

ORDINANCE NO. ()
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO ESTABLISH THE OAK WOODLAND COMBINING DISTRICT AND REZONE PROPERTIES TO ADD THE COMBINING DISTRICT DESIGNATION.

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

Section I. Purpose and Findings.

A. The Board finds and declares that adoption of this ordinance is necessary to promote the conservation of oak woodlands in Sonoma County based on the following facts:

- 1) The County of Sonoma General Plan 2020 (GP2020) includes an Open Space and Resource Conservation Element which sets forth goals, objectives and policies to increase protections of native trees, woodlands and forests, and the wide range of ecosystem services they provide, including but not limited to facilitation of groundwater recharge and water quality, stream bank stability, air quality, carbon sequestration, localized climate moderation, wildlife habitat, cultural, spiritual and aesthetic value; and
- 2) GP2020 directs that the tree protections set forth in the Open Space and Resource Conservation Element be implemented through zoning; and
- 3) The GP2020 EIR identified that land uses and development consistent with the plan would result in reduction of existing wildlife or fish habitat, contribute to habitat fragmentation, and result in the obstruction of wildlife movement opportunities, and it is now recognized that greater tree protection would help reduce these development impacts; and
- 4) The Sonoma County Strategic Plan contains climate goals and objectives which are inextricably linked to forest health and associated regulations including:
 - a. Climate Action and Resiliency Goal 5: Maximize opportunities for mitigation of climate change and adaptation through land conservation work and land use policies.
 - b. Objective 1: By 2025, update the County General Plan and other county/special district planning documents to incorporate policy language and identify areas within the County that have the potential to maximize carbon sequestration and provide opportunities for climate change adaptation. The focus of these actions will be to increase overall landscape and species resiliency, reduce the risk of fire and floods, and address sea level rise and biodiversity loss.
 - c. Objective 2: Develop policies to maximize carbon sequestration and minimize loss of natural carbon sinks including old growth forests, the Laguna de Santa Rosa, and rangelands. Encourage agricultural and open space land management to maximize sequestration. Develop a framework and policies to incentivize collaboration with private and public land owners.

- 5) In the years since the adoption of the Tree Protection Ordinance and later the General Plan, forest and woodland resources and the benefits they provide to the community have been diminished by a variety of factors including: urban and rural development, agricultural conversion, forestry practices, historical fire suppression, and climate related phenomena including extreme drought, fire, pests and pathogens; and
- 6) Forests and woodlands absorb carbon dioxide from the atmosphere and store it in different repositories which include trees (both living and dead), root systems, undergrowth, the forest floor and soils and live trees have the highest carbon density, followed by soils and the forest floor, and existing mature trees help sequester carbon at greater volumes than young trees or sapling planted as mitigation for large tree removal; and
- 7) Approximately 23% of Sonoma County's land area has been affected by wildfire since 2017, and though many local ecosystems contain fire adapted species, the intensity of recent fires has, in some cases decimated local forests and woodlands, and climate change, in addition to post-fire salvage logging and development both challenge the ability of trees, woodlands and related ecosystems to recover; and
- 8) Removal or conversion of oak woodlands often impacts crucial ecosystem services including air purification, scenic value, wildlife habitat and carbon sequestration, and as a result, this ordinance requires compensatory mitigation in most cases to support perpetuity of oak woodlands and their associated benefits for the health, safety and general welfare of the region; and
- 9) It is necessary and appropriate to update Chapter 26 of the Sonoma County Code to implement natural resource conservation policies of the General Plan 2020; and
- 10) The Planning Commission adopted a Resolution on October 5, 2023 recommending that the Board of Supervisors adopt this ordinance and find the project exempt from the California Environmental Quality Act.

Section II. Environmental determination. The Board further finds and determines that the proposed action is exempt from the California Environmental Quality Act ("CEQA"), as discussed below.

- 1) Adoption of the proposed Ordinance is a project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15307 (actions by regulatory agencies for protection of natural resources) and 15308 (actions by regulatory agencies for protection of environment). These exemptions cover actions taken to assure the maintenance, restoration, enhancement, or protection of natural resources or the environment where the regulatory process involves procedures for the protection of the environment. The proposed Ordinance makes changes to clarify and strengthen existing requirements, standards and definitions in Sonoma County Code Chapter 26, and does not involve construction or any other activity that could degrade or physically change the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Ordinance will have an adverse effect on the environment. The proposed Ordinance makes changes to strengthen standards in Chapter 26 for the protection of the environment.

Section III. General Plan Consistency Finding.

The proposed ordinance amending Chapter 26 (Zoning) is consistent with the County's General Plan in that it incorporates into the Zoning Code and furthers the General Plan's goals, objectives, and policies which seek to limit the cumulative loss of native trees and woodlands, balance conservation and enhancement of woodlands while supporting the establishment and maintenance of allowed uses, and establish a discretionary review to ensure proposals for large scale conversion of oak woodland ecosystems are thoroughly evaluated in a public forum.

Section IV. Sonoma County Municipal Code Chapter 26 (Zoning) is amended to reflect the contents of Exhibit A to this ordinance. Where Exhibit A adds or deletes definitions contained in Section 26-04-020 of Chapter 26, only those definitions being deleted or added are indicated. The use of ellipsis (...) indicates no change to the omitted code text.

Section V. The boundaries of the Oak Woodland Combining District shall be the same as the boundaries of the following vegetation alliances, as mapped in the 2013 Sonoma Veg Map. These boundaries may be expanded to incorporate additional woodland areas as updated data becomes available:

- Quercus agrifolia Alliance (coast live oak)
- Quercus chrysolepis Alliance (canyon live oak)
- Quercus douglasii Alliance (blue oak)
- Quercus garryana Alliance (Oregon oak)
- Quercus kelloggii Alliance (black oak)
- Quercus lobata Alliance (valley oak)
- Quercus wislizeni (tree) Alliance (interior live oak)
- Quercus (agrifolia, douglasii, garryana, kelloggii, lobata, wislizenii) Alliance

Section VI. The Official Zoning Database is amended to rezone parcels containing at least .5 acres of Oak Woodland Combining District area, as set forth in the Table in Exhibit B, attached hereto and incorporated by this reference.

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

Section VIII. This Ordinance shall be and the same is hereby declared to be in full force and effect thirty (30) days after passage, and shall be published once before the expiration of fifteen (15) days after the date of its passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, adopted this 28th day of November, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera,
Clerk of the Board of Supervisors

ATTACHMENTS:

EXHIBIT A

EXHIBIT B