.* If the City Council designates a tree as a Landmark Tree, the City Clerk shall mail a copy of the resolution to the owner of the tree and direct the City Arborist to add the tree to the list of Landmark Trees.
D. Maintenance of Landmark Trees. After obtaining the consent of the property owner, the planning director shall cause each landmark tree to be inspected by a certified arborist annually. A report on the health of each tree and recommended maintenance shall be prepared. Copies of the report shall be provided to the city council and owners of the landmark trees. If the property owner refuses to grant such consent, the planning director shall have no further obligations under either subsection.	**B. Maintenance of Landmark Trees.** Upon the request of the property owner, the City Arborist may cause a Landmark Tree to be inspected by an Arborist. A report on the health of the tree(s) and recommended maintenance shall be prepared if determined to be necessary by the City Arborist. Copies of the report shall be recorded and provided to the owner of the Landmark Tree(s).
E. Documenting the Established Landmark Trees. The planning department shall map the location of landmark trees. (Ord. 826 § 1 (part), 1995)	**C. Documenting Landmark Trees.** The Community Development Department shall map the location of Landmark Trees.
	D. Declassification of Landmark Designation.
	1. *Application to Remove Landmark Designation.* The owner of a Landmark Tree may submit an application to the Community Development Department, requesting that the City Council declassify a tree or group of trees previously designated as a Landmark Tree(s). Applications shall be made on a form supplied by the City and shall be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a Landmark Tree(s). Unless the owner of the Landmark Tree is the applicant, the Community Development Department shall notify

	the owner by first-class mail thirty days before the City Council meeting scheduled for the proposed action.
	2. *Declassification of Landmark Trees.* In order to remove the landmark designation of a tree(s), the City Council shall find that the tree(s) is no longer a significant community benefit because it meets one or more of the following factors:
	a. The tree(s) has significantly deteriorated in health or appearance. b. The tree(s) no longer has habitat value. c. The tree(s) prevents reasonable use of the property.
	3. *Property Owner Notification.* If the City Council declassifies a tree or group of trees previously designated as a Landmark Tree(s), the City Clerk shall mail a copy of the resolution to the owner of the tree(s) and direct the City Arborist to remove the tree(s) from the list of Landmark Trees.
	12.16.180 Maintenance
	A. Every property owner shall maintain:
	1. Any Protected Tree located within the limits of their property in accordance with the requirements of this Chapter.
	2. Any Street Tree shall be pruned by the property owner in accordance with the requirements of this Chapter and shall maintain a minimum seven-foot vertical clearance over all public sidewalks, a minimum eight-foot vertical clearance over all public bicycle lanes, and a minimum 14.5-foot vertical clearance over all public streets.
	B. Nothing in this Ordinance shall prevent the implementation of the requirements in Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material) of the Folsom Municipal Code. In the event of a conflict with this Chapter, the requirements of Chapters 8.36 and 8.37 shall control. However, a Tree Removal Permit shall be required for the removal of Protected Trees. Permitted removal of Protected Trees shall be exempt from mitigation if the removal is either: 1. Part of a City-approved Fuel Modification Plan as set forth in Chapter 8.36; or 2. The result of a Notice to Remove Weeds, Noxious Vegetation, Refuse and Other Obstructions issued by the Fire Chief in accordance with Chapter 8.37.

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12.16.080 Street tree planting.	12.16.190 Street Tree Planting
A. Planting Within the Tree Maintenance Strip. Each applicant for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property shall be responsible for the planting of street trees. The species of trees to be planted shall be on the master tree list. As part of the application process, the planning director shall recommend to the approving authority the size of the tree to be planted, the location within the tree maintenance strip of the planting and the stage of the development at which the tree is to be planted. There shall be no fewer than one street tree for each single-family lot and two trees on corner lots for residential lots and not less than one tree per fifty feet of street frontage planted on center for commercial and industrial parcels. In multifamily developments, the number of trees shall be determined by the planning director, provided not more than one tree for each dwelling unit may be required.	**A. Street Tree Planting.** Each applicant for a building permit for new construction of residential or commercial structures on parcels without existing Street Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Street Trees, unless waived by the City arborist due to physical site constraints of the parcel. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the tree to be planted, the location of the planting and the stage of the development at which the tree is to be planted. There shall be at least one Street Tree for each single-family and two-family lot, except for corner lots, for which two trees shall be planted. For Street Trees for multi-family, mixed-use, commercial and industrial parcels, there shall be at least:
	a. One large-size tree species from the City's Master Tree List planted on center every forty feet of street frontage; or b. One medium-size tree species from the City's Master Tree List planted on center for every 30 feet of street frontage; or c. One small-size tree species from the City's Master Tree List planted on center for every 20 feet of street frontage; or d. If the City Arborist confirms that the planting of Street Trees is not feasible then payment of an in-lieu fee by the applicant will be required based on the number of Street Trees that would have been required given the linear feet of street frontage of the project.
B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the planning director that adequate provision has been made for the planting and initial maintenance of the street trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the planning director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) which require the planting and maintenance of street trees and which, in the opinion of the city attorney, are enforceable by property owners or an association of owners created by such CC&Rs. (Ord. 826 § 1 (part), 1995)	**B. Responsibility.** The cost of the tree stock, the planting thereof and the maintenance of the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Street Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Street Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

	12.16.200 Parking Lot Shading Tree Planting
	A. Planting in Parking Lot. Each applicant for a building permit for new construction of a commercial structure(s) with surface parking on a parcel without Parking Lot Shading Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Parking Lot Shading Trees in accordance with the requirements of the Zoning Code. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the trees to be planted, the location within the parking lot where the trees are to be planted, the monitoring and maintenance period, and the total number of trees necessary to meet the requirements of the Zoning Code.
	B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Parking Lot Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Parking Lot Shading Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.
	12.16.210 Solar Shade Control Act Exemption
	The City is exempt from the provisions of the Solar Shade Control Act, Chapter 12 (commencing with Section 25980) of Division 15 of the California Public Resources Code.
	12.16.220 Violations, Enforcement, and Penalties
	A. Violations
	1. A violation of this Chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, any violation of this Chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.

Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

	2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available to redress violation of the provisions of this Chapter.
	3. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this Chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012.
	4. Notwithstanding the maximum fee level identified in Section 1.09.012(A), the monetary sanction for the removal of a Protected Tree or damage resulting in a critical impact to a Protected Tree, as determined by the City Arborist, shall be in an amount at least two times what would have been charged as an in-lieu fee under Section 12.16.160(B)(2) of this Chapter.
12.16.140 Enforcement. A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code. B. The director of the department of planning, inspections and permitting shall enforce the provisions of this chapter. (Ord. 851 § 2(6), 1996).	B. Enforcement 1. This Chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10 of the Folsom Municipal Code.
12.16.143 Penalties.	
A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, inclusive, any violation of this chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.	
B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.	
C. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A). The monetary sanction shall be determined by reference to the criteria set forth in Section 1.09.014, but shall be in an amount no less than two times what would have been charged as an in-lieu fee under Section 12.16.070(C) of this chapter. (Ord. 851 § 2(7) (part), 1996)	

12.16.145 Enforcement procedures - Notice to correct.	C. Enforcement Procedures—Notice to Correct
A. Prior to the suspension, revocation or denial of any license or permit, or the assessment of any fee, penalty or charge, or the commencement of any other enforcement action pursuant to this chapter, the director of the department of planning, inspections and permitting shall follow the procedures set forth in Sections 1.09.020 through 1.09.048, inclusive, of the Folsom Municipal Code. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052, inclusive, of the Folsom Municipal Code shall apply.	1. Prior to the assessment of any monetary sanction or the commencement of any other enforcement action pursuant to this Chapter, the Director shall follow the procedures set forth in Sections 1.09.020 through 1.09.050 of the Folsom Municipal Code.
B. Unless a tree has been removed in violation of this chapter, a notice to correct shall be served in accordance with the provisions of Section 1.09.023. The time to correct any violation of a provision of this chapter shall be no more than thirty days. If a notice to correct is not served, pursuant to Section 1.09.024(A), a notice of administrative violation shall be served in accordance with the provisions of Section 1.09.027. (Ord. 851 § 2(7) (part), 1996)	
12.16.160 Delegation.	
Whenever in this chapter an authority or power is vested in or a duty is imposed upon an officer or official, an employee subordinate to the officer or official to whom an appropriate delegation has been made shall be entitled to exercise the power or authority and perform the duty. (Ord. 826 § 1 (part), 1995)	
12.16.170 Application fees.	
The city council may establish a fee for the processing of an application under the provisions of this chapter by resolution, which may be amended from time to time. (Ord. 826 § 1 (part), 1995)	
12.16.180 Amendment of project.	
Any proposed changes in the project after approval shall be submitted to the approving authority for review. No person shall undertake activity which does not conform with the plans or conditions of the original approval, unless approved by the approving authority. The approving authority shall review any proposed changes in the same manner and pursuant to the same standards as the original application. (Ord. 826 § 1 (part), 1995)	
12.16.190 Notices.	
A. Except as may be required by Title 1 of the Folsom Municipal Code, any notice authorized or required by this chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States Mail, first-class postage prepaid, and addressed to the party to whom it is directed.	

Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

B. Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the county and posted at City Hall. The same type of notice shall also be served on the property owner and upon each permittee whose permit may be affected by the action taken at the conclusion of the hearing. (Ord. 851 § 2(8), 1996)	

Tree Preservation Ordinance Update Figures

Figure 12.16-1

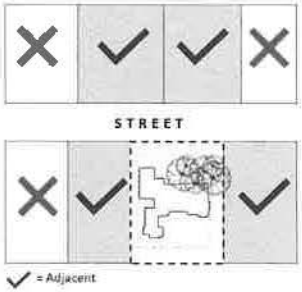
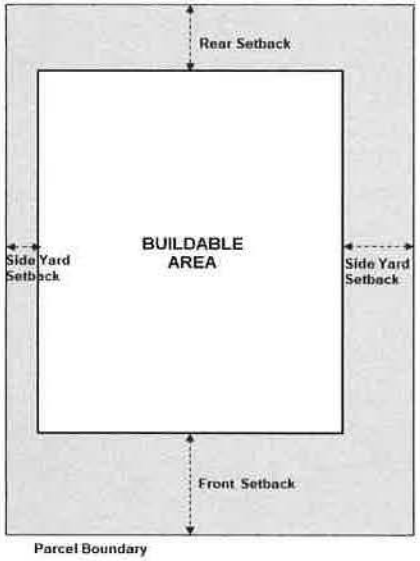


Figure 12.16-2



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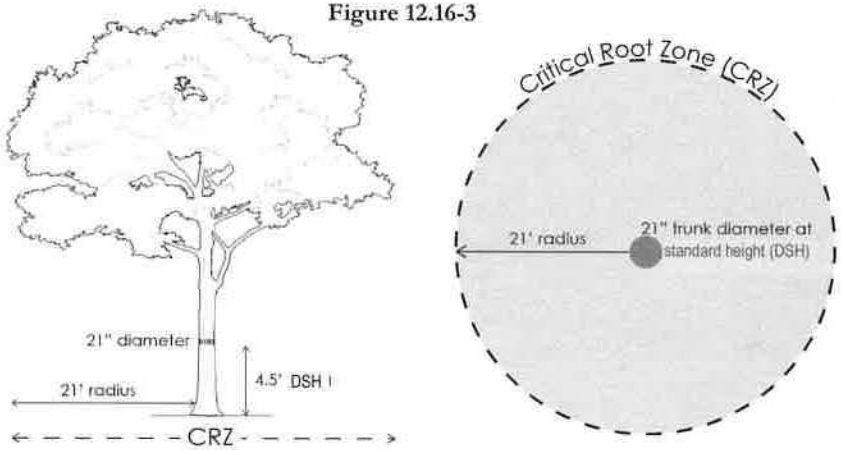

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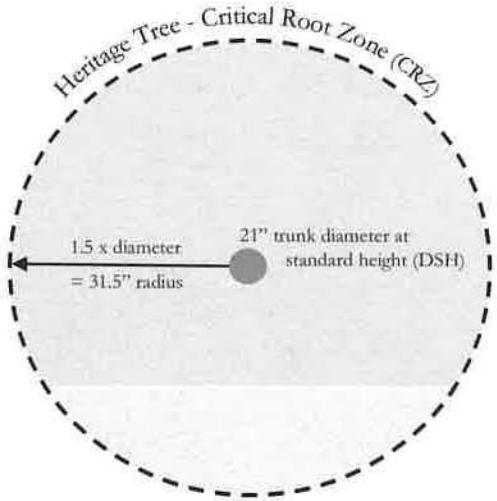
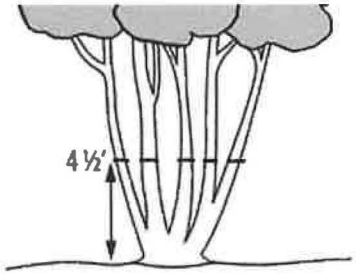


Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

Figure 12.16-5



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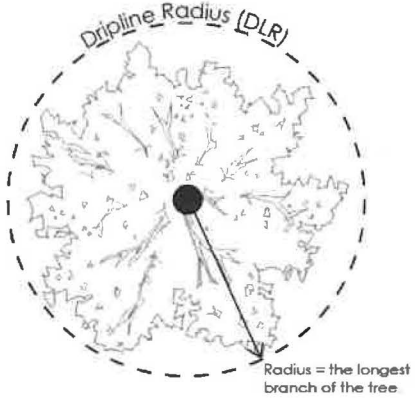

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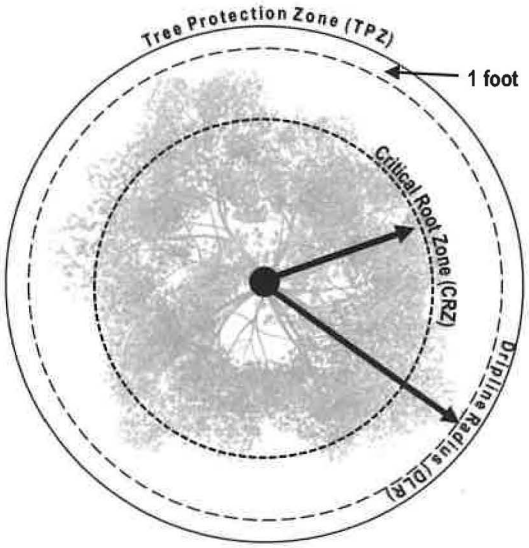


Figure 12.16-9

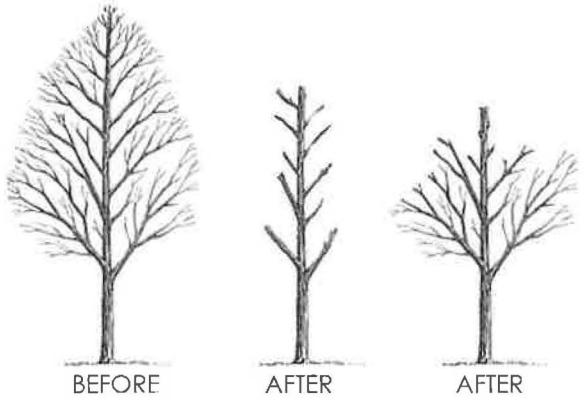


Figure 12.16-12

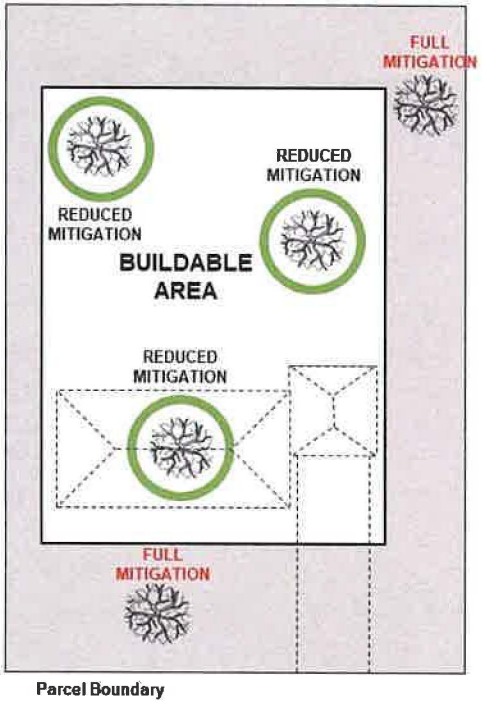
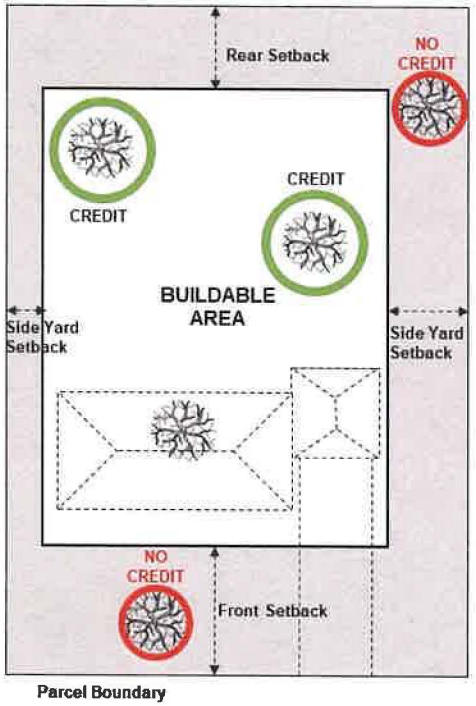


Figure 12.16-13



APPENDIX B

Amended 2035 General Plan Draft PEIR Chapters

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3 PROJECT DESCRIPTION

3.1 INTRODUCTION

The project analyzed in this Draft Program Environmental Impact Report (PEIR) is the proposed Folsom General Plan 2035 (2035 General Plan), which consists of a comprehensive update of the City's current General Plan, including the continuation of many existing policies, the modification of others, and the addition of new policies. To help describe the proposed project, this chapter provides background information regarding the location and setting of the city; identifies the project area covered by the 2035 General Plan; describes what comprises a General Plan in California; outlines the project objectives; and identifies the key themes/components of the 2035 General Plan. Alternatives to the proposed project are summarized in this document's Executive Summary (Chapter 2), and are more fully described in Chapter 20, *Alternatives Analysis*, of this Draft PEIR.

This Draft PEIR provides an assessment of the Revised Public Review Draft 2035 General Plan, published in June 2017. The 2035 General Plan would supersede the current 1988 City of Folsom General Plan. The 2035 General Plan is intended to provide the control and regulation necessary to ensure that growth in the City of Folsom occurs in an orderly fashion, to ensure that urban services and amenities are provided commensurate with need, and that the public health and safety is protected.

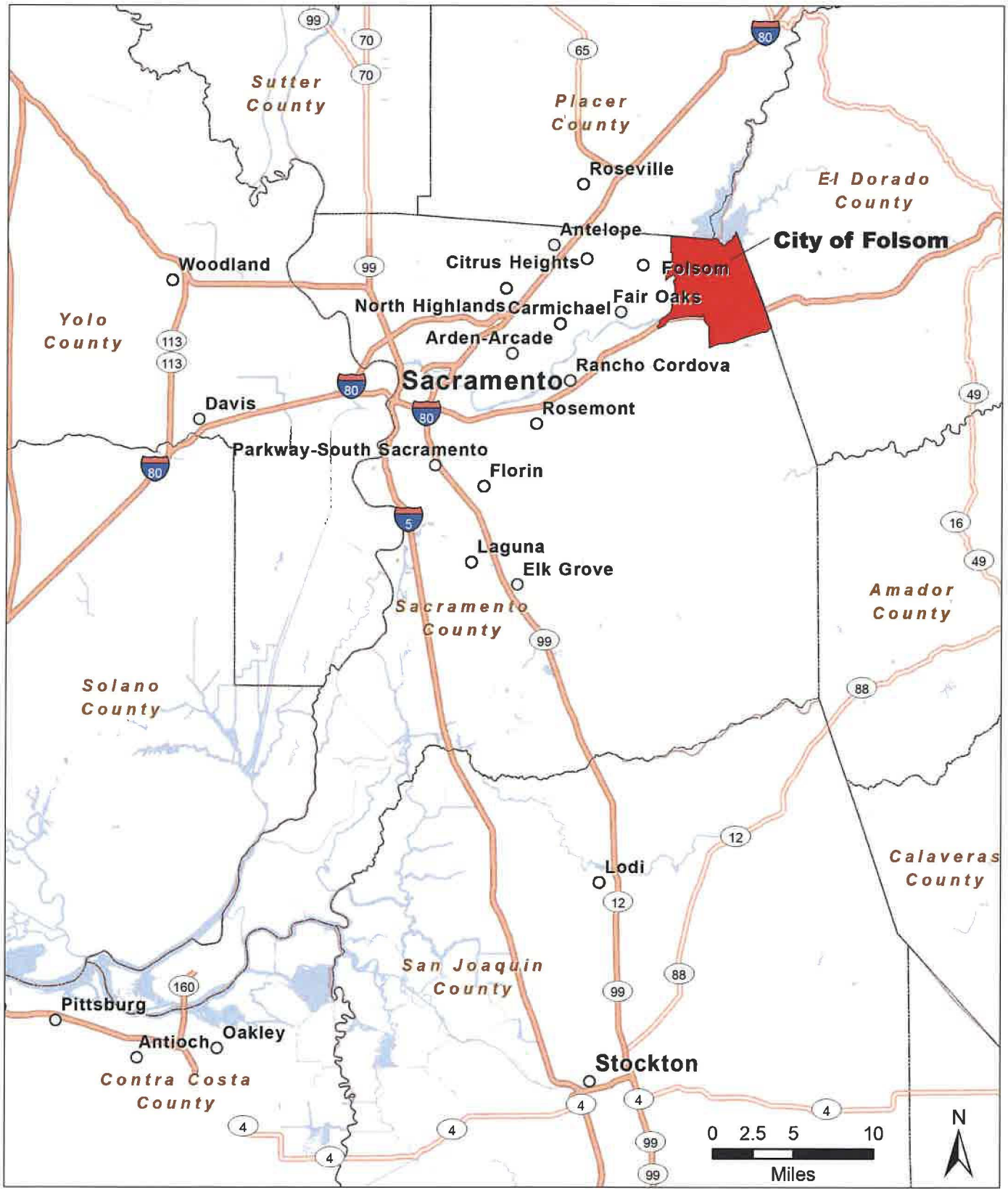
In compliance with the California Environmental Quality Act (CEQA), this Draft PEIR describes the potential environmental impacts associated with the adoption and implementation of the 2035 General Plan. Pursuant to CEQA, the City of Folsom is the Lead Agency for conducting an environmental review of this proposed General Plan project.

As required by state law, this Draft PEIR will be circulated for a review period of at least 45 days in length. The Public Review Draft 2035 General Plan also has been made available for public comment. During this time the public will be allowed to submit comments on the 2035 General Plan and this Draft PEIR. All of the comments received will be taken into consideration at the public hearings held before the Planning Commission and the City Council prior to certification of this Draft PEIR and adoption of the 2035 General Plan. In considering the 2035 General Plan, the Planning Commission and City Council will review the Draft PEIR, including all comments received on the document.

3.2 PROJECT LOCATION AND 2035 GENERAL PLAN PLANNING AREA

CITY LIMITS

The City of Folsom is located in northeastern Sacramento County in California's Sacramento Valley (see 3-1). The city limits are largely defined by county borders, physical features, and major roads and highways. Folsom immediately borders the Sacramento/Placer and Sacramento/El Dorado county lines on its northern and eastern edges. The major natural physical features of the city are Folsom Lake, Folsom Dam, the American River, and Lake Natoma. Folsom Lake forms most of the northern edge of the city, although the city limits extend into it. The lake was formed by the damming of the American River, which flows through the city in a scenic canyon and then, as Lake Natoma, forms part of its western border.



Folsom Tree Protection Ordinance Project

SOURCE: StreetMaps 2016; Planning Partners 2019

Figure 1
Regional Location

The southern edge of the city is defined by Highway 50 to the west of Prairie City Road, except for a small portion that includes the Folsom Auto Mall, and by White Rock Road east of Prairie City Road to the El Dorado County line. A 58-acre area that contains the future site of the City's Corporation Yard is located south of White Rock Road, west of Scott Road. The city includes an area west of the American River, which is connected to the rest of the city by three bridges.

The city is bordered by: North - Folsom Lake and the unincorporated community of Granite Bay in Placer County; South - unincorporated Sacramento County; East - the unincorporated community of El Dorado Hills in El Dorado County; and, West - the unincorporated communities of Orangevale and Gold River in Sacramento County, other areas of unincorporated Sacramento County, and the City of Rancho Cordova.

The city is served by U.S. Highway 50, which runs east/west through the southern area of the city. Regionally important roadways serving the city include: Greenback Lane, Madison Avenue, Folsom/Auburn Road, Green Valley Road, Folsom Boulevard, and White Rock Road.

SPHERE OF INFLUENCE

A Sphere of Influence (SOI) indicates an area of service provision and likely annexation by a City, although it is typically outside of the city limits and usually made up of unincorporated land administered by a county. The purpose of a SOI is to prevent overlapping jurisdiction and duplication of services, and thereby help to ensure the efficient provision of services while discouraging urban sprawl and the premature conversion of agricultural and open space lands. Local Agency Formation Commissions (LAFCo) determine SOIs for all local governmental agencies. Jurisdictional boundaries within the Sacramento County, including the City of Folsom, are under the jurisdiction of Sacramento LAFCo.

At the time of preparation of this Draft PEIR, the City of Folsom's Sphere of Influence is coterminous with its city limits[1]. The City of Folsom and Easton Development Company (a subsidiary of the landowner, Aerojet Rocketdyne Inc.) have submitted a joint application to Sacramento LAFCo to amend the City's SOI to eventually allow the development of

City limits – The boundary of the incorporated City of Folsom. Delineated by a solid green line in Figure 3-2. The City limits encompass an area of 17,303 acres.

2035 General Plan Planning Area – As defined in the Draft 2035 General Plan, the General Plan planning area consists of the entire Folsom City limits plus two areas totaling 5,600 acres outside of the City limits south and southwest of the City. This area is delineated by the red dotted line on Figure 3-2.

Planning Area 1 – 1,900 acres located southwest of the Folsom City limits in unincorporated Sacramento County. Delineated by the dark red cross-hatching in Figure 3-2.

Planning Area 2 – 3,700 acres located south of the Folsom City limits in unincorporated Sacramento County. Delineated by the green cross-hatching in Figure 3-2.

2035 Plan Evaluation Area – The area assessed in this PEIR. For most environmental topics in this PEIR, the 2035 Plan Evaluation Area includes only those areas within the Folsom City limits and does not include Planning Areas 1 or 2. For more discussion of the rationale for this analysis area, see PEIR, Chapter 5, *Introduction to the Analysis.*

[1] Subsequent to preparation of the 2035 General Plan Draft PEIR, in June 2018, Sacramento LAFCo approved the proposed amendment of the City's SOI to include the future corporation yard site. Subsequently, the City amended the 1988 General Plan to include the corporation yard within the City, and designated the area for public/quasi-public uses. The City additionally pre-zoned the area as M-2, Light Industrial uses. On August 1, 2018, LAFCo approved annexation of the site to the City. As joint lead agencies, LAFCo and the City separately certified an EIR assessing the proposed action in June 2019.

a new municipal corporation yard on approximately 58 acres south of White Rock Road. For additional information on this future project, see Section 3.9 of this chapter.

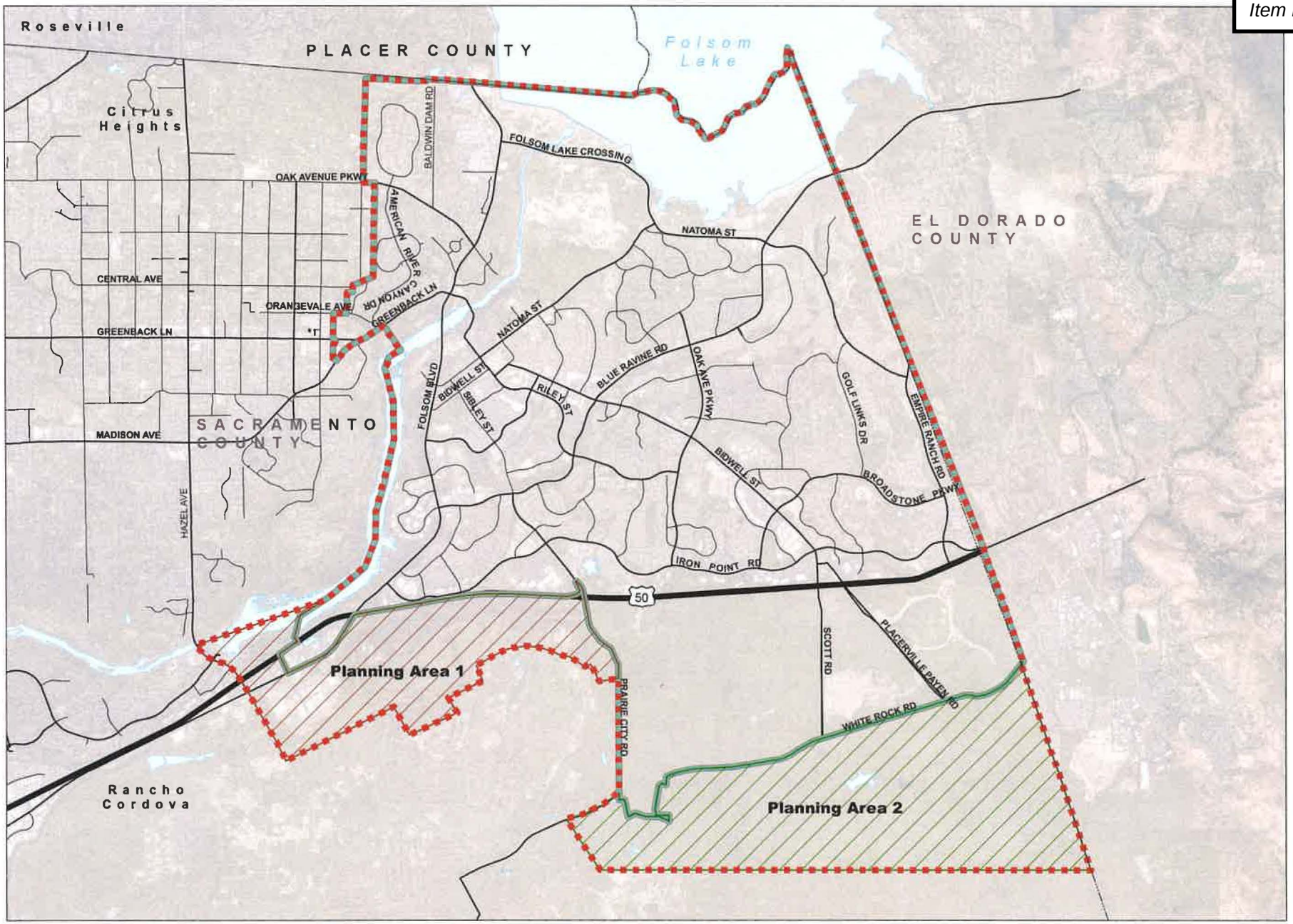
2035 General Plan Planning Area

The 2035 General Plan Planning Area is the geographic area for which the General Plan establishes policies about future urban growth, service delivery, and natural resource conservation. The boundary of the 2035 General Plan Planning Area is determined in accordance with State law requiring each City to include in its General Plan all territory within the boundaries of the incorporated area as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (California Government Code Section 65300).

The Planning Area for the 2035 General Plan includes the entire city limits (including the site of the future corporation yard) and approximately 5,600 acres outside the city limits in two separate areas, as shown in Figure 3-2. Planning Area 1 extends west of Prairie City Road to Hazel Avenue/Nimbus Road. This approximately 1,900-acre area is mostly vacant land and industrial land, formerly used by the Aerojet Corporation, and a small number of residential, office, retail, and religious uses. The area includes two projects that have been approved by Sacramento County: Glenborough and Easton Place. The projects have received entitlements from Sacramento County, including the certifications of their EIRs; 404 permits have been obtained; a water supply has been established and will be provided by the City of Folsom; school mitigation and park development agreements have been approved; Phase 1 improvement plans have been prepared; and the structures for Community Facilities Districts have been approved. This portion of the Planning Area also includes the Nimbus Dam and a portion of the American River Parkway.

The second area is located south of White Rock Road. Planning Area 2 is an approximately 3,700-acre area outside the city limits and Sphere of Influence, and within unincorporated Sacramento County. This area comprises a portion of the City's designated Area of Concern, adopted by the Sacramento LAFCo in July 1996 (LAFCo 1996). Planning Area 2 largely consists of grazing land, but also includes gravel quarries and a portion of the Prairie City State Vehicular Recreation Area. The Sacramento County 2030 General Plan designates this area as General Agriculture.

Both of these Planning Areas are considered to be related to, and influenced by, the City's planning processes, even though the land use designations and/or zoning of that land are regulated by the County of Sacramento, the State of California, and the U.S. Bureau of Reclamation. The 2035 General Plan Land Use Diagram shows the land uses approved by the County and state and federal agencies in these areas for reference only. Except for several policies related to a relocated City Corporation Yard, the Folsom 2035 General Plan does not assign land uses or specific policies to either of these two Planning Areas. For additional information regarding the City's proposed Corporation Yard, see Section 3.9 of this chapter. For information regarding the area assessed for environmental impacts in this Draft PEIR, see Chapter 5, *Introduction to the Environmental Analysis.*



Folsom Tree Protection Ordinance Project

SOURCE: City of Folsom 2019; Planning Partners 2019

Figure 2

Amended 2035 General Plan Bound

3.3 ENVIRONMENTAL SETTING

The City of Folsom comprises 17,359 ~~17,301~~ acres, and is located along the western edge of the Sierra Nevada foothills in northeastern Sacramento County. The surrounding area to the east of the city includes residences, commercial uses, and rolling hills at varying elevations. To the west is the substantially urbanized Sacramento metropolitan area.

According to the California Department of Finance (DOF), the City of Folsom's population as of January 1, 2017, was 78,525. These numbers include 5,420 persons living in group quarters, which consists primarily of inmates at Folsom Prison. The household population in 2017 was 73,105. (DOF 2017)

In general, Folsom has four existing zones in terms of its land use patterns. The Historic District is an intense mix of land uses at a small lot, walkable scale. The southwest area of the city, between Highway 50 and East Bidwell Street, has a mix of housing with shopping, schools, parks, and offices, including the Central Business District between Riley Street and East Bidwell Street. The areas west of the American River and north and east of East Bidwell Street are dominated by large residential neighborhoods and linear parkways, with a smaller supply of commercial uses, jobs, and schools. South of Highway 50, the City has approved the Folsom Plan Area Specific Plan (FPASP) that provides a combination of employment-generating uses, retail and supporting services, recreational uses, and a broad range of residential uses and associated infrastructure and roads on approximately 3,510 acres. At least 30 percent of the FPASP area would be maintained in permanently protected open space. As of the date of this Draft PEIR, construction of the backbone infrastructure within the FPASP area has been initiated.

The pattern of land use and circulation in the city is dominated by waterways and protected open space. The American River canyon, Lake Natoma, and Folsom Lake are the most recognizable physical elements of the city. Newer portions of the city, particularly in the east, are defined by the creekways that dominate the terrain, preventing gridded development with multiple connections but creating an interlinked open space and trail system.

North of Highway 50, Folsom's protected open space mainly consists of the extensive network of greenways and parkways that follow its rivers and streams. These open spaces provide habitats and migration corridors for native plants and animals, protect water quality, reduce flooding, and provide scenic value for residents and visitors. They also serve to link many of Folsom's parks to one another and to the American River Parkway with pedestrian and bike trails. Most of these greenways are interconnected and protect waterways and riparian habitat. This undesignated open space

Open space – Open space is defined in the 2035 General Plan to be the preserved natural open space areas of Folsom. This is the most expansive definition of open space used in the PEIR. The total citywide acreage of open space using the definition is 3,985 acres. Of this, the 2035 General Plan designates 1,118 total acres of open space within the FPASP area.

Measure W open space or Qualified open space – Measure W or qualified open space is a subcategory of open space that is applied only within the FPASP area. Pursuant to the requirements of Measure W enacted by the Folsom voters in 2004, to qualify as open space counting toward Measure W's 30 percent open space requirement, open space lands must preserve oak woodlands and sensitive habitat areas. Qualified open space cannot include active park sites, residential yard areas, golf courses, parking lots, or their associated landscaping. Within the FPASP area, the City has identified 1,054 acres of qualified open space.

covers approximately 1,400 acres of land. South of Highway 50, the FPASP preserves 30 percent of its area as qualified open space, equating to around 1,054 acres, to be maintained as natural open space to preserve oak woodlands and sensitive habitat areas. The preserved open space is predominantly located in the northwest corner of the specific plan area and encapsulates Alder Creek as well as hillside areas in the northeastern portion of the Specific Plan area. Additional open space is located within the FPASP area for a grand total of 1,118 acres.

Within the city limits, the Folsom Lake State Recreation Area has set aside the Mormon Island Preserve as protected wetland habitat. The Preserve consists of 113 acres in northeast Folsom, separated from the rest of the State Recreation Area by Green Valley Road. In addition, much of the American River Parkway can be considered open space. Around 670 acres within Folsom are set aside by the State for conservation, designated to accommodate lower intensity recreation that is compatible with protecting natural resources. The conservation area in Folsom consists of the entire American River Parkway to the east of the river, from Folsom Dam to the southern city limits, and the portion of the Parkway west of the river, from Folsom Dam to the Rainbow Bridge.

3.4 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.5 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.6 MAJOR COMPONENTS OF THE 2035 GENERAL PLAN

Section 15378 (a) of the State CEQA Guidelines defines a "project" to mean the whole of an action, which has a potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This definition precludes an agency from evaluating only those aspects of a project under its jurisdiction or for which it has regulatory responsibility. The 2035 General Plan is defined to include all actions necessary to provide a comprehensive update of the existing City of Folsom General Plan (adopted in 1988). The purpose of the proposed 2035 General Plan is to revise and replace the existing General Plan, including all of the elements[2], the Land Use and Circulation Diagrams, and other existing goals, policies, and implementation plans as needed to reflect current law and the changing matters of public interest and concern. The 2035 General Plan establishes and implements new goals and policies for regulating development projects and for balancing population and economic growth with infrastructure availability and natural resource protection. Other goals and policies are directed to ensuring the timely availability of public infrastructure and services, and encouraging a well-balanced economy. The plan will also integrate new planning concepts endorsed by the Folsom City Council, and translate the updated goals and policies into implementation programs (such as amendments to the City's code, zoning ordinance, and subdivision regulations) to assure that the City's vision is implemented.

[2] Except for the Housing Element, which has already been revised and adopted in 2013 as a separate project in accordance with state requirements. The updated Housing Element was certified by the California Department of Housing and Community Development on August 1, 2013 and adopted by the Folsom City Council on October 22, 2013. Because the Housing Element was updated and adopted in 2013 as a separate project, and is not due for an update until 2021, it is not part of the 2035 General Plan project being evaluated in this PEIR.

Table 3-4 Acreage by Land Use Type			
Primary Land Use Designation	**Acreage**		
	1988 General Plan as Amended[a]	**2035 General Plan**	**Difference**
Residential			
Single Family (SF)	5,371	5,299	-72
Single Family High Density (SFHD)	1,841	1,914	+73
Multifamily Low Density (MLD)	881	915	+34
Multifamily Medium Density (MMD)	196	178	-18
Multifamily High Density (MHD)	348	346	-2
Total Residential	*8,637*	*8,652*	*+15*
Commercial			
Specialty Commercial (CA)	535	0	-535
General Commercial (GC)	122	276	+154
Neighborhood Commercial (NC)	59	0	-59
Central Commercial Mixed Use (CCD)	231	0	-231
Community Commercial (CC)	386	557	+171
Regional Commercial Center (RCC)	440	561	+121
Auto-Oriented Mixed Use (AOC)	0	79	+79
Total Commercial	*1,773*	*1,473*	*-300*
Mixed Use			
Mixed Use (MU)	37	37	0
Historic Folsom Mixed Use (HF)	0	56	+56
Total Mixed Use	*37*	*93*	*+56*
Employment/Industrial			
Industrial/Office Park (IND)	770	727	-43
Professional Office (PO)	0	181	+181
Total Employment/Industrial	*770*	*908*	*+138*
Public			
Public and Quasi-Public Facility (PQP) [b]	~~1,655~~ 1,713	~~1,727~~ 1,785	+72
Parks (P)	431	538	+107
Open Space (OS)	3,985	3,913	-72
Utility (U)	11	0	-11
Total Public	*6,082*	*6,178*	*+96*
Total Designated Area	~~17,299~~ 17,357	~~17,304~~ 17,362	+5[d]
Overlays			
East Bidwell Corridor (EBC)	0	78	
River District	0	Unknown [c]	

Notes:
[a] 1988 General Plan as amended through August 2017 with addition of corporation yard in June 2018.
[b] For 1988 General Plan - Combination of Public/Quasi-Public, Public, School, Junior High School
[c] Ultimate River District boundaries and policies unknown pending completion of a future planning process.
[d] The additional 5 acres consists of land dedicated to new freeway interchanges.
Sources: Interpretation of City of Folsom GIS Data 2017; Mintier Harnish, 2017; Planning Partners, 2020.

3.7 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.8 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.9 SPHERE OF INFLUENCE AMENDMENT/CORPORATION YARD STUDY AREA

A single Special Study Area has been identified by the City that may be considered for annexation at some point in the future. The annexation of any of this Study Area would require the review of additional fiscal and service delivery implications on existing City service providers and ratepayers. A separate CEQA environmental review is currently being conducted for a proposed sphere of influence amendment (SOIA) to place the Special Study Area within the City's sphere of influence. Should the sphere of influence amendment be approved by Sacramento LAFCo, the City would pursue future actions to apply pre-zoning and land use designations to the land. This would occur in conjunction with a General Plan Amendment. Sacramento LAFCo policies discourage concurrent SOI Amendment and Annexation. The City would work with LAFCo to amend the SOI and annex the area in close sequence. LAFCo would be the lead agency for environmental review relating to a SOI Amendment.

The City of Folsom and Easton Development Company (a subsidiary of the landowner, Aerojet Rocketdyne, Inc.) have submitted a joint application to LAFCo to amend the City's SOI and annex an approximate 58-acre property into the city for future use as a City corporation yard. The project includes a sphere of influence amendment (SOIA), General Plan amendment, pre-zone, and annexation.

The proposed corporation yard site is located south of the existing city limits and SOI boundary at the southwest corner of Prairie City Road and White Rock Road, just west of Scott Road. The proposed site is within the 2035 General Plan Planning Area shown on Figure 3-3. As drafted, the 2035 General Plan assigns no land use designations to the corporation yard site. Other than two policies regarding a revision to the City's SOI to accommodate the proposed corporation yard and direct the relocation of the existing corporation yard at the west end of Leidesdorff Street, no 2035 General Plan policies specifically address uses, facilities, or activities at the proposed corporation yard site.

Although no specific design has been prepared for the proposed corporation yard, initial programming of the site has been initiated. Based on this programming, the 58-acre site could accommodate approximately 36 acres for the future corporation yard, 16 acres for South East Connector right-of-way, and 5 acres to realign Scott Road. In addition, a 0.8-acre easement could be included in the project but not in the SOIA/annexation area to provide access to Prairie City SVRA once the SouthEast Connector removes the current access. Additionally, the City anticipates that it would realign Scott Road to connect to Prairie City Road to permit the abandonment of Scott Road from north of the realignment to White Rock Road.

City departments that could be served by the proposed corporation yard could include: Parks and Recreation, Public Works, and Environmental and Water Resources. City services accommodated at the corporation yard could include utility maintenance support, fleet management, solid waste collection and transfer, and administration.

As lead agency, LAFCo is initiating preparation of an Environmental Impact Report. As of the date of this 2035 General Plan Draft EIR, LAFCo has released a Notice of Preparation of the EIR and is

preparing a Draft EIR. Under LAFCo's current schedule, it is proposing to consider the City's request to amend the SOI and annex the new corporation yard site in late summer 2018.

The following events occurred subsequent to the publication of the Draft PEIR. On June 5, 2018, LAFCo certified the Folsom Corporation Yard SOIA/Annexation EIR and approved an amendment to the City of Folsom's Sphere of Influence to include the 58-acre corporation yard site. On June 12, the City certified the EIR and approved an amendment to the City's 1988 General Plan to designate the corporation yard site for Public/Quasi-Public land uses. On June 26, the City approved prezoning the site to M-2, Light Industrial. On August 1, 2018, LAFCo approved the annexation, and the 58-acre corporation yard site was included within the boundary of the City of Folsom. The area of the site and description of the future uses of the facility remain as described above.

3.10 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.11 INTENDED USES OF THE 2035 GENERAL PLAN DRAFT PEIR

As indicated at the beginning of this chapter, this programmatic Draft PEIR is intended to review potential environmental impacts associated with the adoption and implementation of the 2035 General Plan, and to determine any necessary mitigation measures. Subsequent projects will be reviewed by the City for consistency with the 2035 General Plan and this EIR, and adequate project-level environmental review will be conducted as required by CEQA. Projects successive to this Draft PEIR could include, but are not limited to the following:

- Modification of the Zoning Code and other City ordinances and regulations necessary to implement the 2035 General Plan.
- Approval and funding of major projects and capital improvements.
- Issuance of permits and other approvals necessary for implementation of the 2035 General Plan.
- Future Specific Plan, Planned Unit Development, and Community Plan approvals.
- Property rezoning consistent with the 2035 General Plan.
- Development Plan approvals, such as tentative maps, variances, conditional use permits, planned development permits, and other land use permits.
- Permit issuances and other entitlements necessary for public and private development projects.
- Development Agreement and community benefit agreement processing and approvals.

In addition to the lead agency, CEQA Guidelines Section 15124 states that an EIR should contain a statement briefly describing the intended uses of the EIR and, to the extent that it is known to the lead agency, a list of agencies expected to use the EIR in their decision making, permits or other approvals implementing the project, and related environmental review and consultation required by law or regulation.

A wide variety of federal, state, regional, and local agencies may use this EIR in their planning process, issuance of their permits, or exercise of their regulatory authority over resources or jurisdictional actions within the City of Folsom. Agencies may use the EIR as a program EIR for subsequent parts of their program actions subject to CEQA, tiering their project CEQA studies to

the EIR, or utilizing the EIR in whole or part to apply to a required CEQA study in conjunction with specific agencies' project approval actions.

A number of other jurisdictional and permit-granting agencies have control over specific environmental concerns in the planning area. The following is a listing of agencies that may utilize this EIR. Because it is not practical or possible for the City to know or ascertain all of the possible specific uses for which other agencies may subsequently utilize this EIR, the listing attempts to provide a brief summary disclosure of the applicable types of actions or authorities for which the cited agency may use this EIR as follows:

- Sacramento Metropolitan Air Quality Management District (SMAQMD) (monitors air quality and has permit authority over certain types of facilities)
- Sacramento County (has jurisdiction over the unincorporated areas within the planning area)
- California Department of Conservation, Division of Mines and Geology (expertise in evaluating geologic and seismic hazards, as well as mineral resource issues)
- California Department of Fish and Game (streambed alteration agreement pursuant to Section 1600 of the California Fish and Game Code)
- California Department of Transportation (encroachment permits)
- California Department of Housing and Community Development (reviews the adequacy of housing elements and funding for affordable housing programs)
- California Public Utilities Commission (certificate of public convenience and necessity)
- Central Valley Regional Water Quality Control Board (water quality certification pursuant to Section 401 of the Clean Water Act, National Pollutant Discharge Elimination System permit)
- Sacramento County Local Agency Formation Commission (annexations or other service boundary changes)
- Sacramento Area Council of Governments (transportation planning and financing)
- Native American Heritage Commission (mandated to preserve and protect places of special religious or cultural significance pursuant to Section 5097 et seq. of the Public Resources Code)'

In addition to these agencies, the following federal agencies may use environmental information in this EIR for permitting decisions, in addition to other federal agencies:

- U.S. Army Corps of Engineers (Section 404 of the Clean Water Act permit), and
- U.S. Fish and Wildlife Service (Section 7 consultation or Section 10a Habitat Conservation Plan/Section 9 incidental take permit pursuant to the federal Endangered Species Act).

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5 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS

5.1 SCOPE OF THE DRAFT PEIR

In accordance with Section 15082(a) of the California Environmental Quality Act (CEQA) Guidelines, the City of Folsom prepared and circulated a Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (PEIR) for the proposed project. The NOP for the 2035 General Plan Draft PEIR was published on August 18, 2017 (State Clearinghouse No. 2017082054). The NOP and Project Description were circulated to the public, state and local agencies, and other interested parties to solicit comments on the 2035 City of Folsom General Plan (2035 General Plan). The City held a scoping meeting for the Draft PEIR consistent with State CEQA Guidelines Section 15082(c), and closed the period for public and agency comment on the NOP on September 18, 2017.

Environmental issues and alternatives raised by comments received on the NOP during the 30-day public review period were considered for inclusion in the Draft PEIR. (See Appendix A, *Notice of Preparation*, and Appendix B, *Comments on the Notice of Preparation.*) Public and agency comments received on the NOP were reviewed, and environmental issues identified in the comment letters are individually referenced in Appendix B to indicate the specific section in the Draft PEIR where these issues are addressed. Pursuant to the State CEQA Guidelines, the focus of this Draft PEIR includes the specific issues identified in the NOP, as well as concerns identified in the responses to the NOP.

The issues to be evaluated in the environmental document as shown in Table 5-1 were identified in the NOP or raised in public and agency comments on the NOP.

Table 5-1 Environmental Topics Evaluated in the Draft PEIR

Land Use, Population and Housing	Aesthetics and Visual Resources	Agricultural and Forestry Resources
Air Resources	Biological Resources	Cultural Resources
Geology, Soils, and Mineral Resources	Global Climate Change	Hazards and Hazardous Materials
Hydrology and Water Quality	Noise and Vibration	Public Services and Recreation
Transportation and Circulation	Tribal Cultural Resources	Utilities and Service Systems
Alternatives	Cumulative Impacts and Other Required CEQA Topics	

5.2 CONTENTS OF THE DRAFT PEIR

The State CEQA Guidelines require that all EIRs include specified content (State CEQA Guidelines Sections 15122 to 15130). Table 5-2 sets forth the location in this Draft PEIR where required content appears.

Table 5-2 CEQA Required Content of Draft EIRs	
CEQA Requirement	**Where It Appears in this Draft PEIR**
Table of Contents	Table of Contents
Summary	Chapter 2, Executive Summary of the Draft PEIR
Project Description	Chapter 3, Project Description
Environmental Setting	Chapters 3, 4, 6 – 21 of the Draft PEIR
Environmental Impacts	Chapters 4, and 6 – 21 of the Draft PEIR
Significant Environmental Impacts	Chapters 4, and 6 – 21 of the Draft PEIR
Mitigation Measures	Chapters 2, 4, and 6 – 21 of the Draft PEIR
Alternatives to the Proposed Project	Chapter 20 of the Draft PEIR
Effects Found Not to Be Significant	Chapters 2, 4, and 6 – 21 of the Draft PEIR
Organizations and Persons Consulted	Chapter 23 of the Draft PEIR
Cumulative Impacts	Chapter 21 of the Draft PEIR

5.3 PRESENTATION OF THE IMPACT ANALYSIS IN THE DRAFT PEIR

The environmental analysis section of this Draft PEIR (Chapters 4 and 6 through 21) is organized and carried out in accordance with the CEQA Environmental Checklist (Appendix G of the State CEQA Guidelines, 2017). Each chapter presents the setting, an assessment of the potential indirect and secondary environmental impacts, and, if needed, mitigation measures for each environmental issue area identified in Table 5-1 and in Chapter 2, *Executive Summary*. Cumulative impacts are evaluated in Chapter 21, *Required CEQA Analyses*. For each resource category, the following conditions are discussed:

Environmental Setting. This section provides a general overview of the environmental resource and the conditions on and adjacent to the project area (described in Section 5.5). The setting is presented from local and regional perspectives as appropriate for each environmental topic.

Regulatory Framework. For federal, state, regional agencies, and the City of Folsom, this section presents applicable laws, ordinances, regulations, and guidance for the resource.

Environmental Effects. This section provides significance criteria with which to judge whether an environmental impact is significant, or less than significant. Significance criteria are established both by State CEQA Guidelines, and by significance thresholds of federal, state, and local agencies. Potential environmental impacts associated with the proposed project are assessed, the impacts' level of significance prior to mitigation is identified, and feasible mitigation measures for reducing the associated impacts are set forth. The level of significance after mitigation is then assessed.

5.4 ENVIRONMENTAL BASELINE

As stated in the State CEQA Guidelines (Section 15125(a)), an EIR must describe the existing conditions in the vicinity of the proposed project. For each of the environmental resources assessed in this Draft PEIR, the description of existing environmental and regulatory conditions is included under the "Regulatory Setting" and "Environmental Setting" headings in each chapter.

In describing existing conditions, it is necessary to establish a date at which these conditions exist. As stated in the State CEQA Guidelines (Section 15125(a)), existing conditions are normally assessed "at the time the notice of preparation is published" or if a notice of preparation is not published "at the time environmental analysis is commenced." The section further states, "[t]his environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

As discussed in Sections 5.5.2 and 5.5.3 of this Draft PEIR, two baselines were used for this Draft PEIR. As discussed in Section 5.5.1, the coverage impact baseline is established as the year 2017 as the Notice of Preparation was prepared in August 2017. The baseline date for coverage impacts is hereby modified to August 2018 to account for the addition of 58 acres to the City limits. This addition reflects the annexation of a site for a new corporation yard. For more information regarding the corporation yard project, please refer to Chapter 3, *Project Description*, of this PEIR. For traffic-related impacts (air quality, greenhouse gas emissions, noise, and traffic), the baseline is the year 2015 as established by the Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) (SACOG 2016). For other intensity effects that rely upon the size of the service population, the baseline is August 2017, similar to that used for coverage impacts.

5.5 Environmental Implications of the 2035 General Plan and Evaluation of Potential Environmental Effects

Implementation of the 2035 General Plan would result in future land development, construction of infrastructure, and other actions that would result in increased levels of human activity, and that would convert or cover portions of the landscape. These actions would occur within areas designated by the existing 1988 General Plan and the 2035 General Plan for urban uses. Future development would consist of a variety of land uses, including residences, commercial activities, industrial uses, and the infrastructure necessary to support urban development.

This Draft PEIR focuses on the secondary or indirect effects of implementing the proposed 2035 General Plan[1]. Section 15358(a)(2) of the State CEQA Guidelines defines secondary or indirect impacts as:

> Indirect or secondary effects (*are those*) which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the patterns of land use, population density, or growth rate, and related effects on air, water, and other natural systems, including ecosystems.

Indirect physical changes to the environment (impacts) that could result from implementation of 2035 General Plan or project alternatives are addressed in the appropriate technical chapters of this Draft PEIR. Likewise, inconsistency with an adopted plan, in general, is not considered a direct physical impact to the environment, but may result in impacts, which would be discussed in the

[1] Section 15358 of the State CEQA Guidelines defines direct and indirect impacts. Direct impacts are defined as those impacts caused by a project that occur at the same time and place. No construction, operation, or other actions that could result in environmental effects would occur upon approval of the 2035 General Plan. Rather, any activity that could cause impacts would be manifested later in time over a dispersed area with implementation of the land uses, transportation and utility infrastructure, and policies of the 2035 General Plan.

appropriate technical chapters. According to this definition, potential secondary or indirect environmental effects may be divided into two broad classes:

Coverage Impacts - Those that result from development or other activities covering land or otherwise physically interfering with a resource (e.g., constructing a paved parking lot over a sensitive biological resource); and,

Intensity Impacts - Those that result from increased levels of human activity (e.g., increases in traffic levels leading to increased emissions of criteria air pollutants).

The definitions of these two types of potential effects as used in this Draft PEIR analysis are discussed further in Sections 5.5.2 and 5.5.3. In practice, an environmental topic, or some aspects of the topic, may be subject to a combination of both types of impacts.

5.5.1 AREAL EXTENT OF IMPACT ANALYSIS

The 2035 General Plan does not identify any additional areas designated for urban uses beyond those set forth in the 1988 General Plan as amended through ~~fall 2017~~ August 2018. Therefore, the environmental analysis concentrates its evaluation on those undeveloped areas designated for urban uses and the resources still present within them, including within the Folsom Plan Area Specific Plan (FPASP) area and the corporation yard site, south of Highway 50.

Locations where impacts are not assessed for the 2035 General Plan include Planning Areas 1 and 2 as indicated on PEIR Figure 3-2 (Figure 2 of this Addendum). Within Planning Area 1 all future urban development has been entitled previously by Sacramento County. Since the land uses within Planning Area 1 will compose the westerly gateway to the City of Folsom, the 2035 General Plan identifies this Planning Area as an area of concern to the City. The 2035 General Plan does not designate land uses within Planning Area 1, and sets forth no goals or policies to amend the City's sphere of influence to include Planning Area 1 or to annex the area in the future. For these reasons, with two exceptions, no impacts are assessed for urban development within Planning Area 1. The first exception is in the Draft PEIR's evaluation of future traffic conditions (see Draft PEIR Chapter 17), which evaluates traffic effects in the year 2035 by adding traffic generated by County-approved land uses within Planning Area 1 to traffic volumes generated with implementation of the 2035 General Plan as well as background traffic from Sacramento and El Dorado counties outside of these two areas within SACOG's traffic model. The second is in the Draft PEIR's evaluation of water supply (see PEIR Chapter 19). Because the City of Folsom is the water provider for the County-approved Glenborough and Easton projects within Planning Area 1, the future water demands of those two projects are assessed together with the future demands of buildout of the City of Folsom consistent with the 2035 General Plan.

Planning Area 2 comprises a portion of the City's designated Area of Concern, adopted by the Sacramento Local Agency Formation Commission (LAFCo) in July 1996 (LAFCo 1996). Planning Area 2 consists largely of grazing land, but also includes gravel quarries and a portion of the Prairie City State Vehicular Recreation Area. The Sacramento County 2030 General Plan designates this area as General Agriculture. Planning Area 2 also makes up a portion of an area designated as "Vacant Urban Designated Lands (2050)" in SACOG's Sacramento Region Blueprint - Preferred Blueprint Scenario. As set forth in the Preferred Blueprint Scenario, through 2050 urban growth in Folsom will occur on vacant land within the current city limits (including the FPASP area) with small areas of existing urban uses being redeveloped with more intense mixed uses (SACOG, 2004).

Under the SACOG's Preferred Blueprint Scenario, the area designated as Vacant Urban Designated Lands, including lands within Planning Area 2, would not be developed until after the year 2050.

The horizon year of the proposed Folsom General Plan is 2035. Therefore, consistent with SACOG's Preferred Blueprint Scenario, the 2035 General Plan does not assign any land uses or policies to Planning Area 2, other than a policy reference regarding relocation of the City's Corporation Yard.[2] Because there are no other land uses or policies assigned to Planning Area 2, the Draft PEIR does not assess the environmental effects of implementing the 2035 General Plan in Planning Area 2. However, potential effects related to growth inducement in Planning Area 2 are assessed in Chapter 4, *Land Use, Population, and Housing*, and Chapter 20, *Alternatives Analysis*, of this Draft PEIR.

5.5.2 COVERAGE IMPACTS

These impacts are based on the conversion of existing vacant parcels to a developed land use. Conversion can result in the eradication of, or damage to, a resource, revealing of environmental conditions detrimental to a developed land use, or exposure of the developed use to an existing environmental hazard. For the purposes of evaluating these effects, this Draft PEIR assumes that all land identified for urban uses in the 2035 General Plan would be developed with such uses within the 20 year planning horizon.

The areal coverage of developed uses that would occur with implementation of the 2035 General Plan as shown on PEIR Figure 3-2 (Figure 2 of this Addendum), excludes Planning Areas 1 and 2 as discussed in Section 5.5.1. For areas designated for urban or infrastructure uses by the 2035 General Plan, potential coverage effects for certain environmental topics were assessed in a multi-step process. Quantitative evaluations began with a review of resources potentially affected by the implementation of the 2035 General Plan project, and the areal extent of identified resources.

To determine the locations where a resource could be converted to developed uses under the proposed 2035 General Plan, an inventory of each environmental resource within each urban area project boundary was completed. Using Geographic Information Systems (GIS), all parcels or lots within the 2035 Plan Evaluation Area were identified as developed or vacant (see Figure 5-1 as revised). Vacant parcels were further identified as being located north of Highway 50, or south of Highway 50 within the FPASP area. For vacant parcels north of Highway 50, the analysis identified 453 total vacant parcels encompassing 441 acres. Of these 453 parcels, 377 are lots within existing single-family residential subdivisions totaling 163 acres, with a gross median lot size of 16,125 square feet. Of the remaining 76 parcels, the majority are designated for commercial or multi-family uses. For these uses, the total acreage is 278 acres with a gross median parcel size of 37,150 square feet. Once the 453 parcels were identified, each was evaluated using aerial photographs to determine its

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2 ~~The Sacramento Local Agency Formation Commission (LAFCo) is currently processing an application by the City of Folsom and others to amend the City's Sphere of Influence to include a 58-acre area at the southwest corner of Prairie City Road and White Rock Road. If Sacramento LAFCo approves the Sphere of Influence Request, the City will pursue amendment of the City's 1988 General Plan and Zoning Map, and submit a request to LAFCo to annex the area for the sole purpose of a future municipal corporation yard. Upon completion of these entitlements, the City could construct a relocated Corporation Yard at this location.~~ As of August 2018, the corporation yard site had been designated for Public/Quasi-Public land uses by the 1988 General Plan. For a discussion of the current (January 2020) status of the corporation yard site, please refer to PEIR Chapter 3, *Project Description*, in this PEIR Addendum.

condition. As evidenced on the aerial photographs, the overwhelming majority of both the single-family residential and Commercial/Multi-family residential parcels are remnant areas within subdivisions or larger development projects, and most have been disturbed by prior rough grading and/or the construction of roads and utilities.

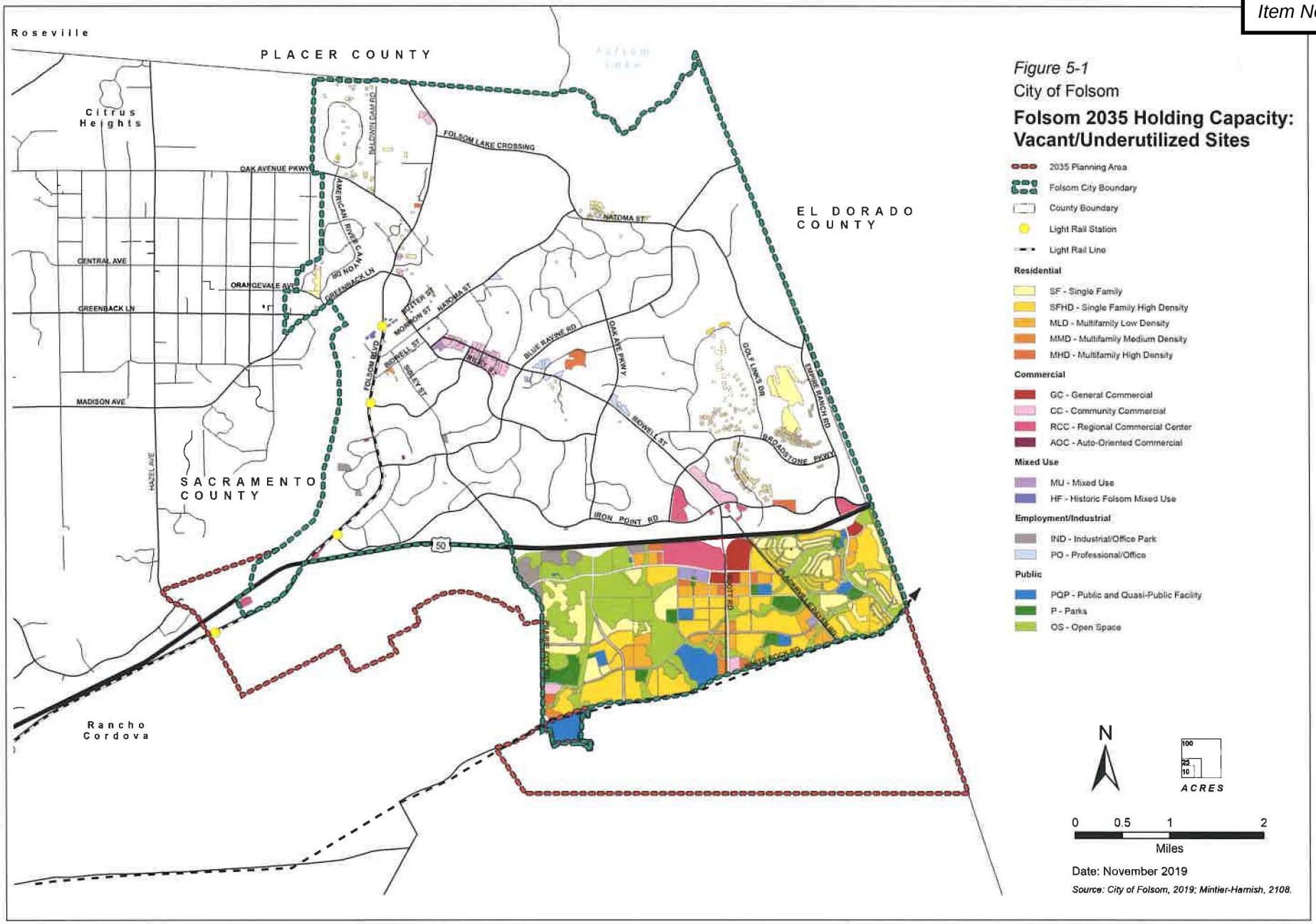
There are a total of 3,336 acres in the FPASP area south of Highway 50, of which 1,118[3] acres would remain in open space. The remaining 2,218 acres would be developed with a variety of urban land uses and supporting infrastructure. Although potential environmental impacts could occur throughout the 2035 Plan Evaluation Area, the majority of the land available for new development of urban uses (77 percent of the citywide total or 2,218 acres) would be located within the FPASP area. Future urban development, including supporting infrastructure, could also occur on a 58-acre site located south of White Rock Road, west of Scott Road. This would be the site of future City of Folsom corporation yard.

The possibility of potential coverage impacts was determined by layering maps of sensitive resources (e.g., sensitive species, areas of naturally occurring asbestos, flood hazards) over the map of vacant parcels (see Figure 5-1) using GIS. The results of this type of analysis are reported in the following chapters of the Draft PEIR[4]:

6. Aesthetics and Visual Resources
7. Agricultural and Forestry Resources
9. Biological Resources
10. Cultural Resources
11. Geology, Soils, and Mineral Resources
13. Hazards and Hazardous Materials
14. Hydrology and Water Quality
18. Tribal Cultural Resources

[3] Of the 1,118 acres of open space, 1,054 acres would be qualified or Measure W open space. For further information regarding the different types of open space, see Chapter 3, *Project Description*, of this Draft PEIR.

[4] For an analysis of potentially changed environmental conclusions for coverage impacts arising from the development of the City pursuant to the 2035 General Plan, including those from the 58-acre corporation yard site, please refer to pages 15 to 21 and Appendix C of this PEIR Addendum.



Folsom Tree Protection Ordinance Project

SOURCE: City of Folsom 2019; Mintier-Harnish 2018; Planning Partners 2019

Figure 5-1

Folsom 2035 Holding Capacity: Vacant/Underutilize

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7 AGRICULTURE AND FORESTRY RESOURCES

This chapter provides an evaluation of the potential effects to agriculture and forestry resources with implementation of the proposed City of Folsom 2035 General Plan (2035 General Plan). As established in the Notice of Preparation for the proposed 2035 General Plan (see Appendix A, *Notice of Preparation)*, urban development and other activities subject to the plan may result in adverse effects to the agriculture and forestry resources environment. Biological resources impacts, including potential impacts to oak woodland habitat, are evaluated in Chapter 8, *Biological Resources*, of this Draft PEIR.

The following environmental assessment includes a review of agriculture and forestry resources potentially affected by the implementation of the 2035 General Plan, including a description of existing agricultural resources, potential conversion of farmlands, and conflicts with Williamson Act contracts. This analysis includes a review of regulations, requirements, plans, and policies applicable to agriculture and forestry resources.

The existing condition of the agriculture and forestry resources environment in the City of Folsom was determined by a review of important farmlands classified by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the Williamson Act Program, and examination of aerial photographic records and other mapping data. Potential impacts related to agriculture and forestry resources were determined by comparing potential activities to the existing environment, based on CEQA assessment criteria, and by considering the policies, regulations, and guidelines adopted by the City of Folsom and by State resource agencies.

7.1 SETTING

The environmental and regulatory setting of the City of Folsom with respect to agriculture and forestry resources is described below for both the physical environment and the body of federal, state, and local policies and regulations that govern such resources.

7.1.1 ENVIRONMENTAL SETTING

EXISTING LAND USES

Land uses within the city include residential land uses, vacant land, roadways, commercial uses, public/semi-public uses, and parks and open space. The city north of Highway 50 consists of primarily urbanized uses. This area of the city does not contain any land that supports commercial agricultural operations. Agricultural uses are limited to hobby farming and the keeping of animals in the more rural residential areas of the city west of the American River and mostly along Baldwin Dam Road, as long as these uses are in harmony with the character of these neighborhoods.

