



SONOMA ECOLOGY CENTER

Beautiful. Sustainable. Sonoma

April 15, 2025

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

Dear Supervisors and Permit Sonoma,

Some of the proposed changes to the Tree Protection Ordinance and Oak Woodland Ordinance now threaten the ordinances' ability to serve their purpose. Please consider:

The proposed mitigation fees are now as tiny as in the old ordinances, which were universally acknowledged as ineffectual. In fact, fixing these fees was a major reason for the revisions! Sonoma County's forests and trees need a credible deterrent, using an appraisal method or at least much higher fees.

Allowing planted mitigation trees to be removed after 7 years means mitigation planting is meaningless, and would seem to leave the County open to legal action under CEQA.

The [state Professional Foresters Law](#) that supposedly requires the new forestry exemptions (TPO Exhibit A, p. 6, OWO Exhibit A, p. 7) does not prevent counties from regulating forestry activities conducted by landowners personally. It just defines "forestry" and says that if you're going to professionally practice forestry, you have to be a licensed forester. It exempts landowners from this requirement if they do their own forestry work. Sonoma County must apply these ordinances to private landowners removing trees themselves, or else the ordinances will not serve their stated purposes.

Please require a report in two years or less showing the effects of the ordinances. The report should tally the acres of oak woodland and forest where a) the ordinances were enforced or b) a use permit invoked either ordinance.

Two provisions before you are big changes from Planning Commission recommendations: reverting to the old tiny mitigation fees, and the expanded exemption for forestry activities.

Toward the protection of Sonoma County's trees and woodlands,

Richard Dale, Executive Director

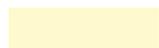
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Subject: Reading of Tree and Oak Woodland protection ordinances



April 11, 2024

Supervisors:

With respect to the Oak Woodland Ordinance language proposed for next week's reading, new language never before seen has been added.

In alignment with state law and to reduce potential landowner burden and regulatory hurdles, staff presented an option to expand the proposed forestry activities exemption to include the provision of *state* law that allows landowners to conduct their own forestry activities on their own land. These activities, whether conducted by the landowner or a Registered Professional Forester would be exempt from the Tree Protection Ordinance and **Oak Woodland Ordinance**, provided the activity does not result in the type conversion of oak woodland. This would ensure that landowners can continue to conduct their own forestry activities on their own land without County permits. The **Board** directed staff to include this exemption in the ordinances. (SummaryReport, emphasis added).

When Forestry was discussed last meeting (3/5/24 Option 4 Forestry Activities) there was no mention of exempting private landowners who sought to start removing their **oak** trees.

""Agenda Date: 3/5/2024. Option 4: Forestry Activities

The Professional Forester's Law exempts landowners who conduct forestry activities on their own land from needing the oversight of a registered professional forester (RPF). Staff recommends including a similar provision into the proposed updates to TPO to allow for landowners to conduct forestry activities without requiring a tree removal permit under the TPO.""

For the record, state forestry law is meant to regulate timberland and not oak trees - a non commercial species. The reference to state forestry law is meaningless here.

And as you know, local jurisdictions may pass law/policy that is more protective than a state law but cannot pass policy that is more lenient. If state forestry law even applied to oak trees which it does not because they are not considered a commercial species, Sonoma County could act in a way that is more protective given its unique conditions and values.

Please remove the *exemption* for removal of oak trees by private land owners or foresters on behalf of private landowners. What has been missing from tree protection in Sonoma County has been oversight. Please be clear, oversight does NOT mean a tree cannot be cut down.

The proposed Purpose statement of the Tree Protection Ordinance has been broadened to include facilitating tree removal. This is respectfully bordering on the absurd.

Please revise the Purpose to state that:

The intent of this ordinance is to support essential community and ecosystem functions of trees by requiring their protection and, unless exempt, mitigations for their removal.

Fees: The existing fee structure is approximately 30 years old. Staff must at least apply an equation that accounts for inflation. Bringing forward the significantly outdated fee structure for adoption at this time, would be a failure to carry out what was initially mandated - a modern and updated policy.

It is my hope that the Board fulfill its responsibility to protect the broader community and the young people who will inherit our planet from the worst impacts of climate change caused in no small part by cutting down our forests and woodlands.

The proposed inclusion of an exemption that would fail to protect oak trees on private land or failing to attempt to properly attach economic value to trees removed now in the twenty first century is to fail to accomplish a modernization and update of the county's tree protection ordinance.

I look forward to hearing strong support from our political representatives for tree protections including the above, during the April 16th meeting.

