

From: [Rue](#)
To: [Scott Orr](#); [Doug Bush](#); [Robert Aguero](#); [Tasha Levitt](#)
Cc: [Greg Carr](#); [Larry Reed](#); [Shaun McCaffery](#); [Eric Koenigshofer](#); [Gina Belforte](#)
Subject: ORD21-0001
Date: Thursday, August 18, 2022 9:43:22 AM

Good morning,

I most humbly apologize for how late my comments are coming to you. I tried very hard to avoid this - but circumstances beyond my control intervened.

I'm sorry the pages are not numbered, but I believe you can follow by sections indicated below.

Yellow are suggested changes
Blue are comments / considerations

Thank you for your service to our communities. You are genuinely appreciated.
Rue

RE: D

SECTION 26-88-080(M) TREE PROTECTION ORDINANCE

Para 1, Line 1:

General Provisions. Projects shall be designed to minimize **avoid** the destruction of protected trees.

Para 1:

"... and agricultural uses are exempt from this requirement." **NOT ALL agricultural uses are exempt, nor should they be. Please amend to clarify.**

Para 2:

Agricultural uses exempt from the tree protection ordinance are as follows: the raising, feeding, maintaining and breeding of confined and unconfined farm animals, **commercial aquaculture, commercial mushroom farming, wholesale nurseries, greenhouses, wineries** * and **agricultural cultivation**.

*** These uses do not necessarily affect trees, and in cases where they might - a building envelope mechanism could be employed to preserve/protect trees.**

"agricultural cultivation" can also be achieved by avoidance

Para 3:

Construction Standards. Applicants are encouraged to use a qualified specialist to establish

tree protection methods. *When a specialist is not used, performance standards shall be followed and achieved.*

(8) The Valley Oak-*Quercus lobata* shall receive special consideration protection in the design review process to the extent that through mature specimens shall be retained to the fullest extent feasible the Valley Oak Habitat Combining Zone, as implemented per the provisions of Section 5.1 of the general plan resource conservation element. Valley Oaks contribute greatly to Sonoma County's visual character, landscape and they provide *root structures which serve as conduits for groundwater recharge, as well as* important visual relief in urban settings. All uses permitted within the respective district with which the VOH district is combined shall be permitted in the VOH district, subject to the provisions of this article.

SECTION 26-65 RC RIPARIAN CORRIDOR COMBINING ZONE

Sec. 26-65-040. - Allowed land uses, activities and permit requirements.

G. Fencing and maintenance of existing outdoor activity areas, such as yards, gardens, and landscaped or natural vegetation, associated with a legally established structure or use and not involving further encroachment into existing riparian vegetation.

Please prescribe protections for stream meander/flood setbacks when replacement is requested.

H. 1., 2., a. b. c., 3. and 4. *include slope considerations*

SECTION 26-88-140 MINOR TIMBERLAND CONVERSIONS

a. All minor timberland conversions shall require a zoning permit *specifying performance standards with review* subject to discretionary review.

i. A *site map and* statement of the approximate number, size, species, age, and condition of the trees to be included in the minor timberland conversion, the amount of land clearing to be done, the equipment to be used, the method by which slash and debris are to be removed or disposed of, and a schedule of daily operations.

iii. Last sentence:

Such evidence shall include, but not be limited to, a valid use permit, building permit, or septic permit, approved grading plans for road construction, ~~or~~ *and* an agricultural management plan or soil capability study demonstrating the feasibility of the new non-timber growing use.

d. All minor timberland conversions shall be completed and the new non-timber growing use underway within two (2) years after the zoning permit is granted. *What happens if the permit conditions are not achieved?*

e. All minor timberland conversions shall ~~minimize~~ *avoid* damage to soils, residual trees, young growth, and other vegetation, and prevent erosion and damage to neighboring properties.