South of Highway 50, the Folsom Plan Area Specific Plan (FPASP) area generally consists of undeveloped grasslands used for cattle grazing, in addition to a small number of rural residences, and open space. This area is planned for urban development in the 2035 General Plan. The future City corporation yard site, south of White Rock Road and west of Scott Road consists of undeveloped grasslands. The previously existing Williamson Act contract of the corporation yard site expired in February 2018. Land south of the FPASP area is characterized primarily by seasonal grazing land in an unincorporated area regulated by Sacramento County, and the majority of these lands are under Williamson Act contracts.

EXISTING AGRICULTURAL LAND USE DESIGNATIONS

There are no General Plan agricultural land use designations within the City of Folsom. There are several scattered areas totaling approximately 680 acres located in the Agricultural Reserve District (A-1A) zoning designation (City of Folsom 2018). The Agriculture Reserve District (A-1-A) is intended to provide areas for interim agricultural uses until it is developed in accordance with the General Plan land use designation. Large parcels of land designated A-1-A have been developed into Folsom Lake College and Vista del Lago High School; another along Oak Avenue Parkway is used as a major electric substation; another area on East Natoma Street is designated for single family residential uses by the General Plan; and a parcel on Blue Ravine Road is designated for single family high density and open space uses by the General Plan. Much of the south shore of Folsom Lake is also marked as A-1-A, but this land is part of the State Recreation Area.

The Zoning Ordinance also establishes overlay districts, one of which is the Agriculture Combining District. The Agriculture Combining District allows all uses normally permitted in the base district, as well as minor livestock and the sale of agricultural products by right, and kennels, dairy processing, and a veterinary hospital with a use permit. Approximately 347 acres in Folsom have the Zoning designation of Agricultural Combining District. All such parcels area located west of the American River, primarily in the vicinity of Baldwin Dam Road and Oak Avenue.

FARMLAND MAP CLASSIFICATIONS

The Important Farmlands Map prepared for Sacramento County by the California Resources Agency classifies the majority of the city north of Highway 50 as Urban and Built-Up Land. According to the Farmland Mapping and Monitoring Program, Urban and Built-Up lands are defined to be land occupied by structures or infrastructure to accommodate a building density of at least one unit to one and one-half acres, or approximately six structures to 10 acres. Appropriate uses within the Urban and Built-Up Land category include residential, industrial, and commercial uses, in addition to institutional facilities and other uses (DOC 2017). There is one parcel of Unique Farmland within the northern area of the city, approximately 29 acres in size. This parcel consists of an abandoned orchard located east of Folsom-Auburn Road and west of the American River Bike Trail and is zoned Open Space Conservation District. Unique Farmland includes lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

South of Highway 50, the FPASP area and the corporation yard site are ~~is~~ classified as Grazing Land. Grazing land includes land on which the existing vegetation is suited to the grazing of livestock. The FPASP area and the corporation site do ~~does~~ not include any agricultural land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as defined in Appendix G of the State CEQA Guidelines.

WILLIAMSON ACT

There are no Williamson Act contracts within the City of Folsom (DOC 2015). As set forth in the *Folsom Plan Area Specific Plan DEIR/DEIS*, approximately 1,530 acres of the FPASP area consisted of agricultural lands under existing Williamson Act contracts that were in the process of nonrenewal. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these existing

contracts expired in 2014 and 2016, respectively. (Folsom 2011) The previously existing Williamson Act contract of the corporation yard site expired in February 2018. (Folsom 2018)[1]

7.1.2 Regulatory Setting

The following regulations of federal, state, and local agencies govern various aspects of agriculture and forestry resources. These regulations are summarized below.

Federal Laws and Regulations

No federal laws or regulations pertaining to agricultural resources apply to the 2035 General Plan.

California Laws and Regulations

Farmland Mapping and Monitoring Program

The California Department of Conservation, Division of Land Resource Protection, administers the FMMP. The program produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status. These ratings are used to help prioritize farmland conservation efforts. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. There is no Prime or Important Farmland in the 2035 General Plan's Planning Area.

Williamson Act

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. There are no Williamson Act contracts within the City of Folsom.

Local Laws and Regulations

There are no regional or local plans, policies, regulations or laws pertaining to agricultural resources in the City of Folsom that are applicable.

Folsom Plan Area/Russell Ranch Adopted Mitigation Measures

There are no mitigation measures adopted by the City during its approval of the FPASP or the Russell Ranch project related to agricultural resources.

7.1.3 Proposed General Plan Goals and Policies

There are no policies from the proposed 2035 General Plan that address agriculture and forestry resources.

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[1] City of Folsom, Corporation Yard Sphere of Influence Amendment and Annexation, Draft Environmental Impact Report. February 2018. Prepared by Ascent Environmental.

7.2 Environmental Effects

7.2.1 Significance Criteria

As set forth in Appendix G, Question II of the State CEQA Guidelines, the following criteria have been established to quantify the level of significance of an adverse effect to agriculture and forestry resources evaluated pursuant to CEQA. An impact would exceed an impact threshold under these circumstances:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. *(II.a)*
- Conflict with existing zoning for agricultural use, or a Williamson Act Contract. *(II.b)*
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). *(II.c)*
- Result in the loss of forest land or conversion of forest land to non-forest use. *(II.d)*
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. *(II.e)*

7.2.2 Analysis Methodology

The environmental analysis in this section is based on a review of FMMP Important Farmland maps, Williamson Act parcel maps, and review of the City's Zoning Code. As part of the analysis, this EIR examines the Important Farmland classifications that are used by FMMP to determine the agricultural significance of the lands (i.e., Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) in the City of Folsom.

7.2.3 Less-than-significant Impacts

Based on the evaluations set forth below, potential impacts for the following specific topics with respect to agriculture and forestry resources were found to be less than significant. Therefore, they will not be evaluated further in this chapter.

II. Agriculture and Forestry Resources			
Would the Project:		Less than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	X	
b)	Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	X	
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?		X
d)	Result in the loss of forest land or conversion of forest land to non-forest use?		X

EVALUATION OF LESS-THAN-SIGNIFICANT IMPACTS

Question (a) Important Farmland: Less-than-significant Impact. Development of future land uses consistent with the 2035 General Plan would not result in the conversion of Important Farmland to nonagricultural uses. Except for a 29-acre parcel designated as Unique Farmland located north of Highway 50, there is no designated Important Farmland as defined by the FMMP in the 2035 Plan Evaluation Area. The majority of the city is located on land classified as Urban and Built-Up Land and Other Land (north of Highway 50) and Grazing Land (south of Highway 50, including the corporation yard site) that is designated for urban development by the 2035 General Plan. The parcel of Unique Farmland north of Highway 50 would be designated as Open Space by the 2035 General Plan, which would preserve the soil qualities that would permit potential future farming operations. Therefore, implementation of the Draft General Plan would not result in the loss of any Important Farmland, this would be a less-than-significant impact, and no mitigation is required.

Question (b) Agricultural Zoning/Williamson Act: Less-than-significant Impact. Development of future land uses consistent with the 2035 General Plan would not conflict with existing zoning for agricultural use or Williamson Act Contracts. There are approximately 680 acres within the Agricultural Reserve District (A-1-A) zoning designation within the city. As described above, the Agriculture Reserve District is intended to provide areas for interim agricultural uses until such areas are developed with urban uses in accordance with the General Plan land use and Zoning designations. All of these areas zoned as Agriculture Reserve District are developed with non-agricultural uses, such as schools and an electric substation, or are designated for residential or open space uses. The only agricultural activities occurring within the city are those in parcels covered by the Agricultural Combining District overlay designation, which would not be modified with the proposed 2035 General Plan. In addition, there are no Williamson Act contracts within the City of Folsom. Therefore, implementation of the Draft General Plan would not result in any conflicts with parcels zoned for agriculture or protected by Williamson Act contracts. There would be a less-than-significant impact, and no mitigation is required.

Questions (c, d) Forest Land: No Impact. Development of future land uses consistent with the 2035 General Plan would not result in the conflict with existing zoning for forest land or timberland, or result in the loss of forest land. No timber management activities occur within the City of Folsom. No areas within the city are designated as forest land, timberland, or zoned for Timberland Production. Because no important timberland or forest land resources or activities exist within the city, no significant impact would occur with implementation of the 2035 General Plan, and no mitigation would be required.

7.2.4 POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following discussion examines the potential impacts of the proposed project based on the impact threshold criteria described above.

Impact AG-1 Potential conflicts with existing agricultural operations and Williamson Act Contracts adjacent to the 2035 Plan Evaluation Area	
Applicable Regulations	Williamson Act.
Adopted Mitigation Measures	None available.
Proposed GP Policies that Reduce Impacts	None available.
Significance after Implementation of GP Policies	Significant; mitigation required.
Mitigation Measures	None available.
Significance after Mitigation	Significant and unavoidable.

Construction of new development associated with the 2035 General Plan could conflict with lands under Williamson Act contracts south of the FPASP area, thereby potentially resulting in cancellation of those contracts. This would be a significant impact.

Land south of the FPASP area and the corporation yard site is characterized primarily by seasonal grazing land in an unincorporated area regulated by Sacramento County, and the majority of these lands are under Williamson Act contracts. As discussed above, lands within the FPASP and the corporation yard site were previously under Williamson Act Contract, thought currently there are no Williamson Act contracts within the City of Folsom. The conversion of grazing lands to urban development within the FPASP area may encourage the cessation of agricultural operations and the non-renewal of contracts on lands south of the FPASP area.

Table 7-1 includes existing State regulations that protect agricultural resources under Williamson Act Contract in the 2035 Plan Evaluation Area.

Table 7-1 Regulatory Requirements and Proposed 2035 General Plan Goals/Policies Related to the Protection of Agricultural Resources under Williamson Act Contracts

Measure Identification	How the Regulation or Policy Avoids or Reduces Impact
FEDERAL REQUIREMENTS	
None applicable	--
STATE REGULATIONS	
Williamson Act	Aids in the preservation of agricultural land uses by giving landowners property tax reductions for restricting land uses to agricultural or open space use.
CITY REQUIREMENTS	
None applicable	--
FOLSOM PLAN AREA SPECIFIC PLAN EIR/EIS	
None applicable	--
RUSSELL RANCH PROJECT EIR	
None applicable	--
2035 GENERAL PLAN GOALS AND POLICIES	
None applicable	--

Source: Planning Partners 2018.

The land south of the FPASP area and the corporation yard site are ~~is~~ located in a rural unincorporated portion of Sacramento County beyond the Urban Service Boundary (USB). The USB defines the ultimate boundary of urban development and is intended to be permanent, allowing modification only under special circumstances. These lands are not within the USB, and it is not expected this area would receive urban levels of public infrastructure and services to support urban development. Except for a future corporation yard[2], no urban development is currently proposed south of the FPASP area. Nonetheless, the FPASP EIR/EIS (Impact 3A.10-4) found that land uses within the FPASP area would be inconsistent with Williamson Act provisions on adjacent lands, and could result in subsequent contract non-renewals through requests for general plan amendments and rezoning of lands south of White Rock Road in unincorporated Sacramento County.

Because buildout of the 2035 General Plan in the FPASP area could conflict with existing agricultural operations and Williamson Act contracts, or result in the potential cancellation of such contracts on lands south of the FPASP area, this impact is considered significant.

Significance of Impact: Significant.

Mitigation Measure AG-1: None available.

Implementation of the 2035 General Plan could conflict with existing off-site Williamson Act contracts or result in the potential cancellation of such contracts on lands south of the FPASP area outside of city limits. Feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level because no such programs are available. Therefore, this impact remains significant and unavoidable.

[2] For more information regarding the City's proposed corporation yard south of the FPASP area, please refer to Section 3.9 in Chapter 3, *Project Description*, of this Draft PEIR.

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APPENDIX C

Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA / Annexation EIR

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Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Aesthetics and Visual Resources				
Impact AES-1: Adverse effect on a scenic vista or substantially degrade the scenic character.	SU	**Impact 3.1-1**: Substantially adversely affect a scenic vista **Impact 3.1-2:** Substantially degrade the existing visual character or quality of the site and its surroundings.	SU SU	No
Impact AES-2: Damage to scenic resources within a scenic corridor.	SU	Not evaluated in EIR per NOP.	LS	No
Impact AES-3: Create new source of light or glare that would adversely affect day or nighttime views.	SU	**Impact 3.1-3:** Create new source of light or glare.	SU	No
Agriculture and Forestry Resources				
Impact AG-1: Potential conflicts with existing agricultural operations and Williamson Act Contracts adjacent to the 2035 Plan Evaluation Area.	SU	**Not evaluated in EIR per NOP.**		No
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	LS	**Impact 3.2-1:** Conversion of farmland into non-agricultural uses.	SU	No See pages 16 – 19 of the Addendum
Air Resources				
Impact AQ-1: Increase in construction-related emissions of criteria air pollutants and precursors associated with 2035 General Plan buildout.	LS	**Impact 3.3-1:** Construction emissions of criteria air pollutants and ozone precursors.	LS	No
Impact AQ-2: Increase in operational emissions of criteria air pollutants and precursors associated with 2035 General Plan buildout that could contribute to a violation of air quality standards.	SU	**Impact 3.3-2:** Long-term operational emissions of air pollutants.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact AQ-3: Consistency with air quality planning efforts.	LS	Not evaluated in EIR per NOP.	LS	No
Impact AQ-4: Increase in local mobile-source emissions of carbon monoxide.	LS	**Impact 3.3-3:** Mobile-source CO concentrations.	LS	No
Impact AQ-5: Increase in health risks associated with exposure of sensitive receptors to emissions of toxic air contaminants.	SU	**Impact 3.3-4:** Exposure of sensitive receptors to TACs.	LS	No
Impact AQ-6: Increase in exposure of sensitive receptors to emissions of odors.	SU	**Impact 3.3-5:** Exposure of sensitive receptors to odors.	LS	No
Biological Resources				
Impact BIO-1: Have a substantial adverse effect on special-status species.	SU	**Impact 3.4-1:** Disturbance to or loss of special-status plant species and habitat. **Impact 3.4-2:** Disturbance to or loss of special-status wildlife species and habitat.	LS SU	No
Impact BIO-2: Have a substantial adverse effect on riparian habitat or other sensitive natural communities.	LS	**Impact 3.4-3:** Disturbance and loss of wetlands, other waters of the United States, and waters of the state.	LS	No
Impact BIO-3: Have a substantial adverse effect on federally protected wetlands.	SU	**Impact 3.4-3:** Disturbance and loss of wetlands, other waters of the United States, and waters of the state.	LS	No
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	LS	**Impact 3.4-4:** Conflict with City of Folsom Tree Preservation Ordinance.	LS	No
Impact BIO-4: Interfere with the movement of migratory fish or wildlife species.	LS	**Impact 3.4-5:** Interference with resident or migratory wildlife corridors or native wildlife nursery sites.	LS	No
Cultural Resources				
Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource.	SU	**Impact 3.5-1:** Cause substantial adverse change to a historical resource.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource.	SU	**Impact 3.5-2:** Cause substantial adverse change to a unique archaeological resource.	LS	No
Impact CUL-3: Damage or destruction of previously unknown unique paleontological resources during construction-related activities.	LS	**Impact 3.5-4:** Disturb a unique paleontological resource.	LS	No
Impact CUL-4: Disturb interred human remains during construction.	LS	**Impact 3.5-3:** Accidental discovery of human remains.	LS	No
Geology, Soils, and Mineral Resources				
Impact GEO-1: Expose people or structures to risk from seismic hazards, including strong groundshaking and liquefaction.	LS	Not evaluated in EIR per NOP.	LS	No
Impact GEO-2: Result in substantial soil erosion or topsoil loss from heightened exposure to wind or water erosion.	LS	Not evaluated in EIR per NOP.	LS	No
Impact GEO-3: Potential geologic hazards related to unstable soils.	LS	Not evaluated in EIR per NOP.	LS	No
Impact GEO-4: Result in the loss of availability of a locally-important mineral resource recovery site.	SU	Not evaluated in EIR per NOP.	LS	No
Global Climate Change				
Impact GHG-1: Potential to conflict with an applicable plan, policy, or regulation adopted for reducing GHG emissions.	LS	**Impact 3.7-1:** Project-generated GHG emissions.	LS	No
Impact GHG-3: Climate change adaptation.	LS	**Impact 3.7-2:** Impacts of climate change on the project.	LS	No
Hazards and Hazardous Materials				
Impact HZ-1: Exposure of people to hazards and hazardous materials during construction.	LS	**Impact 3.8-1:** Create a significant hazard to the public or environment due to upset and accident conditions.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact HZ-2: Routine transport, use, or disposal of hazardous materials or accidental release of hazardous materials.	LS	**Impact 3.8-1:** Create a significant hazard to the public or environment due to upset and accident conditions.	LS	No
Impact HZ-3: Hazards to the public or environment from development at a known hazardous materials site identified pursuant to Government Code Section 65962.5.	LS	**Impact 3.8-2:** Create potential human hazards from exposure to existing onsite hazardous materials.	LS	No
Impact HZ-4: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	LS	Not evaluated in EIR per NOP.	LS	No
Impact HZ-5: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	LS	**Impact 3.8-3:** Create a significant risk from wildfires.	LS	No
Hydrology and Water Quality				
Impact HWQ-1: Violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	LS	**Impact 3.9-1:** Short-term construction-related and operational water quality degradation.	LS	No
Impact HWQ-2: Substantially alter drainage patterns leading to erosion or siltation.	LS	**Impact 3.9-3:** Alteration of drainage pattern or increase in rate or amount of surface runoff in a manner that would result in substantial erosion or siltation.	LS	No
Impact HWQ-3: Alter the course of a stream or river increasing runoff resulting in flooding.	LS	Not evaluated in EIR per NOP.	LS	No
Impact HWQ-4: Contribute runoff that exceeds stormwater drainage capacity or contributes additional polluted runoff.	LS	Not evaluated in EIR per NOP.	LS	No
Impact HWQ-5: Place housing or other structures within 100-year flood hazard area.	LS	Not evaluated in EIR per NOP.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact HWQ-6: Expose people or structures to significant risk due to flooding.	LS	Not evaluated in EIR per NOP.	LS	No
a) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	LS	**Impact 3.9-2:** Deplete groundwater supplies or interfere substantially with groundwater recharge.	LS	No
Noise and Vibration				
Impact NSE-1: Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project.	SU	**Impact 3.10-1:** Construction-generated noise. **Impact 3.10-2:** Exposure of existing sensitive receptors to excessive traffic noise levels and/or substantial increases in traffic noise. **Impact 3.10-3:** Intermittent single-event noise from trucks passing offsite sensitive receptors. **Impact 3.10-4:** Long-term operational non-transportation noise levels.	SU	No
Impact N-2: A substantial temporary increase in ambient noise levels in the project vicinity above levels without the project.	LS	**Impact 3.10-2:** Exposure of existing sensitive receptors to excessive traffic noise levels and/or substantial increases in traffic noise.	LS	No
Impact N-3: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the area to excessive noise levels resulting from the proposed project.	LS	Not evaluated in EIR per NOP.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact N-4: Implementation of 2035 General Plan policies related to noise and vibration.	LS	Not evaluated in EIR per NOP.	LS	No
Public Services and Recreation Resources				
Impact PSR-1: Physical impacts associated with the provision of new or altered governmental facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Impact PSR-2: Increased use of parks or other recreational facilities that would cause deterioration of these resources – City of Folsom facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Impact PSR-3: Require construction or expansion of recreational facilities that might have an adverse physical effect on the environment – City of Folsom facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Impact PSR-4: Require construction or expansion of recreational facilities that might have an adverse physical effect on the environment – State and Regional facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Transportation and Circulation				
Impact T-1: Traffic level of service on local intersections.	SU	**Impact 3.11-1:** Impacts to intersection operations. **Impact 3.11-5:** Construction-related impacts.	LS LS	No No
Impact T-2: Traffic level of service on US Highway 50.	SU	**Impact 3.11-2:** Impacts to freeway facilities.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
d) Eliminate or adversely affect an existing bikeway, pedestrian facility, or transit facility in a way that would discourage its use e) Interfere with the implementation of a planned bikeway or planned pedestrian facility, or be in conflict with a future transit facility f) Result in unsafe conditions for bicyclists or pedestrians including conflicts with other modes g) Result in demands to transit facilities greater than available capacity	LS	**Impact 3.11-3:** Impacts to transit.	LS	No
See Less than Significant Impacts d) through g) immediately above.	LS	**Impact 3.11-4:** Impacts to bicycle or pedestrian facilities.	LS	No
Tribal Cultural Resources				
Impact TCR-1: Interference with tribal cultural resources.	SU	**Impact 3.5-6:** Cause substantial adverse change to a tribal cultural resource.	LS	No
Utilities and Service Systems				
Impact USS-1: Exceed Wastewater Treatment Requirements of the Central Valley Regional Water Quality Control Board.	LS	**Impact 3.12-1:** Require or result in the construction of new or expanded water or wastewater treatment facilities, the construction of which could cause significant environmental effects.	LS	No
Impact USS-2: Require the construction of new or expanded stormwater drainage facilities, the construction of which could cause significant environmental effects.	LS	**Impact 3.9-3:** Alteration of drainage pattern or increase in rate or amount of surface runoff in a manner that would result in substantial erosion or siltation.	LS	No
Impact USS-3: Increase the generation of wastewater, requiring new or expanded wastewater collection or conveyance facilities.	LS	**Impact 3.12-3:** Exceed the capacity or the wastewater treatment provider.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact USS-4: Have sufficient water supplies available to serve development identified by the 2035 General Plan from existing water entitlements and resources.	LS	**Impact 3.12-2:** Require new or expanded entitlements to water.	LS	No
Impact USS-5: Increase the generation of solid waste, resulting in a demand for additional landfill capacity.	LS	**Impact 3.12-4:** Generate solid waste that would exceed the permitted capacity of the landfill serving the area.	LS	No
Impact USS-6: Increased demand for private utility services.	LS	**Not evaluated in EIR per NOP.**	LS	No
Cumulative Impacts				
Aesthetics and Visual Resources	SU	4.3.1 Aesthetics	SU	No
Agriculture and Forestry Resources	SU	4.3.2 Agriculture and Forestry Resources	SU	No
Air Resources	SU	4.3.3 Air Quality	SU	No
Biological Resources	SU	4.3.4 Biological Resources	SU	No
Cultural Resources	SU	4.3.5 Cultural and Tribal Resources	LS	No
Geology, Soils, and Mineral Resources	SU	Not evaluated per NOP	LS	No
Global Climate Change	SU	4.3.7 Greenhouse Gas Emissions	LS	No
Hazards and Hazardous Materials	LS	4.3.8 Hazards and Hazardous Materials	LS	No
Hydrology and Water Quality	LS	4.3.9 Hydrology and Water Quality	LS	No
Noise and Vibration	SU	4.3.10 Noise and Vibration	SU	No
Public Services and Recreation Resources	LS	Not evaluated per NOP	LS	No
Transportation and Circulation	SU	4.3.11 Traffic, Transportation, and Circulation	SU	No
Tribal Cultural Resources	SU	4.3.5 Cultural and Tribal Resources	LS	No
Utilities and Service Systems	LS	4.3.12 Utilities	LS	No
Energy		Demand for Energy Services and facilities	SU	No See pages 19 – 21 of the Addendum

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
CEQA Required Topics				
Growth Inducement	LS	Not evaluated in EIR per NOP.	LS	No
Energy	LS	**Impact 3.6-1:** Wasteful, inefficient, or unnecessary consumption of energy, during project construction or operation.	LS	No
Construction and operation of energy services and facilities	SU	**Impact 3.6-2:** Demand for energy services and facilities	SU	No See pages 19 – 21 of the Addendum
Irreversible Commitment of Resources	LS	Irreversible Commitment of Resources	LS	No
Irreversible Environmental Changes	SU	Irreversible Environmental Changes	SU	No
Damage from Accidents	LS	Damage from Accidents	LS	

Source: Planning Partners 2019.

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APPENDIX D

2035 General Plan FPEIR
List of Adopted Mitigation Measures

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APPENDIX D

2035 GENERAL PLAN FPEIR - LIST OF ADOPTED MITIGATION MEASURES

This Appendix contains all of the adopted mitigation measures identified in the FPEIR for the 2035 City of Folsom General Plan project. The mitigation measures are listed in numerical order. The corresponding section in the PEIR is indicated in parentheses following the issue area.

1.1 AESTHETICS AND VISUAL RESOURCES (DPEIR CHAPTER 6)

Mitigation Measure AES-3a:

Add new **Policy NCR 2.1.3: Light Pollution Reduction.**

The City shall minimize obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, and requiring light for development to be directed downward to minimize overspill and glare onto adjacent properties and reduce vertical glare.

Mitigation Measure AES-3b:

Add new **Implementation Program NCR-6: Lighting Design Standards.**

Establish consistent lighting standards for outdoor lighting of city development to reduce high-intensity nighttime lighting and glare. These standards shall be consistent with the Folsom Plan Area Specific Plan Community Design Guidelines. Additional standards shall be considered, including the use of automatic shutoffs or motion sensors for lighting features to further reduce excess nighttime light.

To reduce impacts associated with light and glare, the City will require the following lighting standards:

- Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties.
- Place and shield or screen flood and area lighting needed for construction activities and/or security so as not to disturb adjacent residential areas and passing motorists.
- For public street, building, parking, and landscape lighting in residential neighborhoods, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash. For public parks and sports facilities, the City will use the best light and glare control technology feasible, along with sensitive site design.
- Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage in the office/commercial areas to prevent light and glare from adversely affecting motorists on nearby roadways.

Implementing Policy: NCR 2.1.3

1.2 AIR QUALITY (DPEIR CHAPTER 8)

Mitigation Measure AQ-2a:

Modify **Policy NCR 3.1.5: Emission Reduction Threshold for New Development.**

Require all new development projects that exceed SMAQMD's thresholds of significance to incorporate design, construction material, and/or other operational features that will result in a minimum of 15 percent reduction in emissions when compared to an "unmitigated baseline" project.

Mitigation Measure AQ-2b:

Implement Mitigation Measures GHG-1 through GHG-17.

Mitigation Measure AQ-6:

Modify **Policy NCR 3.1.6: Sensitive Uses.**

Coordinate with SMAQMD in evaluating exposure of sensitive receptors to toxic air contaminants and odors, and impose appropriate conditions on projects to protect public health and safety so as to comply with the requirements of SMAQMD for the exposure of sensitive receptors to toxic air contaminants and odors.

1.3 BIOLOGICAL RESOURCES (DPEIR CHAPTER 9)

Mitigation Measure BIO-1:

Modify **Policy NCR 1.1.1: Habitat Preservation.**

Support State and Federal policies for preservation and enhancement of riparian and wetland habitats by incorporating, as applicable, standards published by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service into site-specific development proposals.

Mitigation Measure BIO-3:

Implement Mitigation Measure BIO-1.

1.4 CULTURAL RESOURCES (DPEIR CHAPTER 10)

Mitigation Measure CUL-2:

Add new **Implementation Program NCR 7: Management of Inadvertently Discovered Cultural Resources**.

Develop a program for the management of inadvertently discovered cultural resources. The program will consist of, but will not necessarily be limited to the following standards:

The City will require, through permit or tentative map conditions or contractual obligations, that in the event of any inadvertent discovery of archaeological resources, all such finds will be subject to PRC 21083.2 and CEQA Guidelines 15064.5. Procedures for inadvertent discovery are listed below.

In the event of the inadvertent discovery of previously unknown archaeological sites during excavation or construction, all construction affecting the site shall cease and the contractor shall contact the City.

- All work within 100 feet of the find will be halted until a professional archaeologist can evaluate the significance of the find in accordance with NRHP and CRHR criteria.
- If any find is determined to be significant by the archaeologist, representatives of the City will meet with the archaeologist to determine the appropriate course of action. If necessary, a Treatment Plan will be prepared by an archeologist, outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan will be submitted to the City for review and approval prior to resuming construction.

Mitigation Measure CUL-3:

Add new **Implementation Program NCR 8: Management of Paleontological Resources.**

Develop a program for the management of paleontological resources. The program will consist of, but will not necessarily be limited to, the following standards and requirements:

Prior to approval of a discretionary project, it shall be determined through literature review and records research, the paleontological sensitivity of the geologic units affected by the project. If paleontological resources may be present, conditions will be added to the project approval to monitor for and salvage paleontological resources during ground-disturbing activities.

1.5 GLOBAL CLIMATE CHANGE (DPEIR CHAPTER 12)

Mitigation Measure GHG-1:

Add new **Implementation Program PFS-22: Renewable Energy in City-Operated Facilities.**

Strive to supplement 25 percent of city-owned building energy demand through on-site or off-site renewable energy sources. On-site sources may include solar panels or other types of renewable energy systems on rooftops or parking areas, and on-site energy storage. Off-site sources could include combinations of equivalent renewable energy generation systems, power purchase agreements, or other off-site programs offered by energy utilities (e.g., SMUD's Greenergy or SolarShares programs).

Implementing Policy: PFS 8.1.3.

Mitigation Measure GHG-2:

Add new **Policy PFS 8.1.9 Water Heater Replacement.**

Encourage the use of high-efficiency or alternatively-powered water heater replacements at time of replacement in existing residential development.

Mitigation Measure GHG-3:

Add new **Implementation Program PFS-23 High-Efficiency or Alternatively-Powered Water Heater Replacement Program.**

Provide educational material and information on the City's website, as well as through the permit and building department, on the various high-efficiency and alternatively-powered water heat replacement options available to current homeowners considering water heater

replacement; develop appropriate financial incentives, working with energy utilities or other partners; and, streamline the permitting process. Replacement water heaters could include high-efficiency natural gas (i.e., tankless), or other alternatively-powered water heating systems that reduce or eliminate natural gas usage such as solar water heating systems, tankless or storage electric water heaters, and electric heat pump systems.

Implementing Policy: PFS 8.1.9.

Mitigation Measure GHG-4:

Add new **Implementation Program PFS-24 Energy Efficiency and Renewable Energy Retrofits and Programs.**

Strive to increase energy efficiency and renewable energy use in existing buildings through participation in available programs. Actions include:

- Establish a dedicated City program with a clear intent to provide support and promote available green building and energy retrofit programs for existing buildings.
- Incentivize solar installation on existing buildings that undergo major remodels or renovations, and provide permit streamlining for solar retrofit projects.
- Provide rebates or incentives to existing SMUD customers for enrolling in the existing Greenergy program.
- Provide education to property owners on low-interest financing and/or assist property owners in purchasing solar photovoltaics through low-interest loans or property tax assessments.
- Continue to work with SMUD and other private sector funding sources to increase solar leases or power purchase agreements (PPAs).

Implementing Policies: PFS 8.1.3, PFS 8.1.5, PFS 8.1.4.

Mitigation Measure GHG-5:

Modify **Policy LU 1.1.13 Sustainable Building Practices.**

Promote and, where appropriate, require sustainable building practices that incorporate a "whole system" approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight effectively; and, are healthy, safe, comfortable, and durable.

Mitigation Measure GHG-6:

Add new **Implementation Program LU-6 Adopt Green Building.**

Encourage new residential and non-residential construction projects to adopt and incorporate green building features included in the CALGreen Tier 1 checklist in project designs; and, encourage projects to seek LEED rating and certification that would meet equivalent CALGreen Tier 1 standards or better. Consider future amendments to City code to adopt CALGreen Tier 1 requirements consistent with State building code. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, CALGreen Tier 1 compliance would be required.

Implementing Policy: LU 1.1.13.

Mitigation Measure GHG-7:

Add new **Implementation Program LU-7 Encourage Zero Net Energy.**

Encourage Zero Net Energy (ZNE) building design for new residential and non-residential construction projects. Consider future amendments to City code to adopt ZNE requirements consistent with the State building code. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, achievement of ZNE would be required consistent with provisions in the State building code under California Code of Regulations, Title 24, Part 6.

Implementing Policy: LU 1.1.13.

Mitigation Measure GHG-8:

Add new **Implementation Program PFS-25 Zero Net Energy Development.**

Adopt an ordinance to require ZNE for all new residential construction by 2020 and commercial construction by 2030, in coordination with State actions to phase in ZNE requirements through future triennial building code updates.

Implementing Policies: NCR 3.2.3, LU 9.1.10, LU 1.1.13, LU 1.1.14.

Mitigation Measure GHG-9:

Add new **Implementation Program PFS-26 Renewable Diesel.**

Revise the City of Folsom's Standard Construction Specifications to require that all construction contractors use high-performance renewable diesel for both private and City construction projects. Phase in targets such that high-performance renewable diesel would comprise 50 percent of construction equipment diesel usage for projects covered under the specifications through 2030, and 100 percent of construction equipment diesel usage in projects covered under the specifications by 2035. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, the use of high-performance renewable diesel would be required consistent with the above targets.

Implementing Policy: NCR 3.2.7.

Mitigation Measure GHG-10:

Modify **Implementation Program M-1 Transportation Demand Management.**

Adopt a citywide Transportation Demand Management (TDM) program that encourages residents to reduce the amount of trips taken with single-occupancy vehicles. The program shall be designed to achieve an overall 15 percent vehicle mile traveled (VMT) reduction over 2014 levels and a 20 percent reduction in City-employee commute VMT. The City shall coordinate with employers to develop a menu of incentives and encourage participation in TDM programs.

Implementing Policy: M 1.1.9, NCR 3.1.3.

Mitigation Measure GHG-11:

Modify **Implementation Program PFS-14 Energy Efficient Fleet.**

Continue purchasing alternative fuel/technology vehicles when replacing vehicles in the City's existing municipal fleet. Use high-performance renewable diesel in 100 percent of existing (2014) and future diesel on-road vehicles and convert entire on-road gasoline vehicles to electric by 2035.

Implementing Policy: PFS 8.1.8.

Mitigation Measure GHG-12:

Modify **Policy M 1.1.4 Existing Streets Retrofits.**

Actively pursue funding to update existing streets and intersections with new bikeways, sidewalks, and exclusive transit lanes, where these facilities are designated in the Bikeway Master Plan, Pedestrian Master Plan, or Transit Master Plan.

Mitigation Measure GHG-13:

Modify **Implementation Program M-8 Bicycle and Pedestrian Improvements.**

Identify regional, State, and federal funding sources to support bicycle and pedestrian facilities and programs to improve roadways and intersections by 2035. Actions include:

- Require bicycle and pedestrian improvements as conditions of approval for new development on roadways and intersections serving the project. Improvements may include, but are not limited to: on-street bike lanes, traffic calming improvements such as marked crosswalks, raised intersections, median islands, tight corner radii, roundabouts, on-street parking, planter strips with street trees, chicanes, chokers, any other improvement that focuses on reducing traffic speeds and increasing bicycle and pedestrian safety. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, incorporation of applicable bicycle and pedestrian improvements into project designs or conditions of approval would be required.

- Based on the most recent citywide inventory of roadways and pedestrian/bicycle facilities, identify areas of greatest need, to focus improvements on first. Areas to prioritize include roadways or intersections with a lack of safety features, street where disruption in sidewalks or bicycle lanes occurs, areas of highest vehicle traffic near commercial centers and transit facilities, where increased use of pedestrian/bicycle facilities would be most used.

Implementing Policies: M 2.1.15, M 1.1.4, M 1.1.6, M 1.1.5, M 2.1.2, M 2.1.3, M 2.1.4.

Mitigation Measure GHG-14:

Modify **Policy PFS 9.1.3 Recycling Target.**

Support efforts to achieve a citywide disposal rate of 1.5 pounds per person per day, exceeding statewide target of 2.7 pounds per person per day by 2035.

Mitigation Measure GHG-15:

Add new **Implementation Program PFS-27 Reduce Water Consumption in New Residential Development.**

Encourage water efficiency measures for new residential construction to reduce indoor and outdoor water use. Actions include:

- Promote the use of higher efficiency measures, including: use of low-water irrigation systems, and installation of water-efficient appliances and plumbing fixtures;
- Measures and targets can be borrowed from the latest version of the Guide to the California Green Building Standards Code (International Code Council)
- For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, compliance with CALGreen Tier 1 Water Efficiency and Conservation measures would be required.

Implementing Policies: PFS 3.1.3, PFS 3.1.9.

Mitigation Measure GHG-16:

Add new **Policy NCR 3.2.8: GHG Analysis Streamlining for Projects Consistent with the General Plan.**

Projects subject to environmental review under CEQA may be eligible for tiering and streamlining the analysis of GHG emissions, provided they are consistent with the GHG reduction measures included in the General Plan and EIR. The City may review such projects to determine whether the following criteria are met:

- Proposed project is consistent with the current general plan land use designation for the project site;
- Proposed project incorporates all applicable GHG reduction measures (documented in the Climate Change Technical Appendix to the General Plan EIR) as enforceable mitigation measures in the CEQA document prepared for the project; and,
- Proposed project clearly demonstrates the method, timing and process for which the project will comply with applicable GHG reduction measures and/or conditions of approval, (e.g., using a CAP/GHG reduction measures consistency checklist, mitigation monitoring and reporting plan, or other mechanism for monitoring and enforcement as appropriate).

Mitigation Measure GHG-17:

Modify **Policy NCR 3.2.5 Climate Change Assessment and Monitoring.**

Continue to assess and monitor performance of GHG emissions reduction efforts for 2020, 2030, and beyond, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050 by reporting on the City's progress annually, updating the GHG inventory and forecasts at least every five years, and preparing updates to the GHG Strategy in the General Plan, as appropriate; as well as assess and monitor the effects of climate change and associated levels of risk in order to plan a community that can adapt to changing climate conditions and be resilient to negative changes and impacts.

1.6 HAZARDS AND HAZARDOUS MATERIALS (DPEIR CHAPTER 13)

Mitigation Measure HZ-5:

Add new **Policy SN 4.1.4: Wildland Fire Risk Reduction.**

To reduce the risk of wildland fire, continue to implement Wildland-Urban Interface Building Standards, vegetative fuels management, evacuation planning, and public education.

1.7 HYDROLOGY AND WATER QUALITY (DPEIR CHAPTER 14)

Mitigation Measure HWQ-3a:

Modify **Policy SN 3.1.1: 100-Year Floodway.**

SN 3.1.1: 200-Year Floodway.

Regulate new development or construction within the 200-year floodway to assure that the water flows upstream and downstream from the new development or construction will not be altered from existing levels.

Mitigation Measure HWQ-3b:

Modify **Policy SN 3.1.4: Flood Control Costs.**

Minimize new development in the 200-year floodway to reduce the long-term public costs of building and maintaining flood control improvements, as required by FEMA and state law.

Mitigation Measure HWQ-3c:

Modify City of Folsom Municipal Code Chapter 14.32 so as to be in compliance with the provisions of SB 5 that require urban areas to provide a 200-year level of flood protection.

Mitigation Measure HWQ-4:

Implement Mitigation Measures HWQ-3a, HWQ-3b, and HWQ-3c.

Mitigation Measure HWQ-5:

Implement Mitigation Measures HWQ-3a, HWQ-3b, and HWQ-3c.

1.8 NOISE AND VIBRATION (DPEIR CHAPTER 15)

Mitigation Measure N-1:

Add **Implementation Program SN-1: Adopt a Noise Reduction Program.**

The City shall adopt a citywide noise reduction program to reduce traffic noise levels along roadways where significant increases in traffic noise levels are expected to occur. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible:

- Noise barrier retrofits
- Truck usage restrictions
- Reduction of speed limits

- Use of quieter paving materials
- Building façade sound insulation
- Traffic calming
- Additional enforcement of speed limits and exhaust noise laws
- Signal timing.

Mitigation Measure N-3:

Require private developers to provide disclosure statements to all prospective residents in the area south of US Highway 50 notifying them of the presence of Mather Airport to the southwest, of routine aircraft overflights associated with Mather operations, including early morning and late night operations, and of temporarily elevated noise levels during such overflights.

1.9 PUBLIC SERVICES AND RECREATION RESOURCES (DPEIR CHAPTER 16)

Mitigation Measure PSR-4a:

Modify **Policy LU 1.1.10: Network of Open Space.**

Ensure designated open space is connected wherever feasible with the larger community and regional network of natural systems, recreational assets, and viewsheds.

Mitigation Measure PSR-4b:

Modify **Goal LU 5.1.**

Support the appropriate enhancement of Folsom's riverfront areas for current and future residents in order to increase public access, recreational opportunities, and economic development in consultation with federal, State, and regional public lands management agencies.

Mitigation Measure PSR-4c:

Modify **Policy LU 5.1.1: River District Overlay.**

Apply a River District Overlay designation to the riverfront areas of Folsom outside of the boundaries of the Folsom Lake State Recreation Area, Folsom Powerhouse State Historic Park, and American River Parkway to elevate the importance of the river.

Mitigation Measure PSR-4d:

Modify **Policy LU 5.1.2: Vision for the River District.**

Engage the community, stakeholders, and federal, state, and regional land management agencies in establishing a vision for Folsom's River District.

Mitigation Measure PSR-4e:

Modify **Policy LU 5.1.3: River District Master Plan.**

Prepare a River District Master Plan for Folsom's riverfront area, that is based on widespread community engagement as well as coordination with the U.S. Bureau of Reclamation, California Department of Parks and Recreation, and Sacramento County Regional Parks Department.

Mitigation Measure PSR-4f:

Modify **Policy LU 5.1.4: Enhance Lake Natoma with Compatible Recreation Uses.**

Enhance the role of Lake Natoma as a place to recreate and an amenity for Folsom residents, and elevate Lake Natoma's role in supporting local and regional business and commerce, including tourism, recreation, and leisure, while maintaining compatibility with the Folsom Lake State Recreation Area General Plan. Invest in strategically-located sites along the length of Lake Natoma for a diverse mix of passive and active recreation and tourism activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Mitigation Measure PSR-4g:

Modify **Policy PR 4.1.1: Coordination with State and County Parks.**

Coordinate with State and County park officials to provide education in programs that inform the community on topics such as local natural resources, conservation efforts, and fire safety.

Mitigation Measure PSR-4h:

Modify **Policy PR 4.1.3: County, State, and Federal Cooperation.**

Cooperate with the County Department of Regional Parks, State Department of Parks and Recreation, State Department of Corrections and Rehabilitation, State Department of Fish and Wildlife, and U.S. Bureau of Reclamation on facility development and program offerings as appropriate.

Mitigation Measure PSR-4i:

Modify **Policy PR 4.1.5: Waterway Recreation and Access.**

Coordinate with appropriate Federal and State agencies, Sacramento County Regional Parks, private landowners, and developers to manage, preserve, and enhance the American River Parkway, urban waterways, and riparian corridors, including public access for active and passive recreation.

Mitigation Measure PSR-4j:

Modify the **2035 General Plan Land Use Diagram – Transit Priority Areas.**

Modify the 2035 General Plan Land Use Diagram to delete any indication that proposed Transit Priority Areas would include public lands within the Folsom Lake State Recreation Area and American River Parkway.

Mitigation Measure PSR-4k:

Modify the **2035 General Plan Land Use Diagram – River District.**

Modify the 2035 General Plan Land Use Diagram to delete any indication that the proposed River District would include public lands within the Folsom Lake State Recreation Area and American River Parkway. This is not intended to preclude the addition of such lands to the River District upon completion of the River District Master Plan prepared in compliance with Policy LU 5.1.3.

Mitigation Measure PSR-4l:

This mitigation measure was determined to be unnecessary and was not adopted by the City of Folsom City Council.

Mitigation Measure PSR-4m:

Modify the **2035 General Plan Land Use Diagram – Planning Area 2.**

Modify the 2035 General Plan Land Use Diagram to amend the boundary of Planning Area 2 to exclude lands within the Prairie City SVRA.

1.10 TRANSPORTATION AND CIRCULATION (DPEIR CHAPTER 17)

Mitigation Measure T-3:

Implement the new interchanges and improvements along US 50.

1. The two new interchanges on US Highway 50 at Oak Avenue Parkway and at Empire Ranch Road interchanges would cause a significant shift in traffic volumes from East Bidwell Street interchange the new interchanges. Both interchanges were assumed to have a high capacity partial cloverleaf (L9) design with a one or two lane single slip off-ramp, a loop ramp and a slip on-ramp in each direction.
2. New "auxiliary lanes" are assumed to be added both eastbound and westbound on US Highway 50 between each interchange from Folsom Boulevard to El Dorado Hills Boulevard, which is consistent with the "Traffic Operations Analysis Report for the US Highway 50 Auxiliary Lane Project" (DKS 2007). These auxiliary lanes were assumed to begin at the loop on-ramp at each of the existing and new partial cloverleaf interchanges and extend to the off-ramp at the downstream interchange.
3. A "transitional lane" was assumed to be added in the eastbound direction from the Hazel Avenue eastbound on-ramp to the off-ramp to Prairie City Road to mitigate the current bottleneck caused by the lane drop at Folsom Boulevard.
4. Two lane off-ramps were assumed to be added at any location where volumes warrant the additional lane.
5. A standard intersection design would result in an unacceptable weaving condition on eastbound US Highway 50 between the Prairie City Road on ramps and the new off ramp with Oak Avenue Parkway. Therefore, it was assumed that a "braided ramp" design would be used. It was assumed that this design would involve merging the two eastbound on-ramps from Prairie City Road and then grade separating that combined on-ramp with the new off-ramp to Oak Avenue Parkway.
6. It was assumed that a White Rock Road would be widened to four lanes, which would help divert some traffic from US Highway 50.

1.11 REQUIRED CEQA ANALYSES (DPEIR CHAPTER 12)

Mitigation Measure ENR-1:

Implement Mitigation Measures GHG-1 through GHG-17.

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Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

Folsom Municipal Code Chapter 12.16 Tree Preservation (Existing)	Folsom Municipal Code Chapter 12.16 Tree Preservation Ordinance (Proposed)[1]
Sections:	
12.16.010 Purpose and intent.	12.16.010 Purpose and intent.
12.16.020 Definitions.	12.16.020 Definitions.
12.16.030 Regulated activity and exemptions.	12.16.030 Applicability.
12.16.040 Tree permit process.	12.16.040 Prohibited Activities.
12.16.050 Environmental review.	12.16.050 Permit Required.
12.16.060 Conditions.	12.16.060 Application Requirements.
12.16.070 Mitigation.	12.16.070 Approving Authority.
12.16.080 Street tree planting.	12.16.080 Conditions of Approval.
12.16.090 Establishing landmark tree(s).	12.16.090 Findings for Approval.
12.16.100 Appeals from action on issuance or denial of a permit.	12.16.100 Notice of Decision.
12.16.110 Appeal fee for appeals from action on issuance or denial of a permit.	12.16.110 Appeals.
12.16.120 Appeal hearings concerning action on issuance or denial of a permit.	12.16.120 Effective Date and Permit Expiration.
12.16.130 Actions on appeals concerning issuance or denial of a permit.	12.16.130 Regulated Activity Authorized by Permit.
12.16.140 Enforcement.	12.16.140 Standard Conditions of Approval.
12.16.143 Penalties.	12.16.150 Tree Protection and Mitigation Plan Requirements.
12.16.145 Enforcement procedures—Notice to correct.	12.16.160 Mitigation Requirements.
12.16.150 Mitigation fees.	12.16.170 Tree Planting and Replacement Fund.
12.16.160 Delegation.	12.16.180 Landmark Designation.
12.16.170 Application fees.	12.16.190 Maintenance.
12.16.180 Amendment of project.	12.16.200 Street Tree Planting.
12.16.190 Notices.	12.16.210 Parking Lot Shading Tree Planting.
	12.16.220 Solar Shade Control Act Exemption.
	12.16.230 Violations, Enforcement, and Penalties.

[1] The right column documents the proposed Tree Preservation Ordinance. The sections (e.g., 12.16.010, 12.16.020) of the proposed Ordinance are presented in the order that they would appear in the Folsom Municipal Code. In contrast, since the sections of the existing and proposed Ordinances do not precisely mirror each other, the contents of the left column have been moved or adjusted to match the topics as set forth in each of the sections of the proposed Tree Preservation Ordinance.

12.16.010 Purpose and intent.	12.16.010 Purpose and intent.
A. In order to promote the public health, safety and general welfare, to enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish basic standards, measures and compliance for the preservation and protection of trees.	A. **Purpose.** Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, essential shade, energy savings, reduced Heat Island effect, habitat for wildlife, and carbon sequestration. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of our Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish standards and measures for the preservation of trees.
B. The provisions of this chapter are enacted to: 1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values; 2. Promote conservation of tree resources; 3. Authorize the planning director to administer the tree ordinance; 4. Implement the conservation goals of the General Plan. (Ord. 826 § 1 (part), 1995)	**B. Intent.** The provisions of this chapter are enacted to: 1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values. 2. Promote conservation of tree resources and long-term sustainability. 3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices. 4. Protect the visual and aesthetic character of the City. 5. Implement the conservation goals of the General Plan. 6. Establish procedures for the City to administer this tree ordinance.
12.16.020 Definitions.	**12.16.020 Definitions.**
	This section includes the definition of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, the terms and phrases as defined in this Chapter shall control for the purposes of this Chapter. If a word is not defined in this Chapter, the Community Development Director shall determine the most appropriate definition for purposes of enforcing the Tree Ordinance.
	Adjacent. Having a common property line, or immediately next to an alley, path, private street, easement, or public street.
	ANSI A300 Standards. The most current version of Tree Care Operations – Tree, Shrub and other Woody Plant Maintenance – Standard Practices of the American National Standards Institute, as amended from time to time.
For purposes of the issuance of any permit required under this chapter, an "appeal body" means either the city council or the planning commission, as described in Section 12.16.100, whose responsibility is to hear appeals from decisions made by the approving authority.	**Appeal Authority.** The Director or Commission authorized under this Chapter to consider appeals of Tree Removal Permits.

Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

"Approving authority" means any one of the following: city council, planning commission, or planning director or his/her designated person, or other body granted authority under this code to act on subject entitlement.	**Approving Authority.** The City Arborist is the Approving Authority for the Tree Work Permit and Tree Removal Permit covered by this Chapter.
"Arborist report" means a report prepared by an arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.	**Arborist Report.** A report prepared by an Arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.
	Arborist. An individual certified as an Arborist by the International Society of Arboriculture (ISA) and holds a current and unexpired certification.
	Buildable Area. The area of a parcel where a building may be constructed excluding front, rear and side yard setbacks as required by the zoning. In the case of a parcel that is to be subdivided, the buildable footprint would be the buildable area of each proposed new parcel excluding front, rear and side yard setbacks as required by the existing or proposed zoning for the new parcel(s).
	City Arborist. An Arborist who is a City employee whose job duties include the review, evaluation and preparation of reports and permits under this Chapter.
	Certificate of Compliance. A written statement from an Arborist verifying that the conditions associated with a Tree Permit have been satisfied.
	Critical Root Zone (CRZ). The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This Critical Root Zone area for all trees except Heritage Trees is a circle with a minimum radius of 1 foot for every 1 inch in trunk diameter at DBH. For Heritage Trees, the Critical Root Zone area shall be a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at DBH, unless reduced by the City Arborist. (Critical Root Zone Figure provided following this table.)
"Diameter at breast height (DBH)" means the diameter of a tree measured at 4 1/2 feet above the ground while standing on the high side of the tree. The diameter shall be calculated by use of the following formula: diameter = circumference/3.142	**Diameter at Breast Height (DBH).** The diameter of a tree measured at four and one-half (4.5) feet above the ground while standing on the high side of the tree. For a tree other than a Multi-trunked Tree that branches at or below four and one-half feet, DBH shall mean the diameter at the narrowest point between the grade and the lowest branching point. The diameter shall be calculated by use of the following formula: diameter = circumference/3.142 For Multi-trunked Trees, the DBH shall be the diameter of each stem measured at four and one-half above the ground while standing on the high side of the tree added together in total.
	Director. The Director of the City's Community Development Department or his/her designee.

"Discretionary projects" means a project which requires the exercise of judgment or deliberation when the city council or planning commission decides to approve or disapprove a particular activity. "Discretionary projects" include, but are not limited to: conditional use permits, tentative parcel maps, changes in zoning districts, tentative subdivision maps, variances or planned development permits.	
"Dripline" means the outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as an irregular-shaped circle that follows the contour of a tree's outermost branches as seen from overhead.	**Dripline Radius (DLR).** A perfect circle around the tree with the radius being equal to the longest branch of the tree. (Dripline Radius Figure provided following this table.)
"Enforcement authority" means the director of the department of planning, inspections and permitting or his/her designee.	
	Extrapolated Diameter at Breast Height (DBH). This is a method of calculating the DBH of a multi-trunked tree that is derived from adding the cross-sectional area of each stem measured at 4.5 feet above grade to determine a value for the DBH. In a Multi-trunked Tree, this is calculated by taking the square root of the sum of each individual stem's DBH squared. The extrapolated DBH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.
	Heat Island. An urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.
"Heritage tree" means a native oak tree over 19 inches in diameter at breast height or a multitrunked native oak tree having an aggregate diameter of 38 inches or more at breast height.	**Heritage Tree.** A tree on the City's current Master Tree List over 30 inches in DBH or a multi-trunked tree on the current Master Tree List having a combined DBH of 50 inches or more.
"Landmark tree" means a tree or group of trees determined by the city council to be a significant community benefit.	**Landmark Tree.** A tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to its size, age, location, historic association or ecological value
	Major Pruning. The cutting of any individual branch or root with a diameter of two inches or greater or a circumference of more than six and one-quarter inches at any point on such branch or root. It shall also include the cutting of a cumulative amount of more than ten percent of a combination of the Root System and the Tree Crown within a 12-month period.
"Master tree list" means a list prepared by the planning director which identifies the species of trees which may be planted as replacement or as street trees.	**Master Tree List.** A list prepared by the City, as amended from time to time, identifying the species of trees that may be planted as replacement trees, as Parking Lot Shading Trees, or as Street Trees.
"Minor trimming" means the cutting from protected trees of: (1) dead or diseased limbs or twigs; (2) parts which may result in damage to a dwelling; (3) parts which must be removed for safety or public utilities; or the pruning of protected trees to promote health and growth. Trimming which substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered minor trimming.	**Minor Pruning.** The cutting of any individual branch or root of less than two inches in diameter at any point on such branch or root. The cumulative amount of cutting shall not be more than ten percent of a combination of the Root System and the Tree Crown within a 12-month period. Pruning that substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered Minor Pruning.
	Multi-trunked Tree. A tree with multiple stems originating from a single root mass.

Appendix A
Comparison of Existing Tree Preservation Ordinance and the Proposed Revised Tree Preservation Ordinance

<table>
<tr><td>"Native oak tree" means any tree over 6 inches (DBH) of the genus quercus and species lobata (valley oak), douglasii (blue oak), wislizenii (interior live oak), or hybrids, thereof; or a multitrunked native oak tree having an aggregate diameter of 20 inches (DBH) or more.</td><td>Native Oak Tree. One of the following species of tree or hybrids of any of the trees listed below, with a minimum diameter as shown:
<table>
<tr><th>Common Name</th><th>Botanical Name</th><th>Trunk (DBH)</th><th>Multi-trunked Combined (DBH)*</th></tr>
<tr><td>Valley Oak</td><td>Quercus lobata</td><td>6”</td><td>20”</td></tr>
<tr><td>Blue Oak</td><td>Quercus douglasii</td><td>6”</td><td>20”</td></tr>
<tr><td>Interior Live Oak</td><td>Quercus wislizenii</td><td>6”</td><td>20”</td></tr>
<tr><td>Coast Live Oak</td><td>Quercus agrifolia</td><td>6”</td><td>20”</td></tr>
<tr><td colspan="4">*A Native Multi-trunked Tree listed above with a single stem 6 inches or greater shall be considered a Native Oak Tree.</td></tr>
</table></td></tr>
<tr><td>“Owner-occupant” means any owner residing in a constructed single-family residence.</td><td></td></tr>
<tr><td></td><td>Parking Lot Shading Tree. Any tree planted in a parking lot in order to meet shade coverage requirements and as identified in Section 17.57.070 of the Zoning Code.</td></tr>
<tr><td>“Planning director” means the director of planning, inspections and permitting.</td><td></td></tr>
<tr><td>“Project” means an activity which has the potential for resulting in a physical change in the environment.</td><td></td></tr>
<tr><td>“Protected trees” means native oak trees, heritage trees, street trees and landmark trees.</td><td>Protected Tree. Trees protected under this Chapter include Native Oak Trees, Heritage Trees, Landmark Trees, Regulated Trees, and Street Trees, as defined herein.</td></tr>
<tr><td>“Protected zone” means an irregular circle around a protected tree, equal to the protected tree’s dripline plus 1 foot.</td><td></td></tr>
<tr><td>“Priming and trimming standards” means those pruning standards established by the Western Chapter of the International Society of Arboriculture.</td><td></td></tr>
<tr><td></td><td>Pruning. To cut off or cut back parts a tree to enhance health and structure. Pruning refers to both above surface and underground cutting. See also “Major Pruning” and “Minor Pruning”.</td></tr>
<tr><td></td><td>Reasonable Alternative Measures. Measures determined and authorized by the Approving Authority or Appeal Authority that may be reasonably implemented to minimize impact to a Protected Tree in order to avoid activities which could result in greater impact to the tree or removal of the tree. Examples may include tree management practices such as root barriers; a minor deviation from the setbacks to allow a development to preserve existing trees on-site (may require a variance or other land use entitlements); or the planting of replacement trees on suitable off-site locations.</td></tr>
<tr><td>“Regulated activity” means any activity to be done to a protected tree or undertaken within the protected zone of a protected tree.</td><td>Regulated Activity. Activities involving Major Pruning of a Protected Tree, any activity undertaken within the Tree Protection Zone of a Protected Tree, removal of a Protected Tree, cabling and/or bracing of a Protected Tree, or other activities that may impact the long-term health and survivability of a Protected Tree as may be determined by the City Arborist.</td></tr>
</table>

	Regulated Tree. Trees required in accordance with the standards of the Zoning Code, such as Parking Lot Shading Trees, or required as conditions of development project approval, such as landscape buffer or screening trees.
	Replacement Tree. A tree required to be planted as mitigation for removal of a Protected Tree in accordance with the requirements of this Chapter.
	Root System. This configuration of the underground parts is one of its most important elements of a tree, providing several vital functions. Roots store nutrients for the tree during the winter and transport water and minerals during the active part of the growing season. Roots also provide an anchor to the tree, keeping it from toppling during extreme weather conditions.
	Routine Maintenance. Includes the following activities: Minor Pruning; dead wood removal; irrigation; mulch application; mowing or trimming grass or other ground cover close to a tree; application of fertilizer, insecticides, or herbicides in accordance with their label; or any other similar activities that promote the life, growth, or health of trees. Any procedure, technique, or practice that is expressly prohibited under the ANSI A300 standards or by this Chapter is not Routine Maintenance.
"Street tree" means any tree growing within the tree maintenance strip and contained on the master tree list.	**Street Tree.** A tree of an approved species in accordance with the current Folsom Master Tree List located within 12.5' of a street or sidewalk, measured from the back of the curb or back of the sidewalk. Street Trees can be either privately or publicly owned.
	Subject Property. The property, or properties, for which a permit request has been filed.
	Terminal Leader. This is the vertical stem(s) at the top of the trunk of a tree.
"Tree" means a woody perennial plant with a trunk over 6 inches (DBH) or a multitrunked plant having an aggregate diameter of 20 inches (DBH) or more.	
	Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards and any other relevant standards as determined by the City Arborist, as amended by the City from time to time.
	Tree Crown. This is the top part of the tree, which features branches that grow out from the main trunk and support the various leaves used for photosynthesis.
	Tree Permit. A permit issued by the City of Folsom covering any Regulated Activity affecting a Protected Tree, which may be a Tree Work Permit or a Tree Removal Permit or both.
"Tree maintenance strip" means a strip of land parallel and adjacent to a public street thereto and which is twelve and one-half feet wide, measured from the property line. (Ord. 851 § 2(1), 1996)	
	Tree Protection and Mitigation Plan. A plan submitted for review and approval before the start of any Regulated Activity

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	Tree Protection Zone (TPZ). The circumference of the outermost edge of a tree's Critical Root Zone or Dripline Radius, whichever is greater, plus one foot. When depicted on a map, the Tree Protection Zone will appear as a perfect circle, or group of overlapping circles for multiple trees. (Tree Protection Zone Figure provided following this table.)
	Topping. A type of pruning that is not Routine Maintenance and involves the removal of tops of trees, or large branches or trunks from tops of trees, leaving large stubs or lateral branches that are too small to assume the role of a Terminal Leader. (Topping Figure provided following this table.)
	Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow in the City boundaries.
	Zoning Code. Title 17 of the Folsom Municipal Code.
	12.16.030 Applicability
	The provisions of this Chapter shall apply to all Regulated Activities affecting Protected Trees, excluding those activities undertaken by the City. Trees that are not Protected Trees are not subject to the provisions of this Chapter. When a tree qualifies as more than one type of Protected Tree, the more stringent requirements apply.
	12.16.040 Prohibited Activities
	The following activities shall be prohibited with respect to Protected Trees:
	A. Topping.
	B. Attaching structures using nails, screws, and/or spikes.
	C. Wounding or breaking tree trunks or branches through contact with vehicles and heavy equipment.
	D. Wounding trunks with string weed trimmers, lawn mowers, and similar equipment.
	E. Causing injury by fire or excessive heat.
	R. Pruning activities not conducted in accordance with City's Tree Care and Maintenance Standards.
	G. The use of tree spikes or spurs while pruning.
	H. Any of the following activities within the Tree Protection Zone of any Protected Tree, unless specifically approved by the City and conducted in accordance with the standards of Section 12.16.140 (Standard Conditions of Approval):
	1. Storage of large quantities of soil and/or mulch.
	2. Excavation and trenching.
	3. Changing soil grade by cutting or filling.
	4. Grading, tearing, and/or grubbing.
	5. Compacting soil with equipment, vehicles, material storage, and/or foot traffic.

	6. Washing out equipment (especially paint, stucco and concrete) and vehicle maintenance.
	7. Installing impervious surfaces, including but not limited to parking lots, driveways, and walkways.
	8. Storing or placing construction materials or construction debris and waste.
	9. Accumulation of water from construction-related activities.
	I. Cutting down, destroying, effectively destroying through damaging, removing, or moving any Protected Tree without a Tree Work Permit or a Tree Removal Permit at any time unless specifically exempted by this Chapter.
12.16.030 Regulated activity and exemptions.	**12.16.050 Permit Required**
A. Tree Permit Required. Except as otherwise provided in this chapter, it is unlawful to perform any regulated activity without a tree permit.	A. **Tree Work Permit Required.** A Tree Work Permit is required for any Regulated Activities undertaken with respect to a Protected Tree, except where specifically exempted by subsection "C" below:
	B. **Tree Removal Permit Required.** A Tree Removal Permit is required before removal of any Protected Tree, except where specifically exempted by subsection "C" below.
B. Tree Permit Exemptions. The following activities may be undertaken without a tree permit:	C. **Exemptions.** The following activities with respect to Protected Tree are specifically exempted from the requirements for obtaining a Tree Work Permit or a Tree Removal Permit.
1. Paving for streets and/or driveways under the supervision of an arborist to guarantee appropriate measures are taken to ensure tree survival;	1. Resurfacing, repaving, or concrete replacement of existing paved areas within the Tree Protection Zone, if conducted under the supervision of an Arborist to guarantee appropriate measures are taken to ensure tree survival.
2. Parking or operation of motor vehicles within the protected zone on existing paved areas;	2. Parking or operation of motor vehicles within the Tree Protection Zone on existing paved areas.
3. Placement or storage of equipment or construction material within the protected zone on existing paved areas;	3. Placement or storage of equipment or construction material within the Tree Protection Zone on existing paved areas.
4. Maintenance of under-canopy landscaping for non-oak species;	4. Maintenance of under-canopy landscaping.
5. Activities in subsection B(1) through (4) of this section within improved parking lots approved by the city;	5. Routine maintenance of Protected Trees.
6. Removal of limbs or trees damaged by acts of God;	6. Emergency work involving the removal of limbs or trees damaged by extreme weather, chance occurrence, or unavoidable accident beyond the reasonable control of the property owner.
7. Removal of a tree certified as being dead which poses a health and/or safety risk to the public;	7. Removal of a Protected Tree that is dead or dying as determined by an Arborist and verified by the City Arborist provided that the property complies with the requirements of the Zoning Code.
8. Removal of a tree certified by an arborist to be in poor health, and a risk or hazard to the general public as determined by the planning director;	8. Removal of a Protected Tree that poses an imminent safety risk to the public as determined by the City Arborist or City Fire Chief.

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9. Minor trimming as defined in Section 12.16.020;	9. Minor pruning activities.
10. Activity which does not disturb the soil or result in physical contact to the protected tree;	10. Activities that do not disturb or contaminate the soil within the Tree Protection Zone or result in physical contact to the Protected Tree.
11. Activity performed by a public utility necessary to comply with safety regulations or to repair or avoid the interruption of services, provided such activity is done under the supervision of a certified arborist. (Ord. 826 § 1 (part), 1995)	11. Public utilities subject to the jurisdiction of the California Public Utilities Commission performing pruning activities as is necessary to comply with the safety regulations of said commission and to maintain a safe operation of their facilities. However, they shall notify the Community Development Department at least seven (7) business days before taking any action. The City may cause such pruning work to be inspected and the City shall have the authority to stop any tree-pruning performed by a utility if such practices are inconsistent with the City's Tree Care and Maintenance Standards.
	D. Combined Activities. Separate but similar tree-related activities may be reviewed under one permit. The City's decision on the permit shall apply to all activities included in the permit.
	E. Limitation. Permit issued under this Chapter entitles the permittee to perform only the Regulated Activities authorized in the permit and is not valid for any other purpose.
12.16.040 Tree permit process.	**12.16.060 Application Requirements**
A. Applications for a tree permit shall be submitted to the planning director. The application shall be acted upon by the planning director, unless other project entitlements will be necessary in order to develop the property, in which case, the application will be acted upon by the appropriate approving authority. Said application shall contain:	**A. Application Form.** All Tree Work Permit or Tree Removal Permit applications must be submitted in writing to the Community Development Department on a form provided by the City.
1. Application Form. Application shall be made on a form supplied by the planning director. The signature of the property owner is required on the application.	1. Minimum submittal requirements shall be established by the City. Additional information necessary for the complete evaluation of an application may be required by the City Arborist. All required material and information shall be provided by the applicant before the application may be deemed complete and accepted for processing.
2. Justification Statement. A written statement stating the justification for the tree permit.	2. No application shall be considered complete for acceptance and processing until the required application fee is paid in full.
3. Site Map. The requirement for a site map may be waived by the planning director if the application is for removal of dead or hazardous trees. A site map, if required, shall include the following information, and any other information determined by the planning director to be necessary:	3. For work within the Tree Protection Zone or work involving the removal of a Protected Tree, a Tree Protection and Mitigation Plan is required as part of the permit application unless exempt under Section 12.16.050(C). If Protected Trees are present on the proposed development site, a Tree Protection and Mitigation Plan is required as part of entitlement application and before submittal of a Tree Permit application.
a. Physical Characteristics (Existing and Proposed).	
i. Property lines;	
ii. Streets, access easements and/or public or private driveways and other paved areas;	
iii. Buildings or structures;	

iv. Setbacks of all buildings and structures from property lines;	
v. Parking and other paved areas;	
vi. Land uses on parcel (existing and proposed as applicable);	
vii. Proposed grading and construction, including utilities, if available.	
b. Tree Locations. All trees located on the property must be depicted on the site plan map. Identify those protected trees which are to be preserved and which will be subject to regulated activity. Additionally, the site plan map shall indicate the exact location of the base and protected zone for all such trees within the project boundary. Except for applications filed by owner-occupants, a survey of the exact location(s) of such tree(s), both horizontally and vertically, shall be conducted by a professional engineer or a licensed land surveyor. Owner-occupants shall submit information concerning tree locations in a form acceptable to the planning director. The tree number(s) shall be shown on both the site plan and grading plan and on the trees themselves (attached by nonharmful methods). The base elevation of each protected tree shall be shown on the grading plan.	
c. Protected Zone of Protected Tree(s). The exact location of the protected zone of protected trees.	
4. Preservation Program. A program for the preservation of protected trees during and after completion of the project (including avoidance of activity within the protected zone of protected trees), which shall include the following:	
a. Each tree or group of trees to be preserved shall be enclosed with high-visibility fencing prior to any grading, movement of heavy equipment, approval of improvement plans, or the issuance of any grading or construction permits. Such fence shall be removed following construction but prior to installation of landscaping material. Fencing shall enclose the entire protected zone.	
b. Parking of vehicles, equipment, or storage of material within the protected zone of trees is prohibited at all times, except that parking shall be permitted within the protected zone of street trees as outlined in subsections (B)(2) and (3) of Section 12.16.030.	
c. Signs shall be posted on all sides of fences surrounding each tree or trees stating that enclosed tree(s) are to be preserved. The signs shall state the penalty for damage to, or removal of, the protected tree. The number of posted signs required for the site shall be determined by the planning director.	

