

# Sonoma County Board of Supervisors

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

4/16/2024

Staff:

Robert Aguero



# 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 5<sup>th</sup> 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