SECTION 26-88-160 MAJOR TIMBERLAND CONVERSIONS

c. Permit Requirement. A major timberland conversion shall require use permit approval in

compliance with this chapter in the RRD and TP zoning districts, except for a major timberland conversion to convert timberland to a minor public service use or facility, which shall be a permitted use and shall not require a use permit. The minor public service use or facility itself, however, shall require use permit approval in compliance with this chapter, *and shall preserve timber to the greatest extent feasible.*

6. Any preserved timberland that does not meet state stocking standards shall be rehabilitated in compliance with the following requirements:

b. FINAL sentence:

The county may redeem the security, complete the rehabilitation with its own forces or by contract, and use the security to offset the costs of such undertaking where satisfactory progress is not made toward completion of the rehabilitation in a timely manner, or where at the conclusion of the five (5) year rehabilitation period the preserved timberland does not meet state stocking standards, *and survivability is assured.*

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SONOMA ECOLOGY CENTER

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Sonoma County Tree Protections

August 18, 2022

Dear Planning Commissioners and Planner Bush,

Although the proposed revisions to Sonoma County's tree protections provide welcome specificity and accountability, we find that overall the proposed provisions will not help Sonoma County meet its stated goals for climate, resilience, biodiversity, and beauty. Following are recommendations to improve the revisions.

There is no rationale stated for exempting agriculture, a land use which cumulatively removes large numbers of trees from Sonoma County's landscapes. We urge you to set an acre threshold, above which agriculture is subject to tree protections.

"Protected perimeter" needs a definition, or there is nothing to prevent a project proponent from removing tree canopy in order to reduce the amount of land "lost" to protected trees.

The ordinance needs to prevent project proponents from taking the easy step of removing trees or canopy before a project application is submitted. A Permit Sonoma planner can't implement the intent of this ordinance unless they review a photo of the project site that was taken well before the application submittal. Permit Sonoma should require such a photo from applicants.

If we interpret the chart and calculations correctly, the proposed ordinance allows a project to remove up to half the arboreal value from a site without any mitigation, and provides less protection for trees located outside the hardscape "development areas". We don't see a rationale for these choices, in a tree protection ordinance. (The replacement number calculator below the charts only goes up to 2 AV points, which seems like an error.)

Section K in Riparian Corridor proposes to reduce protections, from all redwoods to only old-growth redwoods. (What is the definition of "old-growth"?) Instead, the additional species from the Tree Protection Ordinance should be added to the Riparian Corridor provisions, and "old-growth" should be changed to a d.b.h. threshold, so that larger trees are retained.

If Kim Burr is correct that fees have not increased in 30 years, this should change. Fees should be in adjusted dollars, big enough to provide deterrence, and reflect real costs of buying, planting, protecting, irrigating, and maintaining trees over years.



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The proposed language lays out how Sonoma County can lose slightly fewer trees over time than it has been losing to date. It does not meet its stated purposes to “maintain the essential ecosystem services [trees] provide” or to “maintain one of the most effective natural tools to sequester carbon and support greater resilience against the damaging effects of climate change.” To what degree does this proposed language, combined with other policies, get Sonoma County to its sequestration and climate goals? If staff does not provide the answer, the Planning Commission can not tell whether the ordinance serves its stated purposes. This question was one of the Planning Commission’s directives to staff, and it has not been answered.

Sincerely,

Richard Dale, Executive Director
richard@sonomaecologycenter.org
(707) 888-1656



California Wildlife Foundation/California Oaks, 201 University Avenue, H-43 Berkeley, CA 94710, (510) 763-0282

August 17, 2022

Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 9403

Transmitted via email: Doug.Bush@sonoma-county.org

RE: August 18, 2022 public workshop convened by Sonoma County Planning Commission regarding the adoption of a new Oak Woodland Ordinance to Chapter 26

Dear members of the Sonoma County Planning Commission:

The [California Oaks](#) program of [California Wildlife Foundation](#) works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values. This letter is sent in advance of the public workshop on the development of expanded oak protections for Sonoma County.

We commend Douglas Bush and Robert Agüero for their extensive efforts to advance the Comprehensive Tree Ordinance Update. Sonoma County's investment of time in this effort is important for the stewardship of California's primary old growth resource. This investment makes Sonoma County eligible for federal and state financial resources associated with climate and biodiversity protection.

Our only recommendation is that the County of Sonoma consider utilizing a metric of 5 inches at breast height for protected trees rather than 6 inches. We offer this suggestion both because it is more protective and also because Public Resources Code Section 21083.4 applies to mitigation for the removal of oaks that are not commercial species, which are 5 inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level.

