

# ORDINANCE NO. ( )

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING X

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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 trees 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:
    - i. Climate Action and Resiliency Goal 5: Maximize opportunities for mitigation of climate change and adaptation through land conservation work and land use policies.
    - ii. 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.
    - iii. 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 landowners.

- 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 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 the ecosystems are home to many 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) The Planning Commission finds that it is necessary and appropriate to update Chapter 26 to fully implement natural resource conservation policies of the General Plan 2020; and
- 9) The Planning Commission held public workshops on November 4, 2021 and August 18, 2022 at which time the Planning Commission heard and received feedback on County tree protection regulations and discussed potential updates to be considered at a future hearing; and
- 10) The Planning Commission reviewed potential updates to the Tree Protection Ordinance, Riparian Corridor Combining Zone, and Timberland Conversion Permits and requested specific updates to ordinance text to expand the applicability of the Tree Protection Ordinance; and
- 11) The Tree Protection Ordinance applies only to discretionary permits, the Commission directed staff to update the ordinance to apply to all actions involving the removal of protected tree species over a threshold size; asked for additional regulatory options and analysis regarding current exemptions for agricultural uses, modification of existing mitigation measures, and potential updates to mitigation fees; and
- 12) Planning Staff conducted extensive outreach with community stakeholders, including a public survey that received over 500 responses and received feedback showing that a majority of respondents support increased protection of trees; and

- 13) In accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on August 3, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed Ordinance amendments. All interested persons were given an opportunity to be heard; and
- 14) The Planning Commission continued the August 3 hearing to a date and time certain of August 31 at 1:05 p.m. and asked staff to return with an updated ordinance reflecting their recommendations including revised mitigation options; and
- 15) The Planning Commission adopted a Resolution on August 31, 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, by requiring tree replacements or in-lieu fees when trees of specified species and size are removed in the unincorporated county and by creating standards for the protection of trees during the course of development.

Section IV. In Lieu Fee

The Board of Supervisors determined that a one-time adjustment to bring the in lieu tree removal fee, first established in 1989, in line with the rate of inflation, is appropriate and continues to have a nexus to the purpose of the fee because the use to which the fee is put to plant native trees minimally off-sets and mitigates the beneficial loss of trees in support of the purpose of the ordinance to support essential community and ecosystem

functions of trees, and bears a reasonable relationship between the fees' use and the permitted tree removal associated with it because the amount is not more than necessary to effectuate establishment of replacement trees in lieu of replacement planting conducted directly by permit applicants on or off site as allowed.

Section V. Sonoma County Zoning Code is amended as shown in Exhibit A and B to this ordinance. Where Exhibit A modifies definitions contained in Section 26-04-020 of Chapter 26, only those definitions being modified are indicated. The use of ellipsis (...) indicates no change to the omitted code text.

Section VI. 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 VII. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage, except that Section IV of this Ordinance regarding adjusted tree removal mitigation fee shall be effective after sixty (60) days after the date of its passage, following the second reading of this Ordinance on April 30, 2024, or other date no less than five days from the date of introduction, and shall be published once before the expiration of fifteen (15) days after said 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, introduced on the X day of X, 2024, and finally passed and adopted this X day of X, 2024, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:                      Coursey:                      Gore:                      Hopkins:                      Rabbitt:

Ayes:                                  Noes:                                  Absent:                                  Abstain:

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

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

ATTEST:

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M. Christina Rivera,

Clerk of the Board of Supervisors