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5. Arborist's Report. Except for applications filed by owner-occupants, an arborist's report shall be submitted and shall contain such information as the planning director determines is required to evaluate tree conditions, identify measures to protect trees for preservation and to evaluate areas in which to plant replacement trees. Owner-occupants shall submit information concerning tree condition in a form acceptable to the planning director. The contents of the arborist's report and site plan shall include but is not limited to the following information:	
a. Botanical and common name of tree(s) by tree number;	
b. Location of tree(s) by tree number;	
c. Diameter at breast height (DBH) by tree number, identifying whether single or multitrunked trees;	
d. Protected zone radius by tree number (measure longest radius);	
e. Condition by tree number based upon the following tree rating system:	
i. Excellent,	
ii. Good,	
iii. Fair to good,	
iv. Fair,	
v. Fair to poor,	
vi. Poor.	
Tree ratings shall be based on: (1) the condition and environment of the tree's root crown; (2) the condition of the trunk, including decay, injury, callusing or presence of fungus sporophore; (3) the condition of the limbs, including strength of crotches, amount of dead wood, hollow areas, and whether there is excessive weight borne by them; (4) the condition and growth rate history of the twigs, including pest damage and diseases; (5) the leaf appearance, including abnormal size and density as well as pest and disease damage; (6) the protected zone environment, including evidence of grade changes and presence of water courses or ponding.	
Using an averaging of the above factors together with the arborist's best judgment, the tree shall then be described using the above rating categories. Based upon the conditions and findings, recommendations should be made that logically follow the report conditions. Recommended mitigative measures to improve the tree's condition ratings shall be included in the report. The report should also include information regarding the tree's life expectancy under existing and planned-for conditions.	

B. Application Evaluation Criteria. The approving authority shall review and approve, conditionally approve or deny applications in accordance with the provisions of this chapter. The following criteria will be considered in the evaluation of applications for tree permits:	
1. The gross floor area of any proposed structures in relation to the size of the site and the amount of area on the parcel which does not require the removal of protected trees;	
2. Design features of any proposed structures, as compared to other structures in the same vicinity which have or had protected trees on the parcel;	
3. Topographic constraints, lot configuration and other physical limitations;	
4. The health and structural condition of the protected trees;	
5. Whether the encroachment is likely to result in the decline of the protected tree or create a risk to persons or property;	
6. The approximate age of the protected tree compared with the average life span for that species;	
7. Whether removal of the protected tree would encourage healthier, more vigorous growth of younger similar trees in the area;	
8. The number of existing protected trees in the area;	
9. The number of healthy protected trees that a given parcel of land will support with and without the proposed development;	
10. The effect of removal on soil stability/erosion, particularly near watercourses or on steep slopes;	
11. The potential for the protected tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures;	
12. Present and future shade potential with regard to solar heating and cooling and other climatic conditions;	
13. Whether there are any alternatives that would allow for the preservation of the protected tree;	
14. Accepted tree management practices to ensure long-term survival of the tree;	
15. Whether the tree exhibits one of the following attributes: (1) historical value; (2) excellent health rating; (3) outstanding habitat value; (4) unusual species; or (5) superior beauty;	
16. Whether other discretionary entitlements are contemplated within one year;	
17. Any other information which may impact the health, safety or general welfare of the public.	
C. Tree Permit Provisions.	

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1. The approving authority's decision to approve or deny the application, including reasons for any denial shall be provided to the applicant in writing. The approving authority's decision is final upon such filing and notification pursuant to Sections 12.16.100 and 12.16.190.	
2. A tree permit shall not be effective until the time in which an appeal may be filed has elapsed without an appeal having been filed. A tree permit shall be valid for 1 year or for the life of other associated project entitlements (i.e., tentative maps, conditional use permits, etc.), whichever is longer. Any changes to the project not in substantial compliance with the original approval shall require reapplication to the approving authority.	
3. It shall be the responsibility of the person undertaking a regulated activity to have the tree permit at the site. The property owner shall be ultimately responsible for complying with the requirements of the tree permit.	
4. The permit shall entitle the applicant to perform only the regulated activities described in the tree permit. (Ord. 826 § 1 (part), 1995)	
12.16.050 Environmental review.	
Review by the approving authority is subject to the requirements of the California Environmental Quality Act (CEQA). The approving authority shall not approve an application prior to considering the applicable environmental document and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents. (Ord. 826 § 1 (part), 1995)	
	B. Application Fees. The City Council may establish a fee by resolution for the processing of permit applications under the provisions of this Chapter, which may be amended from time to time.
	12.16.070 Approving Authority
	The Approving Authority may approve, modify, conditionally approve, or deny the permit application in accordance with this Chapter. The decision of the Approving Authority on a Tree Work Permit shall be final and not subject to appeal. A Tree Removal Permit may be appealed to the Appeal Authority pursuant to procedures set forth in Section 12.16.110 (Appeals).
12.16.060 Conditions.	**12.16.080 Conditions of Approval**
The approving authority shall at the time of approval impose such conditions as are necessary to ensure compliance with this chapter, state or federal laws. Such conditions shall be reasonably related to the public needs created by the proposed project. Conditions to mitigate environmental impacts of the activity shall also be imposed by the approving authority. (Ord. 826 § 1 (part), 1995)	The Approving Authority may impose such conditions as are necessary to ensure compliance with this Chapter with respect to the proposed project, including but not limited to conditions to lessen impacts to Protected Trees or to mitigate environmental impacts of the proposed activity.
	12.16.090 Findings for Approval
	The following findings are required before issuance of the specified permits.

	A. Tree Work Permit. Before approving an application for a Tree Work Permit, the Approving Authority shall make the following findings:
	1. The proposed activity is not detrimental to the immediate or long-term health of the Protected Tree; or
	2. The proposed activity is detrimental to the immediate health of the Protected Tree, but a Tree Protection and Mitigation Plan has been prepared that minimizes the impact and protects the long-term health of the tree to the satisfaction of the City Arborist; and
	3. The proposed activity is in accordance with the provisions of this Chapter and all applicable City standards and policies.
	B. Tree Removal Permit. Before approving an application for a Tree Removal Permit, the Approving Authority shall make at least one of the following findings:
	1. The condition of the Protected Tree with respect to disease, danger of falling, or long-term health of the tree is such that the tree is not likely to survive.
	2. The condition or location of the Protected Tree or its roots is interfering with water, sewer, gas, electrical services, streets or sidewalks to the subject property or properties in the vicinity and there are no Reasonable Alternative Measures to avoid, prevent or lessen the interference.
	3. The Protected Tree or its roots are causing, or threatening to cause, damage to any existing permanent structure or feature on the property or on any adjacent property including pools, driveways, and there are no Reasonable Alternative Measures to avoid, prevent or lessen the damage or threatened damage.
	4. Use of the property consistent with the Zoning Code could not be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.
	12.16.100 Notice of Decision
	A. Written Notice. Written notice of decision on an application for Tree Work Permit or Tree Removal Permit shall be provided to the applicant as part of the permit issuance or denial. Written notice of decision on an application for Tree Removal Permit shall be provided to the applicant and owners of properties located immediately adjacent to the subject property. The notice shall include the following:
	1. The application.
	2. The decision made by the Approving Authority.
	3. Conditions imposed as part of the approval.

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12.16.100 Appeals from action on issuance or denial of a permit.	12.16.110 Appeals
A. If the applicant for a tree permit, or other interested parties, are dissatisfied with any determination made by the planning director, such person may appeal to the planning commission. If the applicant for a tree permit, or other interested parties, are dissatisfied with any determination made by the planning commission, such person(s) may appeal to the city council. Decisions of the planning commission, when sitting as an appeal body, may not be appealed to the city council.	**A. Right to Appeal.** The decision on a Tree Work Permit is final and not subject to appeal. For a Tree Removal Permit, any person dissatisfied with the determination of the Approving Authority may file an appeal with the Director. The decision of the Director may be appealed to the Planning Commission or the Historic District Commission depending upon the location of the Protected Tree. The decision of the Planning Commission or Historic District Commission shall be final for all purposes and not appealable further.
B. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the planning director not later than ten calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived. (Ord. 851 § 2(2), 1996)	**B. Filing an Appeal.** Appeal shall be submitted in writing to the City Clerk within 10 calendar days following a decision rendered under this Chapter, with payment of an appeal fee adopted by the City Council. The appeal shall, at a minimum, state the following:
12.16.110 Appeal fee for appeals from action on issuance or denial of a permit.	1. The project or matter being appealed.
The city council shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration and processing of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal request. No appeal request shall be deemed valid unless the prescribed fee has been paid. (Ord. 851 § 2(3), 1996)	2. The date of the City's decision that is the subject of the appeal.
	3. The specific conditions, standard, or action being appealed.
	a. A statement specifying the basis or grounds of the appeal, such as why the decision is not in agreement with the standards and regulations of this Chapter.
	b. How the decision of the Approving Authority should be changed.
	4. No appeal request shall be deemed filed until the prescribed fee has been paid.
	5. If an appeal is not filed within the time and in the manner stated above, the right to appeal shall be deemed waived.
12.16.120 Appeal hearings concerning action on issuance or denial of a permit. After the filing of an appeal within the time and in the manner prescribed by Section 12.16.100, the appeal body shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the appellant not later than ten days preceding the date of the hearing. (Ord. 851 § 2(4), 1996)	**C. Notice and Schedule of Appeal Hearings.** The Director shall schedule the appeal hearing as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing.

12.16.130 Actions on appeals concerning issuance or denial of a permit.	**D. Appeal Hearing and Action.** The Appeal Authority shall review the entire proceeding or proceedings relating to the act or decision being appealed and may make any order it deems just and equitable, including but not limited to the approval or denial of the Tree Removal Permit application, the addition or modification of any condition applicable to an approved Tree Removal Permit. Any hearing may be continued from time to time. At the conclusion of the hearing, the Appeal Authority shall make findings supporting its decision on the appeal. The decision of the Appeal Authority shall be filed with the City Clerk and provided to the appellant and the project applicant.
A. The appeal body shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.	
B. At the conclusion of the hearing, the appeal body shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the city clerk. The clerk shall serve such decision on the applicant. The decision of the appeal body shall become final upon the date of filing and service with respect to any appeal. (Ord. 851 § 2(5), 1996)	
	12.16.120 Effective Date and Permit Expiration
	A. Effective Date.
	1. *Tree Work Permit.* Tree Work Permits shall become effective on the date an approval is issued by the Approving Authority.
	2. Tree Removal Permits issued under this Chapter shall become effective 10 calendar days following the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal. If the Appeal Authority upholds or grants a Tree Removal Permit application, the permit shall become effective on the date of approval by the Approving Authority.
	B. Time Limits.
	1. *Application Expiration.* Any application inactive for a period of 6 months from the last written correspondence with the applicant shall expire, as determined by the City Arborist. If the applicant subsequently wishes to continue to pursue the requested permit, a new application, including fees and all submittal requirements must be filed in compliance with this Chapter.
	2. *Permit Expiration.* Any permit not exercised within 6 months from the date of approval shall expire. The exercise of a permit occurs when the permittee performs substantial work for the activity approved under the permit, as determined by the Director.

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	3. *Associated Entitlements.* When a permit under this Chapter is approved simultaneously with other project entitlements (i.e., tentative maps, design review, etc.), the permit expiration date shall track the expiration of said project entitlements not to exceed two (2) years.
	12.16.130 Regulated Activity Authorized by Permit
	A. Compliance with Permit Requirements. A Tree Permit shall entitle the applicant to perform only the Regulated Activity authorized by the permit. No person shall undertake any Regulated Activity that does not comply with an approved Tree Permit. Any proposed change in the nature or scope of the Regulated Activity that is not in compliance with the approved permit shall require an application to amend the approved permit, which shall be submitted, processed, and reviewed as a new application under the provisions of this Chapter.
	B. Substantial Compliance. The City Arborist may approve minor changes to an approved permit if the proposed changes are in substantial compliance with the permit and permit conditions. Such proposed changes shall not significantly affect the scope and intent of the approved work or reduce any requirement intended to mitigate an impact to a Protected Tree.
	C. Tree Permit Kept on Site. A copy of the applicable Tree Permit and Tree Protection and Mitigation Plan shall be kept at the project site at all times and shall be made available for inspection upon request. The property owner and permittee are both responsible for complying with the standards and conditions of the applicable Tree Permit.
	D. Property Owner Responsibilities. The property owner shall be ultimately responsible for compliance with all requirements of the applicable Tree Permit.
	E. Indemnification. All Tree Permits shall include the following indemnification statement: Permittee shall defend, indemnify and save harmless the City (including its officials, employees, agents, and representatives, and each of them) of and from any and all claims, demands, suits, causes of action, damages, costs, expenses, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the permittee's work to be performed under the Tree Permit.
	12.16.140 Standard Conditions of Approval
	A. Tree Pruning. Tree Work Permit for Protected Tree pruning activities shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
	1. All pruning activities shall be conducted in accordance with the Tree Care and Maintenance Standards.
	2. No more than one-quarter of the foliage of a tree shall be removed in any one growing season.
	3. All work shall be performed by or under the supervision of an Arborist.

	B. Tree Protection Zone Work. Tree Work Permit for Regulated Activities conducted within the Tree Protection Zone shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
	1. A Tree Protection and Mitigation Plan shall be prepared in accordance with Section 12.16.150.
	2. All work shall be conducted and performed:
	a. In accordance with the City's Tree Care and Maintenance Standards.
	b. In accordance with the approved Tree Protection and Mitigation Plan and the Tree Work Permit.
	c. By or under the supervision of an Arborist.
	3. An Arborist shall be present on-site during all permit activities in order to monitor compliance with the permit, the permit conditions, and this Chapter.
	4. A Certificate of Compliance shall be submitted by an Arborist as follows:
	a. Once all permit activities are complete – to confirm compliance with the Tree Protection and Mitigation Plan.
	b. Once the monitoring period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the Protected Trees are in good health and remain viable.
	C. Tree Removal Tree Removal Permit for removal of a Protected Tree shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
	1. A Tree Protection and Mitigation Plan shall be prepared in accordance with Section 12.16.150.
	2. An Arborist shall be present on-site during constructional permit activities in order to monitor compliance with the permit, the permit conditions, and this Chapter.
	3. A Certificate of Compliance shall be submitted by an Arborist as follows:
	a. Once replacement planting is complete – to confirm that the replacement tree(s) have been planted in accordance with the submitted Tree Protection and Mitigation Plan and any other applicable conditions of approval.
	b. Once the monitoring period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the replacement trees are in good health and remain viable.

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12.16.070 Mitigation.	12.16.150 Tree Protection and Mitigation Plan Requirements
Except for owner-occupants of single-family residential homes, applicants who are granted permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of the regulated tree, temporary or permanent irrigation, and monitoring for a 2-year period.	A Tree Protection and Mitigation Plan, if required under this Chapter, shall be prepared by an Arborist and contain the following information:
A. On-Site Mitigation Plan. The on-site mitigation plan shall include, but is not limited to, the following:	A. The location, species, Diameter at Breast Height, Tree Protection Zone, and health of each Protected Tree on the subject property, and Adjacent neighboring properties as confirmed by an Arborist shall be shown on a map.
1. A site plan depicting all living protected trees to remain and all living protected trees to be removed, utilizing clear and concise graphics.	B. A description of Regulated Activities to be conducted. Protected Trees that may or will be impacted by the proposed Regulated Activities shall be clearly indicated.
2. A table indicating each protected tree to be removed by tree number, the DBH, condition, and any other information pertinent to the trees being removed.	C. A plan for the protection and/or mitigation of Protected Trees shall be outlined as follows:
3. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.	1. For Regulated Activity to be conducted within a Tree Protection Zone, the Tree Protection and Mitigation Plan shall identify those methods that shall be used by the applicant to protect the tree(s) during the proposed Regulated Activities, consistent with the standards of Section 12.16.160. The methods used shall include, but not necessarily be limited to, the following:
	a. Preservation devices such as ground or surface protection, protective fencing, root protection devices or other such methods.
	b. The detailed recommendations for existing or proposed planting and/or irrigation within the Tree Protection Zone.
	c. Standards for performing work such as trenching, root cutting, or grading shall be consistent with the City's Tree Care and Maintenance Standards to preserve the Protected Tree.
	2. For removal of a Protected Tree, the Tree Protection and Mitigation Plan shall include:
	a. The number of replacement trees required to mitigate for removal of the Protected Tree(s) consistent with Section 12.16.160(A).
	b. The number of replacement trees that may be accommodated on the same property as the Protected Tree(s) proposed for removal. The number of replacement trees that may be accommodated on the property shall be determined by an Arborist based on the long-term viability of the replacement tree(s). Long-term viability shall be determined based on the following factors:
	i. Whether the proposed location of the replacement tree can accommodate full growth.
	ii. Quality of the environment in which the tree is to be located.

	iii. Potential impact to the replacement tree from any proposed development or construction activities.
	c. A site plan showing the location of the Protected Trees to be removed and a planting plan identifying the proposed location of any replacement trees.
	d. The schedule for planting of the replacement trees subject to approval of the City Arborist.
	e. The strategy chosen by the applicant to satisfy the required mitigation shall be consistent with the provisions of Section 12.16.160(B).
	f. In the event, in-lieu fee payment is the only feasible option available to satisfy the mitigation requirements set forth in Section 12.16.160(B) then the information listed above in Section 12.16.150(A)(2)(a) through Section 12.16.150(A)(2)(d) is not required.
	D. A monitoring program for the replacement trees, including a specified time period, the party responsible for monitoring, and the method and frequency by which monitoring reports will be submitted to the City.
	E. Other items as determined by the City to satisfy the requirements of this Chapter.
B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve 1 of the following methods for off-site mitigation within the city:	**12.16.160 Mitigation Requirements** Removal of any Protected Tree shall be mitigated in accordance with the provisions of this section.
1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution, to cover the cost of purchasing, planting and initial care of the off-site tree plantings. Such fee shall be placed into the tree planting and maintenance fund to purchase property for tree mitigation sites, to provide for tree planting and maintenance on public projects or for a community forestry program, if established.	**A. Replacement Trees Required.** Replacement trees shall be required as follows: *1. Protected Trees.* Protected Trees shall be replaced at a ratio of one-inch equivalent at DBH for every one-inch of DBH removed as set forth in the table below in Section 12.16.160(A)(1)(a). Before removal of a Landmark Tree, the landmark designation shall be declassified pursuant to Section 12.16.180(D).
2. Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = .004 acres of land (175 square feet)	*a. Equivalency Table.* The following equivalent sizes shall be used whenever new trees are planted pursuant to a Tree Protection and Mitigation Plan.

Replacement Tree Size	DBH Equivalency
A sapling tree; or	0.5-inch DBH
Tree in container less than 15 gallons	0.5-inch DBH
15-gallon container tree	1-inch DBH
24-inch box tree	2-inch DBH
36-inch box tree	3-inch DBH

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The minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land. Off-site mitigation of this type must be approved by the city council.	b. *Reduced Mitigation Rate Within the Buildable Area of Residential Lots.* Within the designated buildable area of a parcel zoned to allow for residential development, the mitigation requirements shall be reduced by 50 percent.
3. Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.	c. *Removal of Street Trees on Residential Property with Existing Single-Family or Two-Family Dwellings.* Street trees on residential property one-half acre or less shall be replaced at a ratio of one replacement tree for every tree removed if the property has an existing single-family or two-family residential structure on-site.
C. Mitigation Tree Planting and Tree Preserve Replacement Ratios.	d. *Credit for Existing Trees.* Existing tree(s) on the same property may satisfy up to 50 percent of the replacement tree requirement if the existing tree is either the same species as the tree proposed for removal or a species identified on the current approved Master Tree List; and the long-term viability of the existing tree as determined by an Arborist, based on the following:
1. Mitigation for approved removal of each protected tree, including protected trees outside of the designated building envelope within the setback envelope of a custom single-family lot, as determined by the planning director, shall be based on the diameter inch measured at breast height. Replacement ratios shall be based on the size of each protected tree falling within one of the following eight categories:	i. Location of the existing tree in relation to the tree proposed for removal.
a. A six- to ten-inch protected tree measured at diameter breast height equals eight fifteen-gallon native oak trees, or four twenty-four-inch box native oak trees, or fee set by city council resolution.	ii. Health and species of the tree proposed for credit.
b. Above ten- to fifteen-inch protected tree measured at diameter breast height equals fifteen fifteen-gallon native oak trees, or six twenty-four-inch box native oak trees, or fee set by city council resolution.	iii. Quality of the environment in which the existing tree is located.
c. Above fifteen- to twenty-inch protected trees measured at diameter breast height equals twenty fifteen-gallon native oak trees, or ten twenty-four-inch box native oak trees, or fee set by city council resolution.	iv. Potential impact to the existing tree from any proposed development.
d. Above twenty- to twenty-five-inch protected tree measured at diameter breast height equals thirty fifteen-gallon native oak trees, or fifteen twenty-four-inch box native oak trees, or fee set by city council resolution.	e. The credit shall be applied at a rate of one-half inch for each inch of DBH of existing tree.
e. Above twenty-five- to thirty-inch protected tree measured at diameter breast height equals thirty-five fifteen-gallon native oak trees, or seventeen twenty-four-inch box native oak trees, or fee set by city council resolution.	B. Mitigation Strategies.

f. Above thirty- to thirty-five-inch protected tree measured at diameter breast height equals forty fifteen-gallon native oak trees, or twenty twenty-four-inch box native oak trees, or fee set by the city council resolution.	1. *On-Site Replacement Planting.* Replacement trees shall be planted on the same property as the tree proposed for removal, subject to review by the Approving Authority. Where the subject property is not able to accommodate the required number of replacement trees on-site, the payment of in-lieu fees shall be required in accordance with Section 12.16.160(B)(2).
g. Above thirty-five- to forty-inch protected tree measured at diameter breast height equals fifty fifteen-gallon native oak trees, or twenty-five twenty-four-inch box native oak trees, or fee set by the city council resolution.	2. *Payment of In-Lieu Fee.* Payment of in-lieu fees may be allowed where the subject property is not able to accommodate the required number of replacement trees on-site except as provided below in Sections 12.16.160(B)(3) and 12.16.160(B)(4). The in-lieu fee shall be calculated as a dollar amount for each inch of DBH of Protected Tree removed, as adopted by City Council resolution.
h. Above forty-inch protected tree measured at diameter breast height equals thirty-five twenty-four-inch box native oak trees, or fee set by the city council resolution.	3. *Combination of Planting and Fee Payment.* A combination of on-site replacement planting and payment of in-lieu fees may be used where the number of replacement trees cannot be accommodated on-site. The in-lieu payment shall be reduced based on the number of inches at DBH of the replacement trees planted on-site.
i. Mitigation for regulated activities for protected trees within the designated building envelope within the setback envelope of a custom single-family lot, as determined by the planning director, shall be one fifteen-gallon tree per protected tree.	4. *Other Strategies.* Other strategies as may be determined appropriate by the Approving Authority and that meet the intent of mitigation for removal of the Protected Tree(s).
2. Mitigation for the removal of protected trees may be in the form of preserving an existing, and sustainable preserve of oaks, subject to approval of the approving authority. At minimum, the preserved area must contain diameter inches and tree species equivalent to the inches and species of the protected trees to be removed. The preservation area must be either dedicated to the city, placed in a conservation easement, or some other method accepted by the city council to ensure preservation of the oak woodland habitat.	5. For purposes of determining mitigation requirements for multi-trunked trees, the extrapolated DBH shall be used.
3. Mitigation requirements for approved removal of each protected tree that is within the easement area of overhead electrical transmission lines, as confirmed by the appropriate utility, shall be reduced by fifty percent. Applicant must provide written confirmation from the appropriate utility, to the satisfaction of the community development director, that the protected trees are within the easement area of the overhead electrical transmission lines and the utility has requested that the tree be removed.	

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D. Project Compliance. In order to ensure compliance with specific conditions of a tree permit, the applicant shall submit to the planning director, at the time of mitigation plan submittal, and prior to the issuance of a grading permit, a minimum one-thousand-dollar deposit (or amount deemed necessary by the approving authority on a case-by-case basis) which shall be posted and maintained to ensure the preservation of protected trees during construction. The deposit shall be posted in a form approved by the city attorney prior to any grading or movement of heavy equipment onto the site or issuance of any permits. (Ord. 1053 § 3, 2006; Ord. 826 § 1 (part), 1995)	
12.16.150 Mitigation fees.	**12.16.170 Tree Planting and Replacement Fund**
Tree Planting and Replacement Fund. A tree planting and replacement fund shall be established in which mitigation fees and penalty assessments shall be deposited. The tree planting and replacement fund shall be utilized for city tree planting and revegetation projects such as parkways, parks and beautification projects, to purchase property for tree mitigation sites, to construct multi-use Class I public trails in conjunction with tree planting, revegetation projects or beautification projects, for the retention of a city arborist, or for a community forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the exception of maintenance of landmark trees and at the recommendation of the community development director, on property subject to a conservation easement. This fund shall be administered by the community development department. (Ord. 1053 § 2, 2006: Ord. 826 § 1 (part), 1995)	Mitigation fees and penalty assessments under this Chapter shall be deposited into the Tree Planting and Replacement Fund. The tree planting and replacement fund may be used for tree planting and revegetation projects such as parkways, parks, planting of trees along public trails, and beautification projects, to purchase property for tree mitigation sites, revegetation projects or beautification projects, for the retention of a City Arborist, or for the development, staffing or implementation of an Urban Forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the following exceptions: 1) private property that is maintained by the City under the terms of a maintenance agreement; or 2) maintenance of Landmark Trees and maintenance of trees on property subject to a conservation easement at the recommendation of the City Arborist. This fund shall be administered by the Community Development Department.
12.16.090 Establishing landmark tree(s).	**12.16.180 Land Mark Designation**
A. Request for Establishing a Landmark Tree. A private property owner, or interested party, may submit an application to the planning department, requesting that the city council establish by resolution a tree or group of trees as a landmark tree(s). Applications shall be made on a form supplied by the planning director and be subject to an application fee pursuant to Section 12.16.170. The city council may also, on its own motion and without the payment of a fee, commence the process of designating a landmark tree. The planning department shall notify, by first-class mail, the owner of the proposed landmark tree(s) thirty days prior to the hearing on the application. Once an application has been submitted, and prior to city council action, the tree shall have the same status as a protected tree under this chapter.	A. Establishment of Landmark Designation. *Application for Landmark Designation.* Any interested party may submit an application to the Community Development Department, requesting that the City Council establish by resolution a tree or group of trees as a Landmark Tree(s). Applications shall be made on a form supplied by the City and be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of a fee, commence the process of designating a Landmark Tree. If the owner of the proposed Landmark Tree(s) is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed Landmark Tree(s) thirty days before the hearing on the application. Once an application has been submitted, and before City Council action, the proposed Landmark Tree shall have the same status as a Protected Tree under this Chapter.

B. Designation of Landmark Trees. In order to designate a tree as a landmark tree, the city council must find that the tree is a significant community benefit because it possesses one or more of the following attributes: (1) historical value; (2) excellent health rating; (3) outstanding habitat value; (4) unusual species; or (5) superior beauty.	*Designation of Landmark Trees.* In order to designate a tree as a Landmark Tree, the City Council shall find that the tree is in good health and is a significant community benefit because it possesses one or more of the following attributes:
If the city council designates a tree as landmark tree, the city clerk shall mail a copy of the resolution to the owner of the tree, and direct the planning director to add the tree to the list of landmark trees.	1. Historical value. 2. Outstanding habitat value. 3. Unusual species. 4. Superior beauty.
C. Declassification of Landmark Trees. An owner of a landmark tree may submit an application to the planning department, requesting that the city council declassify by resolution a tree or group of trees previously designated as a landmark tree(s). Applications shall be made on a form supplied by the planning director and be subject to an application fee pursuant to Section 12.16.170. The city council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a landmark tree. The planning department shall notify, by first-class mail, the owner of the landmark tree(s) thirty days prior to the city council meeting scheduled for the proposed action. The city council may declassify a landmark tree upon a finding that the tree(s) is no longer a significant community benefit because: (1) it has deteriorated in health or appearance; (2) it no longer has habitat value; or (3) it prevents reasonable use of the property.	*Property Owner Notification.* If the City Council designates a tree as a Landmark Tree, the City Clerk shall mail a copy of the resolution to the owner of the tree and direct the City Arborist to add the tree to the list of Landmark Trees.
D. Maintenance of Landmark Trees. After obtaining the consent of the property owner, the planning director shall cause each landmark tree to be inspected by a certified arborist annually. A report on the health of each tree and recommended maintenance shall be prepared. Copies of the report shall be provided to the city council and owners of the landmark trees. If the property owner refuses to grant such consent, the planning director shall have no further obligations under either subsection.	**B. Maintenance of Landmark Trees.** Upon the request of the property owner, the City Arborist may cause a Landmark Tree to be inspected by an Arborist. A report on the heath of the tree(s) and recommended maintenance shall be prepared. Copies of the report shall be recorded and provided to the owner of the Landmark Tree(s).
E. Documenting the Established Landmark Trees. The planning department shall map the location of landmark trees. (Ord. 826 § 1 (part), 1995)	**C. Documenting Landmark Trees.** The Community Development Department shall map the location of Landmark Trees.
	D. Declassification of Landmark Designation.

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	1. *Application to Remove Landmark Designation.* The owner of a Landmark Tree may submit an application to the Community Development Department, requesting that the City Council declassify a tree or group of trees previously designated as a Landmark Tree(s). Applications shall be made on a form supplied by the City and shall be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a Landmark Tree(s). Unless the owner of the Landmark Tree is the applicant, the Community Development Department shall notify the owner by first-class mail thirty days before the City Council meeting scheduled for the proposed action.
	2. *Declassification of Landmark Trees.* In order to remove the landmark designation of a tree(s), the City Council shall find that the tree(s) is no longer a significant community benefit because it meets one or more of the following factors:
	a. The tree(s) has significantly deteriorated in health or appearance. b. The tree(s) no longer has habitat value. c. The tree(s) prevents reasonable use of the property.
	3. *Property Owner Notification.* If the City Council declassifies a tree or group of trees previously designated as a Landmark Tree(s), the City Clerk shall mail a copy of the resolution to the owner of the tree(s) and direct the City Arborist to remove the tree(s) from the list of Landmark Trees.
	12.16.190 Maintenance
	A. Every property owner shall maintain:
	1. Any Protected Tree located within the limits of their property in accordance with the standards of this Chapter.
	2. Any Street Tree shall be pruned by the property owner in accordance with the standards of this Chapter and shall maintain a minimum seven-foot vertical clearance over all public sidewalks and a minimum 14.5-foot vertical clearance over all public streets.
	B. Nothing in this Ordinance shall interfere with the requirements of Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material). In the event of a conflict with this Chapter, the requirements of Chapters 8.36 and 8.37 shall control.

12.16.080 Street tree planting.	12.16.200 Street Tree Planting
A. Planting Within the Tree Maintenance Strip. Each applicant for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property shall be responsible for the planting of street trees. The species of trees to be planted shall be on the master tree list. As part of the application process, the planning director shall recommend to the approving authority the size of the tree to be planted, the location within the tree maintenance strip of the planting and the stage of the development at which the tree is to be planted. There shall be no fewer than one street tree for each single-family lot and two trees on corner lots for residential lots and not less than one tree per fifty feet of street frontage planted on center for commercial and industrial parcels. In multifamily developments, the number of trees shall be determined by the planning director, provided not more than one tree for each dwelling unit may be required.	**A. Street Tree Planting.** Each applicant for a building permit for new construction of residential or commercial structure on parcels without existing Street Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Street Trees. The species of trees to be planted shall be in accordance with the current Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the tree to be planted, the location of the planting and the stage of the development at which the tree is to be planted. There shall at least one Street Tree for each single-family lot, except for corner lots, for which two trees shall be planted. There shall be at least one Street Tree for every fifty feet of street frontage planted on center for commercial and industrial parcels. In multifamily developments, the number of Street Trees shall be determined by the City Arborist, but not more than one tree for each dwelling unit may be required.
B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the planning director that adequate provision has been made for the planting and initial maintenance of the street trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the planning director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) which require the planting and maintenance of street trees and which, in the opinion of the city attorney, are enforceable by property owners or an association of owners created by such CC&Rs. (Ord. 826 § 1 (part), 1995)	**B. Responsibility.** The cost of the tree stock, the planting thereof and the maintenance of the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Street Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Street Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.
	12.16.210 Parking Lot Shading Tree Planting
	A. Planting in Parking Lot. Each applicant for a building permit for new construction of a commercial structure(s) with surface parking on a parcel without Parking Lot Shading Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Parking Lot Shading Trees in accordance with the requirements of Section 17.57.070 of the Folsom Municipal Code. The species of trees to be planted shall be in accordance with the current Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the trees to be planted, the location within the parking lot where the trees are to be planted, and the total number of trees necessary to meet the requirements of Chapter 17.57.070.

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	B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Parking Lot Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Parking Lot Shading Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.
	12.16.220 Solar Shade Control Act Exemption
	The City is exempt from the provisions of the Solar Shade Control Act, Chapter 12 (commencing with Section 25980) of Division 15 of the California Public Resources Code.
	12.16.230 Violations, Enforcement, and Penalties
	A. Violations
	1. A violation of this Chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, any violation of this Chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.
	2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available to redress violation of the provisions of this Chapter.
	3. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this Chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012.
	4. Notwithstanding the minimum fee level identified in Section 1.09.012(A), the monetary sanction shall be in an amount at least two times what would have been charged as an in-lieu fee under Section 12.16.160(B)(2) of this Chapter.
12.16.140 Enforcement. A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code. B. The director of the department of planning, inspections and permitting shall enforce the provisions of this chapter. (Ord. 851 § 2(6), 1996).	B. Enforcement 1. This Chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10 of the Folsom Municipal Code.

12.16.143 Penalties.	
A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, inclusive, any violation of this chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.	
B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.	
C. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A). The monetary sanction shall be determined by reference to the criteria set forth in Section 1.09.014, but shall be in an amount no less than two times what would have been charged as an in-lieu fee under Section 12.16.070(C) of this chapter. (Ord. 851 § 2(7) (part), 1996)	
12.16.145 Enforcement procedures - Notice to correct.	C. Enforcement Procedures—Notice to Correct
A. Prior to the suspension, revocation or denial of any license or permit, or the assessment of any fee, penalty or charge, or the commencement of any other enforcement action pursuant to this chapter, the director of the department of planning, inspections and permitting shall follow the procedures set forth in Sections 1.09.020 through 1.09.048, inclusive, of the Folsom Municipal Code. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052, inclusive, of the Folsom Municipal Code shall apply.	1. Prior to the assessment of any monetary sanction or the commencement of any other enforcement action pursuant to this Chapter, the Director shall follow the procedures set forth in Sections 1.09.020 through 1.09.048 of the Folsom Municipal Code.
B. Unless a tree has been removed in violation of this chapter, a notice to correct shall be served in accordance with the provisions of Section 1.09.023. The time to correct any violation of a provision of this chapter shall be no more than thirty days. If a notice to correct is not served, pursuant to Section 1.09.024(A), a notice of administrative violation shall be served in accordance with the provisions of Section 1.09.027. (Ord. 851 § 2(7) (part), 1996)	
12.16.160 Delegation.	
Whenever in this chapter an authority or power is vested in or a duty is imposed upon an officer or official, an employee subordinate to the officer or official to whom an appropriate delegation has been made shall be entitled to exercise the power or authority and perform the duty. (Ord. 826 § 1 (part), 1995)	

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12.16.170 Application fees.	
The city council may establish a fee for the processing of an application under the provisions of this chapter by resolution, which may be amended from time to time. (Ord. 826 § 1 (part), 1995)	
12.16.180 Amendment of project.	
Any proposed changes in the project after approval shall be submitted to the approving authority for review. No person shall undertake activity which does not conform with the plans or conditions of the original approval, unless approved by the approving authority. The approving authority shall review any proposed changes in the same manner and pursuant to the same standards as the original application. (Ord. 826 § 1 (part), 1995)	
12.16.190 Notices.	
A. Except as may be required by Title 1 of the Folsom Municipal Code, any notice authorized or required by this chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States Mail, first-class postage prepaid, and addressed to the party to whom it is directed.	
B. Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the county and posted at City Hall. The same type of notice shall also be served on the property owner and upon each permittee whose permit may be affected by the action taken at the conclusion of the hearing. (Ord. 851 § 2(8), 1996)	

Upon finalization of the Tree Preservation Ordinance Update, figures from within text will be added here.

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3 PROJECT DESCRIPTION

3.1 INTRODUCTION

The project analyzed in this Draft Program Environmental Impact Report (PEIR) is the proposed Folsom General Plan 2035 (2035 General Plan), which consists of a comprehensive update of the City's current General Plan, including the continuation of many existing policies, the modification of others, and the addition of new policies. To help describe the proposed project, this chapter provides background information regarding the location and setting of the city; identifies the project area covered by the 2035 General Plan; describes what comprises a General Plan in California; outlines the project objectives; and identifies the key themes/components of the 2035 General Plan. Alternatives to the proposed project are summarized in this document's Executive Summary (Chapter 2), and are more fully described in Chapter 20, *Alternatives Analysis*, of this Draft PEIR.

This Draft PEIR provides an assessment of the Revised Public Review Draft 2035 General Plan, published in June 2017. The 2035 General Plan would supersede the current 1988 City of Folsom General Plan. The 2035 General Plan is intended to provide the control and regulation necessary to ensure that growth in the City of Folsom occurs in an orderly fashion, to ensure that urban services and amenities are provided commensurate with need, and that the public health and safety is protected.

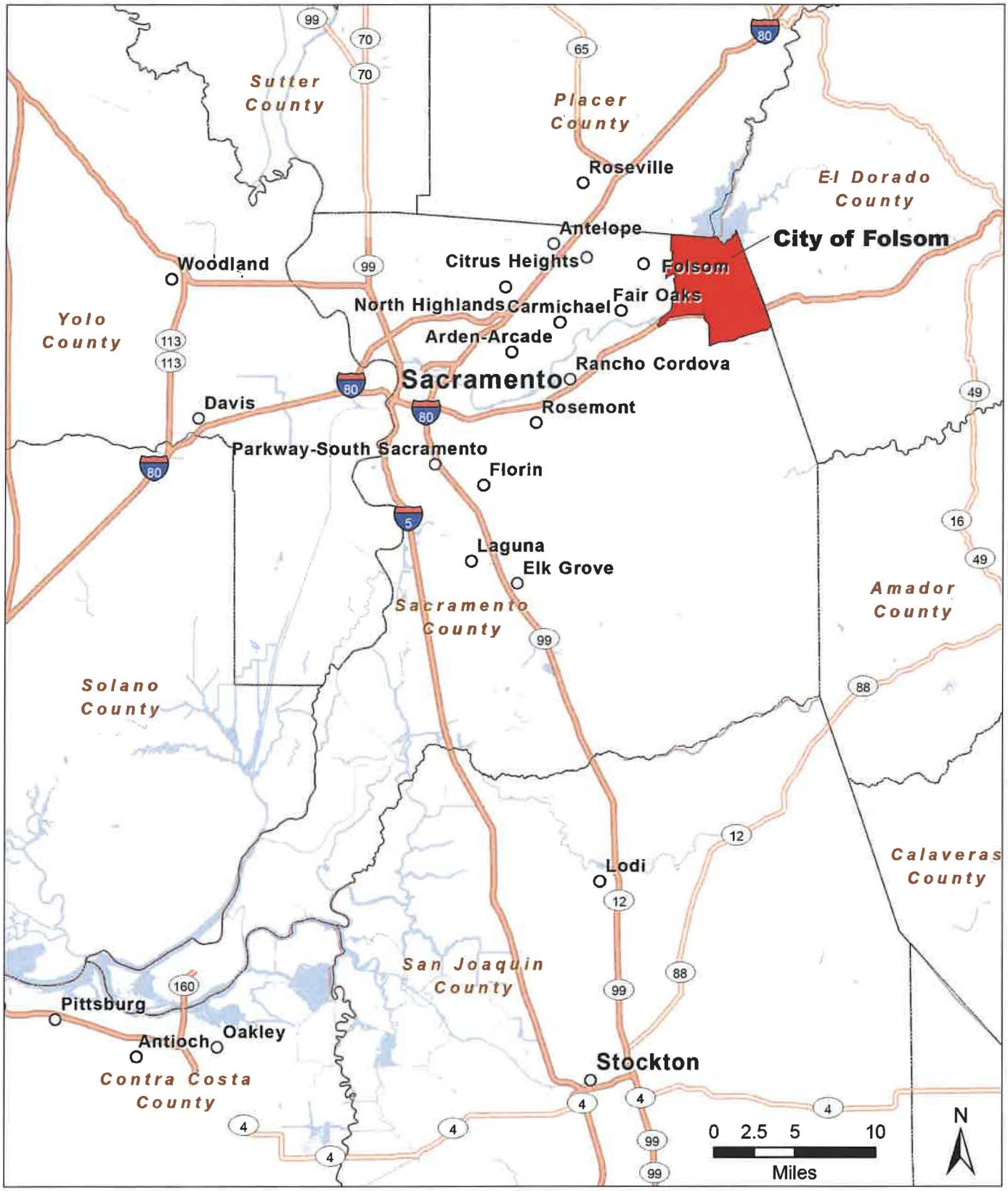
In compliance with the California Environmental Quality Act (CEQA), this Draft PEIR describes the potential environmental impacts associated with the adoption and implementation of the 2035 General Plan. Pursuant to CEQA, the City of Folsom is the Lead Agency for conducting an environmental review of this proposed General Plan project.

As required by state law, this Draft PEIR will be circulated for a review period of at least 45 days in length. The Public Review Draft 2035 General Plan also has been made available for public comment. During this time the public will be allowed to submit comments on the 2035 General Plan and this Draft PEIR. All of the comments received will be taken into consideration at the public hearings held before the Planning Commission and the City Council prior to certification of this Draft PEIR and adoption of the 2035 General Plan. In considering the 2035 General Plan, the Planning Commission and City Council will review the Draft PEIR, including all comments received on the document.

3.2 PROJECT LOCATION AND 2035 GENERAL PLAN PLANNING AREA

CITY LIMITS

The City of Folsom is located in northeastern Sacramento County in California's Sacramento Valley (see 3-1). The city limits are largely defined by county borders, physical features, and major roads and highways. Folsom immediately borders the Sacramento/Placer and Sacramento/El Dorado county lines on its northern and eastern edges. The major natural physical features of the city are Folsom Lake, Folsom Dam, the American River, and Lake Natoma. Folsom Lake forms most of the northern edge of the city, although the city limits extend into it. The lake was formed by the damming of the American River, which flows through the city in a scenic canyon and then, as Lake Natoma, forms part of its western border.



Folsom Tree Protection Ordinance Project

SOURCE: StreetMaps 2016; Planning Partners 2019

Figure 1
Regional Location

The southern edge of the city is defined by Highway 50 to the west of Prairie City Road, except for a small portion that includes the Folsom Auto Mall, and by White Rock Road east of Prairie City Road to the El Dorado County line. A 58-acre area that contains the future site of the City's Corporation Yard is located south of White Rock Road, west of Scott Road. The city includes an area west of the American River, which is connected to the rest of the city by three bridges.

The city is bordered by: North - Folsom Lake and the unincorporated community of Granite Bay in Placer County; South - unincorporated Sacramento County; East - the unincorporated community of El Dorado Hills in El Dorado County; and, West - the unincorporated communities of Orangevale and Gold River in Sacramento County, other areas of unincorporated Sacramento County, and the City of Rancho Cordova.

The city is served by U.S. Highway 50, which runs east/west through the southern area of the city. Regionally important roadways serving the city include: Greenback Lane, Madison Avenue, Folsom/Auburn Road, Green Valley Road, Folsom Boulevard, and White Rock Road.

SPHERE OF INFLUENCE

A Sphere of Influence (SOI) indicates an area of service provision and likely annexation by a City, although it is typically outside of the city limits and usually made up of unincorporated land administered by a county. The purpose of a SOI is to prevent overlapping jurisdiction and duplication of services, and thereby help to ensure the efficient provision of services while discouraging urban sprawl and the premature conversion of agricultural and open space lands. Local Agency Formation Commissions (LAFCo) determine SOIs for all local governmental agencies. Jurisdictional boundaries within the Sacramento County, including the City of Folsom, are under the jurisdiction of Sacramento LAFCo.

At the time of preparation of this Draft PEIR, the City of Folsom's Sphere of Influence is coterminous with its city limits[1]. The City of Folsom and Easton Development Company (a subsidiary of the landowner, Aerojet Rocketdyne Inc.) have submitted a joint application to Sacramento LAFCo to amend the City's SOI to eventually allow the development of

City limits – The boundary of the incorporated City of Folsom. Delineated by a solid green line in Figure 3-2. The City limits encompass an area of 17,303 acres.

2035 General Plan Planning Area – As defined in the Draft 2035 General Plan, the General Plan planning area consists of the entire Folsom City limits plus two areas totaling 5,600 acres outside of the City limits south and southwest of the City. This area is delineated by the red dotted line on Figure 3-2.

Planning Area 1 – 1,900 acres located southwest of the Folsom City limits in unincorporated Sacramento County. Delineated by the dark red cross-hatching in Figure 3-2.

Planning Area 2 – 3,700 acres located south of the Folsom City limits in unincorporated Sacramento County. Delineated by the green cross-hatching in Figure 3-2.

2035 Plan Evaluation Area – The area assessed in this PEIR. For most environmental topics in this PEIR, the 2035 Plan Evaluation Area includes only those areas within the Folsom City limits and does not include Planning Areas 1 or 2. For more discussion of the rationale for this analysis area, see PEIR, Chapter 5, *Introduction to the Analysis*.

1 Subsequent to preparation of the 2035 General Plan Draft PEIR, in June 2018, Sacramento LAFCo approved the proposed amendment of the City's SOI to include the future corporation yard site. Subsequently, the City amended the 1988 General Plan to include the corporation yard within the City, and designated the area for public/quasi-public uses. The City additionally pre-zoned the area as M-2, Light Industrial uses. On August 1, 2018, LAFCo approved annexation of the site to the City. As joint lead agencies, LAFCo and the City separately certified an EIR assessing the proposed action in June 2019.

a new municipal corporation yard on approximately 58 acres south of White Rock Road. For additional information on this future project, see Section 3.9 of this chapter.

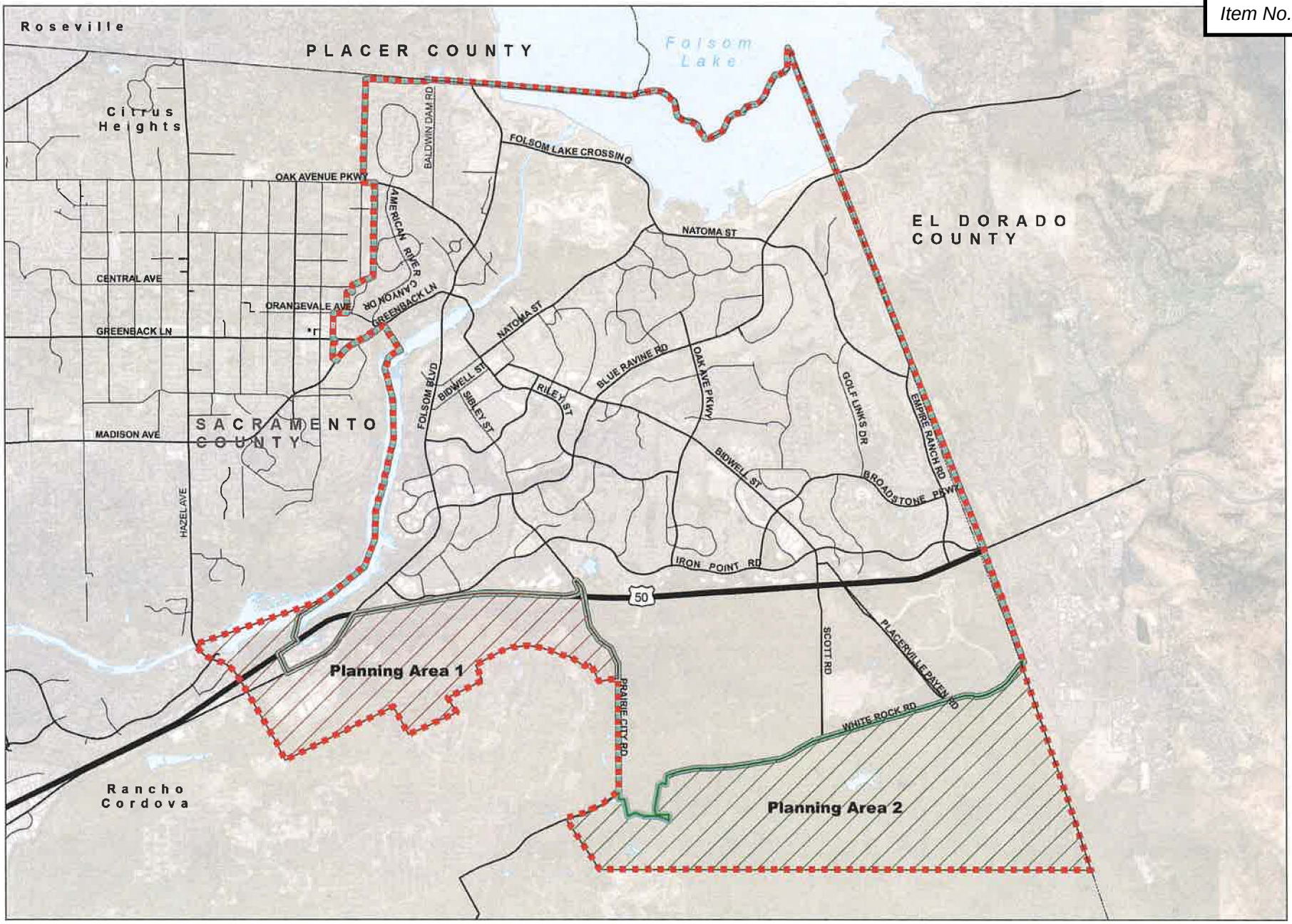
2035 General Plan Planning Area

The 2035 General Plan Planning Area is the geographic area for which the General Plan establishes policies about future urban growth, service delivery, and natural resource conservation. The boundary of the 2035 General Plan Planning Area is determined in accordance with State law requiring each City to include in its General Plan all territory within the boundaries of the incorporated area as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (California Government Code Section 65300).

The Planning Area for the 2035 General Plan includes the entire city limits (including the site of the future corporation yard) and approximately 5,600 acres outside the city limits in two separate areas, as shown in Figure 3-2. Planning Area 1 extends west of Prairie City Road to Hazel Avenue/Nimbus Road. This approximately 1,900-acre area is mostly vacant land and industrial land, formerly used by the Aerojet Corporation, and a small number of residential, office, retail, and religious uses. The area includes two projects that have been approved by Sacramento County: Glenborough and Easton Place. The projects have received entitlements from Sacramento County, including the certifications of their EIRs; 404 permits have been obtained; a water supply has been established and will be provided by the City of Folsom; school mitigation and park development agreements have been approved; Phase 1 improvement plans have been prepared; and the structures for Community Facilities Districts have been approved. This portion of the Planning Area also includes the Nimbus Dam and a portion of the American River Parkway.

The second area is located south of White Rock Road. Planning Area 2 is an approximately 3,700-acre area outside the city limits and Sphere of Influence, and within unincorporated Sacramento County. This area comprises a portion of the City's designated Area of Concern, adopted by the Sacramento LAFCo in July 1996 (LAFCo 1996). Planning Area 2 largely consists of grazing land, but also includes gravel quarries and a portion of the Prairie City State Vehicular Recreation Area. The Sacramento County 2030 General Plan designates this area as General Agriculture.

Both of these Planning Areas are considered to be related to, and influenced by, the City's planning processes, even though the land use designations and/or zoning of that land are regulated by the County of Sacramento, the State of California, and the U.S. Bureau of Reclamation. The 2035 General Plan Land Use Diagram shows the land uses approved by the County and state and federal agencies in these areas for reference only. Except for several policies related to a relocated City Corporation Yard, the Folsom 2035 General Plan does not assign land uses or specific policies to either of these two Planning Areas. For additional information regarding the City's proposed Corporation Yard, see Section 3.9 of this chapter. For information regarding the area assessed for environmental impacts in this Draft PEIR, see Chapter 5, *Introduction to the Environmental Analysis.*



Folsom Tree Protection Ordinance Project

SOURCE: City of Folsom 2019; Planning Partners 2019

Figure 2

Amended 2035 General Plan Bou

3.3 ENVIRONMENTAL SETTING

The City of Folsom comprises 17,359 ~~17,301~~ acres, and is located along the western edge of the Sierra Nevada foothills in northeastern Sacramento County. The surrounding area to the east of the city includes residences, commercial uses, and rolling hills at varying elevations. To the west is the substantially urbanized Sacramento metropolitan area.

According to the California Department of Finance (DOF), the City of Folsom's population as of January 1, 2017, was 78,525. These numbers include 5,420 persons living in group quarters, which consists primarily of inmates at Folsom Prison. The household population in 2017 was 73,105. (DOF 2017)

In general, Folsom has four existing zones in terms of its land use patterns. The Historic District is an intense mix of land uses at a small lot, walkable scale. The southwest area of the city, between Highway 50 and East Bidwell Street, has a mix of housing with shopping, schools, parks, and offices, including the Central Business District between Riley Street and East Bidwell Street. The areas west of the American River and north and east of East Bidwell Street are dominated by large residential neighborhoods and linear parkways, with a smaller supply of commercial uses, jobs, and schools. South of Highway 50, the City has approved the Folsom Plan Area Specific Plan (FPASP) that provides a combination of employment-generating uses, retail and supporting services, recreational uses, and a broad range of residential uses and associated infrastructure and roads on approximately 3,510 acres. At least 30 percent of the FPASP area would be maintained in permanently protected open space. As of the date of this Draft PEIR, construction of the backbone infrastructure within the FPASP area has been initiated.

The pattern of land use and circulation in the city is dominated by waterways and protected open space. The American River canyon, Lake Natoma, and Folsom Lake are the most recognizable physical elements of the city. Newer portions of the city, particularly in the east, are defined by the creekways that dominate the terrain, preventing gridded development with multiple connections but creating an interlinked open space and trail system.

North of Highway 50, Folsom's protected open space mainly consists of the extensive network of greenways and parkways that follow its rivers and streams. These open spaces provide habitats and migration corridors for native plants and animals, protect water quality, reduce flooding, and provide scenic value for residents and visitors. They also serve to link many of Folsom's parks to one another and to the American River Parkway with pedestrian and bike trails. Most of these greenways are interconnected and protect waterways and riparian habitat. This undesignated open space

Open space – Open space is defined in the 2035 General Plan to be the preserved natural open space areas of Folsom. This is the most expansive definition of open space used in the PEIR. The total citywide acreage of open space using the definition is 3,985 acres. Of this, the 2035 General Plan designates 1,118 total acres of open space within the FPASP area.

Measure W open space or Qualified open space – Measure W or qualified open space is a subcategory of open space that is applied only within the FPASP area. Pursuant to the requirements of Measure W enacted by the Folsom voters in 2004, to qualify as open space counting toward Measure W's 30 percent open space requirement, open space lands must preserve oak woodlands and sensitive habitat areas. Qualified open space cannot include active park sites, residential yard areas, golf courses, parking lots, or their associated landscaping. Within the FPASP area, the City has identified 1,054 acres of qualified open space.

covers approximately 1,400 acres of land. South of Highway 50, the FPASP preserves 30 percent of its area as qualified open space, equating to around 1,054 acres, to be maintained as natural open space to preserve oak woodlands and sensitive habitat areas. The preserved open space is predominantly located in the northwest corner of the specific plan area and encapsulates Alder Creek as well as hillside areas in the northeastern portion of the Specific Plan area. Additional open space is located within the FPASP area for a grand total of 1,118 acres.

Within the city limits, the Folsom Lake State Recreation Area has set aside the Mormon Island Preserve as protected wetland habitat. The Preserve consists of 113 acres in northeast Folsom, separated from the rest of the State Recreation Area by Green Valley Road. In addition, much of the American River Parkway can be considered open space. Around 670 acres within Folsom are set aside by the State for conservation, designated to accommodate lower intensity recreation that is compatible with protecting natural resources. The conservation area in Folsom consists of the entire American River Parkway to the east of the river, from Folsom Dam to the southern city limits, and the portion of the Parkway west of the river, from Folsom Dam to the Rainbow Bridge.

3.4 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.5 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.6 MAJOR COMPONENTS OF THE 2035 GENERAL PLAN

Section 15378 (a) of the State CEQA Guidelines defines a "project" to mean the whole of an action, which has a potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This definition precludes an agency from evaluating only those aspects of a project under its jurisdiction or for which it has regulatory responsibility. The 2035 General Plan is defined to include all actions necessary to provide a comprehensive update of the existing City of Folsom General Plan (adopted in 1988). The purpose of the proposed 2035 General Plan is to revise and replace the existing General Plan, including all of the elements[2], the Land Use and Circulation Diagrams, and other existing goals, policies, and implementation plans as needed to reflect current law and the changing matters of public interest and concern. The 2035 General Plan establishes and implements new goals and policies for regulating development projects and for balancing population and economic growth with infrastructure availability and natural resource protection. Other goals and policies are directed to ensuring the timely availability of public infrastructure and services, and encouraging a well-balanced economy. The plan will also integrate new planning concepts endorsed by the Folsom City Council, and translate the updated goals and policies into implementation programs (such as amendments to the City's code, zoning ordinance, and subdivision regulations) to assure that the City's vision is implemented.

2 Except for the Housing Element, which has already been revised and adopted in 2013 as a separate project in accordance with state requirements. The updated Housing Element was certified by the California Department of Housing and Community Development on August 1, 2013 and adopted by the Folsom City Council on October 22, 2013. Because the Housing Element was updated and adopted in 2013 as a separate project, and is not due for an update until 2021, it is not part of the 2035 General Plan project being evaluated in this PEIR.

Table 3-4 Acreage by Land Use Type			
Primary Land Use Designation	**Acreage**		
	1988 General Plan as Amended[a]	**2035 General Plan**	**Difference**
Residential			
Single Family (SF)	5,371	5,299	-72
Single Family High Density (SFHD)	1,841	1,914	+73
Multifamily Low Density (MLD)	881	915	+34
Multifamily Medium Density (MMD)	196	178	-18
Multifamily High Density (MHD)	348	346	-2
Total Residential	*8,637*	*8,652*	*+15*
Commercial			
Specialty Commercial (CA)	535	0	-535
General Commercial (GC)	122	276	+154
Neighborhood Commercial (NC)	59	0	-59
Central Commercial Mixed Use (CCD)	231	0	-231
Community Commercial (CC)	386	557	+171
Regional Commercial Center (RCC)	440	561	+121
Auto-Oriented Mixed Use (AOC)	0	79	+79
Total Commercial	*1,773*	*1,473*	*-300*
Mixed Use			
Mixed Use (MU)	37	37	0
Historic Folsom Mixed Use (HF)	0	56	+56
Total Mixed Use	*37*	*93*	*+56*
Employment/Industrial			
Industrial/Office Park (IND)	770	727	-43
Professional Office (PO)	0	181	+181
Total Employment/Industrial	*770*	*908*	*+138*
Public			
Public and Quasi-Public Facility (PQP) [b]	~~1,655~~ 1,713	~~1,725~~ 1,785	+72
Parks (P)	431	538	+107
Open Space (OS)	3,985	3,913	-72
Utility (U)	11	0	-11
Total Public	*6,082*	*6,178*	*+96*
Total Designated Area	~~17,299~~ 17,357	~~17,304~~ 17,362	+5[d]
Overlays			
East Bidwell Corridor (EBC)	0	78	
River District	0	Unknown [c]	

Notes:
[a] 1988 General Plan as amended through August 2017 with addition of corporation yard in June 2018.
[b] For 1988 General Plan - Combination of Public/Quasi-Public, Public, School, Junior High School
[c] Ultimate River District boundaries and policies unknown pending completion of a future planning process.
[d] The additional 5 acres consists of land dedicated to new freeway interchanges.
Sources: Interpretation of City of Folsom GIS Data 2017; Mintier Harnish, 2017; Planning Partners, 2019.

3.7 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.8 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.9 SPHERE OF INFLUENCE AMENDMENT/CORPORATION YARD STUDY AREA

A single Special Study Area has been identified by the City that may be considered for annexation at some point in the future. The annexation of any of this Study Area would require the review of additional fiscal and service delivery implications on existing City service providers and ratepayers. A separate CEQA environmental review is currently being conducted for a proposed sphere of influence amendment (SOIA) to place the Special Study Area within the City's sphere of influence. Should the sphere of influence amendment be approved by Sacramento LAFCo, the City would pursue future actions to apply pre-zoning and land use designations to the land. This would occur in conjunction with a General Plan Amendment. Sacramento LAFCo policies discourage concurrent SOI Amendment and Annexation. The City would work with LAFCo to amend the SOI and annex the area in close sequence. LAFCo would be the lead agency for environmental review relating to a SOI Amendment.

The City of Folsom and Easton Development Company (a subsidiary of the landowner, Aerojet Rocketdyne, Inc.) have submitted a joint application to LAFCo to amend the City's SOI and annex an approximate 58-acre property into the city for future use as a City corporation yard. The project includes a sphere of influence amendment (SOIA), General Plan amendment, pre-zone, and annexation.

The proposed corporation yard site is located south of the existing city limits and SOI boundary at the southwest corner of Prairie City Road and White Rock Road, just west of Scott Road. The proposed site is within the 2035 General Plan Planning Area shown on Figure 3-3. As drafted, the 2035 General Plan assigns no land use designations to the corporation yard site. Other than two policies regarding a revision to the City's SOI to accommodate the proposed corporation yard and direct the relocation of the existing corporation yard at the west end of Leidesdorff Street, no 2035 General Plan policies specifically address uses, facilities, or activities at the proposed corporation yard site.

Although no specific design has been prepared for the proposed corporation yard, initial programming of the site has been initiated. Based on this programming, the 58-acre site could accommodate approximately 36 acres for the future corporation yard, 16 acres for South East Connector right-of-way, and 5 acres to realign Scott Road. In addition, a 0.8-acre easement could be included in the project but not in the SOIA/annexation area to provide access to Prairie City SVRA once the SouthEast Connector removes the current access. Additionally, the City anticipates that it would realign Scott Road to connect to Prairie City Road to permit the abandonment of Scott Road from north of the realignment to White Rock Road.

City departments that could be served by the proposed corporation yard could include: Parks and Recreation, Public Works, and Environmental and Water Resources. City services accommodated at the corporation yard could include utility maintenance support, fleet management, solid waste collection and transfer, and administration.

As lead agency, LAFCo is initiating preparation of an Environmental Impact Report. As of the date of this 2035 General Plan Draft EIR, LAFCo has released a Notice of Preparation of the EIR and is

preparing a Draft EIR. Under LAFCo's current schedule, it is proposing to consider the City's request to amend the SOI and annex the new corporation yard site in late summer 2018.

The following events occurred subsequent to the publication of the Draft PEIR. On June 5, 2018, LAFCo certified the Folsom Corporation Yard SOIA/Annexation EIR and approved an amendment to the City of Folsom's Sphere of Influence to include the 58-acre corporation yard site. On June 12, the City certified the EIR and approved an amendment to the City's 1988 General Plan to designate the corporation yard site for Public/Quasi-Public land uses. On June 26, the City approved prezoning the site to M-2, Light Industrial. On August 1, 2018, LAFCo approved the annexation, and the 58-acre corporation yard site was included within the boundary of the City of Folsom. The area of the site and description of the future uses of the facility remain as described above.

3.10 NO CHANGE; CONTENT IS THEREFORE NOT INCLUDED HERE.

3.11 INTENDED USES OF THE 2035 GENERAL PLAN DRAFT PEIR

As indicated at the beginning of this chapter, this programmatic Draft PEIR is intended to review potential environmental impacts associated with the adoption and implementation of the 2035 General Plan, and to determine any necessary mitigation measures. Subsequent projects will be reviewed by the City for consistency with the 2035 General Plan and this EIR, and adequate project-level environmental review will be conducted as required by CEQA. Projects successive to this Draft PEIR could include, but are not limited to the following:

- Modification of the Zoning Code and other City ordinances and regulations necessary to implement the 2035 General Plan.
- Approval and funding of major projects and capital improvements.
- Issuance of permits and other approvals necessary for implementation of the 2035 General Plan.
- Future Specific Plan, Planned Unit Development, and Community Plan approvals.
- Property rezoning consistent with the 2035 General Plan.
- Development Plan approvals, such as tentative maps, variances, conditional use permits, planned development permits, and other land use permits.
- Permit issuances and other entitlements necessary for public and private development projects.
- Development Agreement and community benefit agreement processing and approvals.

In addition to the lead agency, CEQA Guidelines Section 15124 states that an EIR should contain a statement briefly describing the intended uses of the EIR and, to the extent that it is known to the lead agency, a list of agencies expected to use the EIR in their decision making, permits or other approvals implementing the project, and related environmental review and consultation required by law or regulation.

A wide variety of federal, state, regional, and local agencies may use this EIR in their planning process, issuance of their permits, or exercise of their regulatory authority over resources or jurisdictional actions within the City of Folsom. Agencies may use the EIR as a program EIR for subsequent parts of their program actions subject to CEQA, tiering their project CEQA studies to

the EIR, or utilizing the EIR in whole or part to apply to a required CEQA study in conjunction with specific agencies' project approval actions.

A number of other jurisdictional and permit-granting agencies have control over specific environmental concerns in the planning area. The following is a listing of agencies that may utilize this EIR. Because it is not practical or possible for the City to know or ascertain all of the possible specific uses for which other agencies may subsequently utilize this EIR, the listing attempts to provide a brief summary disclosure of the applicable types of actions or authorities for which the cited agency may use this EIR as follows:

- Sacramento Metropolitan Air Quality Management District (SMAQMD) (monitors air quality and has permit authority over certain types of facilities)
- Sacramento County (has jurisdiction over the unincorporated areas within the planning area)
- California Department of Conservation, Division of Mines and Geology (expertise in evaluating geologic and seismic hazards, as well as mineral resource issues)
- California Department of Fish and Game (streambed alteration agreement pursuant to Section 1600 of the California Fish and Game Code)
- California Department of Transportation (encroachment permits)
- California Department of Housing and Community Development (reviews the adequacy of housing elements and funding for affordable housing programs)
- California Public Utilities Commission (certificate of public convenience and necessity)
- Central Valley Regional Water Quality Control Board (water quality certification pursuant to Section 401 of the Clean Water Act, National Pollutant Discharge Elimination System permit)
- Sacramento County Local Agency Formation Commission (annexations or other service boundary changes)
- Sacramento Area Council of Governments (transportation planning and financing)
- Native American Heritage Commission (mandated to preserve and protect places of special religious or cultural significance pursuant to Section 5097 et seq. of the Public Resources Code)'

In addition to these agencies, the following federal agencies may use environmental information in this EIR for permitting decisions, in addition to other federal agencies:

- U.S. Army Corps of Engineers (Section 404 of the Clean Water Act permit), and
- U.S. Fish and Wildlife Service (Section 7 consultation or Section 10a Habitat Conservation Plan/Section 9 incidental take permit pursuant to the federal Endangered Species Act).

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5 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS

5.1 SCOPE OF THE DRAFT PEIR

In accordance with Section 15082(a) of the California Environmental Quality Act (CEQA) Guidelines, the City of Folsom prepared and circulated a Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (PEIR) for the proposed project. The NOP for the 2035 General Plan Draft PEIR was published on August 18, 2017 (State Clearinghouse No. 2017082054). The NOP and Project Description were circulated to the public, state and local agencies, and other interested parties to solicit comments on the 2035 City of Folsom General Plan (2035 General Plan). The City held a scoping meeting for the Draft PEIR consistent with State CEQA Guidelines Section 15082(c), and closed the period for public and agency comment on the NOP on September 18, 2017.

Environmental issues and alternatives raised by comments received on the NOP during the 30-day public review period were considered for inclusion in the Draft PEIR. (See Appendix A, *Notice of Preparation*, and Appendix B, *Comments on the Notice of Preparation.*) Public and agency comments received on the NOP were reviewed, and environmental issues identified in the comment letters are individually referenced in Appendix B to indicate the specific section in the Draft PEIR where these issues are addressed. Pursuant to the State CEQA Guidelines, the focus of this Draft PEIR includes the specific issues identified in the NOP, as well as concerns identified in the responses to the NOP.

The issues to be evaluated in the environmental document as shown in Table 5-1 were identified in the NOP or raised in public and agency comments on the NOP.

Table 5-1 Environmental Topics Evaluated in the Draft PEIR

Land Use, Population and Housing	Aesthetics and Visual Resources	Agricultural and Forestry Resources
Air Resources	Biological Resources	Cultural Resources
Geology, Soils, and Mineral Resources	Global Climate Change	Hazards and Hazardous Materials
Hydrology and Water Quality	Noise and Vibration	Public Services and Recreation
Transportation and Circulation	Tribal Cultural Resources	Utilities and Service Systems
Alternatives	Cumulative Impacts and Other Required CEQA Topics	

5.2 CONTENTS OF THE DRAFT PEIR

The State CEQA Guidelines require that all EIRs include specified content (State CEQA Guidelines Sections 15122 to 15130). Table 5-2 sets forth the location in this Draft PEIR where required content appears.