California's oak ecosystems are imperiled. For example, the *Conservation Gap Analysis of Native U.S. Oaks* reports a population decline of more than 80% for valley oak statewide.¹ Keeping oaks standing protects vital habitat that supports biodiversity, sequesters carbon, replenishes groundwater and protects riparian corridors.

Thank you for your consideration of our comments.

Sincerely,

Janet Cobb
Executive Officer
California Wildlife Foundation
jcobb@californiawildlifefoundation.org

Angela Moskow
Manager
California Oaks Coalition
amoskow@californiaoaks.org

¹ Beckman E et al. *Conservation Gap Analysis of Native U.S. Oaks*. Lisle, IL: The Morton Arboretum, 2020, p 147.

From: [Wendy Krupnick](#)
To: [PlanningAgency](#); [Doug Bush](#)
Subject: Comments on proposed Tree Ordinance
Date: Wednesday, August 17, 2022 9:58:46 PM
Attachments: [Tree Protection August 2022.pdf](#)
[Tree Protection May 2021.pdf](#)

EXTERNAL

Dear Sonoma County Planning Commissioners and Mr. Bush,

Attached are comments from Community Alliance for Family Farmers Sonoma County Chapter regarding the proposed Tree Ordinance.

Thank you for considering our comments,

Wendy Krupnick

Vice President, CAFF Sonoma County

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From: [Kimberly Burr](#)
Subject: Fwd: Tree Protection Ordinance amendments comments
Date: Monday, August 15, 2022 8:07:35 PM

FYI

Consider Voting for: the planet.

Begin forwarded message:

From: Kimberly Burr <kimlarry2@comcast.net>
Date: August 15, 2022 at 8:04:04 PM PDT
Subject: Tree Protection Ordinance amendments comments

August 15, 2022
Sonoma County

Amendments to Tree Protection Ordinance

Dear Planning Commission:

It has come to my attention today August 15, 2022 that the draft changes to the Sonoma County Tree Ordinance. Chapter 26 Article 88-010 (m) will be presented to the County Planning Commission this week Thursday August 18, 2022.

The minor changes proposed to the Tree Protection Ordinance - after over 2 years of work, are as you will likely agree not worth the time it took. Staff did work, but unfortunately for some reason the end result is extremely disappointing.

The primary reason the ordinance was identified for updates was the exemption given to Agriculture in 1989. I should know, because I and few others worked to start the update process. After all this analysis, the original exemption given to big Ag is still there, and it gets even worse.

Recommendation: remove the exemption for cultivation of a certain size. Set a threshold for triggering the California Environmental Quality Act for all development that implicates the destruction of over 1/4- 1/2 acre of mature trees.

The word protection used in the ordinance is misused and the ordinance needs to be and can be changed to offer true protections to mature trees and woodlands.

Now is the time to stand up for the climate. Not tomorrow.

As staff and the political leaders know well, the intense land use of which much of Sonoma County agriculture is, increases our impacts and harm to the climate by large scale removal of our ability to sequester carbon dioxide in mature trees and woodlands. Yet the updates to the tree protection ordinance do not yet - after two years of work, address this. The proposed amendments simply green light large scale woodland destruction at this critically important time in our history. If adopted, the amendments will make the environmental impacts to our climate even worse. Land speculation otherwise muted by the prospect of a fair, science based, and equitable tree protection policy will be unleashed.

The Draft amendments should not be adopted unless these changes apply to all fairly and to developers of all kinds who propose significant removal of mature protected trees. The amendments must actually protect trees from destruction in the first instance through meaningful mechanisms.

The common definition of protection means providing security from harm or injury.

These amendments are permissive at the core and allow and permit destruction of trees and whole woodlands.

The amendments if adopted will be the equivalent of the county of Sonoma doing nothing and even worse. Trees and woodlands are much more valuable to the community than they were many years ago.

The proposed amendments allow developers to pay the same fee they paid over 30 years ago for tree removal. If the developer falls under the agricultural exemption, it pays nothing at all. Furthermore, the the public is not even notified if it falls under an agricultural exemption.

Please make the appropriate climate smart and responsible changes to this ordinance before you vote to support and advance it to the Board of Supervisors.

Thank you.

