



SUMMARY REPORT

Agenda Date: 5/18/2021

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Doug Bush 565-5276

Vote Requirement: Informational Only

Supervisorial District(s): All

Title:

Tree Ordinance Scoping Workshop

Recommended Action:

Review and provide direction on proposed scope of work. This item is for informational or discussion purposes only and no formal action is required.

Executive Summary:

This workshop is intended to inform a dialogue among the public, Board of Supervisors and staff regarding a proposed scope of work for an update of tree protection regulations outside of the Coastal Zone. This project will evaluate and update regulations concerning management of trees countywide to implement natural resource policies of the General Plan. This report includes an overview of existing General Plan goals, objectives and policies, current zoning code regulations, identification of current implementation challenges, potential issues to be addressed and a proposed work plan outlining anticipated tasks and timelines for the project. This project is supported by the Wildfire Resiliency and Recovery Planning Grant from the State of California and includes a partnership with the University of California Cooperative Extension. Early outreach has included members of the public and stakeholder groups including the Sonoma County Farm Bureau, the California Licensed Foresters Association, Sonoma County Conservation Action, Sonoma County Forest Working Group.

Discussion:

Sonoma County is home to a diverse array of trees including over 50 native species distributed through the county's urban and rural lands. From the redwood on the official county seal, to the oaks growing around the Board's own chambers, trees are a defining feature of the local landscape. In addition to their visual qualities, trees provide a multitude of environmental and community benefits often described as "green infrastructure" or "ecosystem services." These include:

- Environmental Services (i.e., soil retention, water quality, climate regulation, noise reduction, air purification, habitat);
- Provisioning Services (i.e., fiber and fuel); and
- Cultural Services (i.e., aesthetic value, spiritual and religious value, recreation, cultural heritage, and sense of place).

The General Plan calls for the protection and enhancement of the County's natural habitats and diverse plant

and animal communities (Goal OSRC-7) in part by calling for the establishment of standards and programs to protect native trees and plant communities (Objective OSRC-7.6). Proper management of tree resources is necessary for implementation of the General Plan and is essential to achieving Permit Sonoma's mission to balance environmental protection with sustainable development.

General Plan Direction

General Plan 2020 is the County's primary land use policy document. The State mandates that the County's General Plan include a Conservation Element to enable the County to analyze its natural resources and determine policies for their use and conservation. State law requires that the element address the management and protection of specific resources including forests, soils, rivers and other waters, fisheries, wildlife, and other natural resources.

The County's Open Space and Resource Conservation Element of the General Plan includes goals (intended outcomes), objectives (calls for action), and policies (specific tasks) for the conservation and enhancement of natural resources. Below are a selection of the General Plan goals and objectives related to trees and forest resources; Attachment 2 contains a more comprehensive list. This section is followed by a discussion of current regulations that implement some of these policies and examples of how Permit Sonoma could to work implement specific General Plan policies under the Board's direction.

Goal OSRC-7: Protect and enhance the County's natural habitats and diverse plant and animal communities.

Objective OSRC-7.1: Identify and protect native vegetation and wildlife, particularly occurrences of special status species, wetlands, sensitive natural communities, woodlands, and areas of essential habitat connectivity.

Objective OSRC-7.6: Establish standards and programs to protect native trees and plant communities.

Goal OSRC-1: Preserve the visual identities of communities by maintaining open space areas between cities and communities.

Objective OSRC-1.4: Preserve existing specimen trees and tree stands within Community Separators.

Current Regulations

The General Plan policies listed above are implemented through the County Code, primarily through Chapter 26, the Zoning Code. The Code currently addresses management of trees through several ordinances that address trees. These ordinances are briefly summarized below.

Tree Protection Ordinance (Chapter 26, Section 88-010(m))

The Tree Protection Ordinance requires consideration of impacts to certain tree species from discretionary projects (e.g., conditionally permitted uses). The ordinance does not protect trees damaged or removed through agricultural activities or any non-discretionary permits (e.g., paved parking areas, clearing of land for permitted land uses, most new single-family residences, etc.). The ordinance does not prohibit tree removal or address preemptive tree removal done in advance of submittal for a discretionary permit. The ordinance

applies to only 11 of the County's more than 50 native tree species. Discretionary permit applications must identify the location of all protected tree species greater than nine inches in diameter and their protected perimeter. The ordinance also lists tree protection standards to be considered during construction. If trees are proposed for removal, they must be replaced at a ratio specified in the ordinance ("mitigation"). Current mitigation requirements may not be adequate to offset impacts of removal.