Table 5-2 CEQA Required Content of Draft EIRs	
CEQA Requirement	**Where It Appears in this Draft PEIR**
Table of Contents	Table of Contents
Summary	Chapter 2, Executive Summary of the Draft PEIR
Project Description	Chapter 3, Project Description
Environmental Setting	Chapters 3, 4, 6 – 21 of the Draft PEIR
Environmental Impacts	Chapters 4, and 6 – 21 of the Draft PEIR
Significant Environmental Impacts	Chapters 4, and 6 – 21 of the Draft PEIR
Mitigation Measures	Chapters 2, 4, and 6 – 21 of the Draft PEIR
Alternatives to the Proposed Project	Chapter 20 of the Draft PEIR
Effects Found Not to Be Significant	Chapters 2, 4, and 6 – 21 of the Draft PEIR
Organizations and Persons Consulted	Chapter 23 of the Draft PEIR
Cumulative Impacts	Chapter 21 of the Draft PEIR

5.3 PRESENTATION OF THE IMPACT ANALYSIS IN THE DRAFT PEIR

The environmental analysis section of this Draft PEIR (Chapters 4 and 6 through 21) is organized and carried out in accordance with the CEQA Environmental Checklist (Appendix G of the State CEQA Guidelines, 2017). Each chapter presents the setting, an assessment of the potential indirect and secondary environmental impacts, and, if needed, mitigation measures for each environmental issue area identified in Table 5-1 and in Chapter 2, *Executive Summary*. Cumulative impacts are evaluated in Chapter 21, *Required CEQA Analyses*. For each resource category, the following conditions are discussed:

Environmental Setting. This section provides a general overview of the environmental resource and the conditions on and adjacent to the project area (described in Section 5.5). The setting is presented from local and regional perspectives as appropriate for each environmental topic.

Regulatory Framework. For federal, state, regional agencies, and the City of Folsom, this section presents applicable laws, ordinances, regulations, and guidance for the resource.

- **Environmental Effects**. This section provides significance criteria with which to judge whether an environmental impact is significant, or less than significant. Significance criteria are established both by State CEQA Guidelines, and by significance thresholds of federal, state, and local agencies. Potential environmental impacts associated with the proposed project are assessed, the impacts' level of significance prior to mitigation is identified, and feasible mitigation measures for reducing the associated impacts are set forth. The level of significance after mitigation is then assessed.

5.4 ENVIRONMENTAL BASELINE

As stated in the State CEQA Guidelines (Section 15125(a)), an EIR must describe the existing conditions in the vicinity of the proposed project. For each of the environmental resources assessed in this Draft PEIR, the description of existing environmental and regulatory conditions is included under the "Regulatory Setting" and "Environmental Setting" headings in each chapter.

In describing existing conditions, it is necessary to establish a date at which these conditions exist. As stated in the State CEQA Guidelines (Section 15125(a)), existing conditions are normally assessed "at the time the notice of preparation is published" or if a notice of preparation is not published "at the time environmental analysis is commenced." The section further states, "[t]his environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

As discussed in Sections 5.5.2 and 5.5.3 of this Draft PEIR, two baselines were used for this Draft PEIR. As discussed in Section 5.5.1, the coverage impact baseline is established as the year 2017 as the Notice of Preparation was prepared in August 2017. The baseline date for coverage impacts is hereby modified to August 2018 to account for the addition of 58 acres to the City limits. This addition reflects the annexation of a site for a new corporation yard. For more information regarding the corporation yard project, please refer to Chapter 3, *Project Description*, of this PEIR. For traffic-related impacts (air quality, greenhouse gas emissions, noise, and traffic), the baseline is the year 2015 as established by the Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) (SACOG 2016). For other intensity effects that rely upon the size of the service population, the baseline is August 2017, similar to that used for coverage impacts.

5.5 Environmental Implications of the 2035 General Plan and Evaluation of Potential Environmental Effects

Implementation of the 2035 General Plan would result in future land development, construction of infrastructure, and other actions that would result in increased levels of human activity, and that would convert or cover portions of the landscape. These actions would occur within areas designated by the existing 1988 General Plan and the 2035 General Plan for urban uses. Future development would consist of a variety of land uses, including residences, commercial activities, industrial uses, and the infrastructure necessary to support urban development.

This Draft PEIR focuses on the secondary or indirect effects of implementing the proposed 2035 General Plan[1]. Section 15358(a)(2) of the State CEQA Guidelines defines secondary or indirect impacts as:

> Indirect or secondary effects (*are those*) which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the patterns of land use, population density, or growth rate, and related effects on air, water, and other natural systems, including ecosystems.

Indirect physical changes to the environment (impacts) that could result from implementation of 2035 General Plan or project alternatives are addressed in the appropriate technical chapters of this Draft PEIR. Likewise, inconsistency with an adopted plan, in general, is not considered a direct physical impact to the environment, but may result in impacts, which would be discussed in the

[1] Section 15358 of the State CEQA Guidelines defines direct and indirect impacts. Direct impacts are defined as those impacts caused by a project that occur at the same time and place. No construction, operation, or other actions that could result in environmental effects would occur upon approval of the 2035 General Plan. Rather, any activity that could cause impacts would be manifested later in time over a dispersed area with implementation of the land uses, transportation and utility infrastructure, and policies of the 2035 General Plan.

appropriate technical chapters. According to this definition, potential secondary or indirect environmental effects may be divided into two broad classes:

Coverage Impacts - Those that result from development or other activities covering land or otherwise physically interfering with a resource (e.g., constructing a paved parking lot over a sensitive biological resource); and,

- **Intensity Impacts** - Those that result from increased levels of human activity (e.g., increases in traffic levels leading to increased emissions of criteria air pollutants).

The definitions of these two types of potential effects as used in this Draft PEIR analysis are discussed further in Sections 5.5.2 and 5.5.3. In practice, an environmental topic, or some aspects of the topic, may be subject to a combination of both types of impacts.

5.5.1 AREAL EXTENT OF IMPACT ANALYSIS

The 2035 General Plan does not identify any additional areas designated for urban uses beyond those set forth in the 1988 General Plan as amended through ~~Fall 2017~~ August 2018. Therefore, the environmental analysis concentrates its evaluation on those undeveloped areas designated for urban uses and the resources still present within them, including within the Folsom Plan Area Specific Plan (FPASP) area and the corporation yard site, south of Highway 50.

Locations where impacts are not assessed for the 2035 General Plan include Planning Areas 1 and 2 as indicated on PEIR Figure 3-2 (Figure 2 of this Addendum). Within Planning Area 1 all future urban development has been entitled previously by Sacramento County. Since the land uses within Planning Area 1 will compose the westerly gateway to the City of Folsom, the 2035 General Plan identifies this Planning Area as an area of concern to the City. The 2035 General Plan does not designate land uses within Planning Area 1, and sets forth no goals or policies to amend the City's sphere of influence to include Planning Area 1 or to annex the area in the future. For these reasons, with two exceptions, no impacts are assessed for urban development within Planning Area 1. The first exception is in the Draft PEIR's evaluation of future traffic conditions (see Draft PEIR Chapter 17), which evaluates traffic effects in the year 2035 by adding traffic generated by County-approved land uses within Planning Area 1 to traffic volumes generated with implementation of the 2035 General Plan as well as background traffic from Sacramento and El Dorado counties outside of these two areas within SACOG's traffic model. The second is in the Draft PEIR's evaluation of water supply (see PEIR Chapter 19). Because the City of Folsom is the water provider for the County-approved Glenborough and Easton projects within Planning Area 1, the future water demands of those two projects are assessed together with the future demands of buildout of the City of Folsom consistent with the 2035 General Plan.

Planning Area 2 comprises a portion of the City's designated Area of Concern, adopted by the Sacramento Local Agency Formation Commission (LAFCo) in July 1996 (LAFCo 1996). Planning Area 2 consists largely of grazing land, but also includes gravel quarries and a portion of the Prairie City State Vehicular Recreation Area. The Sacramento County 2030 General Plan designates this area as General Agriculture. Planning Area 2 also makes up a portion of an area designated as "Vacant Urban Designated Lands (2050)" in SACOG's Sacramento Region Blueprint - Preferred Blueprint Scenario. As set forth in the Preferred Blueprint Scenario, through 2050 urban growth in Folsom will occur on vacant land within the current city limits (including the FPASP area) with small areas of existing urban uses being redeveloped with more intense mixed uses (SACOG, 2004).

Under the SACOG's Preferred Blueprint Scenario, the area designated as Vacant Urban Designated Lands, including lands within Planning Area 2, would not be developed until after the year 2050.

The horizon year of the proposed Folsom General Plan is 2035. Therefore, consistent with SACOG's Preferred Blueprint Scenario, the 2035 General Plan does not assign any land uses or policies to Planning Area 2, other than a policy reference regarding relocation of the City's Corporation Yard.[2] Because there are no other land uses or policies assigned to Planning Area 2, the Draft PEIR does not assess the environmental effects of implementing the 2035 General Plan in Planning Area 2. However, potential effects related to growth inducement in Planning Area 2 are assessed in Chapter 4, *Land Use, Population, and Housing*, and Chapter 20, *Alternatives Analysis*, of this Draft PEIR.

5.5.2 COVERAGE IMPACTS

These impacts are based on the conversion of existing vacant parcels to a developed land use. Conversion can result in the eradication of, or damage to, a resource, revealing of environmental conditions detrimental to a developed land use, or exposure of the developed use to an existing environmental hazard. For the purposes of evaluating these effects, this Draft PEIR assumes that all land identified for urban uses in the 2035 General Plan would be developed with such uses within the 20 year planning horizon.

The areal coverage of developed uses that would occur with implementation of the 2035 General Plan as shown on PEIR Figure 3-2 (Figure 2 of this Addendum), excludes Planning Areas 1 and 2 as discussed in Section 5.5.1. For areas designated for urban or infrastructure uses by the 2035 General Plan, potential coverage effects for certain environmental topics were assessed in a multi-step process. Quantitative evaluations began with a review of resources potentially affected by the implementation of the 2035 General Plan project, and the areal extent of identified resources.

To determine the locations where a resource could be converted to developed uses under the proposed 2035 General Plan, an inventory of each environmental resource within each urban area project boundary was completed. Using Geographic Information Systems (GIS), all parcels or lots within the 2035 Plan Evaluation Area were identified as developed or vacant (see Figure 5-1 as revised). Vacant parcels were further identified as being located north of Highway 50, or south of Highway 50 within the FPASP area. For vacant parcels north of Highway 50, the analysis identified 453 total vacant parcels encompassing 441 acres. Of these 453 parcels, 377 are lots within existing single-family residential subdivisions totaling 163 acres, with a gross median lot size of 16,125 square feet. Of the remaining 76 parcels, the majority are designated for commercial or multi-family uses. For these uses, the total acreage is 278 acres with a gross median parcel size of 37,150 square feet. Once the 453 parcels were identified, each was evaluated using aerial photographs to determine its

2 The Sacramento Local Agency Formation Commission (LAFCo) is currently processing an application by the City of Folsom and others to amend the City's Sphere of Influence to include a 58-acre area at the southwest corner of Prairie City Road and White Rock Road. If Sacramento LAFCo approves the Sphere of Influence Request, the City will pursue amendment of the City's 1988 General Plan and Zoning Map, and submit a request to LAFCo to annex the area for the sole purpose of a future municipal corporation yard. Upon completion of these entitlements, the City could construct a relocated Corporation Yard at this location. As of August 2018, the corporation yard site had been designated for Public/Quasi-Public land uses by the 1988 General Plan. For a discussion of the current (November 2019) status of the corporation yard site, please refer to PEIR Chapter 3, *Project Description*, in this PEIR Addendum.

condition. As evidenced on the aerial photographs, the overwhelming majority of both the single-family residential and Commercial/Multi-family residential parcels are remnant areas within subdivisions or larger development projects, and most have been disturbed by prior rough grading and/or the construction of roads and utilities.

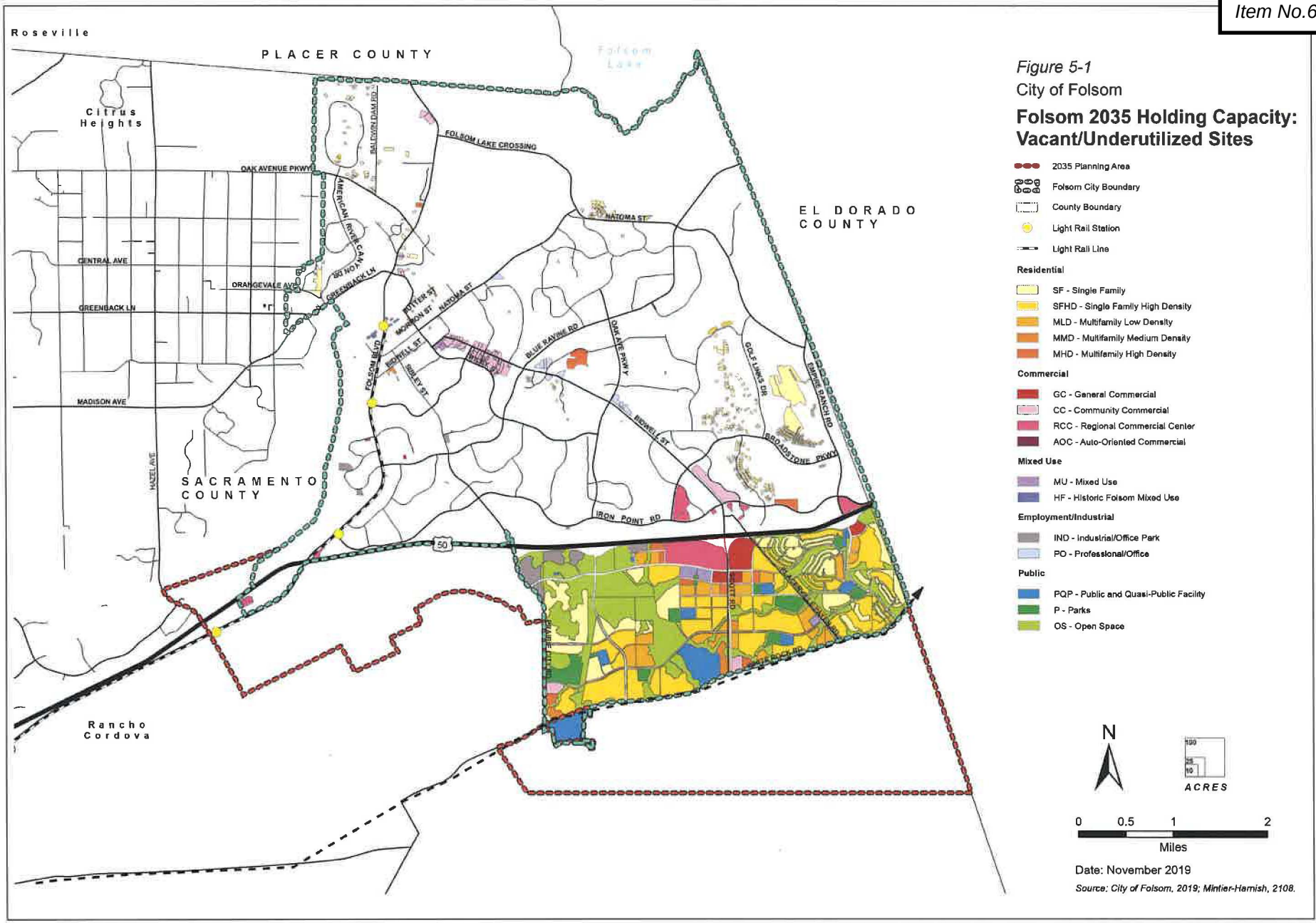
There are a total of 3,336 acres in the FPASP area south of Highway 50, of which 1,118[3] acres would remain in open space. The remaining 2,218 acres would be developed with a variety of urban land uses and supporting infrastructure. Although potential environmental impacts could occur throughout the 2035 Plan Evaluation Area, the majority of the land available for new development of urban uses (77 percent of the citywide total or 2,218 acres) would be located within the FPASP area. Future urban development, including supporting infrastructure, could also occur on a 58-acre site located south of White Rock Road, west of Scott Road. This would be the site of future City of Folsom corporation yard.

The possibility of potential coverage impacts was determined by layering maps of sensitive resources (e.g., sensitive species, areas of naturally occurring asbestos, flood hazards) over the map of vacant parcels (see Figure 5-1) using GIS. The results of this type of analysis are reported in the following chapters of the Draft PEIR[4]:

6. Aesthetics and Visual Resources
7. Agricultural and Forestry Resources
9. Biological Resources
10. Cultural Resources
11. Geology, Soils, and Mineral Resources
13. Hazards and Hazardous Materials
14. Hydrology and Water Quality
18. Tribal Cultural Resources

[3] Of the 1,118 acres of open space, 1,054 acres would be qualified or Measure W open space. For further information regarding the different types of open space, see Chapter 3, *Project Description*, of this Draft PEIR.

[4] For an analysis of potentially changed environmental conclusions for coverage impacts arising from the development of the City pursuant to the 2035 General Plan, including those from the 58-acre corporation yard site, please refer to pages 15 to 21 and Appendix C of this PEIR Addendum.



SOURCE: City of Folsom 2019; Mintier-Harnish 2018; Planning Partners 2019

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7 AGRICULTURE AND FORESTRY RESOURCES

This chapter provides an evaluation of the potential effects to agriculture and forestry resources with implementation of the proposed City of Folsom 2035 General Plan (2035 General Plan). As established in the Notice of Preparation for the proposed 2035 General Plan (see Appendix A, *Notice of Preparation)*, urban development and other activities subject to the plan may result in adverse effects to the agriculture and forestry resources environment. Biological resources impacts, including potential impacts to oak woodland habitat, are evaluated in Chapter 8, *Biological Resources*, of this Draft PEIR.

The following environmental assessment includes a review of agriculture and forestry resources potentially affected by the implementation of the 2035 General Plan, including a description of existing agricultural resources, potential conversion of farmlands, and conflicts with Williamson Act contracts. This analysis includes a review of regulations, requirements, plans, and policies applicable to agriculture and forestry resources.

The existing condition of the agriculture and forestry resources environment in the City of Folsom was determined by a review of important farmlands classified by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the Williamson Act Program, and examination of aerial photographic records and other mapping data. Potential impacts related to agriculture and forestry resources were determined by comparing potential activities to the existing environment, based on CEQA assessment criteria, and by considering the policies, regulations, and guidelines adopted by the City of Folsom and by State resource agencies.

7.1 SETTING

The environmental and regulatory setting of the City of Folsom with respect to agriculture and forestry resources is described below for both the physical environment and the body of federal, state, and local policies and regulations that govern such resources.

7.1.1 ENVIRONMENTAL SETTING

EXISTING LAND USES

Land uses within the city include residential land uses, vacant land, roadways, commercial uses, public/semi-public uses, and parks and open space. The city north of Highway 50 consists of primarily urbanized uses. This area of the city does not contain any land that supports commercial agricultural operations. Agricultural uses are limited to hobby farming and the keeping of animals in the more rural residential areas of the city west of the American River and mostly along Baldwin Dam Road, as long as these uses are in harmony with the character of these neighborhoods.

South of Highway 50, the Folsom Plan Area Specific Plan (FPASP) area generally consists of undeveloped grasslands used for cattle grazing, in addition to a small number of rural residences, and open space. This area is planned for urban development in the 2035 General Plan. The future Cotu corporation yard site, south of White Rock Road and west of Scott Road consists of undeveloped grasslands. The previously existing Williamson Act contract of the corporation yard site expired in February 2018. Land south of the FPASP area is characterized primarily by seasonal grazing land in an unincorporated area regulated by Sacramento County, and the majority of these lands are under Williamson Act contracts.

EXISTING AGRICULTURAL LAND USE DESIGNATIONS

There are no General Plan agricultural land use designations within the City of Folsom. There are several scattered areas totaling approximately 680 acres located in the Agricultural Reserve District (A-1A) zoning designation (City of Folsom 2018). The Agriculture Reserve District (A-1-A) is intended to provide areas for interim agricultural uses until it is developed in accordance with the General Plan land use designation. Large parcels of land designated A-1-A have been developed into Folsom Lake College and Vista del Lago High School; another along Oak Avenue Parkway is used as a major electric substation; another area on East Natoma Street is designated for single family residential uses by the General Plan; and a parcel on Blue Ravine Road is designated for single family high density and open space uses by the General Plan. Much of the south shore of Folsom Lake is also marked as A-1-A, but this land is part of the State Recreation Area.

The Zoning Ordinance also establishes overlay districts, one of which is the Agriculture Combining District. The Agriculture Combining District allows all uses normally permitted in the base district, as well as minor livestock and the sale of agricultural products by right, and kennels, dairy processing, and a veterinary hospital with a use permit. Approximately 347 acres in Folsom have the Zoning designation of Agricultural Combining District. All such parcels area located west of the American River, primarily in the vicinity of Baldwin Dam Road and Oak Avenue.

FARMLAND MAP CLASSIFICATIONS

The Important Farmlands Map prepared for Sacramento County by the California Resources Agency classifies the majority of the city north of Highway 50 as Urban and Built-Up Land. According to the Farmland Mapping and Monitoring Program, Urban and Built-Up lands are defined to be land occupied by structures or infrastructure to accommodate a building density of at least one unit to one and one-half acres, or approximately six structures to 10 acres. Appropriate uses within the Urban and Built-Up Land category include residential, industrial, and commercial uses, in addition to institutional facilities and other uses (DOC 2017). There is one parcel of Unique Farmland within the northern area of the city, approximately 29 acres in size. This parcel consists of an abandoned orchard located east of Folsom-Auburn Road and west of the American River Bike Trail and is zoned Open Space Conservation District. Unique Farmland includes lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

South of Highway 50, the FPASP area and the corporation yard site are ~~is~~ classified as Grazing Land. Grazing land includes land on which the existing vegetation is suited to the grazing of livestock. The FPASP area and the corporation site do ~~does~~ not include any agricultural land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as defined in Appendix G of the State CEQA Guidelines.

WILLIAMSON ACT

There are no Williamson Act contracts within the City of Folsom (DOC 2015). As set forth in the *Folsom Plan Area Specific Plan DEIR/DEIS*, approximately 1,530 acres of the FPASP area consisted of agricultural lands under existing Williamson Act contracts that were in the process of nonrenewal. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these existing

contracts expired in 2014 and 2016, respectively. (Folsom 2011) The previously existing Williamson Act contract of the corporation yard site expired in February 2018. (Folsom 2018)[1]

7.1.2 Regulatory Setting

The following regulations of federal, state, and local agencies govern various aspects of agriculture and forestry resources. These regulations are summarized below.

Federal Laws and Regulations

No federal laws or regulations pertaining to agricultural resources apply to the 2035 General Plan.

California Laws and Regulations

Farmland Mapping and Monitoring Program

The California Department of Conservation, Division of Land Resource Protection, administers the FMMP. The program produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status. These ratings are used to help prioritize farmland conservation efforts. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. There is no Prime or Important Farmland in the 2035 General Plan's Planning Area.

Williamson Act

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. There are no Williamson Act contracts within the City of Folsom.

Local Laws and Regulations

There are no regional or local plans, policies, regulations or laws pertaining to agricultural resources in the City of Folsom that are applicable.

Folsom Plan Area/Russell Ranch Adopted Mitigation Measures

There are no mitigation measures adopted by the City during its approval of the FPASP or the Russell Ranch project related to agricultural resources.

7.1.3 Proposed General Plan Goals and Policies

There are no policies from the proposed 2035 General Plan that address agriculture and forestry resources.

[1] City of Folsom, Corporation Yard Sphere of Influence Amendment and Annexation, Draft Environmental Impact Report. February 2018. Prepared by Ascent Environmental.

7.2 Environmental Effects

7.2.1 Significance Criteria

As set forth in Appendix G, Question II of the State CEQA Guidelines, the following criteria have been established to quantify the level of significance of an adverse effect to agriculture and forestry resources evaluated pursuant to CEQA. An impact would exceed an impact threshold under these circumstances:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. *(II.a)*
- Conflict with existing zoning for agricultural use, or a Williamson Act Contract. *(II.b)*
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). *(II.c)*
- Result in the loss of forest land or conversion of forest land to non-forest use. *(II.d)*
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. *(II.e)*

7.2.2 Analysis Methodology

The environmental analysis in this section is based on a review of FMMP Important Farmland maps, Williamson Act parcel maps, and review of the City's Zoning Code. As part of the analysis, this EIR examines the Important Farmland classifications that are used by FMMP to determine the agricultural significance of the lands (i.e., Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) in the City of Folsom.

7.2.3 Less-than-significant Impacts

Based on the evaluations set forth below, potential impacts for the following specific topics with respect to agriculture and forestry resources were found to be less than significant. Therefore, they will not be evaluated further in this chapter.

II. Agriculture and Forestry Resources		
Would the Project:	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?		X
d) Result in the loss of forest land or conversion of forest land to non-forest use?		X

EVALUATION OF LESS-THAN-SIGNIFICANT IMPACTS

Question (a) Important Farmland: Less-than-significant Impact. Development of future land uses consistent with the 2035 General Plan would not result in the conversion of Important Farmland to nonagricultural uses. Except for a 29-acre parcel designated as Unique Farmland located north of Highway 50, there is no designated Important Farmland as defined by the FMMP in the 2035 Plan Evaluation Area. The majority of the city is located on land classified as Urban and Built-Up Land and Other Land (north of Highway 50) and Grazing Land (south of Highway 50 including the corporation yard site) that is designated for urban development by the 2035 General Plan. The parcel of Unique Farmland north of Highway 50 would be designated as Open Space by the 2035 General Plan, which would preserve the soil qualities that would permit potential future farming operations. Therefore, implementation of the Draft General Plan would not result in the loss of any Important Farmland, this would be a less-than-significant impact, and no mitigation is required.

Question (b) Agricultural Zoning/Williamson Act: Less-than-significant Impact. Development of future land uses consistent with the 2035 General Plan would not conflict with existing zoning for agricultural use or Williamson Act Contracts. There are approximately 680 acres within the Agricultural Reserve District (A-1-A) zoning designation within the city. As described above, the Agriculture Reserve District is intended to provide areas for interim agricultural uses until such areas are developed with urban uses in accordance with the General Plan land use and Zoning designations. All of these areas zoned as Agriculture Reserve District are developed with non-agricultural uses, such as schools and an electric substation, or are designated for residential or open space uses. The only agricultural activities occurring within the city are those in parcels covered by the Agricultural Combining District overlay designation, which would not be modified with the proposed 2035 General Plan. In addition, there are no Williamson Act contracts within the City of Folsom. Therefore, implementation of the Draft General Plan would not result in any conflicts with parcels zoned for agriculture or protected by Williamson Act contracts. There would be a less-than-significant impact, and no mitigation is required.

Questions (c, d) Forest Land: No Impact. Development of future land uses consistent with the 2035 General Plan would not result in the conflict with existing zoning for forest land or timberland, or result in the loss of forest land. No timber management activities occur within the City of Folsom. No areas within the city are designated as forest land, timberland, or zoned for Timberland Production. Because no important timberland or forest land resources or activities exist within the city, no significant impact would occur with implementation of the 2035 General Plan, and no mitigation would be required.

7.2.4 POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following discussion examines the potential impacts of the proposed project based on the impact threshold criteria described above.

Impact AG-1 Potential conflicts with existing agricultural operations and Williamson Act Contracts adjacent to the 2035 Plan Evaluation Area	
Applicable Regulations	Williamson Act.
Adopted Mitigation Measures	None available.
Proposed GP Policies that Reduce Impacts	None available.
Significance after Implementation of GP Policies	Significant; mitigation required.
Mitigation Measures	None available.
Significance after Mitigation	Significant and unavoidable.

Construction of new development associated with the 2035 General Plan could conflict with lands under Williamson Act contracts south of the FPASP area, thereby potentially resulting in cancellation of those contracts. This would be a significant impact.

Land south of the FPASP area and the corporation yard site is characterized primarily by seasonal grazing land in an unincorporated area regulated by Sacramento County, and the majority of these lands are under Williamson Act contracts. As discussed above, lands within the FPASP and the corporation yard site were previously under Williamson Act Contract, thought currently there are no Williamson Act contracts within the City of Folsom. The conversion of grazing lands to urban development within the FPASP area may encourage the cessation of agricultural operations and the non-renewal of contracts on lands south of the FPASP area.

Table 7-1 includes existing State regulations that protect agricultural resources under Williamson Act Contract in the 2035 Plan Evaluation Area.

Table 7-1 Regulatory Requirements and Proposed 2035 General Plan Goals/Policies Related to the Protection of Agricultural Resources under Williamson Act Contracts

Measure Identification	How the Regulation or Policy Avoids or Reduces Impact
FEDERAL REQUIREMENTS	
None applicable	--
STATE REGULATIONS	
Williamson Act	Aids in the preservation of agricultural land uses by giving landowners property tax reductions for restricting land uses to agricultural or open space use.
CITY REQUIREMENTS	
None applicable	--
FOLSOM PLAN AREA SPECIFIC PLAN EIR/EIS	
None applicable	--
RUSSELL RANCH PROJECT EIR	
None applicable	--
2035 GENERAL PLAN GOALS AND POLICIES	
None applicable	--

Source: Planning Partners 2018.

The land south of the FPASP area and the corporation yard site are is located in a rural unincorporated portion of Sacramento County beyond the Urban Service Boundary (USB). The USB defines the ultimate boundary of urban development and is intended to be permanent, allowing modification only under special circumstances. These lands are not within the USB, and it is not expected this area would receive urban levels of public infrastructure and services to support urban development. Except for a future corporation yard[2], no urban development is currently proposed south of the FPASP area. Nonetheless, the FPASP EIR/EIS (Impact 3A.10-4) found that land uses within the FPASP area would be inconsistent with Williamson Act provisions on adjacent lands, and could result in subsequent contract non-renewals through requests for general plan amendments and rezoning of lands south of White Rock Road in unincorporated Sacramento County.

Because buildout of the 2035 General Plan in the FPASP area could conflict with existing agricultural operations and Williamson Act contracts, or result in the potential cancellation of such contracts on lands south of the FPASP area, this impact is considered significant.

Significance of Impact: Significant.

Mitigation Measure AG-1: None available.

Implementation of the 2035 General Plan could conflict with existing off-site Williamson Act contracts or result in the potential cancellation of such contracts on lands south of the FPASP area outside of city limits. Feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level because no such programs are available. Therefore, this impact remains significant and unavoidable.

[2] For more information regarding the City's proposed corporation yard south of the FPASP area, please refer to Section 3.9 in Chapter 3, *Project Description*, of this Draft PEIR.

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Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Aesthetics and Visual Resources				
Impact AES-1: Adverse effect on a scenic vista or substantially degrade the scenic character.	SU	**Impact 3.1-1:** Substantially adversely affect a scenic vista **Impact 3.1-2:** Substantially degrade the existing visual character or quality of the site and its surroundings.	SU SU	No
Impact AES-2: Damage to scenic resources within a scenic corridor.	SU	Not evaluated in EIR per NOP.	LS	No
Impact AES-3: Create new source of light or glare that would adversely affect day or nighttime views.	SU	**Impact 3.1-3:** Create new source of light or glare.	SU	No
Agriculture and Forestry Resources				
Impact AG-1: Potential conflicts with existing agricultural operations and Williamson Act Contracts adjacent to the 2035 Plan Evaluation Area.	SU	**Not evaluated in EIR per NOP.**		No
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	LS	**Impact 3.2-1:** Conversion of farmland into non-agricultural uses.	SU	No See pages 16 – 19 of the Addendum
Air Resources				
Impact AQ-1: Increase in construction-related emissions of criteria air pollutants and precursors associated with 2035 General Plan buildout.	LS	**Impact 3.3-1:** Construction emissions of criteria air pollutants and ozone precursors.	LS	No
Impact AQ-2: Increase in operational emissions of criteria air pollutants and precursors associated with 2035 General Plan buildout that could contribute to a violation of air quality standards.	SU	**Impact 3.3-2:** Long-term operational emissions of air pollutants.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact AQ-3: Consistency with air quality planning efforts.	LS	Not evaluated in EIR per NOP.	LS	No
Impact AQ-4: Increase in local mobile-source emissions of carbon monoxide.	LS	**Impact 3.3-3:** Mobile-source CO concentrations.	LS	No
Impact AQ-5: Increase in health risks associated with exposure of sensitive receptors to emissions of toxic air contaminants.	SU	**Impact 3.3-4:** Exposure of sensitive receptors to TACs.	LS	No
Impact AQ-6: Increase in exposure of sensitive receptors to emissions of odors.	SU	**Impact 3.3-5:** Exposure of sensitive receptors to odors.	LS	No
Biological Resources				
Impact BIO-1: Have a substantial adverse effect on special-status species.	SU	**Impact 3.4-1:** Disturbance to or loss of special-status plant species and habitat. **Impact 3.4-2:** Disturbance to or loss of special-status wildlife species and habitat.	LS SU	No
Impact BIO-2: Have a substantial adverse effect on riparian habitat or other sensitive natural communities.	LS	**Impact 3.4-3:** Disturbance and loss of wetlands, other waters of the United States, and waters of the state.	LS	No
Impact BIO-3: Have a substantial adverse effect on federally protected wetlands.	SU	**Impact 3.4-3:** Disturbance and loss of wetlands, other waters of the United States, and waters of the state.	LS	No
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	LS	**Impact 3.4-4:** Conflict with City of Folsom Tree Preservation Ordinance.	LS	No
Impact BIO-4: Interfere with the movement of migratory fish or wildlife species.	LS	**Impact 3.4-5:** Interference with resident or migratory wildlife corridors or native wildlife nursery sites.	LS	No
Cultural Resources				
Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource.	SU	**Impact 3.5-1:** Cause substantial adverse change to a historical resource.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource.	SU	**Impact 3.5-2:** Cause substantial adverse change to a unique archaeological resource.	LS	No
Impact CUL-3: Damage or destruction of previously unknown unique paleontological resources during construction-related activities.	LS	**Impact 3.5-4:** Disturb a unique paleontological resource.	LS	No
Impact CUL-4: Disturb interred human remains during construction.	LS	**Impact 3.5-3:** Accidental discovery of human remains.	LS	No
Geology, Soils, and Mineral Resources				
Impact GEO-1: Expose people or structures to risk from seismic hazards, including strong groundshaking and liquefaction.	LS	Not evaluated in EIR per NOP.	LS	No
Impact GEO-2: Result in substantial soil erosion or topsoil loss from heightened exposure to wind or water erosion.	LS	Not evaluated in EIR per NOP.	LS	No
Impact GEO-3: Potential geologic hazards related to unstable soils.	LS	Not evaluated in EIR per NOP.	LS	No
Impact GEO-4: Result in the loss of availability of a locally-important mineral resource recovery site.	SU	Not evaluated in EIR per NOP.	LS	No
Global Climate Change				
Impact GHG-1: Potential to conflict with an applicable plan, policy, or regulation adopted for reducing GHG emissions.	LS	**Impact 3.7-1:** Project-generated GHG emissions.	LS	No
Impact GHG-3: Climate change adaptation.	LS	**Impact 3.7-2:** Impacts of climate change on the project.	LS	No
Hazards and Hazardous Materials				
Impact HZ-1: Exposure of people to hazards and hazardous materials during construction.	LS	**Impact 3.8-1:** Create a significant hazard to the public or environment due to upset and accident conditions.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact HZ-2: Routine transport, use, or disposal of hazardous materials or accidental release of hazardous materials.	LS	**Impact 3.8-1:** Create a significant hazard to the public or environment due to upset and accident conditions.	LS	No
Impact HZ-3: Hazards to the public or environment from development at a known hazardous materials site identified pursuant to Government Code Section 65962.5.	LS	**Impact 3.8-2:** Create potential human hazards from exposure to existing onsite hazardous materials.	LS	No
Impact HZ-4: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	LS	Not evaluated in EIR per NOP.	LS	No
Impact HZ-5: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	LS	**Impact 3.8-3:** Create a significant risk from wildfires.	LS	No
Hydrology and Water Quality				
Impact HWQ-1: Violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	LS	**Impact 3.9-1:** Short-term construction-related and operational water quality degradation.	LS	No
Impact HWQ-2: Substantially alter drainage patterns leading to erosion or siltation.	LS	**Impact 3.9-3:** Alteration of drainage pattern or increase in rate or amount of surface runoff in a manner that would result in substantial erosion or siltation.	LS	No
Impact HWQ-3: Alter the course of a stream or river increasing runoff resulting in flooding.	LS	Not evaluated in EIR per NOP.	LS	No
Impact HWQ-4: Contribute runoff that exceeds stormwater drainage capacity or contributes additional polluted runoff.	LS	Not evaluated in EIR per NOP.	LS	No
Impact HWQ-5: Place housing or other structures within 100-year flood hazard area.	LS	Not evaluated in EIR per NOP.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact HWQ-6: Expose people or structures to significant risk due to flooding.	LS	Not evaluated in EIR per NOP.	LS	No
a) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	LS	**Impact 3.9-2:** Deplete groundwater supplies or interfere substantially with groundwater recharge.	LS	No
Noise and Vibration				
Impact NSE-1: Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project.	SU	**Impact 3.10-1:** Construction-generated noise. **Impact 3.10-2:** Exposure of existing sensitive receptors to excessive traffic noise levels and/or substantial increases in traffic noise. **Impact 3.10-3:** Intermittent single-event noise from trucks passing offsite sensitive receptors. **Impact 3.10-4:** Long-term operational non-transportation noise levels.	SU	No
Impact N-2: A substantial temporary increase in ambient noise levels in the project vicinity above levels without the project.	LS	**Impact 3.10-2:** Exposure of existing sensitive receptors to excessive traffic noise levels and/or substantial increases in traffic noise.	LS	No
Impact N-3: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the area to excessive noise levels resulting from the proposed project.	LS	Not evaluated in EIR per NOP.	LS	No

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2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact N-4: Implementation of 2035 General Plan policies related to noise and vibration.	LS	Not evaluated in EIR per NOP.	LS	No
Public Services and Recreation Resources				
Impact PSR-1: Physical impacts associated with the provision of new or altered governmental facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Impact PSR-2: Increased use of parks or other recreational facilities that would cause deterioration of these resources – City of Folsom facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Impact PSR-3: Require construction or expansion of recreational facilities that might have an adverse physical effect on the environment – City of Folsom facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Impact PSR-4: Require construction or expansion of recreational facilities that might have an adverse physical effect on the environment – State and Regional facilities.	LS	Not evaluated in EIR per NOP.	LS	No
Transportation and Circulation				
Impact T-1: Traffic level of service on local intersections.	SU	**Impact 3.11-1:** Impacts to intersection operations. **Impact 3.11-5:** Construction-related impacts.	LS LS	No No
Impact T-2: Traffic level of service on US Highway 50.	SU	**Impact 3.11-2:** Impacts to freeway facilities.	LS	No

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Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
d) Eliminate or adversely affect an existing bikeway, pedestrian facility, or transit facility in a way that would discourage its use e) Interfere with the implementation of a planned bikeway or planned pedestrian facility, or be in conflict with a future transit facility f) Result in unsafe conditions for bicyclists or pedestrians including conflicts with other modes g) Result in demands to transit facilities greater than available capacity	LS	**Impact 3.11-3:** Impacts to transit.	LS	No
See Less than Significant Impacts d) through g) immediately above.	LS	**Impact 3.11-4:** Impacts to bicycle or pedestrian facilities.	LS	No
Tribal Cultural Resources				
Impact TCR-1: Interference with tribal cultural resources.	SU	**Impact 3.5-6:** Cause substantial adverse change to a tribal cultural resource.	LS	No
Utilities and Service Systems				
Impact USS-1: Exceed Wastewater Treatment Requirements of the Central Valley Regional Water Quality Control Board.	LS	**Impact 3.12-1:** Require or result in the construction of new or expanded water or wastewater treatment facilities, the construction of which could cause significant environmental effects.	LS	No
Impact USS-2: Require the construction of new or expanded stormwater drainage facilities, the construction of which could cause significant environmental effects.	LS	**Impact 3.9-3:** Alteration of drainage pattern or increase in rate or amount of surface runoff in a manner that would result in substantial erosion or siltation.	LS	No
Impact USS-3: Increase the generation of wastewater, requiring new or expanded wastewater collection or conveyance facilities.	LS	**Impact 3.12-3:** Exceed the capacity or the wastewater treatment provider.	LS	No

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
Impact USS-4: Have sufficient water supplies available to serve development identified by the 2035 General Plan from existing water entitlements and resources.	LS	**Impact 3.12-2:** Require new or expanded entitlements to water.	LS	No
Impact USS-5: Increase the generation of solid waste, resulting in a demand for additional landfill capacity.	LS	**Impact 3.12-4:** Generate solid waste that would exceed the permitted capacity of the landfill serving the area.	LS	No
Impact USS-6: Increased demand for private utility services.	LS	**Not evaluated in EIR per NOP.**	LS	No
Cumulative Impacts				
Aesthetics and Visual Resources	SU	4.3.1 Aesthetics	SU	No
Agriculture and Forestry Resources	SU	4.3.2 Agriculture and Forestry Resources	SU	No
Air Resources	SU	4.3.3 Air Quality	SU	No
Biological Resources	SU	4.3.4 Biological Resources	SU	No
Cultural Resources	SU	4.3.5 Cultural and Tribal Resources	LS	No
Geology, Soils, and Mineral Resources	SU	Not evaluated per NOP	LS	No
Global Climate Change	SU	4.3.7 Greenhouse Gas Emissions	LS	No
Hazards and Hazardous Materials	LS	4.3.8 Hazards and Hazardous Materials	LS	No
Hydrology and Water Quality	LS	4.3.9 Hydrology and Water Quality	LS	No
Noise and Vibration	SU	4.3.10 Noise and Vibration	SU	No
Public Services and Recreation Resources	LS	Not evaluated per NOP	LS	No
Transportation and Circulation	SU	4.3.11 Traffic, Transportation, and Circulation	SU	No
Tribal Cultural Resources	SU	4.3.5 Cultural and Tribal Resources	LS	No
Utilities and Service Systems	LS	4.3.12 Utilities	LS	No
Energy		Demand for Energy Services and facilities	SU	No See pages 19 – 21 of the Addendum

Appendix C Comparison of Environmental Conclusions between the 2035 General Plan FPEIR and the Folsom Corporation Yard SOIA/Annexation EIR				
2035 General Plan Final PEIR		**Folsom Corporation Yard SOIA/Annexation FEIR**		**Changes 2035 PEIR Environmental Conclusion or Impact Magnitude?**
Environmental Impact	**Level of Significance**	**Environmental Impact**	**Level of Significance**	
CEQA Required Topics				
Growth Inducement	LS	Not evaluated in EIR per NOP.	LS	No
Energy	LS	**Impact 3.6-1:** Wasteful, inefficient, or unnecessary consumption of energy, during project construction or operation.	LS	No
Construction and operation of energy services and facilities	SU	**Impact 3.6-2:** Demand for energy services and facilities	SU	No See pages 19 – 21 of the Addendum
Irreversible Commitment of Resources	LS	Irreversible Commitment of Resources	LS	No
Irreversible Environmental Changes	SU	Irreversible Environmental Changes	SU	No
Damage from Accidents	LS	Damage from Accidents	LS	

Source: Planning Partners 2019.

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APPENDIX D

2035 GENERAL PLAN FPEIR - LIST OF ADOPTED MITIGATION MEASURES

This Appendix contains all of the adopted mitigation measures identified in the FPEIR for the 2035 City of Folsom General Plan project. The mitigation measures are listed in numerical order. The corresponding section in the PEIR is indicated in parentheses following the issue area.

1.1 AESTHETICS AND VISUAL RESOURCES (DPEIR CHAPTER 6)

Mitigation Measure AES-3a:

Add new **Policy NCR 2.1.3: Light Pollution Reduction.**

The City shall minimize obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, and requiring light for development to be directed downward to minimize overspill and glare onto adjacent properties and reduce vertical glare.

Mitigation Measure AES-3b:

Add new **Implementation Program NCR-6: Lighting Design Standards.**

Establish consistent lighting standards for outdoor lighting of city development to reduce high-intensity nighttime lighting and glare. These standards shall be consistent with the Folsom Plan Area Specific Plan Community Design Guidelines. Additional standards shall be considered, including the use of automatic shutoffs or motion sensors for lighting features to further reduce excess nighttime light.

To reduce impacts associated with light and glare, the City will require the following lighting standards:

- Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties.
- Place and shield or screen flood and area lighting needed for construction activities and/or security so as not to disturb adjacent residential areas and passing motorists.
- For public street, building, parking, and landscape lighting in residential neighborhoods, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash. For public parks and sports facilities, the City will use the best light and glare control technology feasible, along with sensitive site design.
- Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage in the office/commercial areas to prevent light and glare from adversely affecting motorists on nearby roadways.

Implementing Policy: NCR 2.1.3

1.2 AIR QUALITY (DPEIR CHAPTER 8)

Mitigation Measure AQ-2a:

Modify **Policy NCR 3.1.5: Emission Reduction Threshold for New Development.**

Require all new development projects that exceed SMAQMD's thresholds of significance to incorporate design, construction material, and/or other operational features that will result in a minimum of 15 percent reduction in emissions when compared to an "unmitigated baseline" project.

Mitigation Measure AQ-2b:

Implement Mitigation Measures GHG-1 through GHG-17.

Mitigation Measure AQ-6:

Modify **Policy NCR 3.1.6: Sensitive Uses**.

Coordinate with SMAQMD in evaluating exposure of sensitive receptors to toxic air contaminants and odors, and impose appropriate conditions on projects to protect public health and safety so as to comply with the requirements of SMAQMD for the exposure of sensitive receptors to toxic air contaminants and odors.

1.3 BIOLOGICAL RESOURCES (DPEIR CHAPTER 9)

Mitigation Measure BIO-1:

Modify **Policy NCR 1.1.1: Habitat Preservation.**

Support State and Federal policies for preservation and enhancement of riparian and wetland habitats by incorporating, as applicable, standards published by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service into site-specific development proposals.

Mitigation Measure BIO-3:

Implement Mitigation Measure BIO-1.

1.4 CULTURAL RESOURCES (DPEIR CHAPTER 10)

Mitigation Measure CUL-2:

Add new **Implementation Program NCR 7: Management of Inadvertently Discovered Cultural Resources.**

Develop a program for the management of inadvertently discovered cultural resources. The program will consist of, but will not necessarily be limited to the following standards:

The City will require, through permit or tentative map conditions or contractual obligations, that in the event of any inadvertent discovery of archaeological resources, all such finds will be subject to PRC 21083.2 and CEQA Guidelines 15064.5. Procedures for inadvertent discovery are listed below.

In the event of the inadvertent discovery of previously unknown archaeological sites during excavation or construction, all construction affecting the site shall cease and the contractor shall contact the City.

- All work within 100 feet of the find will be halted until a professional archaeologist can evaluate the significance of the find in accordance with NRHP and CRHR criteria.
- If any find is determined to be significant by the archaeologist, representatives of the City will meet with the archaeologist to determine the appropriate course of action. If necessary, a Treatment Plan will be prepared by an archeologist, outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan will be submitted to the City for review and approval prior to resuming construction.

Mitigation Measure CUL-3:

Add new **Implementation Program NCR 8: Management of Paleontological Resources.**

Develop a program for the management of paleontological resources. The program will consist of, but will not necessarily be limited to, the following standards and requirements:

Prior to approval of a discretionary project, it shall be determined through literature review and records research, the paleontological sensitivity of the geologic units affected by the project. If paleontological resources may be present, conditions will be added to the project approval to monitor for and salvage paleontological resources during ground-disturbing activities.

1.5 GLOBAL CLIMATE CHANGE (DPEIR CHAPTER 12)

Mitigation Measure GHG-1:

Add new **Implementation Program PFS-22: Renewable Energy in City-Operated Facilities.**

Strive to supplement 25 percent of city-owned building energy demand through on-site or off-site renewable energy sources. On-site sources may include solar panels or other types of renewable energy systems on rooftops or parking areas, and on-site energy storage. Off-site sources could include combinations of equivalent renewable energy generation systems, power purchase agreements, or other off-site programs offered by energy utilities (e.g., SMUD's Greenergy or SolarShares programs).

Implementing Policy: PFS 8.1.3.

Mitigation Measure GHG-2:

Add new **Policy PFS 8.1.9 Water Heater Replacement.**

Encourage the use of high-efficiency or alternatively-powered water heater replacements at time of replacement in existing residential development.

Mitigation Measure GHG-3:

Add new **Implementation Program PFS-23 High-Efficiency or Alternatively-Powered Water Heater Replacement Program.**

Provide educational material and information on the City's website, as well as through the permit and building department, on the various high-efficiency and alternatively-powered water heat replacement options available to current homeowners considering water heater

replacement; develop appropriate financial incentives, working with energy utilities or other partners; and, streamline the permitting process. Replacement water heaters could include high-efficiency natural gas (i.e., tankless), or other alternatively-powered water heating systems that reduce or eliminate natural gas usage such as solar water heating systems, tankless or storage electric water heaters, and electric heat pump systems.

Implementing Policy: PFS 8.1.9.

Mitigation Measure GHG-4:

Add new **Implementation Program PFS-24 Energy Efficiency and Renewable Energy Retrofits and Programs**.

Strive to increase energy efficiency and renewable energy use in existing buildings through participation in available programs. Actions include:

- Establish a dedicated City program with a clear intent to provide support and promote available green building and energy retrofit programs for existing buildings.
- Incentivize solar installation on existing buildings that undergo major remodels or renovations, and provide permit streamlining for solar retrofit projects.
- Provide rebates or incentives to existing SMUD customers for enrolling in the existing Greenergy program.
- Provide education to property owners on low-interest financing and/or assist property owners in purchasing solar photovoltaics through low-interest loans or property tax assessments.
- Continue to work with SMUD and other private sector funding sources to increase solar leases or power purchase agreements (PPAs).

Implementing Policies: PFS 8.1.3, PFS 8.1.5, PFS 8.1.4.

Mitigation Measure GHG-5:

Modify **Policy LU 1.1.13 Sustainable Building Practices.**

Promote and, where appropriate, require sustainable building practices that incorporate a "whole system" approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight effectively; and, are healthy, safe, comfortable, and durable.

Mitigation Measure GHG-6:

Add new **Implementation Program LU-6 Adopt Green Building.**

Encourage new residential and non-residential construction projects to adopt and incorporate green building features included in the CALGreen Tier 1 checklist in project designs; and, encourage projects to seek LEED rating and certification that would meet equivalent CALGreen Tier 1 standards or better. Consider future amendments to City code to adopt CALGreen Tier 1 requirements consistent with State building code. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, CALGreen Tier 1 compliance would be required.

Implementing Policy: LU 1.1.13.

Mitigation Measure GHG-7:

Add new **Implementation Program LU-7 Encourage Zero Net Energy.**

Encourage Zero Net Energy (ZNE) building design for new residential and non-residential construction projects. Consider future amendments to City code to adopt ZNE requirements consistent with the State building code. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, achievement of ZNE would be required consistent with provisions in the State building code under California Code of Regulations, Title 24, Part 6.

Implementing Policy: LU 1.1.13.

Mitigation Measure GHG-8:

Add new **Implementation Program PFS-25 Zero Net Energy Development.**

Adopt an ordinance to require ZNE for all new residential construction by 2020 and commercial construction by 2030, in coordination with State actions to phase in ZNE requirements through future triennial building code updates.

Implementing Policies: NCR 3.2.3, LU 9.1.10, LU 1.1.13, LU 1.1.14.

Mitigation Measure GHG-9:

Add new **Implementation Program PFS-26 Renewable Diesel.**

Revise the City of Folsom's Standard Construction Specifications to require that all construction contractors use high-performance renewable diesel for both private and City construction projects. Phase in targets such that high-performance renewable diesel would comprise 50 percent of construction equipment diesel usage for projects covered under the specifications through 2030, and 100 percent of construction equipment diesel usage in projects covered under the specifications by 2035. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, the use of high-performance renewable diesel would be required consistent with the above targets.

Implementing Policy: NCR 3.2.7.

Mitigation Measure GHG-10:

Modify **Implementation Program M-1 Transportation Demand Management.**

Adopt a citywide Transportation Demand Management (TDM) program that encourages residents to reduce the amount of trips taken with single-occupancy vehicles. The program shall be designed to achieve an overall 15 percent vehicle mile traveled (VMT) reduction over 2014 levels and a 20 percent reduction in City-employee commute VMT. The City shall coordinate with employers to develop a menu of incentives and encourage participation in TDM programs.

Implementing Policy: M 1.1.9, NCR 3.1.3.

Mitigation Measure GHG-11:

Modify **Implementation Program PFS-14 Energy Efficient Fleet.**

Continue purchasing alternative fuel/technology vehicles when replacing vehicles in the City's existing municipal fleet. Use high-performance renewable diesel in 100 percent of existing (2014) and future diesel on-road vehicles and convert entire on-road gasoline vehicles to electric by 2035.

Implementing Policy: PFS 8.1.8.

Mitigation Measure GHG-12:

Modify **Policy M 1.1.4 Existing Streets Retrofits.**

Actively pursue funding to update existing streets and intersections with new bikeways, sidewalks, and exclusive transit lanes, where these facilities are designated in the Bikeway Master Plan, Pedestrian Master Plan, or Transit Master Plan.

Mitigation Measure GHG-13:

Modify **Implementation Program M-8 Bicycle and Pedestrian Improvements.**

Identify regional, State, and federal funding sources to support bicycle and pedestrian facilities and programs to improve roadways and intersections by 2035. Actions include:

- Require bicycle and pedestrian improvements as conditions of approval for new development on roadways and intersections serving the project. Improvements may include, but are not limited to: on-street bike lanes, traffic calming improvements such as marked crosswalks, raised intersections, median islands, tight corner radii, roundabouts, on-street parking, planter strips with street trees, chicanes, chokers, any other improvement that focuses on reducing traffic speeds and increasing bicycle and pedestrian safety. For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, incorporation of applicable bicycle and pedestrian improvements into project designs or conditions of approval would be required.

- Based on the most recent citywide inventory of roadways and pedestrian/bicycle facilities, identify areas of greatest need, to focus improvements on first. Areas to prioritize include roadways or intersections with a lack of safety features, street where disruption in sidewalks or bicycle lanes occurs, areas of highest vehicle traffic near commercial centers and transit facilities, where increased use of pedestrian/bicycle facilities would be most used.

Implementing Policies: M 2.1.15, M 1.1.4, M 1.1.6, M 1.1.5, M 2.1.2, M 2.1.3, M 2.1.4.

Mitigation Measure GHG-14:

Modify **Policy PFS 9.1.3 Recycling Target.**

Support efforts to achieve a citywide disposal rate of 1.5 pounds per person per day, exceeding statewide target of 2.7 pounds per person per day by 2035.

Mitigation Measure GHG-15:

Add new **Implementation Program PFS-27 Reduce Water Consumption in New Residential Development.**

Encourage water efficiency measures for new residential construction to reduce indoor and outdoor water use. Actions include:

- Promote the use of higher efficiency measures, including: use of low-water irrigation systems, and installation of water-efficient appliances and plumbing fixtures;
- Measures and targets can be borrowed from the latest version of the Guide to the California Green Building Standards Code (International Code Council)
- For projects subject to CEQA seeking to streamline GHG analysis consistent with the general plan, compliance with CALGreen Tier 1 Water Efficiency and Conservation measures would be required.

Implementing Policies: PFS 3.1.3, PFS 3.1.9.

Mitigation Measure GHG-16:

Add new **Policy NCR 3.2.8: GHG Analysis Streamlining for Projects Consistent with the General Plan.**

Projects subject to environmental review under CEQA may be eligible for tiering and streamlining the analysis of GHG emissions, provided they are consistent with the GHG reduction measures included in the General Plan and EIR. The City may review such projects to determine whether the following criteria are met:

- Proposed project is consistent with the current general plan land use designation for the project site;
- Proposed project incorporates all applicable GHG reduction measures (documented in the Climate Change Technical Appendix to the General Plan EIR) as enforceable mitigation measures in the CEQA document prepared for the project; and,
- Proposed project clearly demonstrates the method, timing and process for which the project will comply with applicable GHG reduction measures and/or conditions of approval, (e.g., using a CAP/GHG reduction measures consistency checklist, mitigation monitoring and reporting plan, or other mechanism for monitoring and enforcement as appropriate).

Mitigation Measure GHG-17:

Modify **Policy NCR 3.2.5 Climate Change Assessment and Monitoring.**

Continue to assess and monitor performance of GHG emissions reduction efforts for 2020, 2030, and beyond, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050 by reporting on the City's progress annually, updating the GHG inventory and forecasts at least every five years, and preparing updates to the GHG Strategy in the General Plan, as appropriate; as well as assess and monitor the effects of climate change and associated levels of risk in order to plan a community that can adapt to changing climate conditions and be resilient to negative changes and impacts.

1.6 HAZARDS AND HAZARDOUS MATERIALS (DPEIR CHAPTER 13)

Mitigation Measure HZ-5:

Add new **Policy SN 4.1.4: Wildland Fire Risk Reduction.**

To reduce the risk of wildland fire, continue to implement Wildland-Urban Interface Building Standards, vegetative fuels management, evacuation planning, and public education.

1.7 HYDROLOGY AND WATER QUALITY (DPEIR CHAPTER 14)

Mitigation Measure HWQ-3a:

Modify **Policy SN 3.1.1: 100-Year Floodway.**

SN 3.1.1: 200-Year Floodway.

Regulate new development or construction within the 200-year floodway to assure that the water flows upstream and downstream from the new development or construction will not be altered from existing levels.

Mitigation Measure HWQ-3b:

Modify **Policy SN 3.1.4: Flood Control Costs.**

Minimize new development in the 200-year floodway to reduce the long-term public costs of building and maintaining flood control improvements, as required by FEMA and state law.

Mitigation Measure HWQ-3c:

Modify City of Folsom Municipal Code Chapter 14.32 so as to be in compliance with the provisions of SB 5 that require urban areas to provide a 200-year level of flood protection.

Mitigation Measure HWQ-4:

Implement Mitigation Measures HWQ-3a, HWQ-3b, and HWQ-3c.

Mitigation Measure HWQ-5:

Implement Mitigation Measures HWQ-3a, HWQ-3b, and HWQ-3c.

1.8 NOISE AND VIBRATION (DPEIR CHAPTER 15)

Mitigation Measure N-1:

Add **Implementation Program SN-1: Adopt a Noise Reduction Program.**

The City shall adopt a citywide noise reduction program to reduce traffic noise levels along roadways where significant increases in traffic noise levels are expected to occur. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible:

- Noise barrier retrofits
- Truck usage restrictions
- Reduction of speed limits

- Use of quieter paving materials
- Building façade sound insulation
- Traffic calming
- Additional enforcement of speed limits and exhaust noise laws
- Signal timing.

Mitigation Measure N-3:

Require private developers to provide disclosure statements to all prospective residents in the area south of US Highway 50 notifying them of the presence of Mather Airport to the southwest, of routine aircraft overflights associated with Mather operations, including early morning and late night operations, and of temporarily elevated noise levels during such overflights.

1.9 PUBLIC SERVICES AND RECREATION RESOURCES (DPEIR CHAPTER 16)

Mitigation Measure PSR-4a:

Modify **Policy LU 1.1.10: Network of Open Space**.

Ensure designated open space is connected wherever feasible with the larger community and regional network of natural systems, recreational assets, and viewsheds.

Mitigation Measure PSR-4b:

Modify **Goal LU 5.1.**

Support the appropriate enhancement of Folsom's riverfront areas for current and future residents in order to increase public access, recreational opportunities, and economic development in consultation with federal, State, and regional public lands management agencies.

Mitigation Measure PSR-4c:

Modify **Policy LU 5.1.1: River District Overlay.**

Apply a River District Overlay designation to the riverfront areas of Folsom outside of the boundaries of the Folsom Lake State Recreation Area, Folsom Powerhouse State Historic Park, and American River Parkway to elevate the importance of the river.

Mitigation Measure PSR-4d:

Modify **Policy LU 5.1.2: Vision for the River District.**

Engage the community, stakeholders, and federal, state, and regional land management agencies in establishing a vision for Folsom's River District.

Mitigation Measure PSR-4e:

Modify **Policy LU 5.1.3: River District Master Plan.**

Prepare a River District Master Plan for Folsom's riverfront area, that is based on widespread community engagement as well as coordination with the U.S. Bureau of Reclamation, California Department of Parks and Recreation, and Sacramento County Regional Parks Department.

Mitigation Measure PSR-4f:

Modify **Policy LU 5.1.4: Enhance Lake Natoma with Compatible Recreation Uses.**

Enhance the role of Lake Natoma as a place to recreate and an amenity for Folsom residents, and elevate Lake Natoma's role in supporting local and regional business and commerce, including tourism, recreation, and leisure, while maintaining compatibility with the Folsom Lake State Recreation Area General Plan. Invest in strategically-located sites along the length of Lake Natoma for a diverse mix of passive and active recreation and tourism activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Mitigation Measure PSR-4g:

Modify **Policy PR 4.1.1: Coordination with State and County Parks.**

Coordinate with State and County park officials to provide education in programs that inform the community on topics such as local natural resources, conservation efforts, and fire safety.

Mitigation Measure PSR-4h:

Modify **Policy PR 4.1.3: County, State, and Federal Cooperation.**

Cooperate with the County Department of Regional Parks, State Department of Parks and Recreation, State Department of Corrections and Rehabilitation, State Department of Fish and Wildlife, and U.S. Bureau of Reclamation on facility development and program offerings as appropriate.

Mitigation Measure PSR-4i:

Modify **Policy PR 4.1.5: Waterway Recreation and Access.**

Coordinate with appropriate Federal and State agencies, Sacramento County Regional Parks, private landowners, and developers to manage, preserve, and enhance the American River Parkway, urban waterways, and riparian corridors, including public access for active and passive recreation.

Mitigation Measure PSR-4j:

Modify the **2035 General Plan Land Use Diagram – Transit Priority Areas.**

Modify the 2035 General Plan Land Use Diagram to delete any indication that proposed Transit Priority Areas would include public lands within the Folsom Lake State Recreation Area and American River Parkway.

Mitigation Measure PSR-4k:

Modify the **2035 General Plan Land Use Diagram – River District.**

Modify the 2035 General Plan Land Use Diagram to delete any indication that the proposed River District would include public lands within the Folsom Lake State Recreation Area and American River Parkway. This is not intended to preclude the addition of such lands to the River District upon completion of the River District Master Plan prepared in compliance with Policy LU 5.1.3.

Mitigation Measure PSR-4l:

This mitigation measure was determined to be unnecessary and was not adopted by the City of Folsom City Council.

Mitigation Measure PSR-4m:

Modify the **2035 General Plan Land Use Diagram – Planning Area 2.**

Modify the 2035 General Plan Land Use Diagram to amend the boundary of Planning Area 2 to exclude lands within the Prairie City SVRA.

1.10 TRANSPORTATION AND CIRCULATION (DPEIR CHAPTER 17)

Mitigation Measure T-3:

Implement the new interchanges and improvements along US 50.

1. The two new interchanges on US Highway 50 at Oak Avenue Parkway and at Empire Ranch Road interchanges would cause a significant shift in traffic volumes from East Bidwell Street interchange the new interchanges. Both interchanges were assumed to have a high capacity partial cloverleaf (L9) design with a one or two lane single slip off-ramp, a loop ramp and a slip on-ramp in each direction.
2. New "auxiliary lanes" are assumed to be added both eastbound and westbound on US Highway 50 between each interchange from Folsom Boulevard to El Dorado Hills Boulevard, which is consistent with the "Traffic Operations Analysis Report for the US Highway 50 Auxiliary Lane Project" (DKS 2007). These auxiliary lanes were assumed to begin at the loop on-ramp at each of the existing and new partial cloverleaf interchanges and extend to the off-ramp at the downstream interchange.
3. A "transitional lane" was assumed to be added in the eastbound direction from the Hazel Avenue eastbound on-ramp to the off-ramp to Prairie City Road to mitigate the current bottleneck caused by the lane drop at Folsom Boulevard.
4. Two lane off-ramps were assumed to be added at any location where volumes warrant the additional lane.
5. A standard intersection design would result in an unacceptable weaving condition on eastbound US Highway 50 between the Prairie City Road on ramps and the new off ramp with Oak Avenue Parkway. Therefore, it was assumed that a "braided ramp" design would be used. It was assumed that this design would involve merging the two eastbound on-ramps from Prairie City Road and then grade separating that combined on-ramp with the new off-ramp to Oak Avenue Parkway.
6. It was assumed that a White Rock Road would be widened to four lanes, which would help divert some traffic from US Highway 50.

1.11 REQUIRED CEQA ANALYSES (DPEIR CHAPTER 12)

Mitigation Measure ENR-1:

Implement Mitigation Measures GHG-1 through GHG-17.

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DATE: January 14, 2020

TO: Mayor and City Council Members

FROM: City Clerk

SUBJECT: NOMINATION OF CITY OF FOLSOM REPRESENTATIVE TO THE CITIZENS' ADVISORY COMMITTEE FOR FOLSOM PRISON

BACKGROUND / ISSUE

California Penal Code mandates the formation of a citizens' advisory committee for each state prison. The committee consists of members appointed by the prison warden, including representatives nominated for appointment by the local assembly member, local senator, local city council, local county board of supervisors, local chief of police, and local county sheriff. The purpose of the committee is to improve the public's understanding of correction programs and suggest ways to improve and participate in inmate programming.

The City of Folsom has traditionally participated on this committee with one representative from the Folsom Police Department and two citizen representatives who are nominated by the Folsom City Council and appointed by the Warden of Folsom State Prison.

Folsom resident Cris Gerard was appointed in September 2017 as one of Folsom's citizen representatives to the Committee. Ms. Gerard's term ended in September 2019 and Ms. Gerard indicated that she would not seek re-appointment. City staff advertised the vacant position in the Folsom Telegraph and on the city's webpage. Two applications were received from residents Scott Bailey and Sandra Munoz-Braidman. The second citizen representative seat for Folsom is currently occupied by Folsom resident Bill Hutto, and his term will expire in March 2021.

POLICY / RULE

California Penal Code section 5056 establishes the membership structure of the committee and states, in part, that two persons shall be appointed to the committee for a two-year term by the prison warden from nominations submitted by the city council of the city containing or nearest to the institution.

ANALYSIS

Police Commander Mark Schanrock currently serves on this committee, representing the Folsom Police Department.

Applications have been received from Folsom residents Scott Bailey and Sandra Munoz-Braidman expressing interest in serving on the committee. Staff is requesting the City Council consider the applications and nominate a representative. Once the nomination is made by the City Council, it will be forwarded to the Prison Warden for final appointment.

ATTACHMENT:

1. Applications from Scott Bailey and Sandra Munoz-Braidman.

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council nominate a representative serve as a representative to the Citizens' Advisory Committee for Folsom Prison for a two year term.

Respectfully submitted,

Christa Freemantle, CMC
City Clerk

Folsom Commission and Committee APPLICATION

FOLSOM CITY CLERK'S DEPT
18 NOV '1

Item No.7.

Thank you for your interest in serving on a Folsom commission or committee

Before You Begin:
- Please read this form and instructions carefully.
- Complete all pages and sign the application.
- Applications remain active for six months after submittal.

Return completed applications to:
City Clerk's Department, Folsom City Hall, 50 Natoma Street, Folsom, CA 95630

Applicant Information: (All information is required)

Name: SCOTT A. BAILEY

Residence Address: [redacted]

Email: scottbaileyimc@comcast.net

Phone: 916-204-9139

Employer and Occupation: BURKHART DENTAL - SALES

Currently Serving on a Commission/Committee? If yes, please specify:

Folsom Residency / Registered Voter Verification: Commission and Committee members must be residents and registered voters of Folsom.

Registered to vote? Indicate (Yes) / No Select One

Financial Disclosure / Ethics Training:

I understand that commission and committee members must file statements disclosing financial information. Indicate (Yes) / No: Select One

I understand that commission and committee members must complete ethics and harassment training. Indicate (Yes) / No: Select One

Truth and Accuracy: I certify that the information contained on this form is true and accurate:

Signature: Scott A. Bailey Date: 11-17-19

Important Public Records Information: The city may receive requests from the public to review documents such as this form and the city is obligated to release these public records, including all information contained on the form.

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: SCOTT A. BAILEY

Choice of Commission or Committee:
(If you are interested in multiple commissions, please rank them numerically according to your preference)

_____ Arts and Cultural Commission

_____ Historic District Commission*

_____ Landscaping and Lighting District Advisory Committee*

_____ Library Commission

_____ Parks and Recreation Commission

_____ Planning Commission

_____ Traffic Safety Committee*

_____ Utility Commission

Other: CITIZEN'S ADVISORY COMMITTEE FOR FOLSOM PRISON

***Application Supplement Required:**
Supplemental information is required for the Historic District Commission, Landscape and Lighting District Advisory Committee, and the Traffic Safety Committee. These boards have special qualification requirements for certain seats.