Kimberly Burr
Green Valley Creek

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August 17, 2022

Sonoma County Planning Commission
Doug Bush, Planner III
County of Sonoma, Permit Sonoma
Re: Comprehensive Tree Ordinance Update

Dear County Planning Commissioners and Mr. Bush,

The Sonoma County Chapter of Community Alliance with Family Farmers (CAFF), submitted comments in May 2021, (attached here), regarding the long-awaited Tree Ordinance update. As stated then, CAFF promotes ecological farming techniques, including practices that sequester carbon, improve soil organic matter content, reduce erosion and sediment loss, enhance nutrient cycling, increase soil water holding capacity and infiltration, support and sustain biodiversity, and increase resiliency to drought and weather extremes. **Native trees provide all of these functions and are a critical part of healthy agricultural ecosystems.**

In 2012 as part of the Vineyard Erosion and Sedimentation and Control Ordinance, (VESCO), hearings, at least one County Supervisor publicly stated that additional protections for trees were needed and called for an update to the County Tree Ordinance. Over ten years later, after thousands more trees have been lost, “global warming” becoming the climate crisis that it is, and many pleas from organizations and individuals to halt the loss of this critical natural resource, we are dismayed that the proposed Tree Ordinance falls far short of providing these critical protections.

While we appreciate staff’s research and other efforts presented in staff materials, only one of the changes outlined to provide protections of any significance – increased list of species of protected native trees - is included in the current proposal.

As indicated in the staff materials, none of the situations stated in the staff report that allow trees to be cut have been addressed; stated stakeholder recommendations were not incorporated into the draft ordinance, as below.

“Current regulations are not effective because:

- 1) most projects are exempt from tree protection ordinances,*
- 2) even when applicable, the regulations don’t prevent removal of trees,*
- 3) mitigations often allow paying fees which are too low and make “feeing out” too easy,*
- 4) regulations don’t consider cumulative effects of removals*

- Ordinances should emphasize retaining existing trees, not mitigation*
- Tree preservation and wildfire hazard mitigation are compatible*
- New policies or changes to existing policies should not get in the way of wildfire hazard mitigation*



- *Incentive based mechanisms should be considered where available, to encourage private ownership land management*
- *Tree protection is necessary to meet carbon sequestration and climate adaptation goals”*

We are also concerned that instead of incorporating protection for oak woodlands in the updated Tree Ordinance as requested by the Planning Commission earlier, oak woodlands have been separated out for a “workshop to discuss policy options” with no action to be taken at this time. Oaks and oak woodlands were clearly the highest priority in stakeholder comments and should have been included in the Tree Ordinance.

This further delay in protecting our critical oak woodlands begs once again the need for a moratorium on development in these areas. With the continuing drought, heat, wildfires and floods from atmospheric rivers continuing and predicted to increase, we cannot afford to lose more of this most valuable habitat.

Perhaps the most egregious omission in the proposed Ordinance is the continuation of exemption from most tree protections for agriculture. As we stated earlier, by far the most extensive loss of mature trees, forest and woodland habitat has been due to these activities and there are no justifications for the exemptions to continue.

The state and Federal governments are providing funding to plant trees on farms and ranches due to their many benefits. Trees and agriculture are not just compatible, they are essential to creating a healthy farm ecosystem including increasing water infiltration, reducing erosion, hosting beneficial birds and insects, providing shade and of course capturing carbon.

We urge you to direct staff to remove the ag exemption and further strengthen the Tree Ordinance. If oaks and oak woodlands – including young regenerating trees – are not included in the Tree Ordinance, there must be an immediate moratorium on development in these areas to prevent a rush of clearing in anticipation of these much-needed and overdue restrictions.

Thank you for considering our comments.

Wendy Krupnick

Vice president, CAFF Sonoma County



May 16, 2021

Doug Bush, Planner III
County of Sonoma, Permit Sonoma
Re: Comprehensive Tree Ordinance Update

Dear Mr. Bush,

The Sonoma County Chapter of Community Alliance with Family Farmers (CAFF) would like to thank the Board of Supervisors and Permit Sonoma for moving forward with updating the County Tree Protection Ordinance. This update has been long overdue. Along with many other groups and individuals, we have been sounding the alarm about the loss of mature trees and their surrounding ecosystems, especially the destruction of acres of oak woodland, for many years. We have previously requested, and do so now, that a moratorium be placed immediately on removal of mature trees and clearing of oak woodlands until the revised ordinance is approved.