Valley Oak Habitat Combining District (Chapter 26, Article 67)

The purpose of the Valley Oak Habitat (VOH) Combining District is to protect and enhance valley oak trees, one of more than ten oak species found in the County. The zone applies to parcels with soil types that typically support valley oak trees - not necessarily where trees or associated woodland habitat exists. These regulations do not prohibit removal of valley oaks but mandate a permit and mitigation measures before felling any valley oak tree with a diameter at breast height (dbh) greater than 20 inches, or multiple trees having a cumulative dbh greater than 60 inches. The applicant must mitigate the resulting loss of trees by methods specified in the ordinance, such as keeping other valley oaks in the property, planting replacement valley oaks on- or off-site, or paying an in-lieu fee to support a county parks planting program.

Heritage and Landmark Tree Ordinance (Chapter 26D)

This ordinance provides a process for trees to be nominated for recognition and protection based on age, size, shape, rarity, or location. Anyone can nominate a tree, but the property owner must agree to the nomination. If nominated, the Board of Supervisors considers the nomination and may recognize the tree in a public meeting. The property owner receives a certificate and plaque to be placed on or near the tree and a notice is filed at the Sonoma County Recorder's Office. These protections have been applied to approximately 50 individual trees and prevent removal unless the tree poses a safety threat, or it "creates an unreasonable negative economic impact on the property."

Riparian Corridor Combining Zone (Chapter 26, Article 65)

This zone is intended to protect biotic resource communities, including critical habitat areas within and along riparian corridors (creeks, rivers, etc.) The zone is intended to protect and enhance riparian corridors and functions along designated streams, while balancing the demand for land uses such as agricultural production, urban development, and mining operations. The RC zone prohibits disturbance of riparian vegetation and trees in many cases, unless a streamside conservation plan is developed by a biologist to articulate how, despite planned disturbance, the natural value of a riparian area will be retained. Exceptions to this requirement include stream dams, road and utility crossings, mining and timber operations, grazing of livestock, and some agricultural cultivation.

Timberland Production District (Chapter 26, Article 14)

The Timberland Production District applies to those areas where the County has identified timber and forest products as the highest and best use of the land, consistent with the Forest Taxation Reformation Act of 1976. This district is intended to support the conservation and protection of lands capable of producing timber and forest products.

The California Board of Forestry adopts regulations governing timber harvesting on non-Federal land and the Department of Forestry and Fire Protection (CAL FIRE) implements those regulations and the state Forest Practice Act. Recent timber harvest in the County included a net yield of 19,926,000 net board feet in 2018, and 10,734,000 net board feet in 2019, as reported in the Sonoma County Agricultural Commissioner Sealer of

Weights and Measures 2019 Crop Report.

At this time, the County does not currently have county-specific rules regulating the content of timber harvest plans (THPs) or the conduct of timber operations. While the County has limited jurisdiction in the application of timberland zoning and the review of THPs, under state Public Resources Code § 4516.5 the County may recommend local rules to the state Board of Forestry for the content of THPs and the conduct of timber operations in Sonoma County.

Timberland Conversion Permits

Minor Timberland Conversions. Sonoma County requires zoning permits for the conversion of timberland to a non-timber growing use on less than three acres (Section 26-88-140 of the Sonoma County Zoning Code) through CALFIRE's Less-than 3-acre Conversion Exemptions.

Major Timberland Conversions. Sonoma County Code regulates timberland conversions greater than three acres as "major timberland conversions." These conversions (Section 26-88-160 of the Sonoma County Zoning Code) are subject to a use permit in the RRD and TP zoning districts. They are a permitted use in other zoning districts. Major timberland conversions are required to permanently preserve two acres of timberland for each acre of timberland converted. Primary regulatory authority for major timberland conversions typically resides with CALFIRE, with the County acting as a responsible agency for these projects.

Vineyard and Orchard Development and Agricultural Grading and Drainage (VESCO) (Chapter 36)

Growers planting new vineyards or orchards or replanting existing vineyards or orchards are exempt from the Tree Protection Ordinance but may be subject to VESCO. Administered by the Department of Agricultural Weights and Measures, VESCO considers tree removal impacts in terms grading and drainage impacts when projects include the removal of at least one half acre of trees (Tree Removal defined, Section 36-28-020). The ordinance prohibits tree removal only in areas with very steep slopes over 40% with non-cohesive soil. Agricultural operations are subject to Riparian Corridor and Valley Oak combining zones if those zones apply to the subject parcel.

Emerging Challenges, Evolving Conditions

The General Plan was adopted in 2008. With the exception of the Riparian Corridor Ordinance adopted in 2014, most tree protection policies were adopted in the 1980s and 1990s. Since that time, environmental factors such as climate change, fire, pests, and diseases like Sudden Oak Death have significantly altered the context in which the County manages tree resources. From 2011 to 2019, for example, extended drought alone killed an estimated 150 million trees throughout the state of California. The fires of 2017, 2019, and 2020 in particular had significant effects on the County's forests. Fires and the loss of trees due to agricultural conversion and urban development have increased awareness and concern for the health and management of trees throughout the County.