Historic District Commission:
Please identify which seat you qualify for:

☐ representative who is actively involved with historic preservation;
☐ representative who is a resident of the Historic District
☐ representative who owns a business within the Sutter Street Subarea
☐ Planning Commissioners
☐ representative from a Historic District business outside the Sutter Street Subarea
☐ architect, landscape architect, or other design professional with expertise in historic preservation

Landscaping and Lighting District Advisory Committee:
Please advise which L&L District you live in:

District of residence : _____

Traffic Safety Committee:
Please identify which seat you qualify for:

☐ representatives representing a wide cross section of interests
☐ representative who has demonstrated an interest in or a concern for pedestrian and bicycle safety

Continue to next page

Applicant Name: SCOTT A. BAILEY

Informational Questions: (you must answer all four questions, for all commissions or committees you are applying for):

1. Why do you want to serve on this commission or committee:

SINCE RETIRING FROM MY FOLSOM POLICE RESERVE OFFICER POSITION AT THE END OF 2017, I HAVE FELT A STRONG DESIRE TO ONCE AGAIN SERVE MY FOLSOM. I WORE THE UNIFORM OF FOLSOM POLICE DEPARTMENT AND HAVE TAKEN HUNDREDS OF PEOPLE INTO INCARCERATION FACILITIES FOR OVER 35 YEARS.

I HAVE BEEN A FOLSOM RESIDENT FOR 36 YEARS AND RAISED THREE CHILDREN IN OUR CITY. I HAVE A STRONG BELIEF THAT BOTH PRISONS AND THE WOMENS DEPENTION FACILITY HAVE BEEN A GOOD PARTNER TO OUR FOLSOM COMMUNITY.

2. What do you think is(are) the top issue(s) facing this commission or committee:

MAINTAINING THE TERRIFIC PARTNERSHIP AND COOPERATIVE EFFORTS OF THE CITY OF FOLSOM AND THE 3 PRISON FACILITIES THAT SHARE THE FOLSOM NAME.

KEEPING THE CITIZENS OF FOLSOM SAFE AND ALSO SUPPORTING ALL EFFORTS IN KEEPING THE PRISON STAFF SAFE. CONTINUEING THE PARTNERSHIP TO MAINTAIN THE WIN-WIN SITUATION.

Continue to next page

Applicant Name: SCOTT A. BAILEY

3. Briefly describe how your experiences qualify you to serve on the commission or committee:

AS A 38 YEAR VETERAN POLICE OFFICER, I HAVE SEEN FIRST HAND THE INSIDE OF SACRAMENTO AND EL DORADO COUNTY JAILS. I HAVE PERSONALY "BOOKED" HUNDREDS OF PRISONERS. SITING AT ALL CITY COUNCIL MEETINGS FOR OVER SIX YEARS AND LIVING IN FOLSOM FOR 36 YEARS GIVES ME A CLEAR UNDERSTANDING OF THE BIG PICTURE FACING PRISON/CITY ISSUES

4. Which commission or committee meetings have you attended?

I HAVE ATTENDED MANY MEETING OF THE HISTSRIC DISTRICT, PLANNING AND ARTS AND CULTURAL AS WELL AS ATTENDED NUMEROUS OTHER SPECIAL MEETINGS LIBRARY COMMISSION AND OTHER SPECIAL INTEREST MEETINGS FOR COMMUNITY ISSUES. I SERVED AS POLICE OFFICER / BAILIFF FOR FOLSOM CITY COUNCIL MEETINGS FOR 6 YEARS.

END OF APPLICATION FORM

Return completed applications to:
City Clerk's Department, Folsom City Hall, 50 Natoma Street, Folsom, CA 95630

FOLSOM CITY CLERK'S DEPT
5 DEC '19 PM1:52

Folsom Commission and Committee APPLICATION

CITY OF FOLSOM
DISTINCTIVE BY NATURE

Thank you for your interest in serving on a Folsom commission or committee

Before You Begin:
- Please read this form and instructions carefully.
- Complete all pages and sign the application.
- Applications remain active for six months after submittal.

Return completed applications to:
City Clerk's Department, Folsom City Hall, 50 Natoma Street, Folsom, CA 95630

Applicant Information: (All information is required)

Name: Sandra Munoz-Braidman

Residence Address: [redacted]

Email: projecthopecenter@yahoo.com

Phone: (916) 952-5802

Employer and Occupation: Caltrans & Project Hope Center dba La Vintage Pink Door

Currently Serving on a Commission/Committee? If yes, please specify: no

Folsom Residency / Registered Voter Verification: Commission and Committee members must be residents and registered voters of Folsom.

Registered to vote? Indicate Yes / No Yes

Financial Disclosure / Ethics Training:

I understand that commission and committee members must file statements disclosing financial information. Indicate Yes / No: Yes

I understand that commission and committee members must complete ethics and harassment training. Indicate Yes / No: Yes

Truth and Accuracy: I certify that the information contained on this form is true and accurate:

Signature: Sandra Munoz Braidman Date: 12-5-19

Important Public Records Information: The city may receive requests from the public to review documents such as this form and the city is obligated to release these public records, including all information contained on the form.

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: Sandra Munoz-Braidman

Choice of Commission or Committee:
(If you are interested in multiple commissions, please rank them numerically according to your preference)

_____ Arts and Cultural Commission

_____ Historic District Commission*

_____ Landscaping and Lighting District Advisory Committee* Library

_____ Commission

_____ Parks and Recreation Commission

_____ Planning Commission

_____ Traffic Safety Committee*

Citizen Utility Commission

Other: Citizen Advisory Committee for Folsom Prison

***Application Supplement Required:**
Supplemental information is required for the Historic District Commission, Landscape and Lighting District Advisory Committee, and the Traffic Safety Committee. These boards have special qualification requirements for certain seats.

Historic District Commission:
Please identify which seat you qualify for:

☐ representative who is actively involved with historic preservation;
☐ representative who is a resident of the Historic District
☐ representative who owns a business within the Sutter Street Subarea
☐ Planning Commissioners
☐ representative from a Historic District business outside the Sutter Street Subarea
☐ architect, landscape architect, or other design professional with expertise in historic preservation

Landscaping and Lighting District Advisory Committee:
Please advise which L&L District you live in:

District of residence : Folsom

Traffic Safety Committee:
Please identify which seat you qualify for:

☐ representatives representing a wide cross section of interests
☐ representative who has demonstrated an interest in or a concern for pedestrian and bicycle safety

Continue to next page

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: Sandra Munoz-Braidman

Informational Questions: (you must answer all four questions, for all commissions or committees you are applying for):

1. Why do you want to serve on this commission or committee:

Commission: Citizens Advisory Committee for Folsom Prison

I would bring unique knowledge and skills which would augment the knowledge and skills of the committee to ensure the sufficient range of expertise and to accomplish the Committee's mission.

2. What do you think is(are) the top issue(s) facing this commission or committee:

As a shoppe owner in Historic Folsom I hear issues/concerns directly from Folsom city residents about Folsom State Prison such as when an inmate escapes from Folsom State Prison camp.

Continue to next page

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: Sandra Munoz-Braidman

3. Briefly describe how your experiences qualify you to serve on the commission or committee:

Applicable background: I am currently employed as a Associate Transportation Planner by the State of California Department of Transportation which with the Division of Maintenance who has partnered with other agencies to form the Caltrans Parolee Workcrew Program which has given me opportunity to coordinate referrals inside FWF. I co-own La Vintage Pink Door a nonprofit shoppe which offers home decor, wine tasting and women's clothing located in Historic Folsom since 2017. The nonprofit shoppe helps fund the efforts of Project Hope Center a nonprofit organization created in 2015 which provides a weekly reentry program (New Hope Reentry Program) for women inside Folsom Women's Facility state prison.

New Hope Reentry Program (NHR) provides residential, transitional or sober living placements prior to release statewide and also offers inmates with parole packages. NHR coordinates with CDCR staff with placements. I also provide administrative assistance for prison fellowship TUMI weekly program which allows me to serve along side my husband who is lead facilitator inside Folsom State Prison. I am the CEO and founder of Project Hope Center and currently serve on Folsom Protestant Ministry board.

I am a resident of Folsom, I am aware of the important role Folsom Prisons represents in the local community. I believe I would be an excellent candidate for the Citizens Advisory Committee for Folsom Prison because of my background and my understanding of relationship between Folsom Prison and the city of Folsom.

4. Which commission or committee meetings have you attended?

City Council meetings

END OF APPLICATION FORM

Return completed applications to:
City Clerk's Department, Folsom City Hall, 50 Natoma Street, Folsom, CA 95630

DATE: January 14, 2020

TO: Mayor and City Council Members

FROM: City Clerk's Department

SUBJECT: **PRESENTATION REGARDING THE NEWLY FORMED SACRAMENTO HOMELESS POLICY COUNCIL AND APPOINTMENT OF CITY COUNCIL REPRESENTATIVES TO THE SACRAMENTO HOMELESS POLICY COUNCIL**

BACKGROUND / ISSUE

Sacramento Steps Forward is a 501(c)(3) nonprofit organization committed to ending homelessness in the Sacramento region through collaboration, innovation, and connecting people to services. Formed in 2009, the organization manages U.S. Housing and Urban Development funds for homelessness granted under the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act.

Sacramento Steps Forward is proposing the creation of the Sacramento Homeless Policy Council with the purpose of providing broad-based, collaborative and strategic leadership on Sacramento's response to the crisis of homelessness. The Policy Council's objectives will include establishment of shared policy direction on solutions to address the homelessness crisis; promoting alignment of coordinated system policies and integrated approaches; and accelerated knowledge sharing and actionable best practices for addressing homelessness in Sacramento.

The Policy Council is anticipated to meet three times each year beginning in the first quarter of 2020 and will be staffed by Sacramento Steps Forward. Initial meeting topics include policy direction for major initiatives (such as homeless response system, sheltering, housing); coordinated entry system improvements; and performance reviews/updates on homeless plan/programs.

In early November, the Sacramento County Board of Supervisors endorsed the formation of the Sacramento Homeless Policy Council.

POLICY / RULE

The Homeless Policy Council is proposed to be comprised of twelve members as follows:

Representing:	Reps
Sacramento County Board of Supervisors	2
Sacramento City Council	2
Citrus Heights, Elk Grove, Galt, Isleton, Folsom, Rancho Cordova	6

Sacramento Continuum of Care	1
Sacramento Steps Forward	1

The Folsom City Council may appoint one of its members to serve on the Policy Council, and staff recommends that a primary and alternate representative be appointed. Council Member Roger Gaylord has indicated an interest in serving as the primary, and Mayor Sarah Aquino has indicated an interest in serving as the alternate.

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council appoint primary and alternate members of the City Council to serve on the Sacramento Homeless Policy Council.

Submitted,

Christa Freemantle, City Clerk

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Date: January 7, 2020

To: Mayor and City Council Members

From: Office of Management and Budget

Subject: Budget for FY 2020-21 – Preliminary Discussion of Budget Priorities, Requests and Expectations and Direction to Staff

Staff will provide a brief presentation to initiate a preliminary discussion regarding the Fiscal Year 2020-21 Budget. Staff will also be seeking guidance and direction regarding the City Council priorities, requests and expectations for the Fiscal Year 2020-21 Budget.

Submitted,

Stacey Tamagni
Finance Director

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DATE: December 30, 2019

TO: Mayor and City Council Members

FROM: Community Development Department

SUBJECT: ORDINANCE NO. 1299 – AN ORDINANCE REPEALING AND REPLACING THE TREE PRESERVATION ORDINANCE AS SET FORTH IN CHAPTER 12.16 OF THE FOLSOM MUNICIPAL CODE (INTRODUCTION AND FIRST READING)

BACKGROUND/ISSUE

Trees provide an essential contribution to the general welfare, economic vitality, and overall beauty and character of Folsom. In 1995, the City Council adopted a Tree Preservation Ordinance (Folsom Municipal Code Chapter 12.16) primarily to establish and maintain tree cover and to promote conservation of tree resources. In the 24 years since that time, there have been a few minor amendments to the definitions and procedures (1996) and to mitigation fees (2006). City Staff and stakeholders (residents, developers, arborists) have identified challenges interpreting/implementing the current code as written. As such, staff has engaged the community in a focused update to solve problems and give us more tools in our toolbelts to help protect and preserve trees.

In April of 2019, staff introduced the planned approach and process for the Tree Preservation Ordinance Update to the City Council, conducted stakeholder interviews and held a Community Workshop. Through the initial outreach efforts with residents and stakeholders, staff garnered voiced feedback reflecting the following focal desires:

1. Recognize the inherent value of all trees with regard to both ecological and socioeconomic benefits by expanding protection to trees beyond native oak trees.

2. Prioritize tree preservation over removal with mitigation by providing incentives to retain trees during development and mechanisms for discouraging tree removal.

3. Better protect trees on construction sites by incorporating industry recognized standards and best management practices into permit requirements and conditions.

4. Streamline the permit process and establish clear expectations and criteria for decisions.

5. Reassess how mitigation requirements are tabulated with considerations to the actual cost of planting and maintaining replacement trees.

Through the summer of 2019, staff worked with a consultant to conduct research and analysis of best practices and potential solutions to solve the identified problems and challenges associated with the current regulations. The Public Draft Tree Preservation Ordinance was completed and circulated for public review from October 14 to November 14, 2019.

During that review period, City Council held a public workshop (October 22, 2019) intend to provide a venue for the community, stakeholders, and decision makers to learn about significant changes proposed and to provide input and direction as appropriate prior to any public hearing. Staff presentation highlighted proposed changes and showed several common scenarios for applicability of existing vs proposed regulations. Council asked questions, provided comments, heard a few public comments and directed staff to proceed with additional outreach and prepare any modifications for public hearing and consideration of adoption.

OUTREACH/FEEDBACK

In addition to posting the public review draft on the City of Folsom website and including announcements in the City's newsletter and on social media, staff pursued further outreach actions via email and phone to developers and stakeholders following the release of the public review draft. Staff received verbal commitments from those contacted to review the document and provide inputs. Additionally, supplemental meetings were held with the Sacramento Municipal Utility District (SMUD), resident groups, and arboricultural professionals.

During the 30-day public review period on the Public Review Draft Tree Preservation Ordinance dated October 2019, staff received various input contributions from residents, representatives within the development community, technical experts in the field of arboriculture and other stakeholders including the Sacramento Metropolitan Air Quality Management District and SMUD. Stakeholder communications/comments are provided in Attachment 4. Using the feedback received through this public process City staff incorporated appropriate edits aiming to address raised concerns and identify solutions. The bulk of received comments consisted of requests for clarity and technical corrections, which staff have addressed via updated definitions, added language in applicable sections to more clearly delineate processes, and the inclusion of diagrams and illustrations. Specific edits made to the October 2019 draft are shown in track changes in Attachment 3.

ANALYSIS

In addition to surgical edits for the purposes of providing clarity and technical corrections, a few substantive edits were made following the public review period in response to comments received. These changes and the basis for each are delineated below:

Definition of Heritage Tree (12.16.020) - This definition has been clarified to delineate certain species shall be excluded from Heritage status due to their invasive nature or undesirable traits. These species shall be specified in the Folsom Master Tree List and will include species such as cottonwoods, willows, Chinese tree of heaven, locust, palms, eucalyptus, and redwoods.

Tree Permit Exemptions for Utility Companies (12.16.050(C)(11)) - The exemption for utility companies further clarifies that the utility company may be either public or private investor-owned. Additionally, language was added to specify requirements for notifying the City prior to engaging in tree work on protected trees and to emphasize the requirement that tree work performed shall conform to ANSI A300 Standards and Best Management Practices as published by the International Society of Arboriculture.

Required Findings for Approval of Tree Removal Permits (12.16.080(B)(5)) - A finding for approval of a tree removal permit was added to allow more flexibility to owner-occupant

of residential properties. This finding specifies that a resident may be granted a permit to remove their street tree so long as a replacement tree is planted on the property consistent with the mitigation requirements outlined in Section 12.16.150(A)(1)(c).

Grounds for an Appeal (12.16.100(B)) - Clarification has been added that specifies the grounds for an appeal must be based upon the findings or conditions placed upon a tree removal permit. This edit was elicited by concerns that appellants could potentially have the ability to postpone or thwart development without substantive grounds to do so.

Preparation of a Tree Protection and Mitigation Plan (12.16.140) - Allowance for a licensed professional other than an Arborist to prepare the Tree Protection and Mitigation Plan, as approved by the Approving Authority, has been added to address situations where development encroachment into the Tree Protection Zone is minor or minimal.

Tree Condition Ratings in an Arborist Report (12.16.140(B)(2)) - A nationally recognized standardized system for rating tree condition has been included as a requirement in an arborist report. This will allow for continuity between projects when assessing trees for mitigation requirements.

Tree Preservation Credits toward Mitigation (12.16.150(B)(a)) - Language has been added to this Section pertaining to Tree Preservation Credit to clearly detail how this concept works. Healthy protected trees preserved within the buildable area of a parcel during development shall have a credit ratio of 1/2" for every 1" Diameter at Standard Height (DSH) preserved. A properly preserved 20" DSH tree, for example, would provide a reduction of 10" toward the mitigation of other trees removed for development.

DISCUSSION

The Public Hearing Draft of the Tree Preservation Ordinance (Attachment 2) aims to correct obstacles encountered by staff in the implementation of the current ordinance as well as address voiced concerns and desires from residents and stakeholders. These focal concerns and the new strategies incorporated into the public hearing draft of the ordinance to address them are as follows:

1. Recognize the inherent value of all trees with regard to both ecological and socioeconomic benefits by expanding protection to trees beyond native oak trees. *The definition of Protected Tree has been broadened to include Parking Lot Shading Trees and Replacement Trees planted as a result of mitigation. Additionally, the definition of Heritage Tree has been expanded to include other large, mature species over a diameter threshold of 30" DSH. These changes acknowledge the value of species beyond native oaks by adding protection to trees that contribute all urban trees and the benefits they provide by adding protections to species beyond native oaks.*

2. Prioritize tree preservation over removal with mitigation by providing incentives to retain trees during development and mechanisms for discouraging tree removal. *The concept of Reasonable Alternative Measures has been introduced, which considers tree management options as well as possibilities for modifications to development standards set forth in the Zoning Code to allow for tree preservation. The concept of Tree Preservation Credits has also been introduced, which allows for reduced mitigation requirements when trees are preserved on a development site. Additionally, a loophole in the current ordinance has been closed, which specified a substantially reduced mitigation requirement when placing the footprint of a structure over existin*

Protected Trees. By closing this loophole and incorporating the concepts Reasonable Alternative Measures and Tree Preservation Credit, this public hearing draft of the Tree Preservation Ordinance uses a "carrots vs sticks" approach in encouraging tree preservation over removal.

3. Better protect trees on construction sites by incorporating industry recognized standards and best management practices into permit requirements and conditions. *The updated ordinance includes a definition for Arborist, which specifies required credentials for arboricultural professionals engaging in tree work on Protected Trees. New standard conditions of approval have been added that acknowledge industry standards and best management practices. Specifications on Tree Protection and Mitigation Plans have been added to delineate requirements on tree preservation and ensure proper tree management during construction to minimize impacts. These additions recognize that trees improperly managed during construction activities have a reduced likelihood of longevity following the development and aim to prevent tree decline by requiring proper tree protection in accordance with internationally recognized standards.*

4. Streamline the permit process and establish clear expectations and criteria for decisions. *New language has been added to the public hearing draft that delineates prohibited activities and establishes required findings to garner approval on a tree permit. The tree permit process has been modified to include two different permit types (a Tree Work Permit and a Tree Removal Permit) with clarified submittal requirements and provisions for securing either permit type. Under the updated ordinance, applicants for master development plans would be required to submit a Tree Protection and Mitigation Plan as part of the entitlement process, which could result in an expedited tree removal permit process once parcels are sold to builders for development. Additionally, updated mitigation provisions have been added to clarify ambiguities in the existing Tree Preservation Ordinance.*

5. Reassess how mitigation requirements are tabulated with considerations to the actual cost of planting and maintaining replacement trees. *The public hearing draft of the Tree Preservation Ordinance proposes a new methodology to calculating mitigation requirements. Rather than the categorical mitigation system utilized in the current Tree Preservation Ordinance, which can result in inequities in mitigation requirements among development projects, the draft document proposes a direct inch per inch mitigation rate based upon a tree's diameter at standard height (DSH). This new strategy will result in mitigation requirements that more directly reflect an applicant's specific project as well as align with how neighboring jurisdictions in the region tabulate mitigation requirements. The new inch:inch replacement ratio will also better encourage replacement planting over payment of In-Lieu fees as the current mitigation requirements as outlined in TPO and resolution XXX result in a situation where payment of the In-Lieu fees is more financially viable to applicants than planting replacement trees.*

ENVIRONMENTAL REVIEW

On January 14, 2020, City Council approved and certified an Addendum to the 2035 General Plan Final Program Environmental Impact Report (FPEIR) for the Folsom Tree Preservation Ordinance Update (TPOU). The Addendum analyzed the effects of revising the existing Tree Preservation Ordinance (Folsom Municipal Code Chapter 12.16) to update and modify permit requirements, impose standard management and preservation conditions, and focus the TPOU on the preservation of existing trees. Based on the analysis in the Addendum, the City found that there will not be a significant effect on the environment because the mitigation measures imposed with the certified 2035 General Plan Final FPEIR have either already been implemented, or will be implemented via future City actions to reduce impacts to a less-than-significant level. In the case of any unmitigated significant impacts previously identified in the certified FPEIR, these have been identified in the Statement of Findings and Overriding Considerations that was adopted during certification of the FPEIR (Resolution 10147) that applies to the Folsom General Plan 2035 project as a whole. The information in the environmental study (Addendum) supports the determination that the revisions to the Folsom Municipal Code Chapters 12.16.010 through 12.16.230 (Tree Preservation Ordinance Update) are within the scope of the previously certified FPEIR.

ATTACHMENTS

1. Ordinance No. 1299 - An Ordinance Repealing and Replacing the Tree Preservation Ordinance as set forth in Chapter 12.16 of the Folsom Municipal Code (Introduction and First Reading)
2. Summary of Significant Changes to the Tree Preservation Ordinance dated December 30, 2019
3. Public Hearing Draft Tree Preservation Ordinance dated December 30, 2019 with track changes showing edits to the October 2019 Public Review Draft Tree Preservation Ordinance
4. Public Comments

RECOMMENDATION /CITY COUNCIL ACTION

Staff respectfully requests that the City Council pass and adopt Ordinance No. 1299 - An Ordinance Repealing and Replacing the Tree Preservation Ordinance as set forth in Chapter 12.16 of the Folsom Municipal Code (Introduction and First Reading)

Submitted,

PAM JOHNS
Community Development Director

Attachment 1

Ordinance No. 1299 – An Ordinance Repealing and Replacing the Tree Preservation Ordinance as set forth in Chapter 12.16 of the Folsom Municipal Code

ORDINANCE NO. 1299

AN ORDINANCE REPEALING AND REPLACING THE TREE PRESERVATION ORDINANCE AS SET FORTH IN CHAPTER 12.16 OF THE FOLSOM MUNICIPAL CODE (INTRODUCTION AND FIRST READING)

THE CITY COUNCIL OF THE CITY OF FOLSOM HEREBY DOES ORDAIN AS FOLLOWS:

SECTION 1 PURPOSE

The purpose of this ordinance is to repeal and re-enact Chapter 12.16 (Tree Preservation) of Title 12 (Streets and Sidewalks) of the Folsom Municipal Code to establish standards and measures for the preservation trees consistent with the City's General Plan and community values.

SECTION 2 CHANGES TO FOLSOM MUNICIPAL CODE

Chapter 12.16 of Title 14 of the Folsom Municipal Code is hereby amended to read as follows:

Title 12
STREETS AND SIDEWALKS

Chapters:
12.16 Tree Preservation

Chapter 12.16
TREE PRESERVATION

SECTIONS

12.16.010 Purpose and Intent
12.16.020 Definitions
12.16.030 Applicability
12.16.040 Prohibited Activities
12.16.050 Permit Required
12.16.060 Application Requirements
12.16.070 Approving Authority
12.16.080 Findings for Approval
12.16.090 Notice of Decision
12.16.100 Appeals
12.16.110 Effective Date and Permit Expiration
12.16.120 Permit Compliance and Amendment
12.16.130 Conditions of Approval
12.16.140 Tree Protection and Mitigation Plan Requirements
12.16.150 Mitigation Requirements

12.16.160 Tree Planting and Replacement Fund
12.16.170 Landmark Designation
12.16.180 Maintenance
12.16.190 Street Tree Planting
12.16.200 Parking Lot Shading Tree Planting
12.16.210 Solar Shade Control Act Exemption
12.16.220 Violations, Enforcement, And Penalties

12.16.010 Purpose and Intent

A. Purpose. Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, protection from heat and ultra-violet radiation, energy savings, reduced Heat Island effect, habitat for wildlife, carbon sequestration, and improvement of property values. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of the City's Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the City Council finds it necessary to establish standards and measures for the preservation of trees.

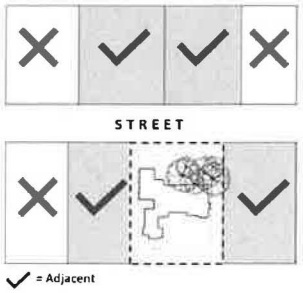
B. Intent. The provisions of this Chapter are enacted to:
   1. Establish and maintain the optimum amount of tree cover on public and private lands.
   2. Promote conservation of tree resources and long-term sustainability.
   3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices.
   4. Protect the visual and aesthetic character of the City.
   5. Implement the conservation goals of the General Plan.
   6. Establish procedures for the City to administer this tree preservation ordinance.

12.16.020 Definitions

This section includes the definition of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, the terms and phrases as defined in this Chapter shall control for the purposes of this Chapter. If a word is not defined in this Chapter, the Community Development Director shall determine the most appropriate definition for purposes of enforcing the tree preservation ordinance.

Adjacent. Having a common property line, or immediately next to a property or to a property located across from an alley, path, private street, easement, or public street as shown in Figure 12.16-1.

Figure 12.16-1



ANSI A300 Standards. The most current version of Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices of the American National Standards Institute, as amended from time to time.

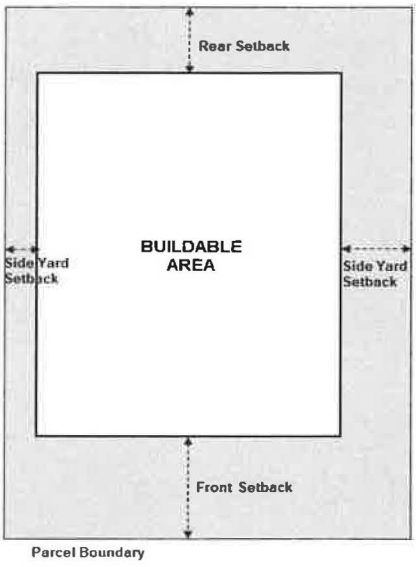
Appeal Authority. The Director or Commission authorized under this Chapter to consider appeals of decisions by the Approving Authority.

Approving Authority. The City Arborist is the Approving Authority for the Tree Work Permit and Tree Removal Permit covered by this Chapter.

Arborist Report. A report prepared by an Arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.

Arborist. An individual certified as an Arborist by the International Society of Arboriculture (ISA) and holds a current and unexpired certification.

Figure 12.16-2



Buildable Area. The area of a parcel where buildings may be constructed excluding front, rear and side yard setbacks as required by the Zoning Code. In the case of a parcel that is to be subdivided, the buildable footprint would be the Buildable Area of each proposed new parcel excluding front, rear and side yard setbacks as required by the existing or proposed zoning for the new parcel(s). Refer to Figure 12.16-2.

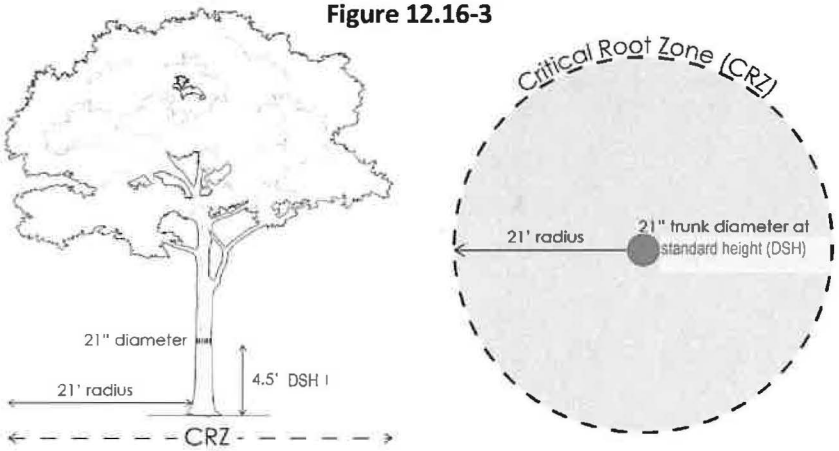
City Arborist. An Arborist who is a City employee whose job duties include the review, evaluation and preparation of reports and permits under this Chapter.

Certificate of Compliance. A written statement from an Arborist verifying that the conditions associated with a Tree Permit have been satisfied.

Commission. The Planning Commission or Historic District Commission depending on the location of the Regulated Activity.

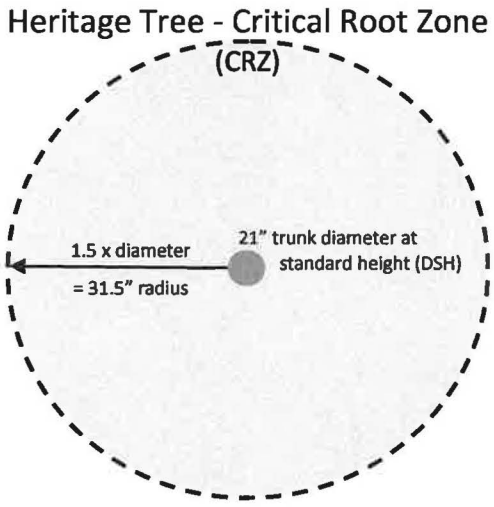
Critical Root Zone (CRZ). The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This Critical Root Zone area for all trees except Heritage Trees is a circle with a minimum radius of 1 foot for every 1 inch in trunk diameter at DSH. Refer to Figure 12.16-3

Figure 12.16-3



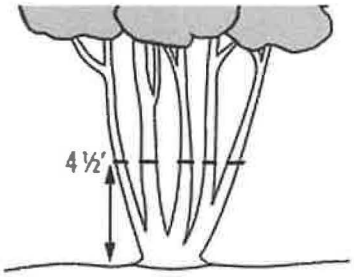
For Heritage Trees, the Critical Root Zone area shall be a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at DSH, unless reduced by the City Arborist. Refer to Figure 12.16-4.

Figure 12.16-4



Diameter at Standard Height (DSH). The diameter of a tree measured at four and one-half (4.5) feet above the ground while standing on the high side of the tree. For a tree other than a Multi-trunked Tree that branches at or below four and one-half feet, DSH shall mean the diameter at the narrowest point between the grade and the lowest branching point. The diameter shall be calculated by use of the following formula:

Figure 12.16-5



diameter = circumference/3.142

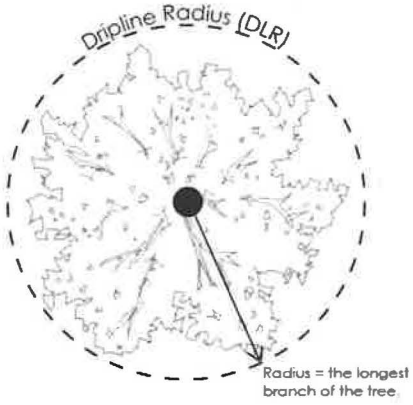
For Multi-trunked Trees, the DSH shall be the diameter of each stem measured at four and one-half above the ground while standing on the high side of the tree added together in total. Refer to Figure 12.16-5.

Extrapolated Diameter at Standard Height (DSH). This shall be used for purposes of calculating the mitigation for a Multi-trunked Tree. It is derived from adding the cross-sectional area of each stem measured at four and one-half (4.5) feet above grade to determine a value for the DSH. In a Multi-trunked Tree, this is calculated by taking the square root of the sum of each individual stem's DSH squared. The Extrapolated DSH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.

Director. The Director of the City's Community Development Department or his/her designee.

Dripline Radius (DLR). A perfect circle around the tree with the radius being equal to the longest branch of the tree. Refer to Figure 12.16-6.

Figure 12.16-6



Emergency. For purposes of this Chapter, emergency is defined as an imminent danger to the safety of persons or property and/or the imminent loss of water, sewer, gas or electrical service or access to public or private property(ies).

Heat Island. An urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.

Heritage Tree. Except for trees listed as "Not Eligible for Heritage Status" on the City's Master Tree List, a tree on the City's Master Tree List over 30 inches in DSH or a multi-trunked tree on the Master Tree List having a combined DSH of 50 inches or more.

ISA Best Management Practices. Recommended methods for the planting, care, maintenance, pruning of trees prepared by the International Society of Arboriculture.

Landmark Tree. A tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to its size, age, location, historic association or ecological value.

Major Pruning. The cutting of any individual branch or root with a diameter of two inches or greater or a circumference of more than six and one-quarter inches at the location of the cut on such branch or root. It shall also include the cutting of a cumulative amount of more than ten percent of the Root System, the Tree Crown, or a combination of both within a 12-month period.

Master Tree List. A list prepared by the City, as amended from time to time, identifying the species of trees that may be planted as replacement trees, as Parking Lot Shading Trees, or as Street Trees as well as trees that are not-recommended or excluded from protection.

Minor Pruning. The cutting of any individual branch or root of less than two inches in diameter at the point of the cut on such branch or root. The cumulative amount of cutting shall not be more than ten percent the Root System, the Tree Crown, or a combination of both within a 12-month period. Pruning that substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered Minor Pruning.

Mitigation. For purposes of this Chapter, this is the action or set of actions designed to reduce the negative effects resulting from the loss of a Protected Tree and the reduction to Folsom's tree canopy.

Monitoring Period. A time period specified in the Tree Protection and Mitigation Plan and approved by the City Arborist in order to ensure that preserved trees and replacement trees are in good health and remain viable. For replacement trees, this time period is typically three years.

Multi-trunked Tree. A tree with multiple stems originating from a single root mass.

Native Oak Tree. One of the following indigenous species of tree or hybrids of any of the trees listed below, with a minimum diameter as shown in Table 12.16-7:

Table 12.16-7
Native Oak Trees

Common Name	Botanical Name	Trunk (DSH)	Multi-trunked Combined (DSH)*
Valley Oak	Quercus lobata	6"	20"
Blue Oak	Quercus douglasii	6"	20"
Interior Live Oak	Quercus wislizenii	6"	20"
Coast Live Oak	Quercus agrifolia	6"	20"

*A Native Multi-trunked Tree listed above with a single stem 6 inches or greater shall be considered a Native Oak Tree.

Parking Lot Shading Tree. Any tree planted in a parking lot in order to meet shade coverage requirements and as identified in the Zoning Code.

Protected Tree. Trees protected under this Chapter include Native Oak Trees, Heritage Trees, Landmark Trees, and Regulated Trees, as defined herein.

Pruning. To cut off or cut back parts a tree to enhance health and structure. Pruning refers to both above surface and underground cutting. See also "Major Pruning" and "Minor Pruning".

Reasonable Alternative Measures. Measures determined and authorized by the Approving Authority or Appeal Authority that may be reasonably implemented to minimize impact to a Protected Tree in order to avoid activities which could result in greater impact to the tree or removal of the tree. Examples may include tree management practices such as root barriers, pruning, root pruning, and soil protection. It may also include minor modifications to the development standards set forth in the Zoning Code to allow a development to preserve existing trees on-site (which may require a variance or other land use approvals).

Regulated Activity. Activities involving Major Pruning of a Protected Tree, activities such as grading, trenching, paving or soil disturbance undertaken within the Tree Protection Zone of a Protected Tree, removal of a Protected Tree, cabling and/or bracing of a Protected Tree, or other activities that may impact the long-term health and survivability of a Protected Tree as may be determined by the City Arborist.

Regulated Tree. Trees required by the City's Zoning Code, (such as Parking Lot Shading Trees and Street Trees), or required as conditions of development project approval (such as landscape buffer or screening trees), or required by this Chapter as mitigation for the removal of a Protected Tree(s).

Replacement Tree. A tree required to be planted as mitigation for removal of a Protected Tree in accordance with the requirements of this Chapter.
Root System. This configuration of the underground parts or appendages of a tree, providing several functions including anchoring and providing water and nutrients to the tree.

Routine Maintenance. Includes the following activities: Minor Pruning; dead branch removal; irrigation; mulch application; mowing or trimming grass or other ground cover close to a tree; application of fertilizer, insecticides, or herbicides in accordance with their label; or any other similar activities that promote the life, growth, or health of trees. Any procedure, technique, or practice that is considered unacceptable or prohibited under the City's Tree Care and Maintenance Standards or by this Chapter is not Routine Maintenance.

Street Tree. A tree of an approved species in accordance with the Folsom Master Tree List located within 12.5' of a street or sidewalk, measured from the back of the sidewalk or back of curb if no sidewalk exists. Street Trees can be either privately or publicly owned.

Subject Property. The property, or properties, for which a permit request has been filed.

Terminal Leader. This is the vertical stem(s) at the top of the trunk of a tree.

Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards, the ISA Best Management Practices, and any other relevant standards as determined by the City Arborist and as amended by the City from time to time.

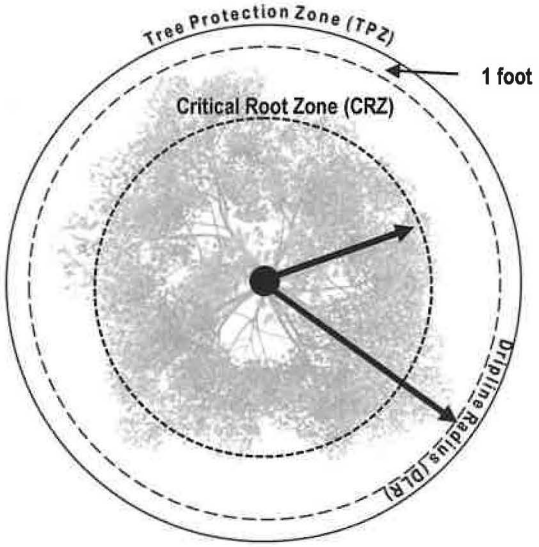
Tree Crown. This is the top part of the tree, which features branches, foliage, flowers, and seeds that grow out from the main trunk and support the various leaves used for photosynthesis.

Tree Permit. A permit issued by the City covering any Regulated Activity affecting a Protected Tree, which may be a Tree Work Permit or a Tree Removal Permit or both.

Tree Protection and Mitigation Plan. A report and/or plan submitted for review and approval before the start of any Regulated Activity.

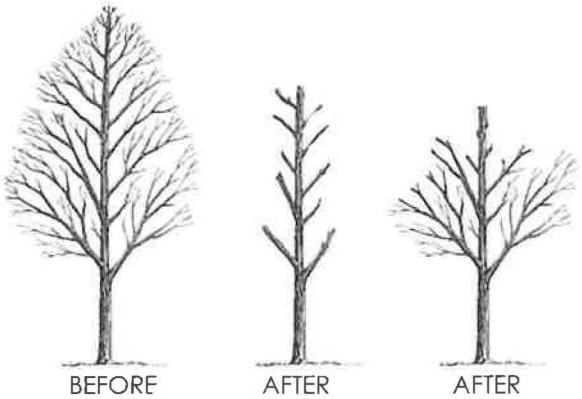
Tree Protection Zone. The circumference of the outermost edge of a tree's Critical Root Zone or Dripline Radius, whichever is greater, plus one foot. When depicted on a map, the Tree Protection Zone will appear as a perfect circle, or group of overlapping circles for multiple trees. Refer to Figure 12.16-8.

Figure 12.16-8



Topping. A type of pruning that is not Routine Maintenance and involves the removal of tops of trees, or large branches or trunks from tops of trees, leaving large stubs or lateral branches that are too small to assume the role of a Terminal Leader. Refer to Figure 12.16-9.

Figure 12.16-9



Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow within an urban boundary.

Zoning Code. Title 17 of the Folsom Municipal Code.

12.16.040 Prohibited Activities

The following activities shall be prohibited with respect to Protected Trees:

A. Topping.

B. Attaching structures using nails, screws, and/or spikes except for the attachment of tags by an Arborist for purposes of tree identification.

C. Wounding or breaking tree trunks or branches through contact with vehicles and heavy equipment.

D. Wounding trunks with string weed trimmers, lawn mowers, and similar equipment.

E. Causing injury by fire or excessive heat.

F. Pruning activities not conducted in accordance with City's Tree Care and Maintenance Standards.

G. The use of tree spikes or spurs while pruning.

H. Any of the following activities within the Tree Protection Zone of any Protected Tree, unless specifically approved by the City and conducted in accordance with the standards of Section 12.16.130 (Conditions of Approval):

1. Placement or storage of large quantities of soil and/or mulch greater than six inches in depth.
2. Excavation and trenching.
3. Changing soil grade by cutting or filling.
4. Grading, tearing, and/or grubbing.
5. Compacting soil with equipment, vehicles, material storage, and/or foot traffic.
6. Installing impervious surfaces, including but not limited to parking lots, driveways, and walkways.

I. Contamination of soil by washing out equipment (especially paint, stucco and concrete) and vehicle maintenance within the Tree Protection Zone.

J. Contamination or compaction of soil by storing or placing construction materials or construction debris and waste within the Tree Protection Zone.

K. Accumulation of water from construction-related activities within the Tree Protection Zone.

L. Cutting down, destroying, effectively destroying through damaging, removing, or moving any Protected Tree without a Tree Work Permit or a Tree Removal Permit at any time unless specifically exempted by this Chapter.

12.16.050 Permit Required

A. Tree Work Permit Required. A Tree Work Permit is required for any Regulated Activities undertaken with respect to a Protected Tree, except where specifically exempted by subsection "C" below:

B. Tree Removal Permit Required. A Tree Removal Permit is required before removal of any Protected Tree, except where specifically exempted by subsection "C" below.

C. Exemptions. The following activities with respect to Protected Tree are specifically exempted from the requirements for obtaining a Tree Work Permit or a Tree Removal Permit.

1. Resurfacing, repaving, or concrete replacement of existing paved areas within the Tree Protection Zone, if conducted under the supervision of an Arborist to guarantee appropriate measures are taken to ensure tree survival.
2. Parking or operation of motor vehicles within the Tree Protection Zone on existing paved areas.
3. Placement or storage of equipment or construction material within the Tree Protection Zone on existing paved areas.
4. Proper planting and maintenance of under-canopy landscaping in accordance with the City's Tree Care and Maintenance Standards.
5. Routine maintenance of Protected Trees.
6. Emergency work involving the removal of limbs or trees damaged by extreme weather, chance occurrence, or unavoidable accident beyond the reasonable control of the property owner.
7. Removal of a Protected Tree that is dead or dying as determined by an Arborist and/or verified by the City Arborist provided that the tree replacement requirements are met.
8. Removal of a Protected Tree that poses an imminent safety risk to the public as determined by the City Arborist or City Fire Chief.
9. Minor pruning activities.
10. Activities that do not disturb or contaminate the soil within the Tree Protection Zone or result in physical contact to the Protected Tree.
11. Public and private utilities performing tree pruning or removal activities as is necessary to maintain a safe operation of their facilities. However, the utility shall notify the Community Development Department at least seven (7) business days before taking any action. If the utility conducts routine maintenance in Folsom on a regular basis, receipt of an annual encroachment permit from the City shall satisfy the notification requirement of this section.

D. Combined Activities. Separate but similar tree-related activities may be reviewed under one permit. The City's decision on the permit shall apply to all activities included in the permit.

E. Limitation. Permit issued under this Chapter entitles the permittee to perform only the Regulated Activities authorized in the permit and is not valid for any other purpose.

12.16.060 Application Requirements

A. Application Form. All Tree Work Permit or Tree Removal Permit applications must be submitted in writing to the Community Development Department on a form provided by the City.
   1. Minimum submittal requirements shall be established by the Director. Additional information necessary for the complete evaluation of an application may be required by the City Arborist. All required material and information shall be provided by the applicant before the application may be deemed complete and accepted for processing.
   2. No application shall be considered complete for acceptance and processing until the required application fee is paid in full.
   3. For work within the Tree Protection Zone or work involving the removal of a Protected Tree, a Tree Protection and Mitigation Plan may be required as part of the permit application as determined by the City Arborist unless exempt under Section 12.16.050(C). If Protected Trees are present on or encroaching into a proposed development site, a Tree Protection and Mitigation Plan may be required as part of the entitlement application.
      a. If all Regulated Activity is outside of the Tree Protection Zone of the Protected Trees, then only a site plan showing the location of the Protected Trees in accordance with Section 12.16.140(A) will be required.

B. Application Fees. The City Council may establish a fee by resolution for the processing of permit applications under the provisions of this Chapter, which may be amended from time to time.

12.16.070 Approving Authority

The Approving Authority may approve, modify, approve with conditions, or deny the permit application in accordance with this Chapter. The Approving Authority shall be responsible for the interpretation of provisions of this Chapter in the event of confusion or a conflict. The decision of the Approving Authority on a Tree Work Permit shall be final and not subject to appeal. A Tree Removal Permit may be appealed to the Appeal Authority pursuant to procedures set forth in Section 12.16.100 (Appeals).

12.16.080 Findings for Approval

The following findings are required before issuance of the specified permit.

A. Tree Work Permit. Before approving an application for a Tree Work Permit, the Approving Authority shall make the following findings:

1. The proposed activity is not detrimental to the immediate or long-term health of the Protected Tree; or
2. The proposed activity may impact the immediate health of the Protected Tree(s), but a Tree Protection and Mitigation Plan has been prepared that minimizes the impact and protects the long-term health of the tree(s) to the satisfaction of the Approving Authority; and
3. The proposed activity is in accordance with the provisions of this Chapter and all applicable City standards and policies.

B. Tree Removal Permit. Before approving an application for a Tree Removal Permit, the Approving Authority shall make at least one of the following findings:
1. The condition of the Protected Tree with respect to disease, danger of falling, or long-term health of the tree is such that the tree is not likely to survive.
2. The condition or location of the Protected Tree or its roots is interfering with water, sewer, gas, electrical services, streets or sidewalks and is likely to cause a foreseeable interruption in service or function to the subject property or properties in the vicinity and there are no Reasonable Alternative Measures to avoid, prevent or lessen the interference.
3. The Protected Tree or its roots are causing or will cause damage in the near future to any existing permanent structure or feature on the property or on any Adjacent property including pools, driveways, and there are no Reasonable Alternative Measures to avoid, prevent or remove and repair the damage or imminent damage.
4. Use of the property consistent with the Zoning Code cannot be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.
5. The tree is a Protected Tree, other than a Native Oak Tree or Landmark Tree, in the front yard of a residential property of one-half acre or less with an existing residential structure on-site, and the property owner agrees to plant a replacement tree on the property consistent with the requirements of Section 12.16.150 (A)(1)(c).

12.16.090 Notice of Decision

A. Written notice of an application for a Tree Removal Permit shall be provided to owners of properties located immediately Adjacent to the subject property after an application has been received by the City. The notice shall include the following:
1. Location where the application may be viewed.
2. The timing for the decision on the application to be made by the Approving Authority.
3. The location where the decision and any conditions imposed as part of the approval or reasons for denial may be viewed.
4. The timeline and process for appeals, as applicable.

B. Written Notice. Written notice of decision on an application for a Tree Work Permit or Tree Removal Permit shall be provided to the applicant as part of the permit issuance or denial. Notice of decision on a Tree Removal Permit will also be posted on the City's website.

12.16.100 Appeals

A. Right to Appeal. The decision on a Tree Work Permit is final and not subject to appeal. For a Tree Removal Permit, any person dissatisfied with the determination of the Approving Authority may file an appeal with the Director. The decision of the Director may be appealed to the Planning Commission or the Historic District Commission depending upon the location of the Protected Tree. The decision of the Planning Commission or Historic District Commission may be appealed to the City Council.

B. Filing an Appeal. An appeal shall be submitted in writing to the City Clerk within 10 calendar days following a decision rendered under this Chapter, with payment of an appeal fee adopted by the City Council. The appeal shall, at a minimum, state the following:
   1. The project or matter being appealed.
   2. The date of the City's decision that is the subject of the appeal.
   3. The specific finding(s), condition(s), standard, or action being appealed.
   4. A statement specifying the basis or grounds of the appeal, such as why the decision is not consistent with the standards and regulations of this Chapter.
   5. No appeal shall be deemed filed until the prescribed appeal fee has been paid.
   6. Failure to file a written appeal within the time and in the manner stated above shall constitute a waiver of the right to appeal.

C. Notice and Schedule of Appeal Hearings.
   1. For appeal to the Director of a decision by the Approving Authority pursuant to this Chapter, no hearing shall be required prior to a decision by the Director on the appeal.
   2. For appeal to the Commission of a decision by the Director pursuant to this Chapter, the Director shall schedule an appeal hearing with the Planning Commission or the Historic District Commission, as applicable, as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing. Any hearing may be continued from time to time.
   3. For appeal to the City Council of a decision by the Commission pursuant to this Chapter, the Director shall schedule an appeal hearing with the Council, as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing. Any hearing may be continued from time to time.

D. Appeal Review and Action. The Director, Planning Commission and/or Historic District Commission, and/or Council acting as Appeal Authority shall review all matters relating to the decision being appealed, de novo, and may make any order it deems just and equitable. The Appeal Authority may act to confirm, modify, or reverse the decision of the Approving Authority, in whole or in part, or add or amend such conditions as it deems necessary.

E. Notice of Appeal Decision.

1. Director Decisions. At the conclusion of the review, the Director shall make findings supporting the decision on the appeal. Written notice of the decision shall be provided to the appellant and the project applicant.
2. Commission Decisions. At the conclusion of the hearing, the Planning Commission or Historic District Commission shall make findings supporting its decision on the appeal. The decision of the Planning Commission or Historic District Commission shall be filed with the City Clerk and provided to the appellant and the project applicant.
3. Council Decisions. At the conclusion of the hearing, the Council shall make findings supporting its decision on the appeal. The decision of Council shall be filed with the City Clerk and provided to the appellant and the project applicant.

12.16.110 Effective Date and Permit Expiration

A. Effective Date.

1. Tree Work Permit. Tree Work Permits shall become effective on the date an approval is issued by the Approving Authority.
2. Tree Removal Permit. Tree Removal Permits issued under this Chapter shall become effective 10 calendar days following the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal. If the Appeal Authority upholds a Tree Removal Permit application, the permit shall become effective on the day following the decision by the Appeal Authority.

B. Time Limits.

1. Application Expiration. Any application inactive for a period of six (6) months from the last written correspondence with the applicant shall expire, as determined by the Approving Authority. If the applicant subsequently wishes to continue to pursue the requested permit, a new application, including fees and all submittal requirements must be filed in compliance with this Chapter.
2. Permit Expiration. Any permit not exercised within six (6) months from the date of approval shall expire. The exercise of a permit occurs when the permittee performs substantial work for the activity approved under the permit, as determined by the Approving Authority.
3. Associated Entitlements. When a permit under this Chapter is approved in association with other project entitlements (i.e., tentative map, design review, etc.), the permit expiration date shall track the expiration of said project entitlements not to exceed two (2) years.

4. Extensions. An applicant may request an extension in writing for up to six (6) months for a permit or a permit application, which may be granted at the discretion of the Approving Authority. The request must include the reason(s) for the extension.

12.16.120 Permit Compliance and Amendment

A. Compliance with Permit Requirements. A Tree Permit shall entitle the applicant to perform only the Regulated Activity authorized by the permit. No person shall undertake any Regulated Activity that does not comply with an approved Tree Permit. Any proposed change in the nature or scope of the Regulated Activity that is not in compliance with the approved permit shall require an application to amend the approved permit, which shall be submitted, processed, and reviewed as a new application under the provisions of this Chapter.

B. Substantial Compliance. The Approving Authority may approve minor changes to an approved permit if the proposed changes are in substantial compliance with the permit and permit conditions. Such proposed changes shall not significantly affect the scope and intent of the approved work or reduce any requirement intended to mitigate an impact to a Protected Tree.

12.16.130 Conditions of Approval

The Approving Authority may impose such conditions as are necessary to ensure compliance with this Chapter with respect to the proposed project, including but not limited to conditions to lessen impacts to Protected Trees or to mitigate environmental impacts of the proposed activity. The following are standard conditions of approval that shall apply to each type of work listed below.

A. Tree Pruning. Tree Work Permit for Protected Tree pruning activities shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
   1. All pruning activities shall be conducted in accordance with the City's Tree Care and Maintenance Standards.
   2. All work shall be performed by or under the supervision of an Arborist.

B. Tree Protection Zone Work. Tree Work Permits for Regulated Activities conducted within the Tree Protection Zone shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
   1. A Tree Protection and Mitigation Plan may be required by the Approving Authority.
   2. All work shall be conducted and performed:
      a. In accordance with the City's Tree Care and Maintenance Standards.
      b. In accordance with the approved Tree Work Permit and, if required, the Tree Protection and Mitigation Plan.
      c. By or under the supervision of an Arborist unless this requirement is waived by the Approving Authority.

3. For construction activities, each Protected Tree or group of Protected Trees to be preserved shall be enclosed with high visibility fencing prior to the commencement of any Regulated Activity.
4. Signs shall be posted on all sides of fences surrounding each Protected Tree or Trees stating that enclosed tree(s) are to be preserved. The signs shall state the penalty for damage to, or removal of, the Protected Tree. The size and number of posted signs required for the site shall be determined by the Approving Authority.
5. Any approved Tree Protection and Mitigation Plan must be submitted as part of the application and plan set submittal for the Regulated Activity such as applications and plans for a grading permit, building permit, landscape permit, etc.
6. An Arborist or their authorized representative shall be present on-site during all permit activities in order to monitor compliance with the permit, the permit conditions, and this Chapter to the satisfaction of the Approving Authority.
7. A Certificate of Compliance shall be submitted by an Arborist as follows:
    a. Once all permit activities are complete – to confirm compliance with the Tree Protection and Mitigation Plan.
    b. Once the Monitoring Period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the Protected Trees are in good health and remain viable.

C. Tree Removal. A Tree Removal Permit for removal of a Protected Tree shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:
1. A Tree Protection and Mitigation Plan may be required by the Approving Authority.
2. A Certificate of Compliance may be required by an Arborist to the Approving Authority as follows:
    a. Once replacement planting is complete – to confirm that the replacement tree(s) have been planted in accordance with the submitted Tree Protection and Mitigation Plan and any other applicable conditions of approval.
    b. Once the Monitoring Period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the replacement trees are in good health and remain viable.

D. All Tree Permits shall be subject to the following:
1. Tree Permit Kept on Site. A copy of the applicable Tree Permit and Tree Protection and Mitigation Plan shall be kept at the project site at all times shall always be kept at the project site and shall be made available for inspection upon request.
2. Permittee Responsibilities. The permittee is responsible for compliance with all requirements of the Tree Permit.
3. Indemnification. Permittees of Tree Permits issued under this Chapter shall defend, protect, indemnify and hold harmless the City and its officials, agents and employees from any and all claims, demands, suits, causes of action, damages,

costs, expenses, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the issuance of the Tree Permit or the permittee's work performed under the Tree Permit.

12.16.140 Tree Protection and Mitigation Plan Requirements

The Tree Protection and Mitigation Plan, if required under this Chapter, shall be prepared by an Arborist or other licensed professional, as approved by the Approving Authority, and contain the following information:

A. A site plan, which shall include the following information, and any other information determined to be necessary by the Approving Authority.
   1. Physical characteristics (existing and proposed).
      a. Property lines;
      b. Streets, access easements and/or public or private driveways and other paved areas;
      c. Buildings or structures;
      d. Setbacks of all buildings and structures from property lines;
      e. Parking and other paved areas;
      f. Land uses on parcel (existing and proposed as applicable); and
      g. Proposed grading and construction, including utilities, if available.
   2. Tree locations, including:
      a. All trees located on the property;
      b. Diameter at Standard Height of each tree;
      c. Species of each tree;
      d. Those Protected Trees which are to be preserved and which will be subject to Regulated Activity;
      e. Protected Trees that may or will be impacted by the proposed Regulated Activities shall be clearly indicated;
      f. The location of any replacement trees proposed as mitigation;
      g. The exact location of the base and Tree Protection Zone for each tree within the project boundary;
      h. The tree number(s) shall be shown on both the site plan and grading plan and on the trees themselves (attached by nonharmful methods);
      i. The base elevation of each Protected Tree shall be shown on the site plan as well as the grading plan; and
      j. A survey of the exact location(s) of such tree(s), both horizontally and vertically, shall be conducted by a professional engineer or a licensed land surveyor.

B. An Arborist Report which includes the following and any other information determined to be necessary by the Approving Authority:
   1. A statement of qualifications for the Arborist(s) or others that prepare the Tree Protection and Mitigation Plan.
   2. Protected Trees shall be rated according to this American Society of Consulting Arborists (ASCA) Tree Rating System shown in Table 12.16-10.

Table 12.16-10
ASCA Tree Rating System

Rating	Rating No.	Rating Description
Excellent	5	No problem(s)
Good	4	No apparent problem(s)
Fair	3	Minor problem(s)
Poor	2	Major problem(s)
Hazardous or Non-correctable	1	Extreme problem(s)
Dead	0	Dead

3. A description of Regulated Activities to be conducted.
4. A procedure and course of action recommended by an Arborist which addresses the impacts to individual Protected Trees from the proposed Regulated Activity and provides the details necessary for preservation and mitigation and which shall include the following:
    a. For Regulated Activity to be conducted within a Tree Protection Zone, the Tree Protection and Mitigation Plan shall identify those methods that shall be used by the applicant to protect the tree(s) during the proposed Regulated Activities, consistent with the requirements of Section 12.16.150. The methods used shall include, but not be limited to, the following:
        i. Preservation devices such as soil or surface protection, protective fencing, root protection devices or other such methods.
        ii. The detailed recommendations for existing or proposed planting and/or irrigation within the Tree Protection Zone.
        iii. Standards for performing work such as trenching, root cutting, or grading shall be consistent with the City's Tree Care and Maintenance Standards to preserve the Protected Tree.
    b. For removal of a Protected Tree, the Tree Protection and Mitigation Plan shall include:
        i. The number of replacement trees required to mitigate for removal of the Protected Tree(s) consistent with Section 12.16.150(A).
        ii. The number of replacement trees that may be accommodated on the same property as the Protected Tree(s) proposed for removal. The number of replacement trees that may be accommodated on the property shall be determined by an Arborist based on the long-term viability of the replacement tree(s). Long-term viability shall be determined based on the following factors:

1. Whether the proposed location of the replacement tree can accommodate full growth.
2. Quality of the environment in which the tree is to be located.
3. Potential impact to the replacement tree from any proposed development or construction activities.

iii. The schedule for planting of the replacement trees subject to approval of the Approving Authority.

iv. The strategy chosen by the applicant to satisfy the required mitigation shall be consistent with the provisions of Section 12.16.150(B).

v. If in-lieu fee payment is the only feasible option available to satisfy the mitigation requirements set forth in Section 12.16.150(B) then the information listed above in Section 12.16.140(B)(4) is not required.

c. A monitoring program for the replacement trees, including a specified time period, the party responsible for monitoring, and the method and frequency by which monitoring reports will be submitted to the City.

d. Other items as determined by the Approving Authority to satisfy the requirements of this Chapter.

12.16.150 Mitigation Requirements

Removal of any Protected Tree shall be mitigated in accordance with the provisions of this section.

A. Replacement Trees Required. Replacement trees shall be required as follows:

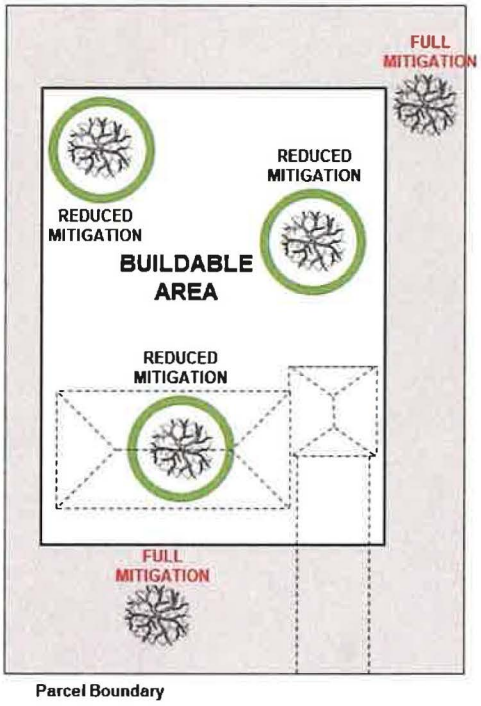
1. Protected Trees. Protected Trees rated 3, 4 or 5 in the ASCA Tree Rating System in Section 12.16.140(B) shall be replaced at a ratio of one-inch equivalent for every one-inch of DSH removed as shown in Table 12.16-11. Smaller trees such as saplings or trees in containers less than 15-gallons may be used, but two replacement trees of that size would be required for every inch of Protected Tree removed. Protected Trees rated 2 shall be replaced at a ratio of 0.5-inch equivalent for every one-inch removed. Protected Trees rated 0 or 1 require no replacement or any other mitigation unless a Parking Lot Shading Tree or Street Tree replacement is required under the Zoning Code. Before removal of a Landmark Tree, the landmark designation shall be declassified pursuant to Section 12.16.170(D).

a. Equivalency Table. The following equivalent sizes shall be used whenever new trees are planted pursuant to a Tree Protection and Mitigation Plan (refer to Table 12.16-11).

Table 12.16-11
Tree Replacement Equivalency Table

Replacement Tree Size	DSH Equivalency
A sapling tree; or	0.5-inch DSH
Tree in container less than 15 gallons	0.5-inch DSH
15-gallon container tree	1-inch DSH
24-inch box tree	2-inch DSH
36-inch box tree	3-inch DSH

Figure 12.16-12



b. Reduced Mitigation Rate Within the Buildable Area of Residential Lots. Within the buildable area of a parcel zoned to allow for residential development, the mitigation requirements shall be reduced by 50 percent if any part of the tree base is located within the Buildable Area as shown in Figure 12.16-12.

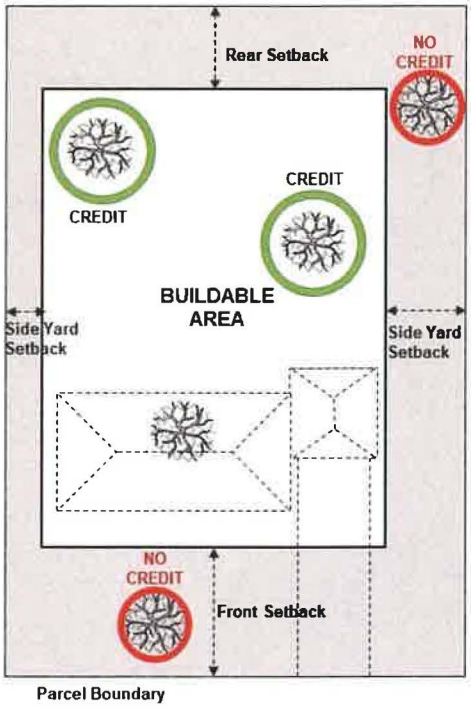
c. Removal of Street Trees on Residential Property with Existing Residential Dwellings. Street trees on residential property one-half acre or less shall be replaced at a ratio of one replacement tree for every tree removed if the property has an existing residential structure on-site. For residential properties greater than one-half acre, two replacement trees for every Street Tree removed shall be required at the discretion of the Approving Authority. Regardless of property size, removal of Street Trees that are Native Oak Trees or Heritage Trees requires the mitigation set forth in Section 12.16.150(B).

d. Reduction or Waiver of Tree Replacement Requirements. The Director may consider requests to reduce or waive the tree replacement requirements in this section provided that the applicant has met findings 1, or 2, or 3 as set forth in 12.16.080(B) and the Protected Tree(s) is removed pursuant to a Tree Removal Permit issued pursuant to this Chapter.

B. Mitigation Strategies.

1. On-Site Replacement Planting. Replacement trees shall be planted on the same property as the Protected Tree proposed for removal, subject to review by the Approving Authority. Where the subject property is not able to accommodate the required number of replacement trees on-site, the payment of in-lieu fees shall be required in accordance with Section 12.16.150(B)(2).
   a. Replacement Tree Species. Trees planted as replacement trees shall be the same species as those removed or a species that is acceptable to the Approving Authority, with consideration given to species diversity.
2. Payment of In-Lieu Fee. Payment of in-lieu fees may be allowed where the subject property is not able to accommodate the required number of replacement trees on-site. The in-lieu fee shall be calculated as a dollar amount for each DSH inch of Protected Tree removed, as adopted by City Council resolution.
3. Combination of Planting and Fee Payment. A combination of on-site replacement planting and payment of in-lieu fees may be used where the number of replacement trees cannot be accommodated on-site. The in-lieu payment shall be reduced based on the number of DSH inches of the replacement trees planted on-site.
   a. Tree Preservation Credit. Protected Trees, including Native Oaks measuring one inch DSH or greater, may be preserved in order to receive a Tree Preservation Credit (TPC). Credit of one-half inch DSH shall be granted for every inch DSH preserved. However, required mitigation cannot be entirely satisfied using Tree Preservation Credit alone. Even when credit is granted, in no case can mitigation for Protected Tree removal be less than either:
      i. The replanting, maintenance and monitoring for 3 years of one 15-gallon tree from a species of similar size at maturity that is listed on the Folsom Master Tree List; or
      ii. The in-lieu fee equivalent to the replacement of the Protected Tree at one-inch DSH.

Figure 12.16-14



Any tree that is to be considered for Tree Preservation Credit shall be evaluated, included in the Tree Protection and Mitigation Plan, and shall have been found to be rated a 3, 4, or a 5 by an Arborist based on the ASCA Tree Rating System identified in Section 12.16.140. Credits shall only be accepted if any part of the base of the tree to be preserved is

located within the Buildable Area of the parcel as shown in Figure 12.16-14, the Tree Protection Zone (TPZ) is protected on the construction site, the spacing is equal to or greater than the proper spacing dictated by the Folsom Master Tree List, and the tree is determined by the City Arborist to be viable long-term.

4. Other Strategies. Other strategies as may be determined appropriate by the Approving Authority and that meet the intent of mitigation for removal of the Protected Tree(s).

12.16.160 Tree Planting and Replacement Fund

Mitigation fees and penalty assessments under this Chapter shall be deposited into the Tree Planting and Replacement Fund. The Tree Planting and Replacement Fund may be used for tree planting and revegetation projects such as parkways, parks, planting of trees along public trails and beautification projects, to purchase property for tree mitigation sites, or beautification projects, for the retention of a City Arborist, or for the development, staffing or implementation of an Urban Forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the following exceptions: 1) private property that is maintained by the City under the terms of a maintenance agreement; or 2) maintenance of Landmark Trees at the recommendation of the City Arborist. This fund shall be administered by the Community Development Department.

12.16.170 Landmark Designation

A. Establishment of Landmark Designation. Application for Landmark Designation. Any interested party may submit an application to the Community Development Department, requesting that the City Council establish by resolution a tree or group of trees as a Landmark Tree(s). Applications shall be made on a form supplied by the City and be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of a fee, commence the process of designating a Landmark Tree. If the owner of the proposed Landmark Tree(s) is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed Landmark Tree(s) thirty days before the hearing on the application, and the owner must provide written confirmation to the City that they support the application. Once an application has been submitted, and before City Council action, the proposed Landmark Tree shall have the same status as a Protected Tree under this Chapter.

Designation of Landmark Trees. In order to designate a tree as a Landmark Tree, the City Council shall find that the tree is in good health and is a significant community benefit because it possesses one or more of the following attributes:

1. Historical value.
2. Outstanding habitat value.
3. Unusual species.
4. Superior beauty.

Property Owner Notification. If the City Council designates a tree as a Landmark Tree, the City Clerk shall mail a copy of the resolution to the owner of the tree and direct the City Arborist to add the tree to the list of Landmark Trees.

B. Maintenance of Landmark Trees. Upon the request of the property owner, the City Arborist may cause a Landmark Tree to be inspected by an Arborist. A report on the health of the tree(s) and recommended maintenance shall be prepared if determined to be necessary by the City Arborist. Copies of the report shall be provided to the owner of the Landmark Tree(s).

C. Documenting Landmark Trees. The Community Development Department shall map the location of Landmark Trees.

D. Declassification of Landmark Designation.

1. Application to Remove Landmark Designation. The owner of a Landmark Tree may submit an application to the Community Development Department, requesting that the City Council declassify a tree or group of trees previously designated as a Landmark Tree(s). Applications shall be made on a form supplied by the City and shall be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a Landmark Tree(s). Unless the owner of the Landmark Tree is the applicant, the Community Development Department shall notify the owner by first-class mail thirty days before the City Council meeting scheduled for the proposed action.
2. Declassification of Landmark Trees. In order to remove the landmark designation of a tree(s), the City Council shall find that the tree(s) is no longer a significant community benefit because it meets one or more of the following factors:
   a. The tree(s) has significantly deteriorated in health or appearance.
   b. The tree(s) no longer has habitat value.
   c. The tree(s) prevents reasonable use of the property.
3. Property Owner Notification. If the City Council declassifies a tree or group of trees previously designated as a Landmark Tree(s), the City Clerk shall mail a copy of the resolution to the owner of the tree(s) and direct the City Arborist to remove the tree(s) from the list of Landmark Trees.