CAFF promotes ecological farming techniques, including practices that sequester carbon, improve soil organic matter content, reduce erosion and sediment loss, enhance nutrient cycling, increase soil water holding capacity and infiltration, support and sustain biodiversity, and increase resiliency to drought and weather extremes. Native trees provide all of these functions and are a critical part of healthy agricultural ecosystems.

We appreciate the increased recognition of the value of these ecological farming practices locally and State-wide in recent years. The support and resources provided by programs like the California Healthy Soils Initiative and those offered by the RCDs and NRCS have encouraged even more farmers and ranchers to expand and modify practices that conserve the land and sequester carbon. It has been disconcerting to see removal of carbon-sequestering trees and thereby defeat the progress we can make in that regard. This allowance seems both ill-advised and self-defeating.

To preserve the trees where they stand, and to supplement their innate capabilities with additional climate-beneficial farming practices is in accordance with the County's climate goals. A holistic and comprehensive approach to climate resiliency can only happen if the trees themselves are given increased levels of protection, which the Tree Ordinance is uniquely positioned to do. It is incumbent on these combined and cumulative efforts for us to succeed in combatting the most devastating effects of climate change.

We are responding below to the questions posed for the May 18, 2021 workshop:

Are current rules sufficient to meet the county's adopted natural resource protection goals?

It is clear that current rules are *not* sufficient as evidenced by the extensive loss of mature native trees and oak woodlands in our county. Much of the siltation of our rivers and streams has resulted from tree removal. There is increased run off and flooding during storms and loss



of habitat is surely exacerbating the significant decrease in populations of songbirds, insects, and other species.

How should we define success when it comes to native tree protections?

Successful native tree protection would be indicated by increase in acreage of healthy stands, woodlands and forests and their surrounding ecosystems, specific to each dominant species of trees. For example, oaks would have increasing natural regeneration so oak woodland acreage would increase and have trees of all ages in them. However, young Doug fir trees would be controlled resulting in fewer and much older trees spaced much farther apart with many other species present between trees.

Are certain trees species, or trees in particular areas more important than others?

Oaks and their habitats are among the most critical for California's native biodiversity, including some 2,000 plants as well as 5,000 insects, 80 amphibians and reptiles, 160 birds and 80 mammals. They capture and hold massive amounts of carbon, prevent erosion and increase water infiltration significantly. They are perhaps the most resilient trees to drought, flood and fire. As a UCANR study states, "Conifers maximize growth; oaks maximize persistence." We are lucky to have both in our county and should value each in their unique niches. Species that are particularly flammable and weedy, such as acacia, eucalyptus and young Doug fir, should not be protected and in many cases should be removed in favor of oaks and other more resilient native trees.

Should we continue to exempt most construction and agricultural operations from tree protections?

The exemption from most tree protections for ag and construction operations must be halted immediately. By far the most extensive loss of mature trees, forest and woodland habitat has been due to these activities and there are no justifications for the exemptions to continue. Addressing the climate crisis requires that all carbon stores be preserved and increased while simultaneously cutting carbon emissions as fast as possible. This means halting most new development that would remove carbon capturing trees and plants and supporting natural regeneration and planting of appropriate species, especially native shrubs and trees.

We ask that you move forward quickly with updating relevant existing ordinances and implement an immediate moratorium on further large tree removals to prevent a rush of tree cutting in anticipation of these much-needed restrictions.

Thank you for considering our comments.

Wendy Krupnick

Vice president, CAFF Sonoma County

cc. Chair Hopkins and Supervisors Coursey, Gore, Gorin and Rabbitt



August 17, 2022

PlanningAgency@sonoma-county.org

Doug Bush - Comprehensive Planning, County of Sonoma
doug.bush@sonoma-county.org

RE: Oak Woodland protections

The Milo Baker Chapter (Sonoma County) of the California Native Plant society is dedicated to protecting native plants and their habitats in Sonoma County. Sonoma County's oak savanna, woodlands and forests are important ecological components that enhance critical ecosystem functions like groundwater recharge and prevention of topsoil erosion. Most importantly, trees provide habitat for many species, both below ground and above ground.

