

Sonoma County Board of Supervisors

ORD21-0001 and ORD23-0004:
Ordinances Modernizing Tree and Woodland Protections

4/16/2024

Staff:

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Summary BOS Action on Tree Ordinances

- Staff presented PC recommendation for modernizing tree protections and new Oak Woodland Combining District, continued from 11/28/2023 and 12/12/2023
- Urgency ordinance for 45-day moratorium on limited tree removal and oak woodland conversion
 - ▣ Extended on 1/23/2024 until May 31, 2024
- At 3/5/2024 public workshop, Board directed staff to:
 - ▣ Incorporate policy options based on stakeholder feedback between 12/12/23 and 3/5/24

Summary of Policy Direction and Proposed Changes

- Purpose
- Applicability
- Housing
- Forestry Activities
- Stewardship
- Species List
- Mitigation Plantings
- Mitigation Fees
- Agricultural Exemption

Revised Purpose Statement

The intent of this ordinance is to:

- *Support essential community and ecosystem benefits of trees by requiring their protection during construction projects, and requiring mitigations for their removal*
- *Facilitate hazard reduction, forest health, and property maintenance by exempting qualifying activities from permits or mitigations*

Applicability

- Original TPO – Applies only to discretionary projects
- PC Recommendation – Apply to all tree removal, with exemptions
- March 5th hearing - Staff presented two options focusing on limited applicability to permits, with potential for recapture language
 - ▣ BOS recommended approach like PC recommendation

Housing

- Affordable housing exemption:
 - ▣ Compliance with state housing and planning law
 - ▣ Proposed language mirrored in OAK
- Exempt by-right housing in Urban Service Areas in TPO and OAK

Forestry Activities

- Clarify that the exemption allows landowners to do their own work on their own land, aligning with State law

Stewardship

- Exempt stewardship and ecological restoration projects
- Exempt work done by government agencies
 - Precedent in grading code for similar work
 - Subject to CEQA/NEPA

Bay Trees & Manzanita

- Bay trees removed and manzanita not included

Mitigation Planting

- Removed specific irrigation requirement and clarified general requirements for planting survival.
- Would still require irrigation if new development is subject to WELO requirements.

Mitigation Fees

- Retain existing ordinance fees for ministerial tree removal permits
- Retain PC recommendation for appraisal methodology for use permits for large tree removal in TPO and for use permits in OAK
- Staff will pursue a fee study if directed by the Board

Technical Revisions

- Revisions to the Fire Risk Reduction Exemptions
- Revisions to the Agricultural Exemption
- Language clean up:
 - ▣ Protected Species List intro
 - ▣ Allow PRMD and Dept. of Ag to enforce provisions
 - ▣ Including paths in residential maintenance exemption

Post Adoption Implementation

- Guidance documents, education material, BMPs for landowners

Recommendation

- **By separate actions, adopt:**
 - TPO - An Ordinance Updating the County Code Chapter 25 (subdivision code) and Chapter 26 (zoning code) - Tree Protection Ordinance, Riparian Corridor Ordinance and Minor and Major Timberland Conversion Ordinances
 - OAK - An Ordinance updating the zoning code - Valley Oak Habitat Ordinance (Article 67), create the Oak Woodland Combining District, rezoning certain parcels to apply the district
 - Find both ordinances (TPO and OAK) exempt from CEQA



End