Under the direction of the Board of Supervisors, this project can identify opportunities for improved efficacy and develop updates to current regulations that fulfill the vision of the General Plan and respond to emerging challenges. The following list provides examples of several issues that the County could explore to address corresponding General Plan policies. These potential project components can each be addressed and completed in the timeline shown in the following section. It is anticipated that this planning process will also

identify issues which are best addressed through separate initiatives or implemented following a future General Plan update. The following topic areas are based on initial review of the current code and early stakeholder outreach.

General Plan Policies	Potential Approaches
Policy OSRC-7k: Require the identification, preservation and protection of native trees and woodlands in the design of discretionary projects, and, to the maximum extent practicable minimize the removal of native trees and fragmentation of woodlands, require any trees removed to be replaced, preferably on the site, and provide permanent protection of other existing woodlands where replacement planting does not provide adequate mitigation.	Evaluate current mitigation options in the Zoning Code relative to modern best practices (e.g., address mitigation in-lieu fees adopted more than 20 years ago which may not be adequate today).
Policy OSRC-7l: Identify important oak woodlands, assess current protection, identify options to provide greater protection of oak woodlands and their role in connectivity, water quality and scenic resources, and develop recommendations for regulatory protection and voluntary programs to protect and enhance oak woodlands through education, technical assistance, easements and incentives.	Evaluate existing exemptions and ordinance applicability to identify gaps in resource protections and opportunities to support enhanced ecosystem services.
Policy OSRC-7m: Designate important valley oak habitat areas, reevaluate current designations, and apply a Valley Oak Habitat combining district zoning that requires adequate mitigation for trees removed and monitoring of replacement tree survival.	Identify locations of valley oak using current data, such as the Sonoma County Vegetation Mapping and Lidar data, and make recommendations to refine the application of the Valley Oak Habitat Combining Zone.
Policy OSRC-7u: Identify and consider designation of old growth Redwood and Douglas Fir as sensitive natural communities. Encourage preservation and public acquisition of remaining old growth Redwood and Douglas Fir forests in private ownership with the County. Because of their rarity and biological importance, these sensitive natural community types should be made priorities for protection through conservation easements, fee title purchase, or other mechanisms.	Identify native trees of special concern including rare and locally important species and make recommendations concerning protected tree species to support climate and resiliency goals.
Policy OSRC-1f: Unless there are existing design guidelines that have been adopted for the affected area, require that new structures within Community Separators meet the following criteria: Minimize the removal of trees and other mature vegetation; avoid removal of specimen trees, tree groupings, and windbreaks.	Review existing ordinance language regarding trees in Scenic Resource areas, including Community Separators and identify recommendations for clarifying resource protections in these areas.

In addition to adapting to present day challenges, it is critical to recognize the impact that these changing conditions have on our communities. This project will support climate adaptation and resiliency by not only engaging with the public throughout policy development, but also by incorporating education and outreach following the adoption of ordinance updates. With financial support of the Wildfire Resiliency and Recovery Planning Grant secured through the California Strategic Growth Council, this project includes a partnership with the University of California’s Cooperative Extension (UCCE). UCCE currently offers public workshops and education regarding best practices for vegetation management to minimize wildfire risk. In addition to data analysis and policy development support, UCCE will work with Permit Sonoma to offer education and outreach opportunities to support implementation.

Next Steps

Step	Task	Anticipated Date
1. Goal Setting	1a. Identify existing regulations, policies and practices	BOS Workshop May 18, 2021
	1b. Receive direction from Board of Supervisors	
	1c. Identify community goals and objectives (workshop and outreach)	Spring 2021
2. Baseline Conditions	2a. Identify metrics for measuring current tree conditions	Summer 2021
	2b. Identify current tree conditions for reference baseline and monitoring	
3. Ordinance Updates	3a. Evaluate existing regulations relative to goals and objectives	BOS Workshop October 26, 2021
	3b. Develop draft approaches to achieve project objectives, including public workshops	
4. Adoption	4a. Planning Commission hearing	Winter/Spring 2021
	4b. Board of Supervisors hearing	
5. Implementation, Education and Evaluation	5a. Education and Best Practices	Ongoing in partnership with UCCE
	5b. Monitor progress and report back	Ongoing

Conclusion

Sonoma County is home to numerous native trees distributed through the county’s urban and rural lands. These trees face significant challenges due to continued drought, wildfire, climate change, and development pressures. Supporting these natural ecosystems is not only a part of fulfilling regulatory obligations, it is also an opportunity to support the County’s residents by preserving and enhancing many of the invaluable functions and community benefits that natural ecosystems can provide. Under the direction of the Board of Supervisors, this project will evaluate and update regulations concerning management of trees countywide to implement natural resource policies of the General Plan.

Prior Board Actions:

N/A

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Agenda Date: 5/18/2021

Attachments:

Attachment 1: County Zoning Code Sections

Attachment 2: General Plan Goals Policies and Objectives

Related Items “On File” with the Clerk of the Board:

N/A