We are writing in response to the Staff Report for the Public Workshop to discuss policy options for oak woodlands protections within the unincorporated county (August 18, 2022). As stated in the Staff Report *"Conservation of remaining oak woodlands is essential to maintain and enhance their many essential roles in the County and to meet regional and statewide climate adaptation and carbon sequestration goals."*

We agree that *"Standards for both ministerial and discretionary projects that propose the removal of individual trees or impact existing oak woodland habitat"* should be created. More meaningful protections are required now before many more acres of oak savanna, woodland and forests are removed from the ecosystem.

As stated in the Staff Report, *"none of the existing county ordinances prohibit tree removal or consider ecosystem impacts, explicitly address methods of enforcement, or establish methods to track cumulative removal or habitat conversion over time. Because tree protection ordinances do not apply to a majority of permits, and because those that do apply do not typically require a permit or other tracking mechanism, data on tree removals is significantly limited."*

The Staff Report provides a synopsis of the acreages lost, using forest cover changes since 2013 in fire-prone areas. Data was collected from county VESCO data, and CalTREES, the online timber harvest permitting system maintained by Cal Fire. Data from 2013 to 2021 was assessed for forest impacts under different regulatory mechanisms and in which forested habitat type the impacts occurred. Both of these regulatory mechanisms are based on habitats that were removed from the landscape.

The Staff Report states, *"this data found that, between 2013-2021, approximately 78 percent of forested acres impacted from VESCO permits occurred on oak woodlands."*

We are very keen to be involved in the next stage of creating this important oak tree ordinance in which oak savanna, woodlands and forest are evaluated for all projects, not just for development projects, but

for ministerial and discretionary projects as well. As we have stated before, we need to have a broad-based ecosystem approach for protecting and perpetuating biological diversity for forests and especially oak woodlands.

Regards,

Wendy Smit, President

Milo Baker Chapter of the California Native Plant Society

UPDATE
August 17, 2022



To: Planning Commission, County of Sonoma
(planningagency@sonoma-county.org)

From: Wendy Jacobs, Chair, for ReLeaf Petaluma

C: David Rabbitt, Supervisor

Re: Update re Public Comment, ORD 21-0001

After sending the letter of support below, we became aware of the agricultural exemption in the new Tree Protection Ordinance. Therefore we send this update regarding the following clause:

Parag. 2: “Agricultural uses exempt from the tree protection ordinance are as follows: the raising, feeding, maintaining and breeding of confined and unconfined farm animals, commercial aquaculture, commercial mushroom farming, wholesale nurseries, greenhouses, wineries and agricultural cultivation. “

This doesn’t work for our organization and members. With this exemption, the new Tree Protection Ordinance (TPO) does not live up to its ambitious name. All land owners need to contribute to the overdue protection of our vanishing large native trees and to mitigation of climate change to the extent reasonably possible. We would not object to a streamlined permitting process for this industry or a simplified exemption for trees found to be diseased or dangerous.

It is only fair to include the multitude of agricultural enterprises in our County. ReLeaf suggests that the Supervisors send this back to Planning for better protections.

ORIGINAL COMMENT, SUPPORT HEREBY REVOKED DUE TO LOOPHOLE

ReLeaf Petaluma writes in support of the proposed resolution to amend the County Code to protect more trees. Our volunteer organization of nearly 300 members, not 2 years old yet, is devoted to protecting and expanding the tree canopy of the city of Petaluma and its surrounding watershed. We work only with local native tree species. Like many towns in the County, Petaluma suffers from poor canopy coverage in most areas. We are working, in partnership with the City and other local non-profits, on a plan to expand the urban canopy by 10,000 new native trees. In particular we prioritize the heat islands along highway 101 and our low income neighborhoods, and specifically on Parks and Schools. However, with such a large goal, we hope to plant on every available site that can accommodate numbers of native canopy trees. We planted nearly 200 in our first planting season, and expect to more than double that this fall and winter.