12.16.180 Maintenance

A. Every property owner shall maintain:

1. Any Protected Tree located within the limits of their property in accordance with the requirements of this Chapter.
2. Any Street Tree shall be pruned by the property owner in accordance with the requirements of this Chapter and shall maintain a minimum seven-foot vertical clearance over all public sidewalks, a minimum eight-foot vertical clearance over all public bicycle lanes, and a minimum 14.5-foot vertical clearance over all public streets.

B. Nothing in this Chapter shall interfere with the application or enforcement of the requirements in Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material) of the Folsom Municipal Code. In the event of a conflict with this Chapter, the requirements of Chapters 8.36 and 8.37 shall control; however, a Tree Removal Permit shall be required for the removal of Protected Trees. Permitted removal of Protected Trees shall be exempt from mitigation if the removal is either:

1. Part of a City-approved Fuel Modification Plan as set forth in Chapter 8.36; or
2. The result of a Notice to Remove Weeds, Noxious Vegetation, Refuse and Other Obstructions issued by the Fire Chief in accordance with Chapter 8.37.

12.16.190 Street Tree Planting

A. Street Tree Planting. Each applicant for a building permit for new construction of residential or commercial structures on parcels without existing Street Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Street Trees, unless waived by the City Arborist due to physical site constraints of the parcel. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the tree to be planted, the location of the planting and the stage of the development at which the tree is to be planted. There shall be at least one Street Tree for each single-family and two-family lot, except for corner lots, for which two trees shall be planted. For Street Trees for multi-family, mixed-use, commercial and industrial parcels, there shall be at least:

a. One large-size tree species from the City's Master Tree List planted on center every forty feet of street frontage; or
b. One medium-size tree species from the City's Master Tree List planted on center for every 30 feet of street frontage; or
c. One small-size tree species from the City's Master Tree List planted on center for every 20 feet of street frontage; or
d. If the City Arborist confirms that the planting of Street Trees is not feasible then payment of an in-lieu fee by the applicant will be required based on the number of Street Trees that would have been required given the linear feet of street frontage of the project.

B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Street Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Street Trees and that, in the opinion of the City

Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

12.16.200 Parking Lot Shading Tree Planting

A. Planting in Parking Lot. Each applicant for a building permit for new construction of a commercial structure(s) with surface parking on a parcel without Parking Lot Shading Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Parking Lot Shading Trees in accordance with the requirements of the Zoning Code. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the trees to be planted, the location within the parking lot where the trees are to be planted, the monitoring and maintenance period, and the total number of trees necessary to meet the requirements of the Zoning Code.

B. Responsibility. The cost of the tree stock, the planting thereof and the maintenance of the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Parking Lot Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Parking Lot Shading Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

12.16.210 Solar Shade Control Act Exemption

The City is exempt from the provisions of the Solar Shade Control Act, Chapter 12 (commencing with Section 25980) of Division 15 of the California Public Resources Code.

12.16.220 Violations, Enforcement, and Penalties

A. Violations

1. A violation of this Chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, any violation of this Chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.
2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available to redress violation of the provisions of this Chapter.
3. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this Chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012.

4. Notwithstanding the maximum fee level identified in Section 1.09.012(A), the monetary sanction for the removal of a Protected Tree or damage resulting in a critical impact to a Protected Tree, as determined by the City Arborist, shall be in an amount at least two times what would have been charged as an in-lieu fee under Section 12.16.150(B)(2) of this Chapter.

B. Enforcement

1. This Chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10 of the Folsom Municipal Code.

C. Enforcement Procedures—Notice to Correct

1. Prior to the assessment of any monetary sanction or the commencement of any other enforcement action pursuant to this Chapter, the Director shall follow the procedures set forth in Chapter 1.09 of the Folsom Municipal Code.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining chapters of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions to be declared invalid or unconstitutional.

SECTON 4 EFFECTIVE DATE

This ordinance shall become effective April 1, 2020, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City of Folsom.

This ordinance was introduced at the regular meeting of the City Council for the first reading on January 14, 2020, and the second reading occurred at the regular meeting of the City Council of January 28, 2020.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this day of January 28, 2020 by the following vote, to wit.

AYES: Council Member(s):

NOES: Council Member(s):

ABSTAIN: Council Member(s):

ABSENT: Council Member(s):

Sara Aquino, MAYOR

ATTEST:

_____

Christa Freemantle, CITY CLERK

Attachment 2

Summary of Significant Changes to the Tree Preservation Ordinance dated December 30, 2019

CITY OF FOLSOM
COMMUNITY DEVELOPMENT DEPARTMENT

City of Folsom
Tree Preservation Ordinance Update
Summary of Significant Changes

The updated Tree Preservation Ordinance includes the following major changes from the City's current ordinance. The related sections in the updated ordinance are included in parentheses.

1. **Permits.** Two different permits depending on type of work (Tree Work Permit and Tree Removal Permit) instead of just one Tree Permit (Sections 12.16.020 and 12.16.050).
    - Reason for Change: Allows staff to develop standard conditions for each type of permit since each permit involves different types of tree work.
2. **Protected Tree.** Broadens definition to include parking lot shading trees and trees required as mitigation (Section 12.16.020).
    - Reason for Change: Ensures that parking lot shading trees and trees planted as mitigation are not damaged or removed without City review and mitigation.
3. **Heritage Tree.** Definition expanded to include all large trees over 30 inches with exclusions consistent with the City's Master Tree List (Section 12.16.020).
    - Reason for Change: Expands protection to larger trees that have the greatest benefits in terms of shading, health, sustainability, etc.
4. **Tree Protection Zone.** Better defines and expands area of protection (Section 12. 16.020).
    - Reason for Change: Current ordinance does not correctly define this area. It refers to the dripline which is not the same. This provides a clear definition with illustrations.
5. **Findings.** Requires applicants to meet findings before Tree Work Permit or Tree Removal Permit issuance (Section 12. 16.080).
    - Reason for Change: Not clear in current ordinance under what conditions the applicant could remove a tree or work within the Tree Protection Zone. New ordinance states the findings that staff must make when granting a permit.
6. **Standard Conditions.** Identifies standard conditions of approval for each permit type (Section 12.16.130)
    - Reason for Change: Current ordinance does not have standard conditions. These are provided to let the applicant know in advance the typical conditions that will be part of their project. These include such things as monitoring by a certified arborist, best practices for tree work, and, in some cases, preparation of a Tree Protection and Mitigation Plan.
7. **Tree Care and Maintenance Standards.** Uses industry standards for tree care and maintenance.
    - Reason for Change: Current ordinance has no standards for maintenance. This establishes best practices for tree care and maintenance based on those standards established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI).
8. **Tree Protection and Mitigation Plan.** Expands and clarifies requirement for the plan that focuses on minimizing impact on trees and tree removal only when necessary (Section 12.16.140).
    - Reason for Change: Rarely used in current ordinance because applicants typically paid the in-lieu fee as mitigation. Now plan must be prepared prior to any decision regarding mitigation (i.e., replanting, in-lieu fee payment or both).
9. **Reasonable Alternative Measures.** Adds new concept to provide flexibility to encourage tree preservation rather than removal (Sections 12.16.020 and 12.16.080).

- Reason for Change: Does not exist in current ordinance. Provides flexibility and incentives for applicant to preserve tree(s) on-site. Examples include use of root barriers, minor deviations from standard setbacks, etc.

10. **Mitigation.** Focused on tree replacement and replanting rather than just in-lieu payment (Section 12.16.150). Allows Director to consider reducing or waiving mitigation if tree must be removed because it is either dead or causing damage to buildings on the property.
    - Reason for Change: Most applicants paid in-lieu fee rather than attempt to preserve tree. New strategy emphasizes preservation first then replanting and then in-lieu payment when preservation or replanting are not feasible.
11. **Tree Replacement Ratio.** Establishes inch for inch replacement requirement except for residential street trees which is a one-to-one tree ratio (Section 12.16.150).
    - Reason for Change: Current ordinance has such a high replacement requirement that it encouraged applicants to pay the in-lieu fee rather than plant replacement trees. The new ordinance requires:
      - Planting of replacement trees on-site; and/or
      - If not feasible, then payment of in-lieu fee calculated based on a dollar amount for each inch at diameter at breast height of protected tree removed (to be established separately by City Council resolution); or
      - Other strategies as may be determined appropriate by the Director if it meets the intent of the ordinance.
12. **Credits.** Provides mitigation credits for trees preserved on-site (Section 12.16.150).
    - Reason for Change: The current ordinance does not provide an incentive to preserve trees. With the new ordinance, applicants can receive mitigation credit for trees within the available buildable area of the parcel that remain on-site.
13. **Trees in Building Footprint.** Reduces mitigation for trees located within proposed building footprint (Section 12.16.150).
    - Reason for Change: Current ordinance required one 15-gallon tree for every Protected Tree removed, but in practice a reduced mitigation in-lieu fee was paid instead. The new ordinance requires replanting and/or payment of an in-lieu fee, but those requirements are reduced by half for trees within the building envelope.
14. **Tree Planting and Mitigation Fund.** Clarifies and, in a couple instances, expands the allowable use of the funds to support tree planting and urban forestry efforts (Section 12.16.160).
    - Reason for Change: While this is included in both versions of the ordinance, the new ordinance clarifies the use of the funds including use for the development, staffing or implementation of an Urban Forestry program since this is a General Plan implementation program (refer to General Plan Program NCR-1: Urban forestry program). It also allows use of the funds for planting of trees on private property maintained by the City under the terms of a maintenance agreement with the property owner. The funds will be managed by the Community Development Department since the City Arborist resides in that department.
15. **Exemption from Solar Shade Control Act.** The new ordinance would exempt the City from this State law so that homeowners are not forced to significantly prune, damage, or remove Protected Trees that may partially shade solar panels (Section 12.16.210).
    - Reason for Change: Though the Solar Shade Control Act was enacted in 1978, it was amended in 2008 long after adoption of the current Tree Preservation Ordinance. The amended law allows jurisdictions to exempt themselves from the law if they have a tree preservation ordinance or local solar shade ordinance. Sacramento, Rancho Cordova, Citrus Heights and Davis have all exempted themselves from the law.

A detailed section by section comparison of the existing and new ordinance has been prepared for the environmental analysis (Addendum to the General Plan Final Program Environmental Impact Report).

Attachment 3

Public Hearing Draft Tree Preservation Ordinance dated December 30, 2019 with track changes showing edits to the October 2019 Public Review Draft Tree Preservation Ordinance

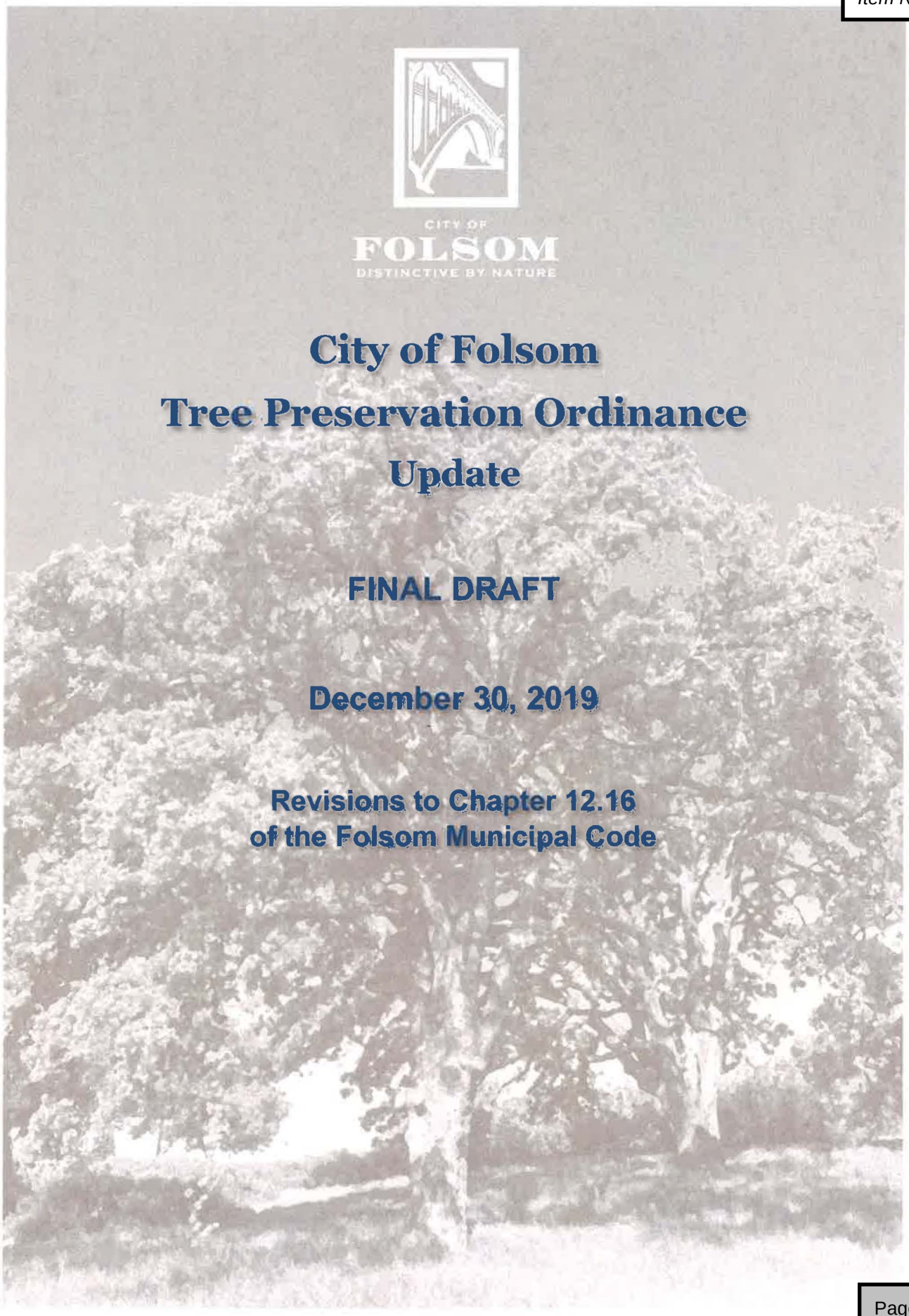
CITY OF
FOLSOM
DISTINCTIVE BY NATURE

City of Folsom
Tree Preservation Ordinance Update

FINAL DRAFT

December 30, 2019

Revisions to Chapter 12.16
of the Folsom Municipal Code



CHAPTER 12.16 TREE PRESERVATION ORDINANCE

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12.16.010 Purpose and Intent

A. **Purpose.** Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, protection from heat and ultra-violet radiation~~essential shade~~, energy savings, reduced Heat Island effect, habitat for wildlife, ~~and~~ carbon sequestration, and improvement of property values. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of ~~our~~ the City's Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the ~~city~~ City ~~council~~ Council finds it necessary to establish standards and measures for the preservation of trees.

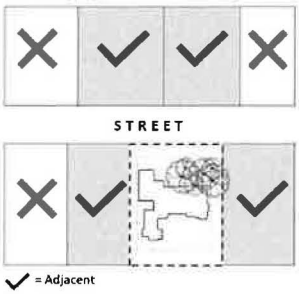
B. **Intent.** The provisions of this ~~chapter~~ Chapter are enacted to:

1. Establish and maintain the optimum amount of tree cover on public and private lands. ~~to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values.~~
2. Promote conservation of tree resources and long-term sustainability.
3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices.
4. Protect the visual and aesthetic character of the City.
5. Implement the conservation goals of the General Plan.
6. Establish procedures for the City to administer this tree preservation ordinance.

12.16.020 Definitions

This section includes the definition of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, the terms and phrases as defined in this Chapter shall control for the purposes of this Chapter. If a word is not defined in this Chapter, the Community Development Director shall determine the most appropriate definition for purposes of enforcing the ~~Tree~~ tree preservation o~~O~~rdinance.

Figure 12.16-1



Adjacent. Having a common property line, or immediately next to a property or to a property located across from ~~to~~ an alley, path, private street, easement, or public street as shown in Figure 12.16-1.

ANSI A300 Standards. The most current version of Tree Care Operations – Tree, Shrub and ~~other~~ Other Woody Plant Maintenance – Standard Practices of the American National Standards Institute, as amended from time to time.

Appeal Authority. The Director or Commission authorized under this Chapter to consider appeals of ~~Tree Removal Permits~~decisions by the Approving Authority.

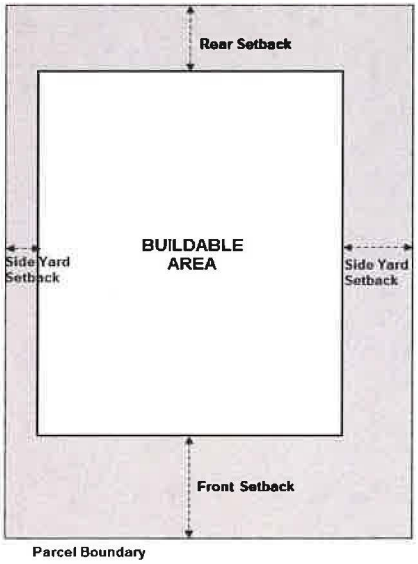
Approving Authority. The City Arborist is the Approving Authority for the Tree Work Permit and Tree Removal Permit covered by this Chapter.

Arborist Report. A report prepared by an Arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.

Arborist. An individual certified as an Arborist by the International Society of Arboriculture (ISA) and holds a current and unexpired certification.

Buildable Area. The area of a parcel where buildings may be constructed excluding front, rear and side yard setbacks as required by the Zoning Code. In the case of a parcel that is to be subdivided, the buildable footprint would be the Buildable Area of each proposed new parcel excluding front, rear and side yard setbacks as required by the existing or proposed zoning for the new parcel(s). Refer to Figure 12.16-2.

Figure 12.16-2



City Arborist. An Arborist who is a City employee whose job duties include the review, evaluation and preparation of reports and permits under this Chapter.

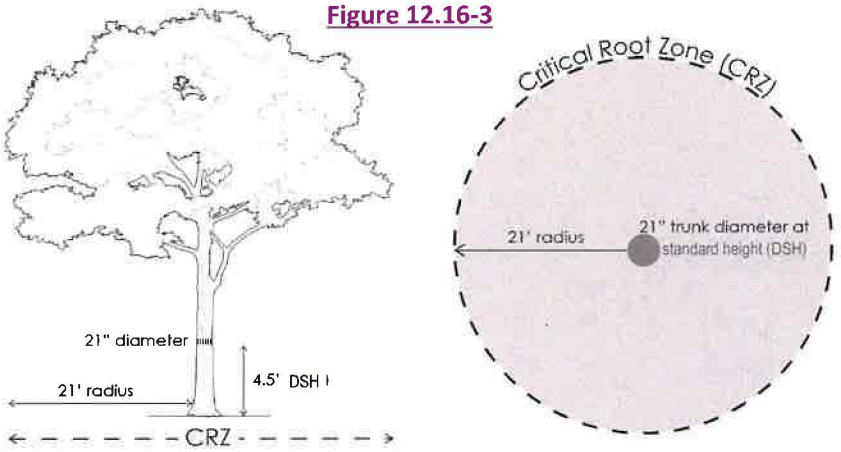
~~**Director.** The Director of the City's Community Development Department or his/her designee.~~

Certificate of Compliance. A ~~letter~~ written statement from an Arborist verifying that the conditions associated with a Tree Permit have been satisfied.

Commission. The Planning Commission or Historic District Commission depending on the location of the Regulated Activity.

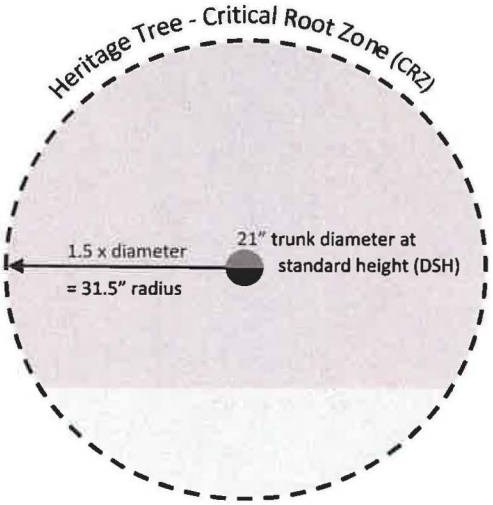
Critical Root Zone (CRZ). The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This Critical Root Zone area for all trees except Heritage Trees is a circle with a minimum radius of 1 foot for every 1 inch in trunk diameter at ~~DBH~~DSH. Refer to Figure 12.16-3~~For Heritage Trees, the Critical Root Zone area shall be a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at DBH, unless reduced by the City Arborist.~~

Figure 12.16-3



For Heritage Trees, the Critical Root Zone area shall be a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at DSH, unless reduced by the City Arborist. Refer to Figure 12.16-4.

Figure 12.16-4

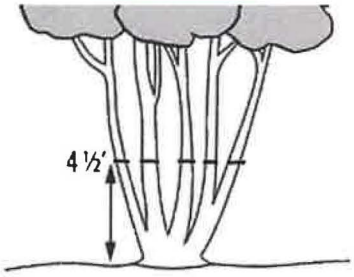


~~Diameter at Breast Height~~Diameter at Standard Height (~~DBH~~DSH). The diameter of a tree measured at four and one-half (4.5) feet above the ground while standing on the high side of the tree. For a tree other than a Multi-trunked Tree that branches at or below four and one-half feet, ~~DBH~~DSH shall mean the diameter at the narrowest point between the grade and the lowest branching point. The diameter shall be calculated by use of the following formula:

diameter = circumference/3.142

For ~~Multitrunk~~Multi-trunked Trees, the ~~DBH~~DSH shall be the diameter of each stem measured at four and one-half above the ground while standing on the high side of the tree added together in total. Refer to Figure 12.16-5.

Figure 12.16-5

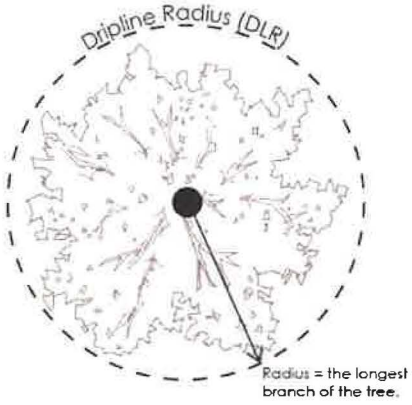


Extrapolated Diameter at Standard Height (DSH). This shall be used for purposes of calculating the mitigation for a Multi-trunked Tree. It is derived from adding the cross-sectional area of each stem measured at four and one-half (4.5) feet above grade to determine a value for the DSH. In a Multi-trunked Tree, this is calculated by taking the square root of the sum of each individual stem's DSH squared. The Extrapolated DSH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.

Director. The Director of the City's Community Development Department or his/her designee.

Dripline Radius (DLR). A perfect circle around the tree with the radius being equal to the longest branch of the tree. Refer to Figure 12.16-6.

Figure 12.16-6



Emergency. For purposes of this Chapter, emergency is defined as an imminent danger to the safety of persons or property and/or the imminent loss of water, sewer, gas or electrical service or access to public or private property(ies).

~~**Extrapolated Diameter at Breast Height (DBH).** This is method of calculating the DBH of a multitrunked tree that is derived from adding the cross-sectional area of each stem measured at 4.5 feet above grade to determine a value for the DBH. In a Multitrunked Tree, this is calculated by taking the square root of the sum of each individual stem's DBH squared. The extrapolated DBH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.~~

Heat Island. An urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.

Heritage Tree. Except for trees listed as "Not Eligible for Heritage Status" on the City's Master Tree List, a~~A~~ tree on the City's Master Tree List over 30 inches in ~~DBH~~DSH or a ~~multitrunk~~multi-trunked tree on the Master Tree List having a combined ~~DBH~~DSH of 50 inches or more.

~~**International Society of Arboriculture (ISA).** A nonprofit organization and network of practitioners, scientists, and students that is recognized as a source for arboricultural information and knowledge.~~

ISA Best Management Practices. Recommended methods for the planting, care, maintenance, pruning of trees prepared by the ~~I~~International Society of Arboriculture.

Landmark Tree. A tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to its size, age, location, historic association or ecological value.

Major Pruning. The cutting of any individual branch or root with a diameter of two inches or greater or a circumference of more than six and one-quarter inches at ~~any point on~~ the location of the cut on such branch or root. It shall also include the cutting of a cumulative amount of more than ten percent of ~~a combination of~~ the Root System, the Tree Crown, or a combination of both within a 12-month period.

Master Tree List. A list prepared by the City, as amended from time to time, identifying the species of trees that may be planted as replacement trees, as Parking Lot Shading Trees, or as Street Trees as well as trees that are not-recommended or excluded from protection.

Minor Pruning. The cutting of any individual branch or root of less than two inches in diameter at ~~any point~~ the point of the cut on such branch or root. The cumulative amount of cutting shall not be more than ten percent ~~of a combination of~~ the Root System, ~~and~~ the Tree Crown, or a combination of both within a 12-month period. Pruning that substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered Minor Pruning.

Mitigation. For purposes of this Chapter, this is the action or set of actions designed to reduce the negative effects resulting from the loss of a Protected Tree and the reduction to Folsom's tree canopy.

Monitoring Period. A time period specified in the Tree Protection and Mitigation Plan and approved by the City Arborist in order to ensure that preserved trees and replacement trees are in good health and remain viable. For replacement trees, this time period is typically three years.

~~**Multitrunk**~~**Multi-trunked Tree.** A tree with multiple stems originating from a single root mass.

Native Oak Tree. One of the following indigenous species of tree or hybrids of any of the trees listed below, with a minimum diameter as shown in Table 12.16-7:

Table 12.16-7
Native Oak Trees

Common Name	Botanical Name	Trunk (~~DBH~~DSH)	~~Multitrunk~~Multi-trunked Combined (~~DBH~~DSH)*
Valley Oak	Quercus lobata	6"	20"
Blue Oak	Quercus douglasii	6"	20"
Interior Live Oak	Quercus wislizenii	6"	20"
Coast Live Oak	Quercus agrifolia	6"	20"

*A Native ~~Multitrunk~~Multi-trunked Tree listed above with a single stem 6 inches or greater shall be considered a Native Oak Tree.

Parking Lot Shading Tree. Any tree planted in a parking lot in order to meet shade coverage requirements and as identified in ~~Section 17.57.070 of t~~he Zoning Code.

Protected Tree. Trees protected under this Chapter include Native Oak Trees, Heritage Trees, Landmark Trees, and Regulated Trees~~, and Street Trees~~, as defined herein.

Pruning. To cut off or cut back parts a tree to enhance health and structure. Pruning refers to both above surface and underground cutting. See also *"Major Pruning"* and *"Minor Pruning"*.

Reasonable Alternative Measures. Measures determined and authorized by the Approving Authority or Appeal Authority that may be reasonably implemented to minimize impact to a Protected Tree in order to avoid activities which could result in greater impact to the tree or removal of the tree. Examples may include tree management practices such as root barriers, pruning, root pruning, and soil protection. It may also include ~~a~~ minor ~~deviation from~~modifications to the ~~setbacks~~ development standards set forth in the Zoning Code to allow a development to preserve existing trees on-site (which may require a variance or other land use ~~entitlements~~approvals)~~; or the planting of replacement trees on suitable off-site locations~~.

Regulated Activity. Activities involving Major Pruning of a Protected Tree, ~~any~~ activities~~y~~ such as grading, trenching, paving or soil disturbance undertaken within the Tree Protection Zone of a Protected Tree, removal of a Protected Tree, cabling and/or bracing of a Protected Tree, or other activities that may impact the long-term health and survivability of a Protected Tree as may be determined by the City Arborist.

Regulated Tree. Trees required ~~in accordance with the standards of~~by the City's Zoning Code, (such as Parking Lot Shading Trees and Street Trees), or required as conditions of development project approval (such as landscape buffer or screening trees), or required by this Chapter as mitigation for the removal of a Protected Tree(s).

Replacement Tree. A tree required to be planted as mitigation for removal of a Protected Tree in accordance with the requirements of this Chapter.

Root System. ~~This~~ The configuration of the underground ~~tentacles~~ parts or appendages ~~is one of its most important elements~~ of a tree, providing several ~~vital~~ functions including anchoring and providing water and nutrients to the tree. ~~Roots store nutrients for the tree during the winter and transport water and minerals during the active part of the growing season. Roots also provide an anchor to the tree, keeping it from toppling during extreme weather conditions.~~

Routine Maintenance. Includes the following activities: Minor Pruning; dead ~~wood~~ branch removal; irrigation; mulch application; mowing or trimming grass or other ground cover close to a tree; application of fertilizer, insecticides, or herbicides in accordance with their label; or any other similar activities that promote the life, growth, or health of trees. Any procedure, technique, or practice that is ~~expressly prohibited~~considered unacceptable or prohibited under the ~~ANSI A300 standards~~City's Tree Care and Maintenance Standards or by this Chapter is not Routine Maintenance.

Street Tree. A tree of an approved species in accordance with the Folsom Master Tree List located within 12.5' of a street or sidewalk, measured from the back of the ~~curb or back of the sidewalk~~sidewalk or back of curb if no sidewalk exists. Street Trees can be either privately or publicly owned.

Subject Property. The property, or properties, for which a permit request has been filed.

Terminal Leader. This is the vertical stem(s) at the top of the trunk of a tree.

Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards, the ISA Best Management Practices, and any other relevant standards as determined by the City Arborist~~,~~ and as amended by the City from time to time.

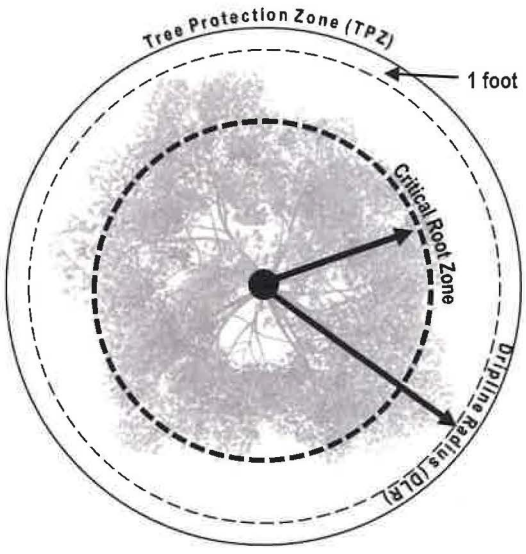
Tree Crown. This is the top part of the tree, which features branches, foliage, flowers, and seeds that grow out from the main trunk and support the various leaves used for photosynthesis.

Tree Permit. A permit issued by the City ~~of Folsom~~ covering any Regulated Activity affecting a Protected Tree, which may be a Tree Work Permit or a Tree Removal Permit or both.

Tree Protection and Mitigation Plan. A report and/or plan submitted for review and approval before the start of any Regulated Activity.

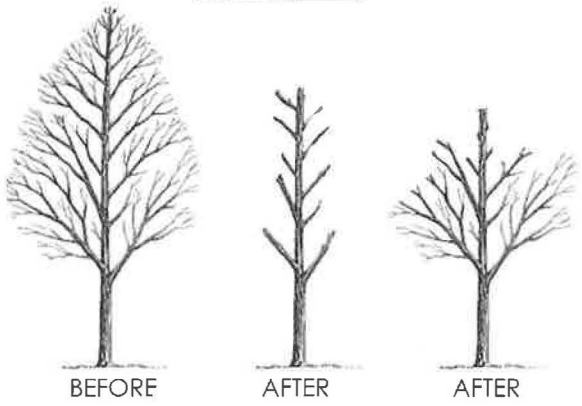
Tree Protection Zone ~~(TPZ)~~. The circumference of the outermost edge of a tree's Critical Root Zone or Dripline Radius, whichever is greater, plus one foot. When depicted on a map, the Tree Protection Zone will appear as a perfect circle, or group of overlapping circles for multiple trees. Refer to Figure 12.16-8.

Figure 12.16-8



Topping. A type of pruning that is not Routine Maintenance and involves the removal of tops of trees, or large branches or trunks from tops of trees, leaving large stubs or lateral branches that are too small to assume the role of a Terminal Leader. Refer to Figure 12.16-9.

Figure 12.16-9



Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow within ~~the City~~an urban boundary ~~boundaries~~.

Zoning Code. Title 17 of the Folsom Municipal Code.

12.16.030 Applicability

The provisions of this Chapter shall apply to all Regulated Activities affecting Protected Trees, excluding those activities undertaken by the City. Trees that are not Protected Trees are not subject to the provisions of this Chapter. When a tree qualifies as more than one type of Protected Tree, the more stringent requirements apply.

12.16.040 Prohibited Activities

The following activities shall be prohibited with respect to Protected Trees:

A. Topping.

B. Attaching structures (such as birdhouses, tree houses, or ladder steps for climbing into a tree) ~~anything~~ using nails, screws, and/or spikes except for the attachment of tags by an Arborist for purposes of tree identification.

C. Wounding or breaking tree trunks or branches through contact with vehicles and heavy equipment.

D. Wounding trunks with string weed trimmers, lawn mowers, and similar equipment.

E. Causing injury by fire or excessive heat.

F. Pruning activities not conducted in accordance with City's Tree Care and Maintenance Standards.

G. The use of tree spikes or spurs while pruning.

H. Any of the following activities within the Tree Protection Zone of any Protected Tree, unless specifically approved by the City and conducted in accordance with the standards of Section 12.16.~~140~~ 130 (~~Standard~~ Conditions of Approval):

1. Placement or s~~S~~torage of large quantities of soil and/or mulch greater than six inches in depth~~.~~

2. -Excavation and trenching.
3. Changing soil grade by cutting or filling.
4. Grading, tearing, and/or grubbing.
5. Compacting soil with equipment, vehicles, material storage, and/or foot traffic.
6. ~~Washing out equipment (especially paint, stucco and concrete) and vehicle maintenance.~~
7. ~~7.~~6. Installing impervious surfaces, including but not limited to parking lots, driveways, and walkways.
8. ~~Storing or placing construction materials or construction debris and waste.~~
9. ~~Accumulation of water from construction-related activities.~~

I. Contamination of soil by w~~W~~ashing out equipment (especially paint, stucco and concrete) and vehicle maintenance within the Tree Protection Zone.

J. Contamination or compaction of soil by ~~S~~storing or placing construction materials or construction debris and waste within the Tree Protection Zone.

K. Accumulation of water from construction-related activities within the Tree Protection Zone.

~~I.~~L. Cutting down, destroying, effectively destroying through damaging, removing, or moving any Protected Tree without a Tree Work Permit or a Tree Removal Permit at any time unless specifically exempted by this Chapter.

12.16.050 Permit Required

A. **Tree Work Permit Required.** A Tree Work Permit is required for any Regulated Activities undertaken with respect to a Protected Tree, except where specifically exempted by subsection "C" below:

B. **Tree Removal Permit Required.** A Tree Removal Permit is required before removal of any Protected Tree, except where specifically exempted by subsection "C" below.

C. **Exemptions.** The following activities with respect to Protected Tree are specifically exempted from the requirements for obtaining a Tree Work Permit or a Tree Removal Permit.

1. Resurfacing, repaving, or concrete replacement of existing paved areas within the Tree Protection Zone, if conducted under the supervision of an Arborist to guarantee appropriate measures are taken to ensure tree survival.
2. Parking or operation of motor vehicles within the Tree Protection Zone on existing paved areas.
3. Placement or storage of equipment or construction material within the Tree Protection Zone on existing paved areas.
4. ~~Maintenance~~ Proper planting and maintenance of under-canopy landscaping in accordance with the City's Tree Care and Maintenance Standards.
5. Routine maintenance of Protected Trees.
6. Emergency work involving the removal of limbs or trees damaged by sudden or extreme weather, chance occurrence, or unavoidable accident beyond the reasonable control of the property owner provided that the tree replacement requirements are met.
7. Removal of a Protected Tree that is dead or dying as determined by an Arborist and/or verified by the City Arborist provided that the ~~property complies with the~~tree replacement requirements ~~of the Zoning Code~~are met.

8. Removal of a Protected Tree that poses an imminent safety risk to the public as determined by the City Arborist or City Fire Chief.

9. Minor pruning activities.

10. Activities that do not disturb or contaminate the soil within the Tree Protection Zone or result in physical contact to the Protected Tree.

~~10.~~11. Public and private utilities ~~subject to the jurisdiction of the California Public Utilities Commission~~ performing tree pruning ~~activities~~ or removal activities as is necessary to ~~comply with the safety regulations of said commission and to~~ maintain a safe operation of their facilities. However, ~~they~~ the utility shall notify the Community Development Department at least seven (7) business days before taking any action. If the utility conducts routine maintenance in Folsom on a regular basis, receipt of an annual encroachment permit from the City shall satisfy the notification requirement of this section. ~~The City may cause such pruning work to be inspected and the City shall have the authority to stop any tree pruning performed by a utility if such practices are not being followed.~~

D. **Combined Activities.** Separate but similar tree-related activities may be reviewed under one permit. The City's decision on the permit shall apply to all activities included in the permit.

E. **Limitation.** Permit issued under this Chapter entitles the permittee to perform only the Regulated Activities authorized in the permit and is not valid for any other purpose.

12.16.060 Application Requirements

A. **Application Form.** All Tree Work Permit or Tree Removal Permit applications must be submitted in writing to the Community Development Department on a form provided by the City.

1. Minimum submittal requirements shall be established by the ~~City~~Director. Additional information necessary for the complete evaluation of an application may be required by the City Arborist. All required material and information shall be provided by the applicant before the application may be deemed complete and accepted for processing.

2. No application shall be considered complete for acceptance and processing until the required application fee is paid in full.

3. For work within the Tree Protection Zone or work involving the removal of a Protected Tree, a Tree Protection and Mitigation Plan ~~is~~ may be required as part of the permit application as determined by the City Arborist unless exempt under Section 12.16.050(C). If Protected Trees are present on or encroaching into ~~the~~ a proposed development site, a Tree Protection and Mitigation Plan ~~is~~ may be required as part of the entitlement application ~~and before submittal of a Tree Permit application~~.

   a. If all Regulated Activity is outside of the Tree Protection Zone of the Protected Trees, then only a site plan showing the location of the Protected Trees in accordance with Section 12.16.140(A) will be required.

B. **Application Fees**. The City Council may establish a fee by resolution for the processing of permit applications under the provisions of this Chapter, which may be amended from time to time.

12.16.070 Approving Authority

The Approving Authority may approve, modify, ~~conditionally~~ approve with conditions, or deny the permit application in accordance with this Chapter. The Approving Authority shall be responsible for the interpretation of provisions of this Chapter in the event of confusion or a conflict. The decision of the Approving Authority on a Tree Work Permit shall be final and not subject to appeal. A Tree Removal Permit may be appealed to the Appeal Authority pursuant to procedures set forth in Section 12.16.~~110~~ 100 (Appeals).

~~12.16.080 Conditions of Approval~~

~~The Approving Authority may impose such conditions as are necessary to ensure compliance with this Chapter with respect to the proposed project, including but not limited to conditions to lessen impacts to Protected Trees or to mitigate environmental impacts of the proposed activity.~~

12.16.~~090~~080 Findings for Approval

The following findings are required before issuance of the specified permit~~s~~.

A. **Tree Work Permit.** Before approving an application for a Tree Work Permit, the Approving Authority shall make the following findings:

1. The proposed activity is not detrimental to the immediate or long-term health of the Protected Tree; or
2. The proposed activity ~~is detrimental to~~may impact the immediate health of the Protected Tree(s), but a Tree Protection and Mitigation Plan has been prepared that minimizes the impact and protects the long-term health of the tree(s) to the satisfaction of the ~~City Arborist~~Approving Authority; and
3. The proposed activity is in accordance with the provisions of this Chapter and all applicable City standards and policies.

B. **Tree Removal Permit.** Before approving an application for a Tree Removal Permit, the Approving Authority shall make at least one of the following findings:

1. The condition of the Protected Tree with respect to disease, danger of falling, or long-term health of the tree is such that the tree is not likely to survive.
2. The condition or location of the Protected Tree or its roots is interfering with water, sewer, gas, electrical services, streets or sidewalks and is likely to cause a foreseeable interruption in service or function to the subject property or properties in the vicinity and there are no Reasonable Alternative Measures to avoid, prevent or lessen the interference.
3. The Protected Tree or its roots are causing~~,~~ or ~~threatening to~~ will cause~~,~~ damage in the near future to any existing permanent structure or feature on the property or on any ~~adjacent~~Adjacent property including pools, driveways, and there are no Reasonable Alternative Measures to avoid, prevent ~~or lessen~~remove or repair the damage or ~~threatened~~ imminent damage.
4. Use of the property consistent with the Zoning Code ~~could~~ cannot be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.

5. The tree is a Protected Tree, other than a Native Oak Tree or Landmark Tree, in the front yard of a residential property of one-half acre or less with an existing residential structure on-site, and the property owner agrees to plant a replacement tree on the property consistent with the requirements of Section 12.16.150 (A)(1)(c).

12.16.~~100~~090 Notice of Decision

A. Written notice of ~~decision on~~ an application for a Tree Removal Permit shall be provided to ~~the applicant and~~ owners of properties located immediately ~~adjacent~~Adjacent to the subject property after an application has been received by the City. The notice shall include the following:

1. ~~The~~ location where the application may be viewed~~application~~.
2. ~~The~~ The timing for the decision ~~made~~ on the application to be made by the Approving Authority.
3. The location where the decision and any ~~c~~conditions imposed as part of the approval or reasons for denial may be viewed.

~~3.~~4. The timeline and process for appeals, as applicable.

B. Written Notice. Written notice of decision on an application for a Tree Work Permit or Tree Removal Permit shall be provided to the applicant as part of the permit issuance or denial. Notice of decision on a Tree Removal Permit will also be posted on the City's website.

12.16.~~110~~100 Appeals

A. **Right to Appeal.** The decision on a Tree Work Permit is final and not subject to appeal. For a Tree Removal Permit, any person dissatisfied with the determination of the Approving Authority may file an appeal with the Director. The decision of the Director may be appealed to the Planning Commission or the Historic District Commission depending upon the location of the Protected Tree. The decision of the Planning Commission or Historic District Commission may be appealed to the City Council~~shall be final for all purposes and not appealable further~~.

B. **Filing an Appeal.** An appeal shall be submitted in writing to the City Clerk within 10 calendar days following a decision rendered under this Chapter, with payment of an appeal fee adopted by the City Council. The appeal shall, at a minimum, state the following:

1. The project or matter being appealed.
2. The date of the City's decision that is the subject of the appeal.
3. The specific finding(s), condition(s), standard, or action being appealed.
4. A statement specifying the basis or grounds of the appeal, such as why the decision is not ~~in agreement~~consistent with the standards and regulations of this Chapter.

~~a. How the decision of the Approving Authority should be changed.~~

5. No appeal ~~request~~ shall be deemed filed until the prescribed appeal fee has been paid.
6. ~~If an appeal is not~~Failure to file~~d~~ a written appeal within the time and in the manner stated above shall constitute a waiver of ~~,~~ the right to appeal ~~shall be deemed waived~~.

C. **Notice and Schedule of Appeal Hearings.**

1. For appeal ~~to~~ to the Director of a decision by the Approving Authority pursuant to this Chapter, no hearing shall be required prior to a decision by the Director on the appeal.

2. For appeal to the Commission of a decision by the Director pursuant to this Chapter, the~~The~~ Director shall schedule an ~~the~~ appeal hearing with the Planning Commission or the Historic District Commission, as applicable, as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing. Any hearing may be continued from time to time.

3. For appeal to the City Council of a decision by the Commission pursuant to this Chapter, the Director shall schedule an appeal hearing with the Council, as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing. Any hearing may be continued from time to time.

D. **Appeal ~~Hearing~~ Review and Action.** The Director, Planning Commission and/or Historic District Commission, and/or Council acting as Appeal Authority shall review ~~the entire proceeding or proceedings~~all matters relating to the ~~act or~~ decision being appealed, de novo, and may make any order it deems just and equitable. The Appeal Authority may act to confirm, modify, or reverse the decision of the Approving Authority, in whole or in part, or add or amend such conditions as it deems necessary.~~, including but not limited to the approval or denial of the Tree Removal Permit application, the addition or modification of any condition applicable to an approved Tree Removal Permit~~.

E. **Notice of Appeal Decision.**

1. *Director Decisions.* At the conclusion of the review, the Director shall make findings supporting the decision on the appeal. Written notice of the decision shall be provided to the appellant and the project applicant.

~~1.~~2. *Commission Decisions.* At the conclusion of the hearing, the Planning Commission or Historic District Commission shall make findings supporting its decision on the appeal. The decision of the Planning Commission or Historic District Commission shall be filed with the City Clerk and provided to the appellant and the project applicant.

~~2.~~3. *Council Decisions.* At the conclusion of the hearing, the Council shall make findings supporting its decision on the appeal. The decision of Council shall be filed with the City Clerk and provided to the appellant and the project applicant.

12.16.~~120~~110 Effective Date and Permit Expiration

A. **Effective Date.**

1. *Tree Work Permit.* Tree Work Permits shall become effective on the date an approval is issued by the Approving Authority.

2. *Tree Removal Permit.* Tree Removal Permits issued under this Chapter shall become effective 10 calendar days following the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal. If the Appeal Authority upholds ~~or grants~~ a Tree Removal Permit application, the permit shall become effective on the ~~date of~~day following the ~~approval~~ decision by the ~~Approving~~ Appeal Authority.

B. **Time Limits.**

1. *Application Expiration.* Any application inactive for a period of six (6) months from the last written correspondence with the applicant shall expire, as determined by the ~~City Arborist~~Approving Authority. If the applicant subsequently wishes to continue to pursue the requested permit, a new application, including fees and all submittal requirements must be filed in compliance with this Chapter.

2. *Permit Expiration.* Any permit not exercised within six (6) ~~6~~ months from the date of approval shall expire. The exercise of a permit occurs when the permittee performs substantial work for the activity approved under the permit, as determined by the ~~Director~~Approving Authority.

3. *Associated Entitlements*. When a permit under this Chapter is approved in association ~~simultaneously~~ with other project entitlements (i.e., tentative map~~s~~, design review, etc.), the permit expiration date shall track the expiration of said project entitlements not to exceed two (2) years.

4. *Extensions.* An applicant may request an extension in writing for up to six (6) months for a permit or a permit application, which may be granted at the discretion of the Approving Authority. The request must include the reason(s) for the extension.

12.16.~~130~~ 120 ~~Regulated Activity Authorized by~~ Permit Compliance and Amendment

A. **Compliance with Permit Requirements.** A Tree Permit shall entitle the applicant to perform only the Regulated Activity authorized by the permit. No person shall undertake any Regulated Activity that does not comply with an approved Tree Permit. Any proposed change in the nature or scope of the Regulated Activity that is not in compliance with the approved permit shall require an application to amend the approved permit, which shall be submitted, processed, and reviewed as a new application under the provisions of this Chapter.

B. **Substantial Compliance.** The ~~City Arborist~~Approving Authority may approve minor changes to an approved permit if the proposed changes are in substantial compliance with the permit and permit conditions. Such proposed changes shall not significantly affect the scope and intent of the approved work or reduce any requirement intended to mitigate an impact to a Protected Tree.

12.16.~~140~~ 130 ~~Standard~~ Conditions of Approval

The Approving Authority may impose such conditions as are necessary to ensure compliance with this Chapter with respect to the proposed project, including but not limited to conditions to lessen impacts to Protected Trees or to mitigate environmental impacts of the proposed activity. The following are standard conditions of approval that shall apply to each type of work listed below.

A. **Tree Pruning.** Tree Work Permit for Protected Tree pruning activities shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:

1. All pruning activities shall be conducted in accordance with the City's Tree Care and Maintenance Standards.

~~2. No more than one-quarter of the foliage of a tree shall be removed in any one growing season.~~

~~3.~~2. All work shall be performed by or under the supervision of an Arborist.

B. **Tree Protection Zone Work.** Tree Work Permits for Regulated Activities conducted within the Tree Protection Zone shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:

1. A Tree Protection and Mitigation Plan ~~shall~~ may be required by the Approving Authority~~be prepared in accordance with Section 12.16.150~~.
2. All work shall be conducted and performed:
    a. In accordance with the City's Tree Care and Maintenance Standards.
    b. In accordance with the approved Tree Work Permit and, if required, the Tree Protection and Mitigation Plan ~~and the Tree Work Permit~~.
    c. By or under the supervision of an Arborist unless this requirement is waived by the Approving Authority.
3. For construction activities, each Protected Tree or group of Protected Trees to be preserved shall be enclosed with high visibility fencing prior to the commencement of any Regulated Activity.
4. Signs shall be posted on all sides of fences surrounding each Protected Tree or Trees stating that enclosed tree(s) are to be preserved. The signs shall state the penalty for damage to, or removal of, the Protected Tree. The size and number of posted signs required for the site shall be determined by the Approving Authority.
5. Any approved Tree Protection and Mitigation Plan must be submitted as part of the application and plan set submittal for the Regulated Activity such as applications and plans for a grading permit, building permit, landscape permit, etc.

~~3.~~6. An Arborist or their authorized representative shall be present on-site during all permit activities in order to monitor compliance with the permit, the permit conditions, and this Chapter to the satisfaction of the Approving Authority.

~~4.~~7. A Certificate of Compliance shall be submitted by an Arborist to the Approving Authority as follows:

a. Once all permit activities are complete – to confirm compliance with the Tree Protection and Mitigation Plan.

b. Once the ~~monitoring~~ Monitoring ~~period~~ Period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the Protected Trees are in good health and remain viable.

C. **Tree Removal.** A Tree Removal Permit for removal of a Protected Tree shall be subject to the following standard conditions, in addition to any other condition imposed by the Approving Authority:

1. A Tree Protection and Mitigation Plan ~~shall~~ may be required by the Approving Authority~~be prepared in accordance with Section 12.16.150~~.

~~2. An Arborist shall be present on-site during constructional permit activities in order to monitor compliance with the permit, the permit conditions, and this Chapter.~~

~~3.~~2. A Certificate of Compliance ~~shall~~ may be ~~submitted~~ required by an Arborist to the Approving Authority as follows:

a. Once replacement planting is complete – to confirm that the replacement tree(s) have been planted in accordance with the submitted Tree Protection and Mitigation Plan and any other applicable conditions of approval.

b. Once the ~~monitoring~~ Monitoring ~~period~~ Period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the replacement trees are in good health and remain viable.

D. All Tree Permits shall be subject to the following:

1. Tree Permit Kept on Site. A copy of the applicable Tree Permit and Tree Protection and Mitigation Plan shall be kept at the project site at all times shall always be kept at the project site and shall be made available for inspection upon request.

2. Permittee Responsibilities. The permittee is responsible for compliance with all requirements of the Tree Permit.

~~1.~~3. Indemnification. Permittees of Tree Permits issued under this Chapter shall defend, protect, indemnify and hold harmless the City and its officials, agents and employees from any and all claims, demands, suits, causes of action, damages, costs, expenses, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the issuance of the Tree Permit or the permittee's work performed under the Tree Permit.

12.16.~~150~~ 140 Tree Protection and Mitigation Plan Requirements

~~A~~ The Tree Protection and Mitigation Plan, if required under this Chapter, shall be prepared by an Arborist or other licensed professional, as approved by the Approving Authority, and contain the following information:

A. ~~The location, species, Diameter at Breast Height, Tree Protection Zone, and health of each Protected Tree on the subject property, and Adjacent neighboring properties as confirmed by an Arborist shall be shown on a map.~~A site plan, which shall include the following information, and any other information determined to be necessary by the Approving Authority.

1. Physical characteristics (existing and proposed).

a. Property lines;

b. Streets, access easements and/or public or private driveways and other paved areas;

c. Buildings or structures;

d. Setbacks of all buildings and structures from property lines;

e. Parking and other paved areas;

f. Land uses on parcel (existing and proposed as applicable); and

g. Proposed grading and construction, including utilities, if available.

2. Tree locations, including:

a. All trees located on the property;

b. Diameter at Standard Height of each tree;

c. Species of each tree;

d. Those Protected Trees which are to be preserved and which will be subject to Regulated Activity;

e. Protected Trees that may or will be impacted by the proposed Regulated Activities shall be clearly indicated;

f. The location of any replacement trees proposed as mitigation;

g. The exact location of the base and Tree Protection Zone for each tree within the project boundary;

h. The tree number(s) shall be shown on both the site plan and grading plan and on the trees themselves (attached by nonharmful methods);

i. The base elevation of each Protected Tree shall be shown on the site plan as well as the grading plan; and

j. A survey of the exact location(s) of such tree(s), both horizontally and vertically, shall be conducted by a professional engineer or a licensed land surveyor.

B. An Arborist Report which includes the following and any other information determined to be necessary by the Approving Authority:

1. A statement of qualifications for the Arborist(s) or others that prepare the Tree Protection and Mitigation Plan.

2. Protected Trees shall be rated according to this American Society of Consulting Arborists (ASCA) Tree Rating System shown in Table 12.16-10.

Table 12.16-10
ASCA Tree Rating System

Rating	Rating No.	Rating Description
Excellent	5	No problem(s)
Good	4	No apparent problem(s)
Fair	3	Minor problem(s)
Poor	2	Major problem(s)
Hazardous or Non-correctable	1	Extreme problem(s)
Dead	0	Dead

3. A description of Regulated Activities to be conducted.

4. ~~Protected Trees that may or will be impacted by the proposed Regulated Activities shall be clearly indicated.~~ A procedure and course of action recommended by an Arborist which addresses the impacts to individual Protected Trees from the proposed Regulated Activity and provides the details necessary for preservation and mitigation and which shall include the following:

~~A. A plan for the protection and/or mitigation of Protected Trees shall be outlined as follows:~~

a. For Regulated Activity to be conducted within a Tree Protection Zone, the Tree Protection and Mitigation Plan shall identify those methods that shall be used by the applicant to protect the tree(s) during the proposed Regulated Activities, consistent with the ~~standards~~ requirements of Section 12.16.~~160~~150. The methods used shall include, but not ~~necessarily~~ be limited to, the following:

i. Preservation devices such as ~~ground~~ soil or surface protection, protective fencing, root protection devices or other such methods.

ii. The detailed recommendations for existing or proposed planting and/or irrigation within the Tree Protection Zone.

iii. Standards for performing work such as trenching, root cutting, or grading shall be consistent with the City's Tree Care and Maintenance Standards to preserve the Protected Tree.

b. For removal of a Protected Tree, the Tree Protection and Mitigation Plan shall include:

i. The number of replacement trees required to mitigate for removal of the Protected Tree(s) consistent with Section 12.16.~~160~~150(A).

ii. The number of replacement trees that may be accommodated on the same property as the Protected Tree(s) proposed for removal. The number of replacement trees that may be accommodated on the property shall be determined by an Arborist based on the long-term viability of the replacement tree(s). Long-term viability shall be determined based on the following factors:

1. Whether the proposed location of the replacement tree can accommodate full growth.
2. Quality of the environment in which the tree is to be located.
3. Potential impact to the replacement tree from any proposed development or construction activities.

~~a. A site plan showing the location of the Protected Trees to be removed and a planting plan identifying the proposed location of any replacement trees.~~

iii. The schedule for planting of the replacement trees subject to approval of the ~~City Arborist~~Approving Authority.

iv. The strategy chosen by the applicant to satisfy the required mitigation shall be consistent with the provisions of Section 12.16.~~160~~150(B).

~~iv.~~v. If in-lieu fee payment is the only feasible option available to satisfy the mitigation requirements set forth in Section 12.16.150(B) then the information listed above in Section 12.16.140(B)(4) is not required.

c. A monitoring program for the replacement trees, including a specified time period, the party responsible for monitoring, and the method and frequency by which monitoring reports will be submitted to the City.

d. Other items as determined by the ~~City~~ Approving Authority to satisfy the requirements of this Chapter.

12.16.~~160~~ 150 Mitigation Requirements

Removal of any Protected Tree shall be mitigated in accordance with the provisions of this section.

A. **Replacement Trees Required.** Replacement trees shall be required as follows:

1. *Protected Trees.* Protected Trees rated 3, 4 or 5 in the ASCA Tree Rating System in Section 12.16.140(B) shall be replaced at a ratio of one-inch equivalent ~~at DBH~~ for every one-inch of ~~DBH~~DSH removed as ~~set forth~~shown in ~~the table~~ Table 12.16-11. Smaller trees such as saplings or trees in containers less than 15-gallons may be used, but two replacement trees of that size would be required for every inch of Protected Tree removed. ~~below in Section 12.16.160(A)(1)(a).~~ Protected Trees rated 2 shall be replaced at a ratio of 0.5-inch equivalent for every one-inch removed. Protected Trees rated 0 or 1 require no replacement or any other mitigation unless a Parking Lot Shading Tree or Street Tree replacement is required under the Zoning Code. Before removal of a Landmark Tree, the landmark designation shall be declassified pursuant to Section 12.16.~~180~~170(D).

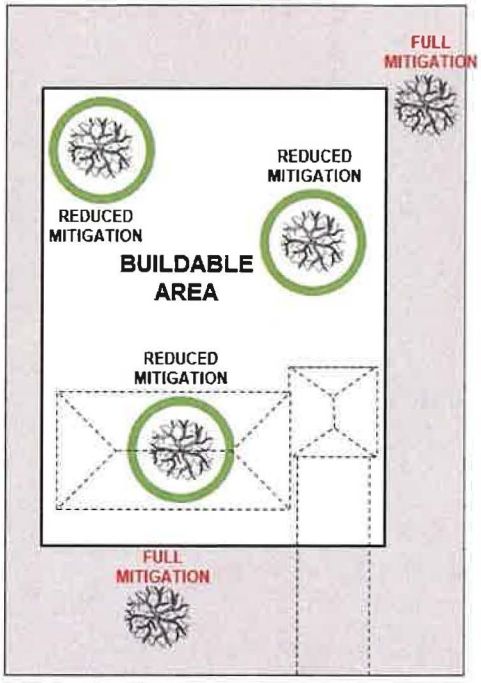
a. *Equivalency Table*. The following equivalent sizes shall be used whenever new trees are planted pursuant to a Tree Protection and Mitigation Plan (refer to Table 12.16-11).

Table 12.16-11
Tree Replacement Equivalency Table

Replacement Tree Size	~~DBH~~DSH **Equivalency**
A sapling tree; or	0.5-inch ~~DBH~~DSH
Tree in container less than 15 gallons	0.5-inch ~~DBH~~DSH
15-gallon container tree	1-inch ~~DBH~~DSH
24-inch box tree	2-inch ~~DBH~~DSH
36-inch box tree	3-inch ~~DBH~~DSH

b. *Reduced Mitigation Rate Within the Buildable ~~Footprint~~ Area of Residential Lots*. Within the ~~designated~~ buildable ~~footprint~~ area of a parcel zoned to allow for residential development, the mitigation requirements shall be reduced by 50 percent if any part of the tree base is located within the Buildable Area as shown in Figure 12.16-12.

Figure 12.16-12



c. *Removal of Street Trees on Residential Property with Existing ~~Single-Family or Two-Family~~Residential Dwellings.* Street trees on residential property one-half acre or less shall be replaced at a ratio of one replacement tree for every tree removed if the property has an existing ~~single-family or two-family~~ residential structure on-site. For residential properties greater than one-half acre, two replacement trees for every Street Tree removed shall be required at the discretion of the Approving Authority. Regardless of property size, removal of Street Trees that are Native Oak Trees or Heritage Trees requires the mitigation set forth in Section 12.16.150(B).

~~c.~~d. *Reduction or Waiver of Tree Replacement Requirements.* The Director may consider requests to reduce or waive the tree replacement requirements in this section provided that the applicant has met findings 1, or 2, or 3 as set forth in 12.16.080(B) and the Protected Tree(s) is removed pursuant to a Tree Removal Permit issued pursuant to this Chapter.

~~i. Credit for Existing Trees.~~

~~ii. Existing tree(s) on the same property may satisfy up to 50 percent of the replacement tree requirement if the existing tree is either the same species as the tree proposed for removal or a species identified on the approved Master Tree List; and the long-term viability of the existing tree as determined by an Arborist, based on the following:~~

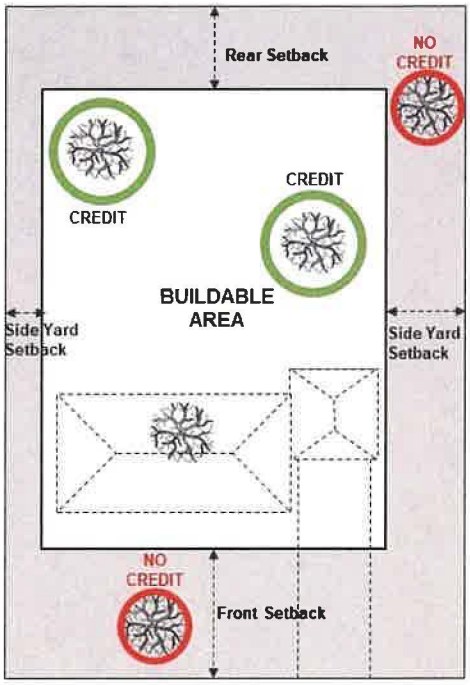
~~d. Location of the existing tree in relation to the tree proposed for removal.~~

~~e. Quality of the environment in which the existing tree is located.~~

~~f. Potential impact to the existing tree from any proposed development.~~

~~g. The credit shall be applied at a rate of one-half inch for each inch of DBH of existing tree.~~

Figure 12.16-13



B. Mitigation Strategies.

1. *On-Site Replacement Planting.* Replacement trees shall be planted on the same property as the ~~tree~~ Protected Tree proposed for removal, subject to review by the Approving Authority. Where the subject property is not able to accommodate the required number of replacement trees on-site, the payment of in-lieu fees shall be required in accordance with Section 12.16.~~160~~150(B)(2).

~~h.~~a. *Replacement Tree Species.* Trees planted as replacement trees shall be the same species as those removed or a species that is acceptable to the Approving Authority, with consideration given to species diversity.

~~1.~~2. *Payment of In-Lieu Fee.* Payment of in-lieu fees may be allowed where the subject property is not able to accommodate the required number of replacement trees on-site ~~except as provided below in Section 12.16.160(B)(2)(a)~~. The in-lieu fee shall be calculated as a dollar amount for each DSH inch ~~of DBH~~ of Protected Tree removed, as adopted by City Council resolution. ~~.~~

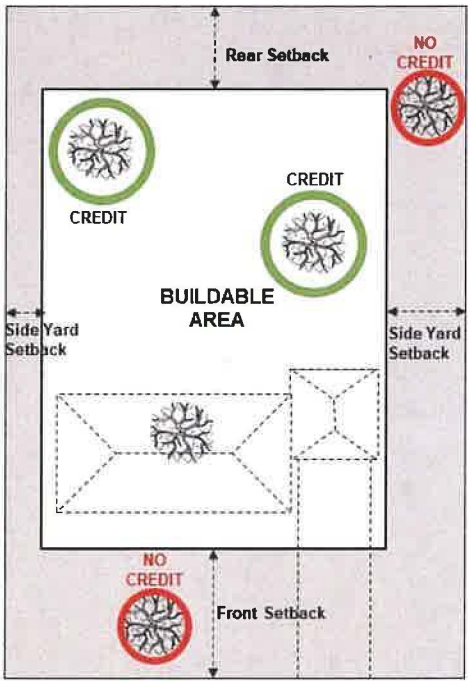
~~2.~~3. *Combination of Planting and Fee Payment.* A combination of on-site replacement planting and payment of in-lieu fees may be used where the number of replacement trees cannot be accommodated on-site. The in-lieu payment shall be reduced based on the number of DSH inches ~~at DBH~~ of the replacement trees planted on-site.

4. *Tree Preservation Credit.* Protected Trees, including Native Oaks measuring one inch DSH or greater, may be preserved in order to receive a Tree Preservation Credit. Credit of one-half inch DSH shall be granted for every inch DSH preserved. However, required mitigation cannot be entirely satisfied using Tree Preservation Credit alone. Even when credit is granted, in no case can mitigation for Protected Tree removal be less than either:

   a. The replanting, maintenance and monitoring for 3 years of one 15-gallon tree from a species of similar size at maturity that is listed on the Folsom Master Tree List; or

   b. The in-lieu fee equivalent to the replacement of the Protected Tree at one-inch DSH.

Figure 12.16-13



Any tree that is to be considered for Tree Preservation Credit shall be evaluated, included in the Tree Protection and Mitigation Plan, and shall have been found to be rated a 3, 4, or a 5 by an Arborist based on the ASCA Tree Rating System identified in Section 12.16.140. Credits shall only be accepted if any part of the base of the tree to be preserved is located within the Buildable Area of the parcel as shown in Figure 12.16-13, the Tree Protection Zone is protected on the construction site, the spacing is equal to or greater than the proper spacing dictated by the Folsom Master Tree List, and the tree is determined by the City Arborist to be viable long-term.

~~3.~~5. *Other Strategies*. Other strategies as may be determined appropriate by the Approving Authority and that meet the intent of mitigation for removal of the Protected Tree(s).

~~For purposes of determining mitigation requirements for multitrunked trees, the extrapolated DBH shall be used.~~

12.16.~~170~~160 Tree Planting and Replacement Fund

Mitigation fees and penalty assessments under this Chapter shall be deposited into the Tree Planting and Replacement Fund. The ~~tree~~ Tree ~~planting~~ Planting and ~~replacement~~ Replacement ~~fund~~ Fund may be used for tree planting and revegetation projects such as parkways, parks, planting of trees along public trails, ~~,~~ and beautification projects, to purchase property for tree mitigation sites, ~~revegetation projects~~ or beautification projects, for the retention of a City Arborist, or for the development, staffing or implementation of an Urban Forestry program, if established. Funds shall not be made available for mitigation or planting on private property, with the following exceptions: 1) private property that is maintained by the City under the terms of a maintenance agreement; or 2) maintenance of Landmark Trees ~~and maintenance of trees on property subject to a conservation easement~~ at the recommendation of the City Arborist. This fund shall be administered by the Community Development Department.

12.16.~~180~~170 Landmark Designation

A. **Establishment of Landmark Designation.**

Application for Landmark Designation. Any interested party may submit an application to the Community Development Department, requesting that the City Council establish by resolution a tree or group of trees as a Landmark Tree(s). Applications shall be made on a form supplied by the City and be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of a fee, commence the process of designating a Landmark Tree. If the owner of the proposed Landmark Tree(s) is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed Landmark Tree(s) thirty days before the hearing on the application, and the owner must provide written confirmation to the City that they support the application. Once an application has been submitted, and before City Council action, the proposed Landmark Tree shall have the same status as a Protected Tree under this Chapter.

Designation of Landmark Trees. In order to designate a tree as a Landmark Tree, the City Council shall find that the tree is in good health and is a significant community benefit because it possesses one or more of the following attributes:

1. Historical value.
2. Outstanding habitat value.
3. Unusual species.
~~1.~~4. Superior beauty.
   ~~a. Excellent health rating.~~
   ~~b. Outstanding habitat value.~~
   ~~c. Unusual species.~~
   ~~d. Superior beauty.~~

Property Owner Notification. If the City Council designates a tree as a Landmark Tree, the City Clerk shall mail a copy of the resolution to the owner of the tree and direct the City Arborist to add the tree to the list of Landmark Trees.

B. **Maintenance of Landmark Trees.** Upon the request of the property owner, the City Arborist may cause a Landmark Tree to be inspected by an Arborist. A report on the health of the tree(s) and recommended maintenance shall be prepared if determined to be necessary by the City Arborist. Copies of the report shall be ~~recorded and~~ provided to the owner of the Landmark Tree(s).

C. **Documenting Landmark Trees.** The Community Development Department shall map the location of Landmark Trees.

D. **Declassification of Landmark Designation.**

1. *Application to Remove Landmark Designation.* The owner of a Landmark Tree may submit an application to the Community Development Department, requesting that the City Council declassify a tree or group of trees previously designated as a Landmark Tree(s). Applications shall be made on a form supplied by the City and shall be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a Landmark Tree(s). Unless the owner of the Landmark Tree is the applicant, the Community Development Department shall notify the owner by first-class mail thirty days before the City Council meeting scheduled for the proposed action.

2. *Declassification of Landmark Trees.* In order to remove the landmark designation of a tree(s), the City Council shall find that the tree(s) is no longer a significant community benefit because it meets one or more of the following factors:

    a. The tree(s) has significantly deteriorated in health or appearance.

    b. The tree(s) no longer has habitat value.

    c. The tree(s) prevents reasonable use of the property.

3. *Property Owner Notification.* If the City Council declassifies a tree or group of trees previously designated as a Landmark Tree(s), the City Clerk shall mail a copy of the resolution to the owner of the tree(s) and direct the City Arborist to remove the tree(s) from the list of Landmark Trees.

12.16.~~190~~180 Maintenance

A. Every property owner shall maintain:

    1. Any Protected Tree located within the limits of their property in accordance with the requirements ~~standards~~ of this Chapter.

    2. Any Street Tree shall be pruned by the property owner in accordance with the requirements ~~standards~~ of this Chapter and shall maintain a minimum seven-foot vertical clearance over all public sidewalks, a minimum eight-foot vertical clearance over all public bicycle lanes, and a minimum 14.5-foot vertical clearance over all public streets.