Kimberly Burr



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March 18, 2024

Sonoma County Supervisors
cc. Doug Bush, Permit Sonoma.

Dear Supervisors,

First, let me express our appreciation for the considerable thought that you Supervisors are putting into the proposed Tree Protection Ordinance, and the enormous amount of work and science-based analysis of Robert Guerrero and Permit Sonoma. We've come quite a distance and I hope are nearing the goal line.

I am writing today to share the thoughts of ReLeaf Petaluma occasioned by the March 5th workshop:

1. The **Revised Purpose Statement** is much improved by the removal of the Ordinance's limitation to construction, thus applying the ordinance to all tree removal. We are also pleased that the **Applicability of the TPO** no longer needs to be related to a permit.
2. **"Forest health"** is a very vague, un-scientific concept, open to the interpretation of the viewer. We would substitute "ecological health," as judged by an ecologist.
3. **The Affordable Housing Exemption** "...could result in unmitigated tree removal where affordable housing projects are proposed." Please require developers to site housing to destroy the fewest trees possible. We can assume that the users of Affordable Housing will have low incomes. As we ReLeaf has learned in siting our planting projects in Petaluma, as well as seeing numerous studies and a front-page story in the National Geographic, the areas where less advantaged people live almost always have fewer trees and are therefore hotter and less pleasant overall. It does not make sense to allow the removal of any trees in these neighborhoods except those absolutely essential for placement of dwellings.
4. Who decides what are **"ecologically sound stewardship projects?"** Permit Sonoma or experts in ecology should make these decisions.
5. **Bay Trees:** The apparently un-scientific descriptions of the negative effects of Bay Trees in general, that were presented, do not belong in an ordinance. If individual trees or stands are problematic, they can be removed under the category of hazard trees. Ordinances should not be based on people's biases or generally held beliefs.
6. We are glad that you have kept **the 6" dbh diameter threshold**, and in fact, would prefer a 4" threshold, given that a tree 4" dbh is well established and may have taken up to 10 years to reach that size.
7. **Mitigation Plantings re: Watering:** We were interested to hear the suggestion that mitigation plantings would not need watering, so we did some research looking at U. C., USDA and Master Gardeners' publications. All agree that, with rare exceptions, new tree plantings require watering for at least three years. We suggest the ordinance should continue

to require the watering with limited exceptions based on tree species and site characteristics. In addition, there may be confusion between replanting in forestry and in domestic situations. It's all well and good for forest lot owners to replant and not water given their circumstances, but planting new oaks and other trees elsewhere requires water. Here's an example from the USDA of what the science largely shows:

“An important factor in tree survival is providing the right amount of water. The first 3 years are most critical, but pay attention to watering needs throughout the tree's life. How often and how much? Frequency depends on soil drainage. Soils that drain quickly will require more frequent watering than those that drain slowly....First 3 years after planting: If the soil is dry, provide about 1-1/2 gallons of water per diameter inch of the trunk. All other years: Because soil type and weather conditions influence the demand for water, irrigation schedules and amounts vary.”

United States Department of Agriculture Forest Service

Northeastern Area

State and Private Forestry Owner's Manual for the Northeastern Midwestern

United States

www.treeownersmanual.info

NA-FR-04-07

November 2008”

8. **Mitigation Fees:** Many speakers in the March 5 Workshop reminded us that the point of the fees is to encourage the keeping of trees. Therefore, the fees should be high, and related to the myriad benefits that the trees provide when they are living. Adjusting the fees from the past via CPI is not appropriate. That value was arrived at by folks who had no idea of the enormous benefits of living trees and were probably simply buying seedlings at a nursery. In fact, the recognized appraisal methodology is probably too low, since we are trying to reproduce what nature has taken years to create. However, The Council of Tree and Landscape Appraisers' manual “Guide for Plant Appraisal” is widely accepted.
9. It was suggested that various **organizations or non-profits** might be acceptable arbiters of whether trees should be removed. Given the uneven level of scientific expertise in such groups, and their susceptibility to public pressure, we strongly recommend that Permit Sonoma or County certified Arborists be the lone entities authorized to make these calls.
10. **Adaptive Management:** We were pleased to learn that the effects of the new ordinance in practice will be continually monitored and that needed adjustments or changes will be made as needed.

Sonoma County has waited a long time to give better protections to the trees that are so critical to the health of its citizens and our environment, not to mention the iconic beauty that makes the County so special. We hope that now we will get the job done.

Warm best regards,

Charles S. Little

For the Advocacy Committee of ReLeaf Petaluma

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