B. Nothing in this ~~Ordinance~~ Chapter shall interfere with the ~~requirements~~ application or enforcement of the requirements ~~of~~ in Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material) of the Folsom Municipal Code. In the event of a conflict with this Chapter, the requirements of Chapters 8.36 and 8.37 shall control; ~~.~~ h~~H~~owever, a Tree Removal Permit shall be required for the removal of Protected Trees. Permitted removal of Protected Trees shall be exempt from mitigation if the removal is either:

    1. Part of a City-approved Fuel Modification Plan as set forth in Chapter 8.36; or

    2. The result of a Notice to Remove Weeds, Noxious Vegetation, Refuse and Other Obstructions issued by the Fire Chief in accordance with Chapter 8.37.

    ~~1. In the event of a conflict with this Chapter, the requirements of Chapters 8.36 and 8.37 shall control.~~

12.16.~~200~~190 Street Tree Planting

A. **Street Tree Planting.** Each applicant for a building permit for new construction of residential or commercial structures on parcels without existing Street Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Street Trees, unless waived by the City A~~a~~rborist due to physical site constraints of the parcel. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the tree to be planted, the location of the planting and the stage of the development at which the tree is to be planted. There shall be at least one Street Tree for each single-family and two-family lot, except for corner lots, for which two trees shall be planted. For Street Trees for multi-family, mixed-use, commercial and industrial parcels, ~~T~~there shall be at least:

    a. ~~o~~One large-size tree species from the City's Master Tree List planted on center ~~Street Tree for~~ every ~~fifty~~ forty feet of street frontage ~~planted on center; or for commercial and industrial parcels. In multifamily developments, the number of trees shall be~~

~~determined by the City Arborist, but not more than one tree for each dwelling unit may be required.~~

b. One medium-size tree species from the City's Master Tree List planted on center for every 30 feet of street frontage; or

c. One small-size tree species from the City's Master Tree List planted on center for every 20 feet of street frontage; or

~~a.~~d. If the City Arborist confirms that the planting of Street Trees is not feasible then payment of an in-lieu fee by the applicant will be required based on the number of Street Trees that would have been required given the linear feet of street frontage of the project.

B. **Responsibility.** The cost of the tree stock, the planting thereof and the maintenance of the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Street Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Street Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

12.16.~~210~~200 Parking Lot Shading Tree Planting

A. **Planting in Parking Lot.** Each applicant for a building permit for new construction of a commercial structure(s) with surface parking on a parcel without Parking Lot Shading Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Parking Lot Shading Trees in accordance with the requirements of ~~Section 17.57.070 of the Folsom Municipal~~the Zoning Code. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the species and size of the trees to be planted, the location within the parking lot where the trees are to be planted, the monitoring and maintenance period, and the total number of trees necessary to meet the requirements of ~~Chapter 17.57.070~~the Zoning Code.

B. **Responsibility.** The cost of the tree stock, the planting thereof and the maintenance of ~~such~~ the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Parking Lot Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Parking Lot Shading Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

12.16.~~220~~210 Solar Shade Control Act Exemption

The City is exempt from the provisions of the Solar Shade Control Act, Chapter 12 (commencing with Section 25980) of Division 15 of the California Public Resources Code.

12.16.~~230~~220 Violations, Enforcement, and Penalties

A. **Violations**

1. A violation of this Chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, any violation of this Chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.
2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available to redress violation of the provisions of this Chapter.
3. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this Chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012.
4. Notwithstanding the ~~minimum~~ maximum fee level identified in Section 1.09.012(A), the monetary sanction for the removal of a Protected Tree or damage resulting in a critical impact to a Protected Tree, as determined by the City Arborist, shall be in an amount at least two times what would have been charged as an in-lieu fee under Section 12.16.15~~6~~0(B)(2) of this Chapter.

B. **Enforcement**

1. This Chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10 of the Folsom Municipal Code.

C. **Enforcement Procedures—Notice to Correct**

1. Prior to the assessment of any monetary sanction or the commencement of any other enforcement action pursuant to this Chapter, the Director shall follow the procedures set forth in ~~Sections 1.09.020 through 1.09.048 050~~Chapter 1.09 of the Folsom Municipal Code.

Attachment 4

Public Comments

Aimee Nunez

From: Ron Phillips <ron.phillips@folsomfsc.org>
Sent: Thursday, August 29, 2019 2:06 PM
To: Pam Johns
Cc: Aimee Nunez; Kurt Keller; Deborah Grassl; Felipe Rodriguez; Ken Cusano; Rgnevarez@aol.com
Subject: City Tree Preservation Ordinance Update

Good Afternoon Mrs. Johns:

On behalf of the members of the Folsom Fire Safe Council (FFSC) I wanted to formally invite the City's consultant and/or City staff working on the Tree Preservation Ordinance update to attend our next meeting on November 6th and present an update on the City's efforts in revamping the existing language found in the FMC. Our meeting begins at 1:00 pm at the Folsom Community Center. We would certainly make the time to discuss this topic further if either the consultant and/or staff is available. Please let me know if this is possible.

In addition, I would like to recommend to the City that it consider the following proposed changes to the Tree Preservation ordinance language going forward in an effort to minimize potential conflicting regulations with various State and local efforts to reduce the wildfire risk in local communities such as Folsom. These potential changes include:

1. Modify the exemption provisions found in FMC § 12.16.030 to include allowing for the removal of Non-Heritage trees when such work is necessary to complete Hazardous Fuel Reduction[1] (HFR) work that has been identified as part of a City approved Vegetation Management Plan for a wildland urban-interface (WUI) area.

2. Modify the exemption provisions found in FMC §12.16.030 to permit the maintenance of trees regulated by this chapter when it is part of Defensible Space[2] efforts to protect a home within 100' of a designated WUI area. Examples of maintenance efforts that should be permitted include, but are not limited to, the following.

a. Removal of lower tree limbs up to 8' from the ground to prevent fire spread through tree canopies.

b. Removal of tree limbs within 10' of wood burning chimneys and other heating appliances.

c. Removal of dead and /or diseased tree limbs within 10' of the roof of the home.

d. Mowing of grass to a maximum height of 4" within the drip zone of the tree canopy during periods of the year declared by the Fire Chief as "Fire Season".

3. Incorporate language into the updated ordinance to allow for the removal and/or maintenance of trees regulated by this chapter that are found within both public and privately owned Open Space[3] lands when their removal is necessary as part of an approved Vegetation Management Plan that constructs and/or maintains a shaded fuel break[4] in the City.

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[1] Refers to the reduction of surface and ladder vegetation that form wildfire fuels. It may be accomplished using fire, biological methods and/or mechanical treatments to remove or modify fuels in wildland areas.

[2] Is the design and maintenance of natural and/or landscaped areas around a structure to reduce the danger from an approaching wildfire. Defensible space is intended to reduce the threat of wildfire spread from the wildland threat area to adjacent structures. See California Public Resource Code § 4291 for additional details.

[3] Isolated undeveloped lands within an urban area that can produce a wild interface fire threat to the local neighborhoods. They can include habitat conservation lands, natural vegetation parklands, stormwater drainages, land that is not developable that is covered with natural vegetation and powerline corridors.

[4] Is a strategy used whereby a strip of land containing fuel (for example, living trees and brush, and dead branches, needles, or downed logs) has been modified or reduced to limit the fire's ability to spread rapidly. Constructing a shaded fuel break is the process of selectively thinning and removing more flammable understory vegetation while leaving the majority of larger, more fire tolerant tree species in place.

As always we look forward to working with City staff and yourself in the future. Please dont hesitate to contact me if you have any further questions regarding this matter.

Thanks,

Ron

--

Ronald A. Phillips, Chairperson
Folsom Fire Safe Council
916-293-2331

October 16, 2019

Aimee Nunez
City Arborist
City of Folsom
Community Development Dept.
50 Natoma Street, 2nd Floor
Folsom, CA 95630
anunez@folsom.ca.us

Pam Johns
Community Development Director
City of Folsom
pjohns@folsom.ca.us

Elaine Anderson
City Manager
City of Folsom
eanderson@folsom.ca.us

Folsom City Councilpersons:
Mayor Kerri Howell, Vice Mayor Sarah Aquino, Council Members Ernie Sheldon, Roger Gaylord, and Mike Kozlowski

RE: Update to the City of Folsom Tree Ordinance – October 22, 2019, New Business 9b.

I want to thank our City Arborist Aimee Nunez and Community Development Director Pam Johns for their work in updating our Tree Ordinance, which I believe will enhance the City's ability to maintain and further establish a world class tree canopy. The changes will enhance not only the beauty of our City but contribute to reductions in heat islands and greenhouse gas emissions, the latter of which will help the City to achieve the CAP that has been incorporated into the 2035 Master Plan update.

I'm particularly happy to see the changes that support the retention of existing trees by expanding the definition of "heritage trees", the addition of reasonable alternative measures to deter removal and increase retention of mature trees (rather than paying in lieu fees), credits given to developers for retaining existing trees, and the ability of planners to adjust lot coverage and setbacks to enhance the ability of a builder to retain existing trees.

I am also pleased to see the addition of the requirement to have Parking lot tree pruning and removal evaluated by our arborist and permitted; shade-less masses of asphalt are abundant where trees have been over-pruned and died as a result of this in addition to the poor condition exacerbated by tree wells which are too small and not well irrigated.

I am wondering if some additional changes might be incorporated or, if not appropriate for this document, be added to goals or guidelines or other administrative processes.

1) As the appeal process could ultimately be taken to a Commission, I am concerned that political pressure can override a sound decision by knowledgeable staff. Educating Commissioners on the tree ordinance may help diminish this possibility.

2) Can new homeowners be given an introductory greeting packet that includes care, maintenance, rules, and regulations regarding trees that are planted on the property they are purchasing? Perhaps this is something that can be dispensed when the homeowner applies for water and garbage service.

3) Can the approved arborists on the City Website of known licensed arborists each receive notice that they need to ensure that the homeowner has obtained the proper permits before performing the work?

I am very concerned about the "reduced mitigation rate within the buildable footprint of residential lots to 50%". I recognize that with the higher densities and smaller lots that adequate shade coverage for the yards, streets and sidewalks is difficult. However, local parks and the landscape easements should be utilized to the greatest extent possible to achieve greater than 50% coverage for the entire acreage in any given subdivision. At a minimum mitigation in the same region of town where trees were removed should be a prime goal.

Finally, I would like to see some kind of incentive program established to encourage residents, who have removed their trees and replaced their lawns with rocks and tiny shrubs only, to plant trees in accordance with the requirement to have one shade tree within 12 feet of the sidewalk per lot. Partnering with the Sacramento Tree Foundation could be beneficial in accomplishing this with free trees and help. Perhaps a note in the City Newsletter could educate and enhance the utilization of this service and I know of at least a couple local service organizations that can be enlisted to help homeowners with planting if needed.

Thank you again for your work on this and I'm looking forward to helping in any way I can to keep Folsom green. I'm sorry to have to miss the Council Meeting for this presentation as I will be out of town.

Sincerely,

Barbara Leary

Barbara Leary
128 Yankton Street
Folsom, CA
916 947-9270

TreePreservation

From: Lawrence Moore <numberseven7@sbcglobal.net>
Sent: Thursday, October 17, 2019 10:14 PM
To: TreePreservation
Subject: New tree ordinance

Thank you for the opportunity to comment. I understand the need to write ordnance in legal terms however to me the ordnance is not straightforward. To rectify this, I suggest you put together a handbook outlining the provisions, with appropriate color picture and diagrams, fully linked with referenced material and imbedded definitions. The target audience are city residents and small business owners.
The City of Corvallis made an attempt at this, but I bet you could do better.
I have no direct comments on the ordnance itself. I do believe though that Folsom residents need a better tool to understand the value of protected trees and their responsibilities than what the ordnance itself provides.
I should not also have to delve into several web sites to garner this information. Folsom residents are the primary protectors of Folsom's trees. Help them out with easy to read and comprehend information.

Thank you

Larry Moore
143 Fantages Way
Folsom

Sent from my iPhone

Aimee Nunez

From: Kevin A. Hocker <KHocker@cityofsacramento.org>
Sent: Wednesday, October 23, 2019 3:57 PM
To: Aimee Nunez
Subject: RE: Folsom Tree Preservation Ordinance - Admin draft #1
Attachments: Chapter 12.16_Folsom TPO_PUBLIC_REVIEW_DRAFT KH COMMENTS.pdf

Hi Aimee,
Sorry for taking so long to get back to you on this. I was home sick today so I had plenty of time to look at it. My mind is a little foggy from whatever it is that I have so please excuse any comments that aren't well articulated.

Overall I think it's a good document. Most of my comments point out where Sacramento approached the same problem in a different way. I point those things out so you can have something to think about, not because I'm suggesting that you should change anything. There are a few instances where I think that you have some big loopholes that can be exploited and in those cases I think you should see what you can do to tighten up the language so you can get what you are really trying to achieve.

I know that this is a work in progress so please keep me updated on any major developments. I'll try to get back to you a lot faster next time.
Thanks,

Kevin A. Hocker
B.Sc., Environmental Horticulture and Urban Forestry (UCDavis)
Board Certified Master Arborist WE-8039BM (ISA)
City Urban Forester
Department of Public Works, Urban Forestry
(916)-808-4996

From: Aimee Nunez <anunez@folsom.ca.us>
Sent: Wednesday, October 2, 2019 4:55 PM
To: Kevin A. Hocker <KHocker@cityofsacramento.org>
Subject: Folsom Tree Preservation Ordinance - Admin draft #1

Hello Kevin,

Thank you again for the call today. I've attached the internal review draft to this email. If you're interested in our current ordinance language for comparison, you can find it here:
https://www.codepublishing.com/CA/Folsom/#!/Folsom12/Folsom1216.html#12.16

The mitigation section especially still needs some work. One of our biggest struggles is enticing tree preservation for development (custom homes in particular). Our existing ordinance has some soul crushing loop holes that has resulted in lots of tree removals for virtually no mitigation and the new approach in the attached document attempts to close those gaps. As I mentioned, we're still massaging/editing, but this is a substantially complete draft and your feedback would be most welcome. I look forward to hearing your thoughts. Thank you again!

Best,

12.16.010 Purpose and Intent

A. **Purpose.** Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, essential shade, energy savings, reduced Heat Island effect, habitat for wildlife, and carbon sequestration. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of our Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish standards, and measures for the preservation of trees.

B. **Intent.** The provisions of this chapter are enacted to:

1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values.
2. Promote conservation of tree resources and long-term sustainability.
3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices.
4. Protect the visual and aesthetic character of the City.
5. Implement the conservation goals of the General Plan.
6. Establish procedures for the City to administer this tree ordinance.

12.16.020 Definitions

This section includes the definition of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, the terms and phrases as defined in this Chapter shall control for the purposes of this Chapter. If a word is not defined in this Chapter, the Community Development Director shall determine the most appropriate definition for purposes of enforcing the Tree Ordinance.

Adjacent. Having a common property line, or immediately next to an alley, path, private street, easement, or public street.

ANSI A300 Standards. The most current version of Tree Care Operations – Tree, Shrub and other Woody Plant Maintenance – Standard Practices of the American National Standards Institute, as amended from time to time.

Appeal Authority. The Director or Commission authorized under this Chapter to consider appeals of Tree Removal Permits.

Approving Authority. The City Arborist is the Approving Authority for the Tree Work Permit and Tree Removal Permit covered by this Chapter.

Arborist Report. A report prepared by an Arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site.

1 KHocker 10/23/2019 13:37:16
Take a look at this to make sure that the things you list in here are things that you intend to manage your forest for. Carbon sequestration and wildlife habitat require different management strategies. You don't want to force yourself into a management strategy that you didn't intend. Just something to think about.

2 KHocker 10/23/2019 13:38:11
Aren't you also establishing standards for tree maintenance, removal, and replacement?

Notes

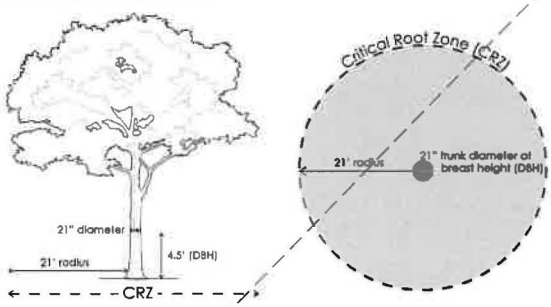
Arborist. An individual certified as an Arborist by the International Society of Arboriculture (ISA) and holds a current and unexpired certification.

City Arborist. An Arborist who is a City employee whose job duties include the review, evaluation and preparation of reports and permits under this Chapter.

Director. The Director of the City's Community Development Department or his/her designee.

Certificate of Compliance. A letter from an Arborist verifying that the conditions associated with a Tree Permit have been satisfied.

Critical Root Zone (CRZ). The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This Critical Root Zone area for all trees except Heritage Trees is a circle with a minimum radius of 1 foot for every 1 inch in trunk diameter at DBH. For Heritage Trees, the Critical Root Zone area shall be a circle with a minimum radius of 1.5 feet for every 1 inch in trunk diameter at DBH, unless reduced by the City Arborist.



Diameter at Breast Height (DBH). The diameter of a tree measured at four and one-half feet above the ground while standing on the high side of the tree. For a tree other than a Multitrunked Tree that branches at or below four and one-half feet, DBH shall mean the diameter at the narrowest point between the grade and the lowest branching point. The diameter shall be calculated by use of the following formula:

diameter = circumference/3.142

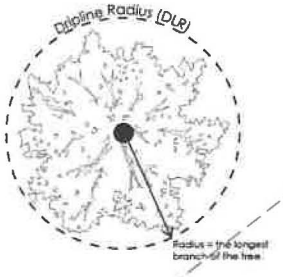
For Multitrunked Trees, the DBH shall be the diameter of each stem measured at four and one-half above the ground while standing on the high side of the tree added together in total.

Dripline Radius (DLR). A perfect circle around the tree with the radius being equal to the longest branch of the tree.

1 | KHocker | 10/23/2019 13:40:38
There are arborists that aren't certified by the ISA but I like that you have established a minimum qualification. I have experienced frustration from Sacramento's lax definition of the term in their ordinance.

2 | KHocker | 10/23/2019 13:42:19
You have the opportunity to call this DSH or Diameter at Standard Height if you want.

Notes



Extrapolated Diameter at Breast Height (DBH). [1] is method of calculating the DBH of a multitrunked tree that is derived from adding the cross-section area of each stem measured at 4.5 feet above grade to determine a value for the DBH. In a Multitrunked Tree, this is calculated by taking the square root of the sum of each individual stem's DBH squared. The extrapolated DBH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.

Heat Island. An urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.

Heritage Tree. [A] Tree on the City's Master Tree List over 30 inches in DBH or a multitrunked tree on the Master Tree List [2] aving a combined DBH of 50 inches or more.

International Society of Arboriculture (ISA). A nonprofit organization and network of practitioners, scientists, and students that is recognized as a source for arboricultural information and knowledge.

Landmark Tree. A tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to its size, age, location, historic association or ecological value.

Major Pruning. The cutting of any individual branch or root with a diameter of two inches or greater or a circumference of more than six and one-quarter inches at any point on such branch or root. It shall also include the cutting of a cumulative amount of more than ten percent of a combination of the Root System and the Tree Crown within a 12-month period.

Master Tree List. A list prepared by the City identifying the species of trees that may be planted as replacement trees, as Parking Lot Shading Trees, or as Street Trees.

Minor Pruning. The cutting of any individual branch or root of less than two inches in diameter at any point on such branch or root. The cumulative amount of cutting shall not be more than ten percent of a combination of the Root System and the Tree Crown within a 12-month period. Pruning that substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered Minor Pruning.

Multitrunked Tree. A tree with multiple stems originating from a single root mass.

Native Oak Tree. One of the following species of tree or hybrids of any of the trees listed below, with a minimum diameter as shown:

1 | KHocker 10/23/2019 13:46:18
This is the most technically correct way to do this, but you should consider that you will have to double check everyone's math. Sacramento's solution was to simplify the math while closely approximating this formula. Your proposed solution is fine, I just wanted you to think about it an make sure that it will work the way you intend it to.

2 | KHocker 10/23/2019 13:47:48
Are heritage trees on private property or can they be located on public property too?

Notes

Common Name	Botanical Name	Trunk (DBH)	Multitrunked Combined (DBH)*
Valley Oak	Quercus lobata	6"	20"
Blue Oak	Quercus douglasii	6"	20"
Interior Live Oak	Quercus wislizenii	6"	20"
Coast Live Oak	Quercus agrifolia	6"	20"
*A Native Multitrunked Tree listed above with a single stem 6 inches or greater shall be considered a Native Oak Tree.			

Parking Lot Shading Tree. Any tree planted in a parking lot in order to meet shade coverage requirements and as identified in Section 17.57.070 of the Zoning Code.

Protected Tree. Trees protected under this Chapter include Native Oak Trees, Heritage Trees, Landmark Trees, Regulated Trees, and Street Trees, as defined herein.

Pruning. To cut off or cut back parts a tree to enhance health and structure. Pruning refers to both above surface and underground cutting. See also *"Major Pruning"* and *"Minor Pruning"*.

Reasonable Alternative Measures. Measures determined and authorized by the Approving Authority or Appeal Authority that may be reasonably implemented to minimize impact to a Protected Tree in order to avoid activities which could result in greater impact to the tree or removal of the tree. Examples may include tree management practices such as root barriers; a minor deviation from the setbacks to allow a development to preserve existing trees on-site (may require a variance or other land use entitlements); or the planting of replacement trees on suitable off-site locations.

Regulated Activity. Activities involving Major Pruning of a Protected Tree, any activity undertaken within the Tree Protection Zone of a Protected Tree, removal of a Protected Tree, cabling and/or bracing of a Protected Tree, or other activities that may impact the long-term health and survivability of a Protected Tree as may be determined by the City Arborist.

Regulated Tree. Trees required in accordance with the standards of the Zoning Code, such as Parking Lot Shading Trees, or required as conditions of development project approval, such as landscape buffer or screening trees.

Replacement Tree. A tree required to be planted as mitigation for removal of a Protected Tree in accordance with the requirements of this Chapter.

Root System. This configuration of underground tentacles is one of its most important elements of a tree, providing several vital functions. Roots store nutrients for the tree during the winter and transport water and minerals during the active part of the growing season. Roots also provide an anchor to the tree, keeping it from toppling during extreme weather conditions.

Routine Maintenance. Includes the following activities: Minor Pruning; dead wood removal; irrigation; mulch application; mowing or trimming grass or other ground cover close to a tree; application of fertilizer, insecticides, or herbicides in accordance with their label; or any other similar activities that promote the life, growth, or health of trees. Any procedure, technique, or practice that is expressly prohibited under the ANSI A300 standards or by this Chapter is not Routine Maintenance.

Street Tree. A tree of an approved species in accordance with the Folsom Master Tree List located within 12.5' of a street or sidewalk, measured from the back of the curb or back of the sidewalk. Street Trees can be either privately or publicly owned.

Subject Property. The property, or properties, for which a permit request has been filed.

1 | KHocker 10/23/2019 13:51:01
There is no mention of trees on city property. Are you saying that no permits are required for someone to cut down a tree at city hall or a library?

2 | KHocker 10/23/2019 13:56:05
This section seems to focus on measures that would be appropriate for new construction scenarios. You might want to state some reasonable measures for scenarios that involve existing structures and conflicts with driveways or sidewalks. You may also find it helpful to state what measures would not be considered reasonable. In Sacramento people propos...

3 | KHocker 10/23/2019 14:19:06
I think you will have dificulty enforceing code violations involving any actions not enumerated in this section. People can't be expected to read the mind of the city arborist and know what you consider to have an impact on the long term health of a protected tree. You could fix it by rewording it to say something like "Any activity other than routing maintenance undertaken within the...

4 | KHocker 10/23/2019 14:21:23
Ok I see. If someone plants an improper species of tree in the street area, then it doesn't meet the definition of a Street tree and therefore isn't protected.

Notes

Comments summary on <Kevin Hocker_Chapter 12.16_Folsom TPO_PUBLIC_REVIEW_DRAFT KH COMMENTS.pdf>
Created on 12/30/2019 at 14:7:17

ID	Subject	Author	Date/Time	Comment
2	Sticky Note	KHocker	10/23/2019 13:56:05	This section seems to focus on measures that would be appropriate for new construction scenarios. You might want to state some reasonable measures for scenarios that involve existing structures and conflicts with driveways or sidewalks. You may also find it helpful to state what measures would not be considered reasonable. In Sacramento people proposed unreasonable solutions frequently enough that the city found it necessary to state in their ordinance that certain measures would not be considered reasonable. I can also state from experience that it helps tremendously to have certain measures defined in the code as reasonable so doesn't need to be a debate about it each time the question arises.
3	Sticky Note	KHocker	10/23/2019 14:19:06	I think you will have dificulty enforceing code violations involving any actions not enumerated in this section. People can't be expected to read the mind of the city arborist and know what you consider to have an impact on the long term health of a protected tree. You could fix it by rewording it to say something like "Any activity other than routing maintenance undertaken within the TPZ of a Protected Tree such as but not limited to A, B, and C. Also is plantlng a tree regulated? Can I just go out into the street or a park and plant a birch tree then watch you struggle to keep it alive.

Terminal Leader. This is the vertical stem(s) at the top of the trunk of a tree.

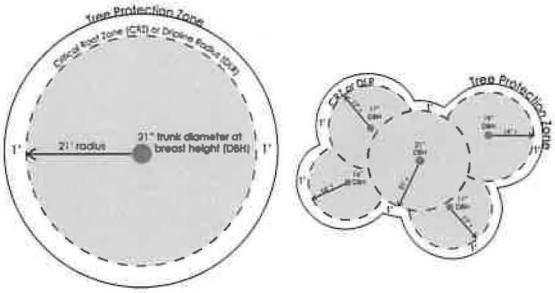
Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards and any other relevant standards as determined by the City Arborist, as amended by the City from time to time.

Tree Crown. This is the top part of the tree, which features branches that grow out from the main trunk and support the various leaves used for photosynthesis.

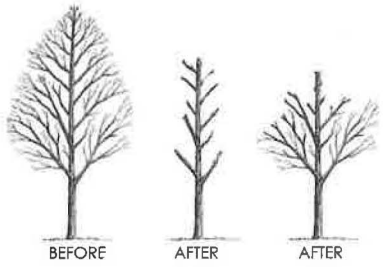
Tree Permit. A permit issued by the City of Folsom covering any Regulated Activity affecting a Protected Tree, which may be a Tree Work Permit or a Tree Removal Permit or both.

Tree Protection and Mitigation Plan. A plan submitted for review and approval before the start of any Regulated Activity.

Tree Protection Zone (TPZ) The circumference of the outermost edge of a tree's Critical Root Zone or Dripline Radius, whichever is 1 eater, plus one foot. When depicted on a map, the Tree Protection Zone will appear as a perfect circle, or group of overlapping circles for multiple trees.



Topping. A type of pruning that is not Routine Maintenance and involves the removal of tops of trees, or large branches or trunks from tops of trees, leaving large stubs or lateral branches that are too small to assume the role of a Terminal Leader.



Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow in the City boundaries.

1 | KHocker 10/23/2019 14:06:08
This will work, but I think that it would be simpler to combine the definition of the CRZ and the TPZ. The CRZ results in a more uniform tree protection than TPZ which is highly variable. In any case give some thought to how you want to go about checking this for enforcement purposes. And think about how you will go about granting exceptions to this rule when protecting the ...

Notes

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ID	Subject	Author	Date/Time	Comment
1	Sticky Note	KHocker	10/23/2019 14:06:08	This will work, but I think that it would be simpler to combine the definition of the CRZ and the TPZ. The CRZ results in a more uniform tree protection than TPZ which is highly variable. In any case give some thought to how you want to go about checking this for enforcement purposes. And think about how you will go about granting exceptions to this rule when protecting the standard TPZ isn't possible or feasible.

1 | KHocker 10/23/2019 14:08:57
Are these activities always prohibited or can they be allowed if they are the only option for preserving a tree that still has substantial value?

Zoning Code. Title 17 of the Folsom Municipal Code.

12.16.030 Applicability

The provisions of this Chapter shall apply to all Regulated Activities affecting Protected Trees, excluding those activities undertaken by the City. Trees that are not Protected Trees are not subject to the provisions of this Chapter. When a tree qualifies as more than one type of Protected Tree, the more stringent requirements apply.

12.16.040 Prohibited Activities

The following activities shall be prohibited with respect to Protected Trees:

A. Topping.

B. Attaching anything using nails, screws, and/or spikes.

C. Wounding or breaking tree trunks or branches through contact with vehicles and heavy equipment.

D. Wounding trunks with string weed trimmers, lawn mowers, and similar equipment.

E. Causing injury by fire or excessive heat.

F. Pruning activities not conducted in accordance with City's Tree Care and Maintenance Standards.

G. The use of tree spikes or spurs while pruning.

H. Any of the following activities within the Tree Protection Zone of any Protected Tree, unless specifically approved by the City and conducted in accordance with the standards of Section 12.16.140 (Standard Conditions of Approval):

1. Storage of large quantities of soil and/or mulch.
2. Excavation and trenching.
3. Changing soil grade by cutting or filling.
4. Grading, tearing, and/or grubbing.
5. Compacting soil with equipment, vehicles, material storage, and/or foot traffic.
6. Washing out equipment (especially paint, stucco and concrete) and vehicle maintenance.
7. Installing impervious surfaces, including but not limited to parking lots, driveways, and walkways.
8. Storing or placing construction materials or construction debris and waste.
9. Accumulation of water from construction-related activities.

I. Cutting down, destroying, effectively destroying through damaging, removing, or moving any Protected Tree without a Tree Work Permit or a Tree Removal Permit at any time unless specifically exempted by this Chapter.

12.16.050 Permit Required

A. **Tree Work Permit Required.** A Tree Work Permit is required for any Regulated Activities undertaken with respect to a Protected Tree, except where specifically exempted by subsection "C" below:

Notes

B. **Tree Removal Permit Required.** A Tree Removal Permit is required before removal of any Protected Tree, except where specifically exempted by subsection "C" below.

C. **Exemptions.** The following activities with respect to Protected Tree are specifically exempted from the requirements for obtaining a Tree Work Permit or a Tree Removal Permit.

1. Resurfacing, repaving, or concrete replacement of existing paved areas within the Tree Protection Zone, if conducted under the supervision of an Arborist to guarantee appropriate measures are taken to ensure tree survival.
2. Parking or operation of motor vehicles within the Tree Protection Zone on existing paved areas.
3. Placement or storage of equipment or construction material within the Tree Protection Zone on existing paved areas.
4. Maintenance of under-canopy landscaping.
5. Routine maintenance of Protected Trees.
6. Emergency work involving the removal of limbs or trees damaged by extreme weather, chance occurrence, or unavoidable accident beyond the reasonable control of the property owner.
7. Removal of a Protected Tree that is dead or dying as determined by an Arborist and verified by the City Arborist provided that the property complies with the requirements of the Zoning Code.
8. Removal of a Protected Tree that poses an imminent safety risk to the public as determined by the City Arborist or City Fire Chief.
9. Minor pruning activities.
10. Activities that do not disturb or contaminate the soil within the Tree Protection Zone or result in physical contact to the Protected Tree.
11. Public utilities subject to the jurisdiction of the California Public Utilities Commission performing pruning activities as is necessary to comply with the safety regulations of said commission and to maintain a safe operation of their facilities. However, they shall notify the Community Development Department at least seven (7) business days before taking any action. The City may cause such pruning work to be inspected and the City shall have the authority to stop any tree-pruning performed by a utility if such practices are not being followed.

D. **Combined Activities.** Separate but similar tree-related activities may be reviewed under one permit. The City's decision on the permit shall apply to all activities included in the permit.

E. **Limitation.** Permit issued under this Chapter entitles the permittee to perform only the Regulated Activities authorized in the permit and is not valid for any other purpose.

12.16.060 Application Requirements

A. **Application Form.** All Tree Work Permit or Tree Removal Permit applications must be submitted in writing to the Community Development Department on a form provided by the City.

1. Minimum submittal requirements shall be established by the City. Additional information necessary for the complete evaluation of an application may be required by the City Arborist. All required material and information shall be provided by the applicant before the application may be deemed complete and accepted for processing.

1 KHocker 10/23/2019 14:32:55
You absolutely have to define the term emergency or everything will be an emergency in the eyes of a homeowner, developer, or tree care company and you won't have any way of saying otherwise. An emergency should involve an imminent safety risk and/or the imminent loss of service or access to property. Work that exceeds what is necessary to correct the ...

2 KHocker 10/23/2019 14:35:39
If two arborists need to verify that it's dead or dying, how is this funtionally different from a permit? This exemption also incentivices people to kill or neglect their trees so they can remove it without a permit. You could easily require a permit for dead and dying trees and just waive the replacement requirement if a removal permit is granted.

3 KHocker 10/23/2019 14:26:19
Number 8 encompasses everything you want to say in 6 and 7. You might also ad a line about the City Arborist and/or City Fire Chief acting within the scope of their assigned duties. I have on rare ocassion run into a situation where someone removed a tree because a fire chief offered the opinion that a tree was dangerous in an offhand way on his day off when he wasn't engaged in ...

Notes

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1	Sticky Note	KHocker	10/23/2019 14:32:55	You absolutely have to define the term emergency or everything will be an emergency in the eyes of a homeowner, developer, or tree care company and you won't have any way of saying otherwise. An emergency should involve an imminent safety risk and/or the imminent loss of service or access to property. Work that exceeds what is necessary to correct the emergency should be regulated. It's very common to remove an entire tree or group of trees because one limb broke in a storm.
3	Sticky Note	KHocker	10/23/2019 14:26:19	Number 8 encompasses everything you want to say in 6 and 7. You might also ad a line about the City Arborist and/or City Fire Chief acting within the scope of their assigned duties. I have on rare ocassion run into a situation where someone removed a tree because a fire chief offered the opinion that a tree was dangerous in an offhand way on his day off when he wasn't engaged in any official city business.

2. No application shall be considered complete for acceptance and processing until the required application fee is paid in full.
3. For work within the Tree Protection Zone or work involving the removal of a Protected Tree, a Tree Protection and Mitigation Plan is required as part of the permit application unless exempt under Section 12.16.050(C). If Protected Trees are present on the proposed development site, a Tree Protection and Mitigation Plan is required as part of entitlement application and before submittal of a Tree Permit application.

B. **Application Fees.** The City Council may establish a fee by resolution for the processing permit applications under the provisions of this Chapter, which may be amended from time to time.

12.16.070 Approving Authority

The Approving Authority may approve, modify, conditionally approve or deny the permit application in accordance with this Chapter. The decision of the Approving Authority on a Tree Work Permit shall be final and not subject to appeal. Tree Removal Permit may be appealed to the Appeal Authority pursuant to procedures set forth in Section 12.16.110 (Appeals).

12.16.080 Conditions of Approval

The Approving Authority may impose such conditions as are necessary to ensure compliance with this Chapter with respect to the proposed project, including but not limited to conditions to lessen impacts to Protected Trees or to mitigate environmental impacts of the proposed activity.

12.16.090 Findings for Approval

The following findings are required before issuance of the specified permits.

A. **Tree Work Permit.** Before approving an application for a Tree Work Permit, the Approving Authority shall make the following findings:
   1. The proposed activity is not detrimental to the immediate or long-term health of the Protected Tree; or
   2. The proposed activity is detrimental to the immediate health of the Protected Tree, but a Tree Protection and Mitigation Plan has been prepared that minimizes the impact and protects the long-term health of the tree to the satisfaction of the City Arborist; and
   3. The proposed activity is in accordance with the provisions of this Chapter and all applicable City standards and policies.

B. **Tree Removal Permit.** Before approving an application for a Tree Removal Permit, the Approving Authority shall make at least one of the following findings:
   1. The condition of the Protected Tree with respect to disease, danger of falling, or long-term health of the tree is such that the tree is not likely to survive.
   2. The condition or location of the Protected Tree or its roots is interfering with water, sewer, gas, electrical services, streets or sidewalks to the subject property or properties in the vicinity and there are no Reasonable Alternative Measures to avoid, prevent or lessen the interference.
   3. The Protected Tree or its roots are causing, or threatening to cause, damage to any existing permanent structure or feature on the property or on any adjacent property including pools, driveways, and there are no Reasonable Alternative Measures to avoid, prevent or lessen the damage or threatened damage.

1 | KHocker 10/23/2019 14:38:22
It's good that you have stated that the fee is for processing the application not for granting the permit. People will try to avoid paying if they don't get a permit, or insist that you need to grant them a permit because they paid for a permit. It can't be stressed enough that the fee is for processing the application not for issuing a permit.

2 | KHocker 10/23/2019 14:42:33
I prefer to say "approve with conditions" rather than "coditionally approve." Ask your lawyers about this. It might only be me but I read conditionlly approve to mean that some condition needs to be met before I can get a final approval. I read approve with conditions to mean that the permit is approved but there are additional terms or conditions that modify the scope of work ...

3 | KHocker 10/23/2019 14:45:45
There's nothing wrong with this but think about how you want to handle it if someone asks to dig next to a tree to place a pipe and you say no. If the applicant doesn't agree with your decision can they reapply and ask again with more information to convince you or do they need to sue you to have the matter reconsidered. Think about how you want the system to work but having an ...

4 | KHocker 10/23/2019 14:49:27
I can't think of any better language, but I think that "not likely to survive" is a little vague and invites week arguements that you will be forced to consider as valid. See if you can't tighten that language up a bit to make it less subjective.

5 | KHocker 10/23/2019 14:52:57
I suggest adding language to the effect that the interference is likely to cause a foreseeable interruption in service or function of the aforementioned utilities and facilities.

6 | KHocker 10/23/2019 15:00:18
The word "threatening" seems to really get some people upset for some reason. Other people interpret it very loosely to include the very remote possibility of damage. I don't know if I have the perfect language for this but I suggest that you consider something like "causing or will cause damage in the near future to..."

Notes

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Created on 12/30/2019 at 14:7:16

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2	Sticky Note	KHocker	10/23/2019 14:42:33	I prefer to say "approve with conditions" rather than "coditionally approve." Ask your lawyers about this. It might only be me but I read conditionlly approve to mean that some condition needs to be met before I can get a final approval. I read approve with conditions to mean that the permit is approved but there are additional terms or conditions that modify the scope of work that has been allowed as part of the permit.
3	Sticky Note	KHocker	10/23/2019 14:45:45	There's nothing wrong with this but think about how you want to handle it if someone asks to dig next to a tree to place a pipe and you say no. If the applicant doesn't agree with your decision can they reapply and ask again with more information to convince you or do they need to sue you to have the matter reconsidered. Think about how you want the system to work but having an appeal option even on pruning isn't necessarily a bad thing.

4. Use of the property consistent with the Zoning Code could not be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.

12.16.100 Notice of Decision

A. Written Notice. Written notice of decision on application for Tree Work Permit or Tree Removal Permit shall be provided to the applicant as part of the permit issuance or denial. Written notice of decision on application for Tree Removal Permit shall be provided to the applicant and owners of properties located immediately adjacent to the subject property. The notice shall include the following:

1. The application.
2. The decision made by the Approving Authority.
3. Conditions imposed as part of the approval.

12.16.110 Appeals

A. **Right to Appeal.** The decision on a Tree Work Permit is final and not subject to appeal. For a Tree Removal Permit, any person dissatisfied with the determination of the Approving Authority may file an appeal with the Director. The decision of the Director may be appealed to the Planning Commission or the Historic District Commission depending upon the location of the Protected Tree. The decision of the Planning Commission or Historic District Commission shall be final for all purposes and not appealable further.

B. **Filing an Appeal.** Appeal shall be submitted in writing to the City Clerk within 10 calendar days following a decision rendered under this Chapter, with payment of an appeal fee adopted by the City Council. The appeal shall, at a minimum, state the following:

1. The project or matter being appealed.
2. The date of the City's decision that is the subject of the appeal.
3. The specific conditions, standard, or action being appealed.
    a. A statement specifying the basis or grounds of the appeal such as why the decision is not in agreement with the standards and regulations of this Chapter.
    b. How the decision of the Approving Authority should be changed.
4. No appeal request shall be deemed filed until the prescribed fee has been paid.
5. If an appeal is not filed within the time and in the manner stated above, the right to appeal shall be deemed waived.

C. **Notice and Schedule of Appeal Hearings.** The Director shall schedule the appeal hearing as soon as practicable following receipt of the appeal. Notice of the date, time and place of the hearing shall be provided to the appellant and the project applicant no later than 10 calendar days before the date of the hearing.

D. **Appeal Hearing and Action.** The Appeal Authority shall review the entire proceeding or proceedings relating to the act or decision being appealed and may make any order it deems just and equitable, including but not limited to the approval or denial of the Tree Removal Permit application, the addition or modification of any condition applicable to an approved Tree Removal Permit. Any hearing may be continued from time to time. At the conclusion of the hearing, the Appeal Authority shall make findings supporting its decision on the appeal. The decision of the

1 | KHocker 10/23/2019 15:03:39
I actually like this language, but you might want to check with your lawyers and planning folks on this. Some projects have mandatory public notice provisions that exceed the requirements stated here.

2 | KHocker 10/23/2019 15:06:20
Have you actually established limits on reasons for an appeal. It is very common to appeal a tree removal decision simply because someone likes trees, regardless of whether the process was followed reasonably. As your lawyers if you can limit appeals to matters of process and findings. Sacramento allows anyone to appeal for any reason and the majority of the appeals are...

3 | KHocker 10/23/2019 15:09:28
I advise that you definitely have an apeal fee. It should be reasonable and there should be a provision somewhere that states that it is non refundable but can be waived upon request at the time of submittal for cases of financial hardship. No cost appeals can encourage and enable people to appeal just for the sake of wasting peoples time and to delay projects that they don't like.

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2	Sticky Note	KHocker	10/23/2019 15:06:20	Have you actually established limits on reasons for an appeal. It is very common to appeal a tree removal decision simply because someone likes trees, regardless of whether the process was followed reasonably. As your lawyers if you can limit appeals to matters of process and findings. Sacramento allows anyone to appeal for any reason and the majority of the appeals are from people who like trees but have no prior knowledge of the situation or reason for the original decision.

12.16.160 Mitigation Requirements

Removal of any Protected Tree shall be mitigated in accordance with the provisions of this section.

A. **Replacement Trees Required.** Replacement trees shall be required as follows:

1. *Protected Trees.* Protected Trees shall be replaced at a ratio of one-inch equivalent at DBH for every one-inch of DBH removed as set forth in the table below in Section 12.16.160(A)(1)(a). Before removal of a Landmark Tree, the landmark designation shall be declassified pursuant to Section 12.16.180(D).

a. *Equivalency Table.* The following equivalent sizes shall be used whenever new trees are planted pursuant to a Tree Protection and Mitigation Plan.

Replacement Tree Size	DBH Equivalency
A sapling tree; or	0.5-inch DBH
Tree in container less than 15 gallons	0.5-inch DBH
15-gallon container tree	1-inch DBH
24-inch box tree	2-inch DBH
36-inch box tree	3-inch DBH

b. *Reduced Mitigation Rate Within the Buildable Footprint of Residential Lots.* Within the designated buildable footprint of a parcel zoned to allow for residential development, the mitigation requirements shall be reduced by 50 percent.

c. *Removal of Street Trees on Residential Property with Existing Single-Family or Two-Family Dwellings.* Street trees on residential property one-half acre or less shall be replaced at a ratio of one replacement tree for every tree removed if the property has an existing single-family or two-family residential structure on-site.

d. *Credit for Existing Trees.* Existing tree(s) on the same property may satisfy up to 50 percent of the replacement tree requirement if the existing tree is either the same species as the tree proposed for removal or a species identified on the approved Master Tree List; and the long-term viability of the existing tree as determined by an Arborist, based on the following:

i. Location of the existing tree in relation to the tree proposed for removal.

ii. Quality of the environment in which the existing tree is located.

iii. Potential impact to the existing tree from any proposed development.

e. The credit shall be applied at a rate of one-half inch for each inch of DBH of existing tree.

B. Mitigation Strategies.

1. *On-Site Replacement Planting.* Replacement trees shall be planted on the same property as the tree proposed for removal, subject to review by the Approving Authority. Where the subject property is not able to accommodate the required number of replacement trees on-site, the payment of in-lieu fees shall be required in accordance with Section 12.16.160(B)(2).

1 | KHocker | 10/23/2019 15:16:43
Building footprints are variable and can be moved around. This provision could actually encourage people to propose building locations that would require the removal of more trees so they could pay less in mitigation. Wouldn't charging people full price for all trees encourage them to retain as many trees as possible. I think that it's entirely reasonable to allow the removal of ...

2 | KHocker | 10/23/2019 15:18:01
Existing is the key word here. It will come up that a property is zoned for a single family residence or that it used to have a single family residence on it at one time.

3 | KHocker | 10/23/2019 15:22:18
Credit should only be given for the retention of non protected trees. Otherwise you have essentially allowed half of all protected trees on the property to be removed without replacement of any kind. Even when you give credit for the retention of non protected trees It's not technically replacement, its just minimizing the loss of existing resources.

Notes

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1	Sticky Note	KHocker	10/23/2019 15:16:43	Building footprints are variable and can be moved around. This provision could actually encourage people to propose building locations that would require the removal of more trees so they could pay less in mitigation. Wouldn't charging people full price for all trees encourage them to retain as many trees as possible. I think that it's entirely reasonable to allow the removal of a protected tree if the finding can be made that it's not possible to develop on the site without removing the tree, but I see no reason reduce the replacement requirement.

2. *Payment of In-Lieu Fee.* Payment of in-lieu fees may be allowed where the subject property is not able to accommodate the required number of replacement trees on-site except as provided below in Section 12.16.160(B)(2)(a). The in-lieu fee shall be calculated as a dollar amount for each inch of DBH of Protected Tree removed, as adopted by City Council resolution.
3. *Combination of Planting and Fee Payment.* A combination of on-site replacement planting and payment of in-lieu fees may be used where the number of replacement trees cannot be accommodated on-site. The in-lieu payment shall be reduced based on the number of inches at DBH of the replacement trees planted on-site.
4. *Other Strategies.* Other strategies as may be determined appropriate by the Approving Authority and that meet the intent of mitigation for removal of the Protected Tree(s).
5. For purposes of determining mitigation requirements for multitrunked trees, the extrapolated DBH shall be used.

12.16.170 Tree Planting and Replacement Fund

Mitigation fees and penalty assessments under this Chapter shall be deposited into the Tree Planting and Replacement Fund. The tree planting and replacement fund may be used for tree planting and revegetation projects such as parkways, parks, planting of trees along public trails, and beautification projects, to purchase property for tree mitigation sites, revegetation projects or beautification projects, for the retention of a City Arborist, for the development, staffing or implementation of an Urban Forestry program, if established. Funds shall not be made available for mitigation or planting on private property with the following exceptions: 1) private property that is maintained by the City under the terms of a maintenance agreement; or 2) maintenance of Landmark Trees and maintenance of trees on property subject to a conservation easement at the recommendation of the City Arborist. This fund shall be administered by the Community Development Department.

12.16.180 Landmark Designation

A. **Establishment of Landmark Designation.**

Application for Landmark Designation. Any interested party may submit an application to the Community Development Department, requesting that the City Council establish by resolution a tree or group of trees as a Landmark Tree(s). Applications shall be made on a form supplied by the City and be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of a fee, commence the process of designating a Landmark Tree. If the owner of the proposed Landmark Tree(s) is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed Landmark Tree(s) thirty days before the hearing on the application. Once an application has been submitted, and before City Council action, the proposed Landmark Tree shall have the same status as a Protected Tree under this Chapter.

Designation of Landmark Trees. In order to designate a tree as a Landmark Tree, the City Council shall find that the tree is a significant community benefit because it possesses one or more of the following attributes:

1. Historical value.
   a. Excellent health rating.
   b. Outstanding habitat value.

1 | KHocker 10/23/2019 15:25:34
Nothing wrong with this but be careful about what you consider to meet the intent of the ordinance. People will propose that they plant trees in other cities, or on other properties or any number of wild schemes that may or may not be appropriate.

2 | KHocker 10/23/2019 15:27:08
If your salary is funded by the removal of trees then this will likely be viewed by the public as a conflic of interest that will undermine their confidence in your decision making abilities.

3 | KHocker 10/23/2019 15:28:54
Check with your lawyers to see if using city funds to plant on private property would be considered a "gift of public funds." It may be fine depending on how everything is set up.

Notes

c. Unusual species.

d. Superior beauty.

Property Owner Notification. If the City Council designates a tree as a Landmark Tree, the City Clerk shall mail a copy of the resolution to the owner of the tree and direct the City Arborist to add the tree to the list of Landmark Trees.

B. **Maintenance of Landmark Trees.** Upon the request of the property owner, the City Arborist may cause a Landmark Tree to be inspected by an Arborist. A report on the heath of the tree(s) and recommended maintenance shall be prepared. Copies of the report shall be recorded and provided to the owner of the Landmark Tree(s).

C. **Documenting Landmark Trees.** The Community Development Department shall map the location of Landmark Trees.

D. **Declassification of Landmark Designation.**

1. *Application to Remove Landmark Designation.* The owner of a Landmark Tree may submit an application to the Community Development Department, requesting that the City Council declassify a tree or group of trees previously designated as a Landmark Tree(s). Applications shall be made on a form supplied by the City and shall be subject to an application fee pursuant to the adopted fee schedule. The City Council may also, on its own motion and without the payment of such a fee, commence the process of declassifying a Landmark Tree(s). Unless the owner of the Landmark Tree is the applicant, the Community Development Department shall notify the owner by first-class mail thirty days before the City Council meeting scheduled for the proposed action.

2. *Declassification of Landmark Trees.* In order to remove the landmark designation of a tree(s), the City Council shall find that the tree(s) is no longer a significant community benefit because it meets one or more of the following factors:

   a. The tree(s) has significantly deteriorated in health or appearance.

   b. The tree(s) no longer has habitat value.

   c. The tree(s) prevents reasonable use of the property.

3. *Property Owner Notification.* If the City Council declassifies a tree or group of trees previously designated as a Landmark Tree(s), the City Clerk shall mail a copy of the resolution to the owner of the tree(s) and direct the City Arborist to remove the tree(s) from the list of Landmark Trees.

12.16.190 Maintenance

A. Every property owner shall maintain:

1. Any Protected Tree located within the limits of their property in accordance with the standards of this Chapter.

2. Any Street Tree shall be pruned by the property owner in accordance with the standards of this Chapter and shall maintain a minimum seven-foot vertical clearance over all public sidewalks and a minimum 14.5-foot vertical clearance over all public streets.

B. Nothing in this Ordinance shall interfere with the requirements of Chapters 8.36 (Folsom Fire Code) and 8.37 (Abatement of Weeds, Refuse, and Abandoned Material). In the event of a conflict with this Chapter, the requirements of Chapters 8.36 and 8.37 shall control.

1 | KHocker 10/23/2019 15:30:47
You may want to put limits on the services that you provide for these trees. What if you get called out to inspect it on a monthly basis? What if you are asked to provide an advanced inspection? I'm not sure how big of an issue this is likely to be but it's something to think about.

Notes

1 KHocker 10/23/2019 15:33:36
You might want to consider requiring the payment of an in-lieu fee for instances where the required number of trees cannot be planted.

12.16.200 Street Tree Planting

A. **Street Tree Planting.** Each applicant for a building permit for new construction of residential or commercial structure on parcels without existing Street Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Street Trees. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the size of the tree to be planted, the location of the planting and the stage of the development at which the tree is to be planted. There shall at least one Street Tree for each single-family lot, except for corner lots, for which two trees shall be planted. There shall be at least one Street Tree for every fifty feet of street frontage planted on center for commercial and industrial parcels. In multifamily developments, the number of trees shall be determined by the City Arborist, but not more than one tree for each dwelling unit may be required.

B. **Responsibility.** The cost of the tree stock, the planting thereof and the maintenance of the tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Street Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Street Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

12.16.210 Parking Lot Shading Tree Planting

A. **Planting In Parking Lot.** Each applicant for a building permit for new construction of a commercial structure(s) with surface parking on a parcel without Parking Lot Shading Trees, or for a parcel map, subdivision map or planned development permit which seeks, in whole or in part, the improvement of real property, shall be responsible for the planting of Parking Lot Shading Trees in accordance with the requirements of Section 17.57.070 of the Folsom Municipal Code. The species of trees to be planted shall be in accordance with the Master Tree List. As part of the application process, the City Arborist shall review and approve the size of the trees to be planted, the location within the parking lot where the trees are to be planted, and the total number of trees necessary to meet the requirements of Chapter 17.57.070.

B. **Responsibility.** The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Parking Lot Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Parking Lot Shading Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs.

Notes

12.16.220 Solar Shade Control Act Exemption

The City is exempt from the provisions of the Solar Shade Control Act, Chapter 12 (commencing with Section 25980) of Division 15 of the California Public Resources Code.

12.16.230 Violations, Enforcement, and Penalties

A. Violations

1. A violation of this Chapter shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, any violation of this Chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.
2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available to redress violation of the provisions of this Chapter.
3. In addition to the criminal penalty set forth in subsection A of this section, based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of a provision of this Chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012.
4. Notwithstanding the minimum fee level identified in Section 1.09.012(A), the monetary sanction shall be in an amount at least two times that would have been charged as an in-lieu fee under Section 12.16.160(B)(2) of this Chapter.

B. Enforcement

1. This Chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10 of the Folsom Municipal Code.

C. Enforcement Procedures—Notice to Correct

1. Prior to the assessment of any monetary sanction or the commencement of any other enforcement action pursuant to this Chapter, the Director shall follow the procedures set forth in Sections 1.09.020 through 1.09.048 of the Folsom Municipal Code.

1 | KHocker 10/23/2019 15:36:50
This is extremely important. You're going to need this.

2 | KHocker 10/23/2019 15:40:13
I like this requirement. But I thought it applies only to situations that involve the removal of protected trees or actions that would cause the removal of a tree. The way I read it now it looks like it applies to everything, such as pruning without a permit, or nicking a tree with a string trimmer.

Notes

TreePreservation

From: Justin Raithel <justin@revolutionsdocs.com>
Sent: Tuesday, November 5, 2019 1:07 PM
To: TreePreservation
Subject: Re: City of Folsom Notification - Updated Tree Preservation Ordinance draft release.

Hi, Aimee. I spoke at the council meeting review but Mayor Howell asked me to follow-up with an email on the draft Tree Preservation Ordinance. Here are my thoughts:

1.) I strongly agree with the plan to retain existing trees over paying the in-lieu fee. I think the draft ordinance as written will achieve this.
2.) I support adding regulated trees, street trees and landmark trees to the protected tree definition along with the native oaks which are already protected. I also support the addition of a tree maintenance permit process for protected trees to prevent parking lot shade being removed, historic trees being damaged and landscape buffers being removed. I do think we need some more qualifications on what a heritage tree is. I would suggest excluding invasive species (such as palms) and fast growing trees (such as redwoods). I don't claim to be an expert in plants but my thinking is that we shouldn't make it more difficult and expensive to residents to take out trees that we don't really want to spread or that are high water usage trees.
3.) For mitigation requirements - is there a reason that only residential lots have reduced mitigation if the tree is within the buildable footprint? I would suggest that we treat our residential and commercial developers equivalent in what we require for mitigation.
4.) For mitigation requirements - the street tree stipulation says only for lots 1/2 acre or less. There is no designation for larger lots? I'd suggest we just remove this "one half acre or less" language so it applies to all residential lots with street trees.
5.) I do think appeals to the Planning Commission for tree work permit denials should be allowed. In practicality I would suggest that it would never happen but the owners of a commercial center should have that option if they disagree with the city arborist on the work needed to be done for their parking lot trees or an HOA should have option to appeal if they disagree with the arborist on maintenance for a landscape buffer / screening buffer.

Thanks for doing this important work. The new draft ordinance offers some significant improvements and I look forward to having it in place in the future. Please feel free to reach out to me if you'd like to discuss further.

Be well,

Justin Raithel
106 Coval Ct
Folsom, CA 95630
281-851-1145

On Wed, Oct 16, 2019 at 5:05 PM Aimee Nunez <anunez@folsom.ca.us> wrote:

> Greetings,

You are receiving this email as notification that the public review draft of the updated Tree Preservation been released and is available for review and comment until Friday, November 15th at 5 pm at www.folsom.ca.us/trees. All comments should be provided either by email or in writing to the following address:

City of Folsom

Community Development Dept.

50 Natoma Street, 2nd Floor

Folsom, CA 95630

Email: TreePreservation@folsom.ca.us

Your review and feedback is most appreciated.

Respectfully,

Aimee Nunez

City of Folsom

City Arborist

WE-11485A

Community Development

anunez@folsom.ca.us

916.461.6213

November 8, 2019

SENT VIA EMAIL

Ms. Aimee Nunez
City of Folsom Community Development Department
50 Natoma Street, 2nd Floor
Folsom, CA 95630

City of Folsom Tree Preservation Ordinance Update

Dear Ms. Nunez:

Thank you for providing the City of Folsom Tree Preservation Ordinance Update to the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) for review. This work is supportive of many important General Plan policies, NCR 1.1.8 – Planting in New Development, LU 6.1.10 – Enhancing Walking and Biking, LU 9.1.6 – Community Beautification, and PR 1.1.8 - Shade and Hydration, in addition to providing a good foundation for developing the City's Urban Forest Plan, General Plan implementation program NCR-1. Sac Metro Air District staff offer the following comments for the City's consideration.

Applicability
Rather than exclude the City from complying with the ordinance altogether, the Sac Metro Air District encourages the City to be a leader in tree preservation by specifying sections of the ordinance the City would commit to implement such as the ANSI A300 Standards for street trees and parking lot shading trees and tree selection from the Master Tree List.

Master Tree List
Sac Metro Air District requests the City incorporate air quality information contained in the Sacramento Tree Foundation's *The Shady Eighty: Trees for a Cooler Sacramento Region*[i] into the City's Master Tree list. Encouraging the selection of tree species that emit less biogenic volatile organic compounds helps reduce ozone formation in the region.

Regulated Tree – Landscape Buffer
The definition of Regulated Tree covers conditions of development project approval, such as a landscape buffer. A landscape buffer/vegetative barrier is often recommended by the Sac Metro Air District for a residential project or proposed land use with sensitive receptors (i.e. daycares, schools, parks) being located near high volume roadways to reduce exposure to toxic air contaminants (TAC). This aligns with General Plan policy NCR 3.1.6 - Sensitive Uses. Sac Metro Air District requests the City include landscape buffer/vegetative barrier in the definitions section, identify its purpose, and provide a reference to the Sac Metro Air District's *Landscaping Guidance for Improving Air Quality Near Roadways*[ii] as a main resource for site selection, vegetative planting recommendations, and long-term maintenance of landscape buffers to reduce TAC exposure.

Mitigation Requirements
Reducing mitigation by 50 percent for trees within the buildable footprint of a residential lot does not appear to promote tree preservation. If trees in the buildable footprint are permitted to be removed, full mitigation for the tree should be required. Mitigation strategy B.3. would be ideal for this situation, promoting on-site planting first and then requiring fee payment when on-site planting cannot fully cover the mitigation required.

Maintenance
Keeping in mind drought and increasing temperatures in the region, Sac Metro Air District recommends the City include additional guidance and strategies for adequate watering of trees.

Street Tree Planting
In order to promote a more robust tree canopy in Folsom, Sac Metro Air District recommends the City reduce the distance required for each street tree planting for commercial and industrial parcels from one every fifty feet (50') to one every thirty-five feet (35'). Additionally, the City should prioritize the planting of large[iii] trees to ensure the most shade coverage for both street trees and parking lots. A study[iv] in Modesto of the effects of tree shade on pavement performance indicated that tree shade was partially responsible for reduced pavement fatigue cracking, rutting, shoving, and other distress, making the case that investing in trees saves pavement maintenance costs over time.

Parking Lot Shading
Sac Metro Air District encourages the City to consider increasing its parking lot shade coverage requirements from 40% to 50% in Zoning Code Section 17.57.070, G.3. Parking lot tree shading can affect evaporative emissions from vehicles. A study referenced by the US Forest Service[v] noted increasing parking lot tree cover from 8% to 50% could reduce light duty vehicle volatile organic compound evaporative emission rates by 2% and nitrogen oxide start emissions by less than1%, which supports air quality improvement efforts.

Please contact me at 916-874-4881 or khuss@airquality.org if you have any questions regarding these comments.

Sincerely,

Karen Huss

Karen Huss
Associate Air Quality Planner/Analyst

Cc: Mr. Paul Philley, AICP, Sac Metro Air District

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[i] https://www.sactree.com/assets/ShadyEightySTFweb.pdf
[ii] http://www.airquality.org/LandUseTransportation/Documents/SMAQMDFinalLandscapingGuidanceApril2017.pdf
[iii] The Sacramento Tree Foundation's Shady Eighty guide defines a "large" tree as one 46 feet or taller.
[iv] https://www.fs.fed.us/psw/publications/mcpherson/psw_2005_mcpherson001_joa_1105.pdf
[v] https://www.nrs.fs.fed.us/units/urban/local-resources/downloads/Tree_Air_Qual.pdf

Aimee Nunez

From: gordon@mannandtrees.com
Sent: Monday, November 11, 2019 4:27 PM
To: Aimee Nunez
Subject: RE: City of Folsom Notification - Updated Tree Preservation Ordinance draft release.

Good afternoon Aimee, thanks for sharing the draft. I have ~~a few~~ comments (in italics) for your consideration. It started getting long and I hope they are helpful. Please let me know if you have any questions. Gordon

A. ANSI A300 Standards. The most current version of Tree Care Operations – Tree, Shrub and other Woody Plant ~~Maintenance~~ Management– Standard Practices Secretariat TCIA, approved by the American National Standards Institute (ANSI), as amended from time to time. *ANSI is the process. The standards are industry consensus standards & the process is led by TCIA*

B. Appeal Authority. The Director or Commission authorized under this Chapter to consider appeals of Tree Removal Permits. *Is there no appeal of tree work permits??? I read this later in the permit* - 12.16.070 Approving Authority

C. The Approving Authority may approve, modify, conditionally approve, or deny the permit application in accordance with this Chapter. The decision of the Approving Authority on a Tree Work Permit shall be final and not subject to appeal. A Tree Removal Permit may be appealed to the Appeal Authority pursuant to procedures set forth in Section 12.16.110 (Appeals). *What is the purpose of no appeal on work permits? If the City tells the treeowner what to do in specifications and the tree fails, won't the city have increased exposure to liability?? If the City requires a proposal to meet the objective and approves the proposal, the proposal writer would carry more of the liability….*

D. CRZ – *would it make sense to also show the CRZ for Heritage trees in same diagram with the 1.5X the diameter inches??? It may reduce some confusion….*

E. DBH – *I like this part of the definition* - DBH shall mean the diameter at the narrowest point between the grade and the lowest branching point

F. Extrapolated DBH – *I think this provides a reasonable approach* - In a Multitrunked Tree, this is calculated by taking the square root of the sum of each individual stem's DBH squared.

G. Multitrunked Tree. A tree with multiple stems originating from a single root mass. – *Some of the current research findings show whole forests are part of a single root mass… maybe it should state single root crown????*

H. Protected Oak – *while this would be moot if one stem is 6'+, you show the combination of diameters to equal 20 for multi stem trees. Is that cumulative whole trunks added together, not the extrapolated method in multi-trunks? This may need to be more clearly stated cumulative trunk diameters.*

I. Root System. This configuration of underground ~~tentacles~~ *appendages* is one of its most important *usually unseen* elements of a tree, providing several vital functions. Roots store nutrients for the tree during the winter and transport water and minerals during the active part of the growing season. Roots also provide an anchor to the tree, keeping it from toppling *especially* during extreme weather conditions.

J. Routine Maintenance. Includes the following activities: Minor Pruning; dead ~~wood~~ *branch* removal; irrigation; mulch application; mowing or trimming grass or other ground cover close to a tree; application of fertilizer

insecticides, or herbicides in accordance with their label; or any other similar activities that promo growth, or health of trees. Any procedure, technique, or practice that is expressly prohibited unde A300 standards or by this Chapter is not Routine Maintenance. *There are few that are expressly prohibited. Even topping and lions tailing are called unacceptable practices. How about.... or practice that is not supported by current scientific evidence to accomplish the objective as stated in ANSI A300 standards.... The objective is the first reason for doing what we are doing, followed by sound practices to accomplish the objective...*

K. Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards, *ISA Best Management Practices,* and any other relevant standards *protocols, actions, or treatments??* as determined by the City Arborist, as amended by the City from time to time. *Many things are not standards but are valid treatments for a situation...*

L. Tree Protection Zone (TPZ). *Same comment as CRZ – can you also show a Heritage tree at 1.5??*

M. Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow in the City boundaries – *I was wondering how to say this. In your* "Purpose." Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, essential shade, energy savings, reduced Heat Island effect, habitat for wildlife, and carbon sequestration. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of our Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish standards, and measures for the preservation of trees. - *I was wondering how to include Folsom's trees include both public and private property trees. Maybe if you included the term urban forest in the purpose, or at least include the combination of public and privately owned trees?? This would align better with your definition of urban forest and better support the "control" of trees on private properties.*

N. The following activities shall be prohibited with respect to Protected Trees:
O. Topping.
P. Attaching anything using nails, screws, and/or spikes. – *Does this prohibit staking, and guying, and cabling or bracing???? Attaching things not designed to improve tree health or structure, such as....*

Q. C. Exemptions. The following activities with respect to Protected Tree are specifically exempted from the requirements for obtaining a Tree Work Permit or a Tree Removal Permit
R. 6. Emergency work involving the removal of limbs or trees damaged by extreme weather, chance occurrence, or unavoidable accident beyond the reasonable control of the property owner. *I would require a post emergency permit to have on file which would both protect the City and the tree owner if down the road anyone challenges what was done. We all have cell phones and can take a photo and maybe a post-emergency form could be created online so all they have to do is upload the photos??? A requirement of within 72 hours??? Also, I have been the recipient of claims that something happened during a storm when nothing happened, yet the tree was removed....*

S. 11. Public utilities subject to the jurisdiction of the California Public Utilities Commission performing pruning activities as is necessary to comply with the safety regulations of said commission and to maintain a safe operation of their facilities. However, they shall notify the Community Development Department at least seven (7) business days before taking any action. The City may cause such pruning work to be inspected and the City shall have the authority to stop any tree-pruning performed by a utility if such practices are not being followed. *This may be a place for the emergency work to be repeated with a post emergency permit..*

T. 12.16.060 Application Requirements

U. Application Form. All Tree Work Permit or Tree Removal Permit applications must be submitted in Community Development Department on a form provided by the City. *Do you or will you have an so, the in writing may need to be re-described….*

V. Findings for approval – 2. The proposed activity ~~is detrimental to~~ *may impact* the immediate health of the Protected Tree, but a Tree Protection and Mitigation Plan has been prepared that minimizes the impact and protects the long-term health of the tree to the satisfaction of the City Arborist; and …

W. Tree Removal Permit –

X. 2. The condition or location of the Protected Tree or its roots is interfering with water, sewer, gas, electrical services, streets or sidewalks to the subject property or properties in the vicinity and there are no Reasonable Alternative Measures to avoid, prevent or lessen the interference *without removing the tree*.

Y. 3. The Protected Tree or its roots are causing, or threatening to cause, damage to any existing permanent structure or feature on the property or on any adjacent property including pools, driveways, and there are no Reasonable Alternative Measures to avoid, prevent or lessen the damage or threatened damage *without removing the tree*. *Basically in these 2 findings removal is the only way to solve the problem….*

Z. Time Limits - 2. Permit Expiration. Any permit not exercised within 6 months from the date of approval shall expire~~.~~, or the ~~exercise of a~~ *approved* permit *work* occurs when the permittee performs substantial work for the activity approved under the permit, as determined by the Director. *It is not an either or, not 2 definitions??*

AA. E. Indemnification. All Tree Permits shall include the following indemnification statement: Permittee shall defend, indemnify and save harmless the City (including its officials, employees, agents, and representatives, and each of them) of and from any and all claims, demands, suits, causes of action, damages, costs, expenses, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the permittee's work to be performed under the Tree Permit. *This is the reason for my question about appealing a tree work order permit. If I do what you told me to do, there has to be some liability on you because you directed me. If I provide my own proposal, the liability is shifted more to me…*

BB. Standard Conditions of Approval - 2. No more than one-quarter of the foliage of a tree shall be removed in any one growing season. *This statement is no longer in the standards. The standard now reads Section 6.2 – Pruning operations should remove no more living material than what is necessary to achieve the specified objectives. Does this contradict the statement above* - 1. All pruning activities shall be conducted in accordance with the Tree Care and Maintenance Standards.

CC. Certificate of Compliance - b. Once the monitoring period specified in the Tree Protection and Mitigation Plan has closed – to confirm that the Protected Trees are in good health and remain viable. *I think this is the first time I saw monitoring period. I may have missed it. Should Monitoring be in the definition so users know what is required???*

DD. Tree Protection and Mitigation Plan Requirements - A. The location, species, Diameter at Breast Height, Tree Protection Zone, and health of each Protected Tree on the subject property, and Adjacent neighboring properties as confirmed by an Arborist shall be shown on a map. *They also need to be on construction and grading plans, and any other work plan around the tree. Is th4ere a choice of tools to show the trees – map, aerial image, construction plan??? And they need to be on the construction plans. Maybe this could be a condition of permit approval but it has to be clear and required.*

EE. D. A monitoring program, including a specified time period, the party responsible for monitoring, and the method and frequency by which monitoring reports will be submitted to the City. *Per comment above, it is behind in the rules where the mention of monitoring is the first time…*

FF. Mitigation Requirements container size: Tree in container less than 15 gallons 0.5-inch DBH ; 15-g tree – *In reality, they are #5 and #15. I don't know if it is productive to call them "gallon" in the ord were to pour liquid into a "1 gallon" container, it is about .664 gallons…. We should use the correct terminology. Those were my suggestions on the standards and other items I reviewed….*

GG. Reduced mitigation in house footprint - b. Reduced Mitigation Rate Within the Buildable Footprint of Residential Lots. Within the designated buildable footprint of a parcel zoned to allow for residential development, the mitigation requirements shall be reduced by 50 percent. *Does this reduction encourage preservation? I could move my house or enlarge it some to take out a tree and reduce my mitigation. I don't know if this has been practiced in Folsom??*

HH. c. Removal of Street Trees on Residential Property with Existing Single-Family or TwoFamily Dwellings. Street trees on residential property one-half acre or less shall be replaced at a ratio of one replacement tree for every tree removed if the property has an existing single-family or two-family residential structure on-site. *I would hope that the City would not suffer a loss in value of their urban forest for private gain. Replacing a shade tree with a #15 or 24 inch box does not do that. The tree should be appraised and no net loss in value to the urban forest should be felt for city trees. There is a higher replacement for private trees – inch for inch…*

II. Parking Lot Shade
Responsibility. The cost of the tree stock, the planting thereof and the maintenance of such tree pending occupancy of the property shall be the responsibility of the applicant. Unless the applicant can demonstrate to the satisfaction of the Community Development Department that adequate provision has been made for the planting and initial maintenance of the Parking Lot Trees, the applicant shall be required to furnish security which, at the option of and subject to the approval of the Director, shall be in the form of those alternatives authorized under Government Code Section 66499 et seq. Adequate provision may take the form of covenants, conditions and restrictions (CC&Rs) that require the planting and maintenance of Parking Lot Shading Trees and that, in the opinion of the City Attorney, are enforceable by property owners or an association of owners created by such CC&Rs. – *Shouldn't there be conditions for maintenance beyond the initial establishment? I liked the idea of protecting undersized mitigation and condition trees which are undersized and usually too easily replaceable in-kind. If a #15 dies, after 1 year, it should be replaced with a 24-inch box, or the community loses a year of growth. If the owner tops the parking lot trees, there will be no shade. Clearly protecting and placing some responsibility will lead better care and more shade.*

JJ. Violation, Enforcement, Penalties - 4. Notwithstanding the minimum fee level identified in Section 1.09.012(A), the monetary sanction shall be in an amount at least two times what would have been charged as an in-lieu fee under Section 12.16.160(B)(2) of this Chapter. *This has some deterrent to avoiding in lieu fees. What about in the parking lot tree where they top an destroy the structure. How are the trees replaced in-kind with similar size trees? Replacing with t #15 will never achieve the shade goals….*

Gordon

Gordon Mann, Consulting Arborist
ASCA Registered Consulting Arborist #480
ISA Certified Arborist & Municipal Specialist #WE-0151 AM
ISA TRAQ Risk Assessment Qualified

California Tree and Landscape Consulting, Inc., (CalTLC)
1243 High Street
Auburn, CA 95603
(650) 740-3461 cell

TreePreservation

From: Kian (Key-on) Faroughi <faroughi68@gmail.com>
Sent: Wednesday, November 13, 2019 11:07 PM
To: TreePreservation
Cc: Aimee Nunez; Pam Johns
Subject: Tree Preservation Ordinance Update Comments

Hello,

Please find my comments and statement regarding the tree preservation ordinance update below. Let me know if I need to turn in a hard copy in person.

As a current lot owner in the final stages of planning a home in the Lakeview Oaks community, I have great concern and issue with the proposed change in how in-lieu fees for trees with the building footprint are calculated for single family custom lots. The in-lieu fee for trees within the building footprint was designed to keep building in Folsom affordable, and has allowed lot owners for the past two decades to build their homes without worrying too much about the oak trees on property.

In essence, these tree mitigation fees are taxes and any increase MUST consider the perspective of current lot owners, the residents of Folsom who will be punished for any increase in tree mitigation fees. My biggest issue with the new tree proposal is the proposed change in how in-lieu mitigation fees are calculated for trees within the building footprint.

At the council meeting in which the new ordinance draft was presented, the mayor mentioned that we must think about the unintended consequences of this proposal. The unintended consequence of the current proposal draft is a drastic change in the value of lots zoned for single family residences.

As a computer software engineer, I solve problems for a living. A big part of solving computer problems is writing algorithms, or formulas. When I analyze and grade the strength of an algorithm, I always think about the performance of the algorithm in the worst case scenario. Well, the formula currently proposed in the new ordinance performs terribly in the worst case scenarios. To me, the current solution is not only unfair to lot owners, it is truly not something that should be presented to the council as is.

Let's take a hypothetical lot to demonstrate how the new proposal is just ridiculously unfair to current lot owners, and how it would perform very poorly in some very possible scenarios. Let's assume a lot exists with 10 massive trees (>40" DBH) right in the middle of the clear cut building area. Assume no other trees exist on the property, so the owner of the lot would get no credits for preserving trees. Again, we must analyze the worst case scenarios to determine the quality of the formula. Under the current tree ordinance, a lot owner could build a home and pay $1000 in fees, $100 for each of the ten trees. This is very reasonable. Again, the in-lieu fee for trees in the building footprint was designed to allow for lot owners to be able to afford building on the property they own and it does exactly that.

Under the new proposed tree ordinance, the owner of the same lot would be required to pay $30,000. This is a 3000% increase! A 3000% increase in taxes on a lot the owner had already purchased with the mindset and assumption that trees on the building footprint would not drastically impact the cost to build the home. This is a very important point, as the idea is to ensure Oak trees on the property do not drastically impact the cost to build the home. Clearing the lot for a usable backyard is a different story. Such a drastic change would not only impact the affordability of building a home on the property, but it would impact the resale value of the property. The lot in question would essentially be worth about $29,000 less than it is today, as any perspective buyer would need to consider this gargantuan tax in his or her budget.

By drastically increasing these fees, essentially taxes, a lot owner could very well no longer afford the property they already own. As I read the proposed tree ordinance update and listened to the p made at the 10/22 meeting, I was so disappointed to find that the perspective of current lot owners had not been taken into account whatsoever.

These mitigation fees are taxes, and the people most greatly impacted and will be paying these taxes are current lot owners. Much like the water price increase mailers that have been sent out in recent weeks, current lot owners deserve to be made aware of such a drastic change to the price structure of tree mitigation fees. I only found out about this because the arborist I hired for my lot filled me in, and that is a terrifying thought.

As things currently stand, I consider this effort to be in the same vein as taxation without representation.

My recommendations are as follows:

1. Send out mailers to all current lot owners in Folsom and delay any potential city council vote.
2. Remove all proposed changes to how in-lieu fees for homes within the building footprint are calculated from the ordinance update.
3. Add an explicit grandfather clause, protecting current lot owners by providing them substantial time (at least 1-2 years) to react to a potential change in the way tree mitigation fees are calculated. Explicitly allow current lot owners sufficient time to submit applications for tree removal permits under the current ordinance.

One of the main reasons for the proposed ordinance update is the "loophole," lot owners tend to try to make use of by positioning the home in such a way as to minimize fees. During the presentation to the city council a suggestion was made for lot owners to move homes back and pay more in construction costs in order to avoid hefty mitigation fees, instead of covering the trees. This was a very offensive statement as it assumes lot owners have endless budget. These mitigation fees are taxes, and much like any tax, a taxpayer has the right to do what they can in order to minimize the taxes they must pay. In fact, many people hire professionals to file state and federal taxes to ensure they are paying the absolute minimum. This thought process can be fairly applied to mitigation fees for tree removal.

As a very concerned current lot owner in the Lakeview Oaks community, I expect you will take my comments into consideration and prioritize the perspective of current lot owners as you craft this potential update to the tree ordinance.

Regards,
Kian Faroughi

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

November 14, 2019

City of Folsom
Community Development Department
50 Natoma Street, 2nd Floor
Folsom, California 95630

RE: City of Folsom Tree Preservation Ordinance Update

To Whom it May Concern:

In reviewing the update on the City of Folsom Tree Preservation Ordinance, I had the following comments:

Section 12.16.020

1. Regarding definition of 'Heritage Tree' (pg. 4): The City's Tree List includes multiple species that are categorized as invasive by the California Invasive Plant Council (Cal-IPC) or are on the Cal-IPC watchlist because they pose a high risk of becoming invasive. Species that are included in the Cal-IPC inventory should not be under consideration to be protected as a Heritage Tree. We request that the definition be changed to exclude invasive species, or that the City's Master List be updated to remove all invasive species (even those that are on the list as 'Excluded').
2. Regarding definition of 'Major Pruning' (pg. 4): Request for further clarification of the definition. With the current definition, a permit would be required for any pruning on a branch that is greater than 2 inches in diameter at its thickest point (which is typically at the origin of the branch near the bole of the tree). This would mean pruning to remove small secondary or tertiary branches that may be encroaching into a walkway or street and that originate from a branch that is greater than 2 inches in diameter (at the bole of the tree) would require a permit. This requirement may be onerous to implement considering routine pruning of street trees will be the responsibility of the property owner and will likely result in a high volume of permit requests or unpermitted pruning. If this is not the intent of the definition, further clarification is necessary. Similar concerns arise with regards to pruning of secondary or tertiary roots.
3. Regarding definition of 'Master Tree List' (pg. 4): We request the City's Master Tree List be updated to remove all excluded trees and all invasive tree species (as categorized by the California Invasive Plant Council).
4. Regarding definition of 'Minor Pruning' (pg. 4): There are similar concerns with this definition as stated in the previous comment regarding definition of 'Major Pruning'. Definition requires further clarification.

Section 12.16.040

5. Regarding Prohibited Activity B (pg. 7): Tree tags are typically affixed to trees using aluminum nails during an arborist survey. If this activity will no longer be allowed it should be clearly stated. If nailing aluminum nails into trees during an arborist survey is an exception to the prohibited activity, it should be clearly stated.
6. Regarding Prohibited Activity C (pg. 7): Request addition of a section or chapter that outlines the process that must be followed if vehicles or heavy equipment should damage a tree by accident.
7. Regarding Prohibited Activity F (pg. 7): Request addition of reference for City's Tree Care and Maintenance Standards so that they can easily be found. Currently, it is unclear if this is referring to section 12.16.190 of the new Tree Preservation Ordinance, ANSI standards, or some other document.
8. Regarding Prohibited Activity H.2 (pg. 7): Request for clarification. Does excavation include planting of under-canopy landscaping? If so, this should be clearly stated.
9. Regarding Prohibited Activity H.5 (pg. 7): Request to quantify the amount of compaction that is prohibited with regard to foot traffic. For example, if a homeowner frequently walks under a protected tree in their yard, is that small amount of compaction prohibited? Is it only prohibited where it results in a visible trail?

Section 12.16.060

10. Regarding Application Requirements (pg. 8): Request addition of information explaining timeframe for processing a permit application.

Section 12.16.120

11. Regarding Time Limits (pg. 11): Can time limits be extended with a reasonable written request and approval by the Director? If there are exceptions to time limits, please include.
12. Regarding Tree Removal Item 2 (pg. 12): It is unclear why an arborist must be present for tree removal activities. Particularly where trees are isolated and tree removal will not damage other protected trees. If there are exceptions (e.g., there is no potential for impacts to tree protection zone for any preserved trees, all trees will be removed from a site, etc.) please include.

Section 12.16.150

13. Regarding Tree Protection and Mitigation Plan Requirements Item A (pg. 13): Tree tag number is not included. An identifying tree tag number is often necessary to distinguish between similar trees that are growing close together.
14. Regarding Tree Protection and Mitigation Plan Requirements Item A (pg. 13): Will there be a standardized health rating system used? If so, please include.
15. Regarding Tree Protection and Mitigation Plan Requirements Item C (pg. 13): Please clarify or include an outline for impacted trees that will not be removed. Currently, the outline includes preserved trees and removed trees. Would an impacted tree that is not

removed (e.g. a tree that was impacted but is expected to recover so will not be removed) be considered a preserved tree? Would such a tree require mitigation?

12.16.160

16. Regarding Mitigation Requirements (pg. 14). Would an impacted tree that is not removed (e.g. a tree that was impacted but is expected to recover so will not be removed) require mitigation? If so, please include.

If you have any questions, or require additional information, please contact me at (916) 782-9100.

Sincerely,

Krissy Walker-Berry
Staff Biologist

CC: Aimee Nunez, City of Folsom

Aimee Nunez

From: Nicole Harrison <nicole.abacus@gmail.com>
Sent: Friday, November 15, 2019 1:31 PM
To: Aimee Nunez
Subject: Re: City of Folsom - Tree Preservation Ordinance Update Notice
Attachments: Cannery-Tree Monitoring Plan.pdf; Folsom ordinance comments.pdf; image002.jpg

Aimee,
I added comments here and there. The thing that I would strongly object is the lack of requirements in the preservation plan. I have also attached the requirements for monitoring from the City of Davis (below)

This should include MORE information about what is required and who may do the work. Many developers I have worked with, including Civil Engineers, relate this word to an actual map. Maybe change the wording to read "A proceedure and course of action recommended by a qualified arborist which addresses the impacts to the individual trees and provides the details necessary for preservation and mitigation."

Also, you may want to consider requiring a "Statement of Qualifications" as does the County of Sacramento.

Nicole Harrison, Consulting Arborist
(530) 305-0165
ASCA Member
ISA Certified Arborist #WE-6500AM
ISA Tree Risk Assessment Qualified
www.caltlc.com

On Mon, Oct 28, 2019 at 5:01 PM Aimee Nunez <anunez@folsom.ca.us> wrote:

> Greetings Fellow Arborists!
>
> The City of Folsom has recently released a draft of our Tree Preservation Ordinance update for public review and comment and I would be very much interested in knowing what you all think about the changes and solutions we've proposed. We've done quite a bit of outreach to developers, residents, and HOAs but it would also be great to get feedback from industry experts and fellow municipal arborists. Attached is the link to the Draft Tree Preservation Ordinance document, along with the webcast of our presentation to the City Council if you would like to see the highlights (summary of proposed changes and how those changes affect most common scenarios in Folsom) and hear initial comments from Council.

12.16.010 Purpose and Intent

A. **Purpose.** Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, essential shade, energy savings, reduced Heat Island effect, habitat for wildlife, and carbon sequestration. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of our Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the city council finds it necessary to establish standards, and measures for the preservation of trees.

B. **Intent.** The provisions of this chapter are enacted to:

1. Establish and maintain the optimum amount of tree cover on public and private lands to enhance the natural scenic beauty, moderate climatic conditions, and sustain property values.
2. Promote conservation of tree resources and long-term sustainability.
3. Safeguard the health of the City's Urban Forest by ensuring proper tree management practices.
4. Protect the visual and aesthetic character of the City.
5. Implement the conservation goals of the General Plan.
6. Establish procedures for the City to administer this tree ordinance.

12.16.020 Definitions

This section includes the definition of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, the terms and phrases as defined in this Chapter shall control for the purposes of this Chapter. If a word is not defined in this Chapter, the Community Development Director shall determine the most appropriate definition for purposes of enforcing the Tree Ordinance.

Adjacent. Having a common property line, or immediately next to an alley, path, private street, easement, or public street.

ANSI A300 Standard. The most current version of Tree Care Operations – Tree, Shrub and other Woody Plant Maintenance – Standard Practices of the American National Standards Institute, as amended from time to time. [2] [1]

Appeal Authority. The Director or Commission authorized under this Chapter to consider appeals of Tree Removal Permits.

Approving Authority. The City Arborist is the Approving Authority for the Tree Work Permit and Tree Removal Permit covered by this Chapter.

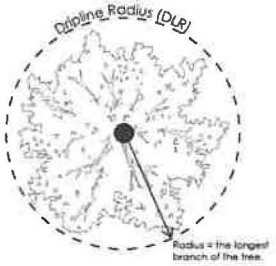
Arborist Report. A report prepared by an Arborist containing specific information on location, condition, potential impacts of development, recommended actions and mitigation measures relating to 1 or more trees on an individual lot or project site. [3]

1 nicol 11/15/2019 12:41:09
How about the companion publication "Best Management Practices"

2 nicol 11/15/2019 12:30:02
Should say "Management"

3 nicol 11/15/2019 12:30:56
Recommend you say "Qualified ISA Certified Arborist"

Notes



Extrapolated Diameter at Breast Height (DBH). This is method of calculating the DBH of a multitrunked tree that is derived from adding the cross-sectional area of each stem measured at 4.5 feet above grade to determine a value for the DBH. In a Multitrunked Tree, this is calculated by taking the square root of the sum of each individual stem's DBH squared. The extrapolated DBH value is used for determining mitigation and may be calculated using an alternative method acceptable to the City Arborist.

Heat Island. An urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.

Heritage Tree. A tree on the City's Master Tree List over 30 inches in DBH or a multitrunked tree on the Master Tree List having a combined DBH of 50 inches or more.

International Society of Arboriculture (ISA). A nonprofit organization and network of practitioners, scientists, and students that is recognized as a source for arboricultural information and knowledge.

Landmark Tree. A tree or group of trees determined by the City Council to confer a significant community benefit to the general public due to its size, age, location, historic association or ecological value.

Major Pruning. The cutting of any individual branch or root with a diameter of two inches or greater or a circumference of more than six and one-quarter inches at any point on such branch or root. It shall also include the cutting of a cumulative amount of more than ten percent of a combination of the Root System and the Tree Crown within a 12-month period.

Master Tree List. A list prepared by the City identifying the species of trees that may be planted as replacement trees, as Parking Lot Shading Trees, or as Street Trees.

Minor Pruning. The cutting of any individual branch or root of less than two inches in diameter at any point on such branch or root. The cumulative amount of cutting shall not be more than ten percent of a combination of the Root System and the Tree Crown within a 12-month period. Pruning that substantially reduces the overall size or density of the tree or destroys the existing symmetry or natural shape of the tree is not considered Minor Pruning.

Multitrunked Tree. A tree with multiple stems originating from a single root mass.

Native Oak Tree. One of the following species of tree or hybrids of any of the trees listed below, with a minimum diameter as shown:

1 nicol 11/15/2019 12:35:14
'of a species' included on the City's Master Tree List

2 nicol 11/15/2019 12:36:55
This is confusing. Do you mean 10% of the crown, the roots, or, if both parts of the tree are to be pruned, the combination of crown and roots

Notes

Terminal Leader. This is the vertical stem(s) at the top of the trunk of a tree.

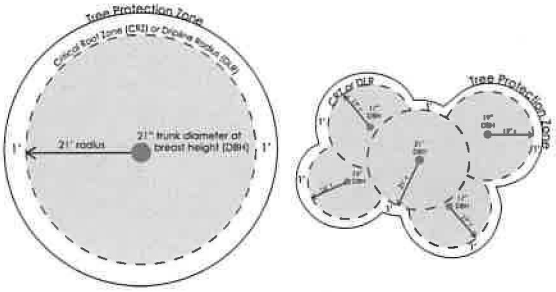
Tree Care and Maintenance Standards. Standards required by the City for the care and maintenance of Protected Trees based on the ANSI 300 Standards and any other relevant standards as determined by the City Arborist, as amended by the City from time to time.

Tree Crown. This is the top part of the tree, which features branches that grow out from the main trunk and support the various leaves used for photosynthesis.

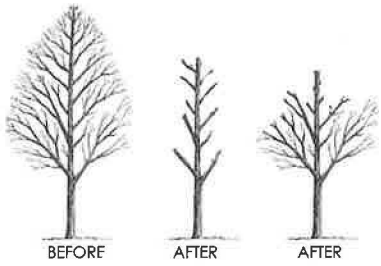
Tree Permit. A permit issued by the City of Folsom covering any Regulated Activity affecting a Protected Tree, which may be a Tree Work Permit or a Tree Removal Permit or both.

Tree Protection and Mitigation Plan. A plan submitted for review and approval before the start of any Regulated Activity. 1

Tree Protection Zone (TPZ). The circumference of the outermost edge of a tree's Critical Root Zone or Dripline Radius, whichever is greater, plus one foot. When depicted on a map, the Tree Protection Zone will appear as a perfect circle, or group of overlapping circles for multiple trees.



Topping. A type of pruning that is not Routine Maintenance and involves the removal of tops of trees, or large branches or trunks from tops of trees, leaving large stubs or lateral branches that are too small to assume the role of a Terminal Leader.



Urban Forest. A forest, or collection of trees, or the total of all trees on public and private properties that grow in the City boundaries.

1 | nicol 11/15/2019 12:48:01
This should include MORE information about what is required and who may do the work. Many developers I have worked with, including Civil Engineers, relate this word to an actual map. Maybe change the wording to read "A proceedure and course of action recommended by an arborist which addresses the impacts to the individual trees and provides the details necessary for ...

Notes

Comments summary on <Folsom ordinance comments.pdf>
Created on 12/30/2019 at 14:6:22

ID	Subject	Author	Date/Time	Comment
1	Highlight	nicol	11/15/2019 12:48:01	This should include MORE information about what is required and who may do the work. Many developers I have worked with, including Civil Engineers, relate this word to an actual map. Maybe change the wording to read "A proceedure and course of action recommended by an arborist which addresses the impacts to the individual trees and provides the details necessary for preservation and mitigation."

Comments summary on <Folsom ordinance comments.pdf>
Created on 12/30/2019 at 14:6:22

Zoning Code. Title 17 of the Folsom Municipal Code.

12.16.030 Applicability

The provisions of this Chapter shall apply to all Regulated Activities affecting Protected Trees, excluding those activities undertaken by the City. Trees that are not Protected Trees are not subject to the provisions of this Chapter. When a tree qualifies as more than one type of Protected Tree, the more stringent requirements apply.

12.16.040 Prohibited Activities

The following activities shall be prohibited with respect to Protected Trees:

A. Topping.

B. Attaching anything using nails, screws, and/or spikes.

C. Wounding or breaking tree trunks or branches through contact with vehicles and heavy equipment.

D. Wounding trunks with string weed trimmers, lawn mowers, and similar equipment.

E. Causing injury by fire or excessive heat.

F. Pruning activities not conducted in accordance with City's Tree Care and Maintenance Standards.

G. The use of tree spikes or spurs while pruning.

H. Any of the following activities within the Tree Protection Zone of any Protected Tree, unless specifically approved by the City and conducted in accordance with the standards of Section 12.16.140 (Standard Conditions of Approval):

1. Storage of large quantities of soil and/or mulch.
2. Excavation and trenching.
3. Changing soil grade by cutting or filling.
4. Grading, tearing, and/or grubbing.
5. Compacting soil with equipment, vehicles, material storage, and/or foot traffic.
6. Washing out equipment (especially paint, stucco and concrete) and vehicle maintenance.
7. Installing impervious surfaces, including but not limited to parking lots, driveways, and walkways.
8. Storing or placing construction materials or construction debris and waste.
9. Accumulation of water from construction-related activities.

I. Cutting down, destroying, effectively destroying through damaging, removing, or moving any Protected Tree without a Tree Work Permit or a Tree Removal Permit at any time unless specifically exempted by this Chapter.

12.16.050 Permit Required

A. **Tree Work Permit Required.** A Tree Work Permit is required for any Regulated Activities undertaken with respect to a Protected Tree, except where specifically exempted by subsection "C" below:

1 | nicol | 11/15/2019 12:49:57
WOW! The City isn't responsible for their actions

2 | nicol | 11/15/2019 12:49:48
What about Tree Tags?

Notes

1 | nicol 11/15/2019 13:00:57
See attached. I would add the funding mechanism and requirement for a copy of the executed contract with the arborist

12.16.150 Tree Protection and Mitigation Plan Requirements

A Tree Protection and Mitigation Plan, if required under this Chapter, shall be prepared by an Arborist and contain the following information:

A. The location, species, Diameter at Breast Height, Tree Protection Zone, and health of each Protected Tree on the subject property, and Adjacent neighboring properties as confirmed by an Arborist shall be shown on a map.

B. A description of Regulated Activities to be conducted. Protected Trees that may or will be impacted by the proposed Regulated Activities shall be clearly indicated.

C. A plan for the protection and/or mitigation of Protected Trees shall be outlined as follows:

1. For Regulated Activity to be conducted within a Tree Protection Zone, the Tree Protection and Mitigation Plan shall identify those methods that shall be used by the applicant to protect the tree(s) during the proposed Regulated Activities, consistent with the standards of Section 12.16.160. The methods used shall include, but not necessarily be limited to, the following:

   a. Preservation devices such as ground or surface protection, protective fencing, root protection devices or other such methods.

   b. The detailed recommendations for existing or proposed planting and/or irrigation within the Tree Protection Zone.

   c. Standards for performing work such as trenching, root cutting, or grading shall be consistent with the City's Tree Care and Maintenance Standards to preserve the Protected Tree.

2. For removal of a Protected Tree, the Tree Protection and Mitigation Plan shall include:

   a. The number of replacement trees required to mitigate for removal of the Protected Tree(s) consistent with Section 12.16.160(A).

   b. The number of replacement trees that may be accommodated on the same property as the Protected Tree(s) proposed for removal. The number of replacement trees that may be accommodated on the property shall be determined by an Arborist based on the long-term viability of the replacement tree(s). Long-term viability shall be determined based on the following factors:

      i. Whether the proposed location of the replacement tree can accommodate full growth.

      ii. Quality of the environment in which the tree is to be located.

      iii. Potential impact to the replacement tree from any proposed development or construction activities.

   c. A site plan showing the location of the Protected Trees to be removed and a planting plan identifying the proposed location of any replacement trees.

   d. The schedule for planting of the replacement trees subject to approval of the City Arborist.

   e. The strategy chosen by the applicant to satisfy the required mitigation shall be consistent with the provisions of Section 12.16.160(B).

D. A monitoring program, including a specified time period, the party responsible for monitoring, and the method and frequency by which monitoring reports will be submitted to the City.

E. Other items as determined by the City to satisfy the requirements of this Chapter.

Notes

340 Palladio Parkway, Suite 521
Folsom, California 95630-8775
(916) 984-1300 FAX (916) 984-1322

Elliott Homes
1914 Celebrating 100 years 2014

December 3, 2019

Mr. Scott Johnson
Principal Planner
CITY OF FOLSOM
50 Natoma Street
Folsom, CA 95630

Re: Tree Preservation Ordinance Update

Dear Scott:

The City is going through an update of its tree preservation ordinance. As a longtime builder of master plans, production homes and custom home lots, we have worked with the City's existing tree ordinance in many ways for several years. The current draft update dated October 16, 2019, is a vast improvement over the existing ordinance.

This draft provides added flexibility and reasonableness to a sometimes-burdensome process. Future homeowners and custom lot owners will now have some choices that are fair, yet will still preserve oak trees that do not need removal. Overall, I think this draft is a great improvement and urge the City to approve the update. Staff has done a thorough job and should be commended for bringing forward a good working document.

Yours truly,

ELLIOTT HOMES, INC.

Price Walker
Vice President, Project Development

:tmg

DATE: January 14, 2020

TO: Mayor and City Council Members

FROM: Community Development Department

SUBJECT: RESOLUTION NO. 10377 – A RESOLUTION AMENDING RESOLUTION NO. 4792 TO INCREASE THE CITY'S TREE MITIGATION FEES

BACKGROUND/ISSUE

On August 22, 1995, City Council approved Resolution No. 4792, which established the mitigation or "in-lieu" fees for the removal of Protected Trees in the City of Folsom. Working in concert with the City's Tree Preservation Ordinance (Chapter 12.16 of the Folsom Municipal Code), the purpose of the fee is to fund future tree planting and maintenance among other similar services. However, the in-lieu fee levels in the prior Resolution, which average approximately $114 per inch, have long lagged behind cost increases and no longer cover the actual cost of planting and maintaining a tree. Staff recommends that the City Council establish a new in-lieu formula and fee amount of $250 per inch based on the diameter of the trunk size measured at standard height (i.e., 4.5 feet). An analysis of the costs of tree replacement as well as an examination of the relationship of the fee to the impacts resulting from the removal of Protected Trees is included in the Tree Mitigation In-Lieu Fee Nexus Study in Attachment 3. The new fee would go into effect on April 1, 2020 at the same time as the new Tree Preservation Ordinance.

POLICY/RULE

The Tree In-Lieu Fee increase, which is designed to fund the replacement of removed Protected Trees and other similar activities, is consistent with the City's 2035 General Plan guidelines and policies. These include guidelines and policies that support sustainability, landscaping, shading, and the planting of trees, such as:

General Plan Guiding Principles:

- Guiding Principle #9: Provide all residents with opportunities to live an active, healthy, and green lifestyle.
- Guiding Principle #15: Foster a sustainable community for the next generation's benefit.

General Plan Land Use (LU), Natural and Cultural Resources (NCR), and Parks and Recreation (PR) Policies:

- *LU 1.1.8 Preserve Natural Assets* - Maintain the existing natural vegetation, landscape features, open space, and viewsheds in the design of new developments.

- *LU 9.1.6 Community Beautification* - Encourage the landscaping of public rights-of-way and planting of street trees to beautify Folsom consistent with water-wise policies.
- *NCR 1.1.8 Planting in New Development* - Require the planting of street trees, parking lot canopy trees, screening trees, and other amenity trees and landscaping in all new development, consistent with City landscaping development guidelines, to minimize the heat island effect. Planting strips must be large enough to accommodate a large tree canopy and allow for healthy root growth.
- *PR 1.1.8 Shade and Hydration* - Ensure water fountains, trees, pavilions, arbors, and canopies are provided in Folsom's parks and playgrounds, as well as along bike paths, trails, and other active transportation corridors, where appropriate and feasible, to provide important safeguards on hot days.

In addition, the Tree In-Lieu Fee increase is also consistent with and furthers the purpose of the City's newly adopted Tree Preservation Ordinance, which states:

> *Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, protection from heat and ultra-violet radiation, energy savings, reduced Heat Island effect, habitat for wildlife, carbon sequestration, and improvement of property values. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of the City's Urban Forest through the creation and preservation of tree resources. In order to promote the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the City Council finds it necessary to establish standards and measures for the preservation of trees.*

ANALYSIS

As noted above, the City's Tree In-Lieu Fees have not been increased since the fees were first established in 1995 and they no longer cover the cost of tree replacement, planting, maintenance, and monitoring. In addition, the current formula uses a fee based on the range of tree trunk diameter size rather than a per inch fee, which is what is typically used by many other jurisdictions in our region.

Under the current fee formula and fee level, the City's Tree In-Lieu Fee is equivalent to between $98 and $131 dollars per in inch for an average of about $114 per inch. In addition, the current ordinance (Section 12.16.070(C)(1)(i)) requires mitigation for a Protected Tree removed from within the footprint of a planned single-family home that is one 15-gallon tree, which is equivalent to a $100 replacement fee, when there is no room on-site or the applicant prefers the fee payment over planting. Since these fees are significantly below the actual cost of tree replacement, the applicant typically pays the fee rather than replace the tree. So not only is the City's tree canopy reduced, but the City does not receive enough in fee revenue to offset that loss through the planting of replacement trees.

Given this situation, coupled with the adoption of the City's new Tree Preservation Ordinance, City staff conducted research, surveyed the fees of surrounding jurisdictions, and prepared a "nexus

which is included in Attachment 3. Under the State's Mitigation Fee Act, jurisdictions must show that there is a reasonable relationship or "nexus" between the fee charged and the impact created as a result of development. The nexus study demonstrates this relationship and explains the basis for a maximum fee level. While the attached nexus study identifies how the maximum fee of $389 per inch was derived, City Council has the authority to establish a lower fee level. However, it is recommended that Council not establish a fee that is higher than $389 per inch since a higher fee is not supported by the nexus study.

The maximum fee level examined the costs of acquisition, planting, maintenance, and monitoring of a 15-gallon replacement tree. A 15-gallon tree is equivalent to a tree with a one-inch diameter at standard height (i.e., 4.5 feet high; also known as "breast height"). Under the formula set forth in the new Tree Preservation Ordinance, an applicant that is granted a permit to remove a healthy Protected Tree must plant replacement trees equivalent in number to the diameter inches of the removed tree, or if that is not feasible, then pay an in-lieu fee that is equivalent to the diameter of the original tree as mitigation. For example, a 10-inch Protected Tree that is removed would require either the planting of ten (10) 15-gallon trees or an in-lieu payment of 10 multiplied by the per inch in-lieu fee or combination of the two. In this scenario, the maximum fee that could be charged would be $3,890.

Staff also reviewed the in-lieu fees from other jurisdictions. Fees using the per inch approach ranged from $459 per inch for large heritage oak trees in El Dorado County to $100 per inch in Placer County. Several of the communities that staff surveyed, particularly those with lower fees, have not updated their fees in many years. Based on fee information gathered, the average regional fee is $221 per inch.

Staff is recommending increasing the City's Tree In-Lieu Fee from an average of $114 per inch to $250 per inch. Staff is also recommending that the City use a per inch formula instead of a fee based on a range of tree diameter sizes. While this fee level does not cover the entire cost of purchase, planting, monitoring and maintenance, it covers most of the cost, is slightly above the regional average, and is expected to be less burdensome upon property owners than assessing the maximum fee level. Furthermore, in the opinion of local arborists and landscape architects, the fee level should be an amount that encourages tree preservation rather fee payment. Based on staff's review of tree removal costs, a fee of $250 per inch appears reasonable and appropriate. Attachment 2 – Background provides several scenarios to demonstrate the $250 in-lieu fee.

As set forth in the new Tree Preservation Ordinance, the in-lieu amount may be reduced by 50 percent for trees located within the buildable area (i.e., located outside of the required setback area) on residential sites. The purpose of this is to reduce the costs for the development of housing in Folsom consistent with the declaration by the State Legislature that the California is experiencing a housing supply crisis (refer to Senate Bill SB 330 Statutes of 2019, Section 2(a)(1)). In addition, Protected Trees that are preserved on-site may qualify for Tree Preservation Credits which would also reduce the mitigation cost.

FISCAL IMPACT

All proceeds from the increase to the Tree In-Lieu Fee will be placed in the City's Tree Planting and Replacement Fund, which is administered by the Community Development Department. The potential increase in revenue from fees will continue to be used for the planting of replacement trees and other efforts that support the activities of the City Arborist. There is no impact to the City's General Fund.

ENVIRONMENTAL REVIEW

The Tree In-Lieu Fee increase is an administrative action and not considered a project under the California Environment Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3). As a result, the action is exempt from environmental review.

ATTACHMENTS

1. Resolution No. 10377 – A Resolution Amending Resolution No. 4792 to Increase the City's Tree Mitigation Fees; and
2. Background
3. City of Folsom, Tree In-Lieu Mitigation Fee, Nexus Study.

RECOMMENDATION /CITY COUNCIL ACTION

Staff respectfully requests that the City Council pass and adopt Resolution No. 10377 – Resolution Amending Resolution No. 4792 to Increase the City's Tree Mitigation Fees.

Submitted,

PAM JOHNS
Community Development Director

ATTACHMENT 1

RESOLUTION NO. 10377 - A RESOLUTION AMENDING RESOLUTION NO. 4792 TO INCREASE THE CITY'S TREE MITIGATION FEES

RESOLUTION NO. 10377

A RESOLUTION AMENDING RESOLUTION NO. 4792 TO INCREASE THE CITY'S TREE MITIGATION FEES

WHEREAS, pursuant to Government Code Section 66016, and Municipal Code Chapter 3.50, the City Council has established rates, charges and fees for certain activities; and

WHEREAS, the City Council on August 22, 1995 adopted Resolution No. 4792 establishing Tree Mitigation Fees (also known as Tree In-Lieu Fees) and authorizing the Planning Department (now known as the Community Development Department) to collect the fees; and

WHEREAS, the City Council adopted the 2035 General Plan on August 28, 2018, which set forth new policies supporting sustainable development including those supporting tree planting and shading; and

WHEREAS, the City's Tree In-Lieu Tree Fee has not been updated since 1995 and does not cover the cost of replacement tree acquisition, planting, monitoring and maintenance; and

WHEREAS, trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time including oxygen, filtration of air pollutants, essential shade, energy savings, reduced urban heat island effect, habitat for wildlife, and carbon sequestration; and

WHEREAS, the City Council on January 14, 2020 introduced and conducted first reading of the new Tree Preservation Ordinance, which emphasizes tree protection and preservation; and

WHEREAS, a nexus study was prepared demonstrating a relationship between the fee charged and the impact from development activities. The study also explained the actual cost of replacement tree acquisition, planting, monitoring and maintenance; and

WHEREAS, the nexus study established a maximum Tree In-Lieu Fee amount of up to $389 per inch; however, City staff recommended a Tree In-Lieu Fee amount of $250 per diameter inch because that amount is more consistent with the regional average for tree in-lieu fees and is less burdensome upon property owners; and

WHEREAS, approval of the fee increase is exempt from the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that:

1. Resolution No. 4792 is hereby amended to change the City's Tree In-Lieu Fee to $250 per diameter inch measured at standard height for the permitted removal of a Protected Tree, effective April 1, 2020, based on the following findings:

GENERAL FINDINGS

A. GOVERNMENT SECTION 66001(a)(1): IDENTIFY THE PURPOSE OF THE FEE.
Finding: The Tree In-Lieu Fee proposed by the attached nexus study is designed to fund mitigation of impacts to Protected Trees removed as a result of development activity through replacement planting of trees elsewhere in Folsom in order to preserve the City's existing tree canopy. The Tree In-Lieu Fee is intended to allow for replacement tree acquisition, planting, maintenance and monitoring for a three-year period to ensure successful establishment of the replacement tree.

B. GOVERNMENT CODE SECTION 66001(a)(2): IDENTIFY THE USE TO WHICH THE FEE IS TO BE PUT. IF THE USE IS FINANCING PUBLIC FACILITIES, THE FACILITIES SHALL BE IDENTIFIED.
Finding: The Tree In-Lieu Fee shall be deposited into the City's Tree Planting and Replacement Fund, which is used to acquire and plant individual replacement trees and perform monitoring and maintenance activities for a period of three years in order to ensure that the trees successfully establish themselves and grow to maturity. The fee can also be used for City urban tree canopy maintenance and improvements efforts as well as other similar efforts outlined in the Tree Preservation Ordinance and the City's 2035 General Plan.

C. GOVERNMENT CODE SECTION 66001(a)(3): DETERMINE HOW THERE IS A REASONABLE RELATIONSHIP BETWEEN THE FEE'S USE AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED.
Finding: Consistent with the City's 2035 General Plan and the new Tree Preservation Ordinance, the replacement of Protected Trees promotes the health, safety, and general welfare of Folsom by protecting and enhancing the natural and scenic resources and by strengthening zoning, subdivision and land use standards and regulations, yet also recognizing individual rights to develop private property. The increase to the Tree In-Lieu Fee, charged according to the loss of Protected Trees, based on their size, provides a means for development to occur while also achieving the environmental goals and objectives stated in the City's 2035 General Plan. The proposed fee, which will be placed in the City's Tree Planting and Replacement Fund, will be used to acquire and plant replacement trees and maintain them for a period of three years. By maintaining the City's tree canopy over time, the fee will help further the purpose of the City's Tree Preservation Ordinance as well as the City's General Plan goals, principles and policies (refer to p. 4 of the City of Folsom Tree Mitigation In-Lieu Fee Nexus Study).

D. GOVERNMENT CODE SECTION 66001(a)(4): DETERMINE HOW THERE IS A REASONABLE RELATIONSHIP BETWEEN THE NEED FOR THE PUBLIC FACILITY AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED.
Finding: A reasonable relationship exists between the need for the Tree In-Lieu Fee and new development that would pay the fee. When new development or improvements to existing development results in a loss of Protected Trees, there is a reduction in the benefits provided to the community by trees, which makes many of the City's General Plan policies and the intent of the Tree Preservation Ordinance more difficult to achieve. For example, the reduction of the City's overall tree canopy including the loss of individual Protected Trees makes it more difficult to lessen the urban heat island effect, reduces shading, worsens air pollution, and results in a loss of natural habitat and scenic beauty. The fee is designed to mitigate the

impacts of removing Protected Trees by funding the cost of planting new trees. The costs associated with the acquisition and planting and maintenance for a period of three years is accounted for in the proposed Tree In-Lieu Fee program. The amount of the Tree In-Lieu Fee for impacts resulting from the removal of Protected Trees is proportional to the cost of mitigating impacts from non-exempt development activities. The in-lieu fee amount is calculated based on the actual cost to meet the requirements set forth in Section 12.16.160 of the Tree Preservation Ordinance. Should a project applicant for non-exempt activities choose the in-lieu fee option, the fee amount will be based on the scale of impact as measured by the loss of diameter inches of Protected Tree. Therefore, a reasonable relationship exists between the amount of Tree In-Lieu Fee for impacts to Protected Trees by new development.

CEQA FINDINGS

A. IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(b)(3), APPROVAL OF A FEE INCREASE IS NOT A PROJECT UNDER CEQA AND IS EXEMPT FROM ENVIRONMENTAL REVIEW.

PASSED AND ADOPTED on this 14thth day of January 2020, by the following roll-call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

ATTEST:

Sarah Aquino, MAYOR

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Background

Background

Below are several scenarios using the recommended $250 in-lieu fee level. These examples are for illustration purposes only. As shown in Scenario 3, the City's new Tree Preservation Ordinance has several measures that may reduce total mitigation cost. This includes a 50 percent reduction to mitigation for trees within the buildable area of a parcel as well as the awarding of Tree Preservation Credit for trees that are preserved within the buildable area of a site.

Scenario 1
A Protected Tree such as a Native Oak Tree with a 10-inch trunk diameter as measured at standard height (typically 4.5 feet high) that is permitted to be removed would require mitigation for 10 diameter inches, based on the inch-for-inch replacement requirement in the new Tree Preservation Ordinance. The new ordinance mitigation requirement, including the in-lieu fee, assumes that a 15-gallon size replacement tree equals 1 inch in trunk diameter. Therefore, mitigation for removal of a 10-inch native oak tree requires planting and maintenance of ten 15-gallon trees or the payment of the in-lieu fee which would be 10 multiplied by the per-inch cost. Using the recommended in in-lieu fee level of $250 per diameter inch, the total fee would be $2,500.

In-Lieu Fee Calculation:

1. Diameter Inches Impacted: 1 tree at 10 inches as measured at Diameter at Standard Height (DSH or 4.5 feet) = 10 inches
2. Cost Per Diameter Inch = $250 per inch
3. Fee = 10 diameter inches times $250 per inch

   Total Tree In-Lieu Fee = $2,500

As a comparison, if the regional average in-lieu fee was used ($221) then the total cost would be $2,210. In contrast, under the City's current in-lieu fee structure, the fee would be $750. However, as explained in the nexus study, if the maximum allowed fee level of $389 per inch is used then the in-lieu fee would be $3,890.

Scenario 2
If a developer wants to remove two protected trees, a 30-inch diameter Heritage Oak Tree and one 10-inch oak tree, the Tree In-Lieu Fee would be calculated as follows:

In-Lieu Fee Calculation:

1. Diameter Inches Impacted: 1 tree at 30 DSH inches plus 1 tree at 10 DSH inches = 40 inches
2. Cost Per Diameter Inch = $250 per inch
3. Fee = 40 diameter inches times $250 per inch

   Total Tree In-Lieu Fee = $10,000

As a comparison, if the regional average in-lieu fee was used ($221 as shown in Table 5) then the total cost would be $8,860. In contrast, under the City's current in-lieu fee structure, the fee would be $6,000. However, if the maximum allowed fee level of $389 per inch identified in the nexus study is used the in-lieu fee would be $15,560.

Scenario 3
If a property owner submits plans to build on a vacant custom home lot with three Protected Trees within the buildable area of the parcel, then the fee would be calculated as follows based on the new Tree Preservation Ordinance. Then new ordinance also has a 50 percent reduction for trees within the buildable area of a residential parcel:

In-Lieu Fee Calculation:

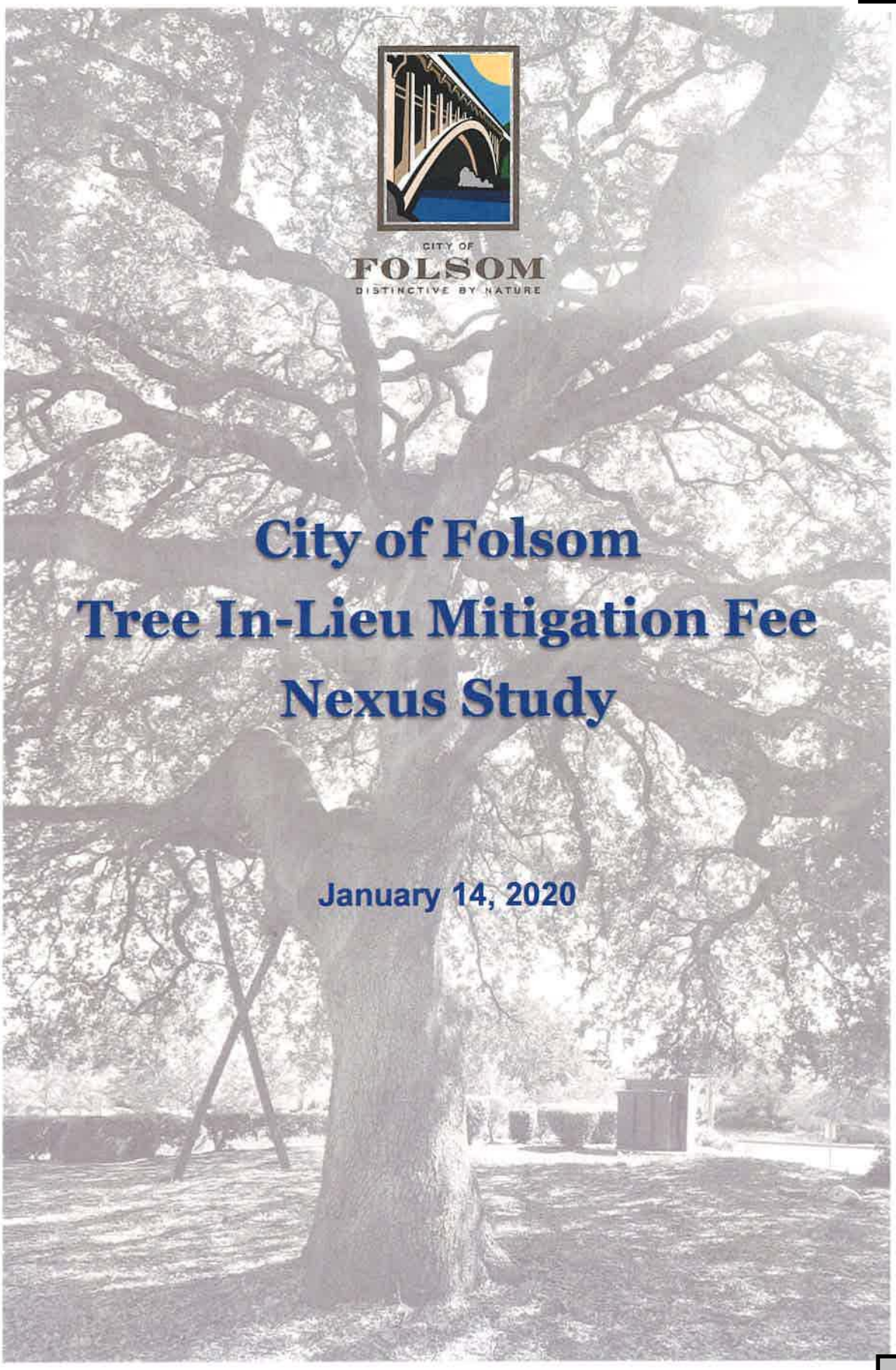
1. Diameter Inches Impacted: 1 tree at 12 DSH inches plus 2 trees each at 7 DSH inches = 26 inches
2. Cost Per Diameter Inch = $250 per diameter inch
3. Buildable Area Reduction = 50% reduction
4. Fee = 26 DSH inches times $250 per acre times 50% reduction

   Total Tree In-Lieu Fee = $3,250

As a comparison, if the regional average in-lieu fee is used ($221 as shown in Table 5) then the total cost would be $2,873, assuming a 50% reduction for trees within the buildable area. In contrast, under the City's current in-lieu fee structure, the fee would be $300 since staff assesses a $100 per tree fee for trees within the building footprint of a single-family home. If the maximum fee of $389 per diameter inch from the nexus study is used then the in-lieu fee would be $5,057, assuming a 50% reduction for trees within the buildable area.

ATTACHMENT 3

CITY OF FOLSOM TREE IN-LIEU MITIGATION FEE NEXUS STUDY



City of Folsom
Tree In-Lieu Mitigation Fee Nexus Study

January 14, 2020

INTRODUCTION

City staff prepared this nexus study for the update to the City's Tree In-Lieu Fee, which may be required for the removal of Protected Trees as set forth in Section 12.16.150 of the City's Tree Preservation Ordinance Update. The City's current in-lieu fee has not been updated since 1995 and does not reflect the actual cost of planting, maintaining, monitoring and administering the replacement of Protected Trees. The in-lieu fee payment is required in Section 12.16.150 of the draft Tree Preservation Ordinance as mitigation when replacement is not feasible. It is based on the actual cost of the following: 1) acquisition and planting of a new 15-gallon size tree (equivalent to 1" diameter at standard height or DSH)[1]; 2) maintenance and monitoring over a three-year period; and 3) administration. The tasks associated with each of these are listed below.

Acquisition and Planting:

- Planting
- Due Diligence Survey/Analysis
- Photos

Mitigation and Monitoring:

- Irrigation
- Tree stock replacement (if needed)
- Weed control
- Staking
- Mulching
- Monitoring
- Installation of Above/Below-Ground Protection Devices (cages, tubes, etc.)
- Removal of Protective Materials at end of Maintenance Period
- Pest and Disease Control (application of herbicide, fungicide, etc.)

Administration:

- Calculation and collection of the fees
- Tracking of payment
- Preparation of required reports
- Periodic updates to the Tree In-Lieu Payment Fee Nexus Study
- Tracking of trees planted with mitigation funds

[1] Based on ANSI Standard Z60.1 – American Standard for Nursery Stock. ANSI Z60.1 sets minimum height/caliper standards for nursery plant material in addition to providing "professional horticulturalists and landscape architects with an understanding of common horticultural terms, plant nomenclature, and plant attributes."

The purpose of this study is to satisfy the requirements of the State's Mitigation Fee Act as set forth in Government Code Sections 66000 – 66025 and to explain how the proposed fee is calculated.

NEXUS ANALYSIS AND FINDINGS

This section documents the nexus for the fee, calculates the proposed rates for the City's Tree Mitigation In-Lieu Fee, and documents the findings of this nexus study.

NEXUS REQUIREMENTS

Consistent with the requirements of the Mitigation Fee Act, also known as AB 1600, this study demonstrates that a reasonable relationship or "nexus" exists between new development that occurs within Folsom and the need to preserve and replace trees as a result of new development.

In order to demonstrate compliance with the Mitigation Fee Act, this study must address the following requirements:

1. Identify the purpose of the fee;
2. Identify the use to which the fee is to be put;
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed;
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

In this case Protected Trees are considered "public facilities" because the definition in Government Code Section 66000(d) states that public facilities include "public improvements, public services, and community amenities." As stated in Section 12.16.010 (Purpose and Intent) of the City's Tree Preservation Ordinance, "Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time."

REQUIREMENTS AND FINDINGS

Requirement 1: Purpose of the Fee

The Tree In-Lieu Fee proposed by this nexus study is designed to fund mitigation of impacts to Protected Trees removed as a result of development activity through replacement planting of trees in Folsom in order to preserve the City's existing tree canopy. The fee is structured such that the larger the Protected Tree removed, as measured by diameter inches at standard height, the greater the in-lieu fee. Since larger trees provide a greater benefit compared to

smaller trees, more smaller trees need to be planted to provide the same benefit of a larger tree. Given this, the removal of larger Protected Trees requires the planting of more one-inch replacement trees. Thus, the diameter inches of the removed Protected Tree are multiplied by the Tree In-Lieu to account for the need to plant more one-inch replacement trees. The Tree In-Lieu Fee is intended to cover the cost of tree acquisition, planting, maintenance and monitoring of each one-inch replacement tree for a three-year period.

Requirement 2: Use of the Fee

The Tree In-Lieu Fee will be deposited into the City's Tree Planting and Replacement Fund, which is used to acquire and plant individual replacement trees and perform monitoring and maintenance activities for a period of three years in order to ensure that the trees successfully establish themselves and grow to maturity. The fee can also be used for City urban tree canopy maintenance or improvement efforts as well as other similar supporting efforts outlined in the Tree Preservation Ordinance and the City's 2035 General Plan.

Requirement 3: Reasonable Relationship Between Fee Use and Development

Consistent with the City's 2035 General Plan and the Tree Preservation Ordinance, the replacement of Protected Trees promotes the health, safety, and general welfare of Folsom by protecting and enhancing the natural and scenic resources and by strengthening zoning, subdivision and land use regulations, while also recognizing individual rights to develop private property.

The replacement of trees enhances the City's natural scenic beauty, supports the potential increase in property values over time, helps reduce the urban heat island effect, and is consistent with the City's Greenhouse Gas Emissions Reduction Strategy contained in the 2035 General Plan. By replacing and replanting trees, this helps retain the tempering effect of trees on extreme temperatures by providing shade and cooling, increases the attractiveness of the City to visitors, helps to reduce soil erosion, and increases the oxygen output in the area, which is needed to combat air pollution.

The planting of replacement of trees is consistent with and furthers the purpose of the draft Tree Preservation Ordinance, which states:

> *Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. In addition to many others, these benefits include life-giving oxygen, filtration of air pollutants, protection from heat and ultra-violet radiation, energy savings, reduced Heat Island effect, habitat for wildlife, carbon sequestration, and improvement of property values. The purpose of this chapter is to advance these aesthetic, economic, environmental, and social contributions of the City's Urban Forest through the creation and preservation of tree resources. In order to promote*

the public health, safety and general welfare, enhance the beauty of Folsom and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the City Council finds it necessary to establish standards and measures for the preservation of trees.

Furthermore, two of the key guiding principles in the City's 2035 General Plan include:

Guiding Principle #9: Provide all residents with opportunities to live an active, healthy, and green lifestyle.

Guiding Principle #15: Foster a sustainable community for the next generation's benefit.

In addition, several policies in the General Plan, particularly those in the Land Use Element and the Natural and Cultural Resources Element, relate to the relationship between the proposed fee and new development:

- *LU 1.1.7 Concentrated Development* - Allow project applicants to concentrate the proposed development on a portion of the site through the clustering of buildings to encourage the preservation of open spaces, cultural resources, and natural features of the landscape.
- *LU 1.1.8 Preserve Natural Assets* - Maintain the existing natural vegetation, landscape features, open space, and viewsheds in the design of new developments.
- *LU 9.1.6 Community Beautification* - Encourage the landscaping of public rights-of-way and planting of street trees to beautify Folsom consistent with water-wise policies.
- *LU 1.1.14 Promote Resiliency* - Continue to collaborate with nonprofit organizations, neighborhoods groups, and other community organizations, as well as upstream, neighboring, and regional groups to effectively partner on and promote the issues relating to air quality, renewable energy systems, sustainable land use, adaptation, and the reduction of greenhouse gas (GHG) emissions.
- *NCR 1.1.4 Native and Drought Tolerant Vegetation* - Encourage new developments to plant native vegetation, including that which is important to Native American lifeways and values, and drought tolerant species and prohibit the use of invasive plants.
- *NCR 1.1.8 Planting in New Development* - Require the planting of street trees, parking lot canopy trees, screening trees, and other amenity trees and landscaping in all new development, consistent with City landscaping development guidelines, to minimize the heat island effect. Planting strips must be large enough to accommodate a large tree canopy and allow for healthy root growth.

- *PR 1.1.8 Shade and Hydration* - Ensure water fountains, trees, pavilions, arbors, and canopies are provided in Folsom's parks and playgrounds, as well as along bike paths, trails, and other active transportation corridors, where appropriate and feasible, to provide important safeguards on hot days.

The development of new residential and non-residential land uses in the City may result in a loss of existing Protected Trees if such trees are present on those development sites. The proposed increase to the Tree In-Lieu Fee, charged according to the loss of Protected Trees, based on their size, provides a means for development to occur while also achieving the environmental goals and objectives stated in the City's 2035 General Plan and the City's Tree Preservation Ordinance.

The proceeds from the proposed fee, which will be placed in the City's Tree Planting and Replacement Fund, will be used to acquire and plant replacement trees and maintain them for a period of three years. By maintaining the City's tree canopy over time, the fee will help further the principles and policies stated above.

Requirement 4: Reasonable Relationship Between Conservation Need and Development

A reasonable relationship exists between the need for the Tree In-Lieu Fee and new development that would pay the fee. When new development or improvements to existing development results in a loss of Protected Trees, there is a reduction in the benefits provided to the community by trees, which makes many of the City's General Plan policies more difficult to achieve. For example, the reduction of the City's overall tree canopy including the loss of individual Protected Trees makes it more difficult to lessen the urban heat island effect, reduces shading, worsens air pollution, and results in a loss of natural habitat and scenic beauty.

The fee is designed to mitigate the impacts of developments that remove Protected Trees by funding the cost of planting new trees. The costs associated with the acquisition and planting and maintenance for a period of three years is accounted for in the proposed Tree In-Lieu Fee.

Requirement 5: Reasonable Relationship Between Fee Amount and Mitigation Cost

The amount of the Tree In-Lieu Fee for impacts resulting from the removal of Protected Trees is proportional to the cost of mitigating impacts from non-exempt development activities. The in-lieu fee amount is calculated based on the actual cost to meet the requirements set forth in Section 12.16.150 of the new Tree Preservation Ordinance. Should a project applicant for non-exempt activities choose the in-lieu fee option, the fee amount will be based on the scale of impact as measured by the loss of diameter inches of Protected Tree. Therefore, a reasonable

relationship exists between the amount of Tree In-Lieu Fee for impacts to Protected Trees by new development.

FEE CALCULATION

This nexus study provides the basis upon which a new Tree In-Lieu Fee is calculated. The estimated cost for the equivalent of one inch of trunk diameter is a 15-gallon size native tree such as a live oak. The average price of a 15-gallon oak tree was calculated from a survey of six nurseries in Folsom and the surrounding region. As shown in Table 1, the average retail price is approximately $101.

Table 1
Retail Price for Coast Live Oak (15-Gallon Size)

Nursery	Location	Retail Price
Big Oak Nursery	Elk Grove	$85
Eisley's Nursery	Auburn	$100 - $129
El Dorado Nursery and Garden Inc.	Shingle Springs	$100
Fair Oaks Boulevard Nursery	Arden-Arcade	$129
Green Acres Nursery	Folsom	$85
Village Nursery Landscape Center	Sacramento	$94
Average Price		**$101**

Based on phone quotes from nurseries obtained by City staff on 11/13/2019.

The total fee for new non-exempt development activity is proportional to the scale of the impact based on the size (calculated as diameter inches at standard height lost) of the impacted tree(s). The fee is based on hypothetical scenario assuming a planting of 300 15-gallon oak trees. As shown in Table 2, the Sacramento Tree Foundation has identified the cost of conducting planting, installation, tree establishment and maintenance for the above planting scenario to estimate annual costs during the first three years to ensure successful establishment of the tree.

Table 2
Installation, Maintenance and Monitoring Costs*

Direct Project Expenses	Year 1	Year 2	Year 3	Total
Supplies (Irrigation materials, tree shelters, stakes, mulch)	$35	$18	$9	$61
Project Design	$11	$0	$0	$11
Site Preparation	$11	$0	$0	$11
Installation and Maintenance	$51	$25	$25	$101
Monitoring and Reporting	$6	$3	$3	$11
Volunteer Coordination (to oversee planting, etc.)	$7	$4	$4	$14
Tools and Equipment	$8	$8	$8	$25
Vehicle Expenses	$12	$12	$12	$35
Total	$139	$69	$60	$269
Average Cost per 15-gallon Tree:				**$269**

**Notes: Figures are rounded. This excludes administrative costs which are already accounted for later in this analysis and it also excludes non-standard project costs such as water connection fees or other permits, which are unique and site specific.*
Source: Sacramento Tree Foundation, November 2019.

To the acquisition, planting, maintenance, and monitoring costs, an administrative component of five percent (5%) is added to cover the cost to the City of administering and updating the fee program, calculating total fee obligations for each development opting to pay the Tree In-Lieu Fee, collecting fee revenues, depositing these fee revenues to the Tree Planting and Replacement Fund, and using those funds for City staff or contractors to plant trees.

Table 3 below summarizes the detailed cost components, shown on a per-diameter inch basis, associated with acquisition, planting, monitoring, and maintenance for three years. The total in-lieu fee cost for a replacement tree is $389 per inch. As noted earlier, a 1" replacement tree is considered by arborists to be equivalent to a 15-gallon tree.

Table 3
In-Lieu Fee Cost Components*

Cost Components	Price
Acquisition and Planting	$101
Maintenance and Monitoring	$269
Administration (5%)	$19
Total	**$389**

*Note: *Figures are rounded to nearest dollar.*

FEE CALCULATION EXAMPLES

Scenario 1

A Protected Tree such as an oak tree with a 10-inch trunk diameter as measured at standard height (typically 4.5 feet high) that is permitted to be removed would require mitigation for 10 diameter inches, based on the inch-for-inch replacement requirement in the draft Tree Preservation Ordinance. The new ordinance mitigation requirement including the in-lieu fee assumes that a 15-gallon size replacement tree equals 1 inch in trunk diameter. Therefore, mitigation for removal of a 10-inch native oak tree requires planting and maintenance of ten 15-gallon trees or the payment of the in-lieu fee which would be 10 multiplied by the per-inch cost or a combination of the two. As allowed under this nexus study, the maximum per inch cost is $389 per inch for a total fee of $3,890. As shown later in Table 5, the regional average in-lieu fee is $221 for a total fee of $2,210 in this example compared to a $750 fee under the City's current fee structure.

In-Lieu Fee Calculation:

1. Diameter Inches Impacted: 1 tree at 10 DSH inches = 10 inches
2. Cost Per Diameter Inch = $389 per inch
3. Fee = 10 diameter inches times $389 per inch

   Total Tree In-Lieu Fee = $3,890

Scenario 2

If a developer wants to remove two protected trees, a 30-inch diameter Heritage Oak Tree and one 10-inch oak tree, the Tree In-Lieu Fee would be calculated as follows:

In-Lieu Fee Calculation:

1. Diameter Inches Impacted: 1 tree at 30 DSH inches plus 1 tree at 10 DSH inches = 40 inches
2. Cost Per Diameter Inch = $389 per inch
3. Fee = 40 diameter inches times $389 per inch

   Total Tree In-Lieu Fee = $15,560

As a comparison, if the regional average in-lieu fee was used ($221 as shown in Table 5) then the total cost would be $8,860. In contrast, under the City's current in-lieu fee structure, the fee would be $6,000 in accordance with standards in Table 4.

Scenario 3

If a property owner submits plans to build on a vacant custom home lot with three Protected Trees within the buildable area of the new parcel then the fee would be calculated as follows based on the draft Tree Preservation Ordinance which has a 50 percent reduction for trees within the buildable area for a residential parcel:

In-Lieu Fee Calculation:

1. Diameter Inches Impacted: 1 tree at 12 DSH inches plus 2 trees each at 7 DSH inches = 26 inches
2. Cost Per Diameter Inch = $389 per diameter inch
3. Buildable Area Reduction = 50% reduction
4. Fee = 26 DSH inches times $389 per acre times 50% reduction

   Total Tree In-Lieu Fee = $5,057

As a comparison, if the regional average in-lieu fee is used ($221 as shown in Table 5) then the total cost would be $2,873, assuming a 50 percent reduction for trees within the buildable area. In contrast, under the City's current in-lieu fee structure, the fee would be $300 since staff assesses a $100 per tree fee for trees within the building footprint of a single-family home.

COMPARISON OF TREE IN-LIEU FEES

Based on Resolution No. 4792, which was adopted by Council in 1995, the City of Folsom set in-lieu fees for the removal of Protected Trees based on a range of size of the Protected Tree as shown in Table 4 below. In addition, the original 1995 ordinance (Section 12.16.070(C)(1)(i)) requires that mitigation for a Protected Tree removed from within the footprint of a planned single-family home is one 15-gallon tree, which is equivalent to the cost of a 15-gallon tree which is $100 replacement fee (refer to Table 1) when there is no room on-site or the applicant prefers the fee payment over planting. The current fee levels have not been updated since 1995 and have not kept pace with the cost increases.

Table 4
Current Folsom Tree In-Lieu Fees

Range of Tree Size	In-Lieu Fee	Min. Per Inch Fee	Max. Per Inch Fee
6 - 10 diameter inches	$750.00	$75.00	$ 125.00
10+ - 15 diameter inches	$1,500.00	$100.00	$ 150.00
15+ - 20 diameter inches	$2,000.00	$100.00	$ 133.33
20+ - 25 diameter inches	$2,500.00	$100.00	$ 125.00
25+ - 30 diameter inches	$3,000.00	$100.00	$ 120.00
30+ - 35 diameter inches	$3,500.00	$100.00	$ 116.67
35+ - 40 diameter inches	$4,500.00	$112.50	$ 128.57
40 + diameter inches	$6,000.00	N/A	$ 150.00
Average Fee Per Inch		$98.21	$ 131.07

Source: City of Folsom, Resolution No. 4792, August 22, 1995.

The present approach of using a set fee amount based on size range of the tree lost is unique among jurisdictions in the Sacramento region. Most jurisdictions use a per inch fee based on the diameter measured at standard height or DSH (4.5 feet high) while a few use 100 percent of the appraised value of the tree.

While not a requirement of the Mitigation Fee Act, Table 5 shows the in-lieu fees of other jurisdictions within the Sacramento region that use the per inch in-lieu fee approach for mitigation for the removal of Protected Trees as proposed in the Tree Preservation Ordinance.

In-lieu fees based on diameter inch of the tree removed is the most common method used for the fee calculation. Of the jurisdictions surveyed in our region which use that measure, the fees ranged from as little as $100 per inch to as much as $459 per inch for large heritage oaks. The average tree in-lieu fee is approximately $221 per diameter inch. However, it is important to note that in some cases the in-lieu fees have not been updated in many years, especially in those jurisdictions with lower fees. This is particularly true in rural jurisdictions and/or smaller communities.

Table 5
Comparison of Regional In-Lieu Fees

Jurisdiction	In-Lieu Fee
Citrus Heights	$298 per inch
El Dorado County	For individual oak trees: $153 per inch for non-Heritage Oak Trees $459 per inch for Heritage Oak Trees.
Elk Grove	$200 per inch
Lincoln	$150 per inch (oak trees only)
Loomis	$100 per inch (for removal of 1 to 4 oak trees); $300 per inch (for removal of 5 to 9 oak trees); $500 per inch (for removal of 10 or more trees)
Placer County	$100 per inch DSH or the current market value of the trees as established by an arborist, forester, or landscape architect plus installation costs.
Rancho Cordova	$165 per inch
Roseville	$118 per inch
Sacramento	$325/inch (excluding palm trees) $100/inch for each linear foot in height of clear trunk removed.
Sacramento County	Native Oaks are $325 per inch, others vary by project.
West Sacramento	$325 per inch at DSH

Resources:

- Big Oak Nursery, Elk Grove. Live Oak (15 gal.) - Cost: $85. Contacted 11/13/2019.
- Eisley's Nursery, Auburn. Live Oak (15 gal.) - Cost: $99.99 to $129.99 (depends on vendor). Contacted 11/13/2019
- El Dorado Nursery and Garden, Inc., Shingle Springs. Live Oak (15 gal.) - Cost $100. Contacted 11/13/2019.
- Fair Oaks Boulevard Nursery, Arden-Arcade. Live Oak (15 gal.) - Cost $129. Contacted 11/13/2019.
- Green Acres Nursery, Folsom. Live Oak (15 gal.) – Cost $85.00. Contacted 11/13/2019.
- Village Nursery Landscape Center (aka Site One Landscape), Sacramento. Live Oak (15 gal.) - Cost $94.50. Contacted 11/13/2019.
- Sacramento Tree Foundation, *Proposal for Tree Programs and Services for Planting and Maintenance*. November 22, 2019.
- Keith Wilson, Principal Landscape Architect / Owner of Wilson Design Studio – Landscape Architecture and Site Design. Discussion with City staff regarding tree maintenance and monitoring costs on November 19, 2019 and subsequent email correspondence on December 4, 2019.
- Krissy Walker-Berry, Staff Biologist, ECORP Consulting, Inc. Email correspondence with City Arborist dated November 20, 2019.

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