For effectiveness, our goal of substantially improving Petaluma’s urban forest relies on the preservation of existing trees in our watershed. With our city being astride the Petaluma River, it depends on surrounding green infrastructure—basically trees and natural lands—to mitigate flooding and heat. Recent home building activities in Petaluma have increased its exposure to those climate risks. New and existing residents deserve protection from the flooding and heat.

Petaluma is currently working on a thorough updating of its own Tree Protection Ordinance. Given the unknown risks we face due to climate change, we urge the Planning Commission and the County

Supervisors to take speedy action to extend maximum reasonable protections to our trees, woodlots, wet meadows, woodlands, riparian corridors and forests. They have been working hard for us, and it is time to return the favor out of self-interest if nothing more. Please hurry, carefully!

August 17, 2022

To: Planning Commission, County of Sonoma
(planningagency@sonoma-county.org)



From: Wendy Jacobs, Chair, for ReLeaf Petaluma

C: David Rabbitt, Supervisor

Re: Public Comment, ORD 21-0001

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From: [Wendy Jacobs](#)
To: [PlanningAgency](#)
Cc: [David Rabbitt](#)
Subject: Public Comment, ORD 21-0001, Planning Commission Meeting 8/18/22
Date: Wednesday, August 17, 2022 9:07:50 AM
Attachments: [Planning Comm re Tree Protection.pdf](#)

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From: [Rick Coates](#)
To: [Doug Bush](#)
Subject: Tree Ordanance
Date: Wednesday, August 17, 2022 4:33:41 PM

EXTERNAL

The “Tree Ordanace” looks more like an effort to protect corporate wine growers and other intensive ag operations than a serious effort to protect oak woodlands. I guess that the campaign contributors of the Supervisors are getting there money’s worth.

Rick Coates
707-632-6070 or rcoates@sonic.net

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August 17, 2022

PlanningAgency@sonoma-county.org

Doug Bush - Comprehensive Planning, County of Sonoma
doug.bush@sonoma-county.org

RE: Public hearing on draft ordinance to amend Chapter 26 to amend current tree protections in Chapter 26 of County Code (File ORD21-0001)

The Milo Baker Chapter (Sonoma County) of the California Native Plant society is dedicated to protecting native plants and their habitats in Sonoma County. Trees are important ecological components that enhance critical ecosystem functions like groundwater recharge and prevention of topsoil erosion. Most importantly, trees provide habitat for many species, both below ground and above ground.

We are writing in response to the Attachment 2 Exhibit A, Draft Code Updates (August 16, 2022). We provided earlier comments on May 16, 2021, and these current comments build on that previous letter to address the draft ordinance to amend the current tree protections. We feel that a tree ordinance should facilitate resource management, and it must be part of a community’s larger, comprehensive, natural resource management strategy.

As stated in the Staff Report (August 16, 2022), the existing Tree Protection Ordinance (*Section 26-88-010 (m)*) was adopted in 1989. It addresses trees on sites where a private development project is proposed, when that project is discretionary in nature (e.g., conditional use permit). The ordinance does not require a separate permit for tree removal and does not prohibit removal of trees. Instead, tree issues are addressed as part of the development permit process. Agricultural activities, including cultivation, are exempt from the Tree Protection Ordinance.

We understand that County staff have met with various members of professional and ecological affiliations, although CNPS was not part of those meetings, who have identified several dominant themes in the feedback of participants. However, we feel that the changes to the Tree Ordinance do not reflect the feedback from these affiliations, as presented in the Staff Report. A synopsis is presented in Table 1.

Table1: Feedback from Various Affiliations and Issues Addressed in the new Tree Ordinance

Various Affiliations Feedback	Addressed in Tree Ordinance?
Current regulations are not effective because: 1) most projects are exempt from tree protection ordinances, 2) even when applicable, the regulations don’t prevent removal of trees, 3) mitigations often allow paying fees which are too low and make “feeing out” too easy, 4) regulations don’t consider cumulative effects of removals	1) No 2) No 3) No 4) No
Ordinances should emphasize retaining existing trees, not mitigation	No

Various Affiliations Feedback	Addressed in Tree Ordinance?
Tree preservation and wildfire hazard mitigation are compatible	No discussion on wildfire hazard mitigation
New policies or changes to existing policies should not get in the way of wildfire hazard mitigation	No discussion on wildfire hazard mitigation
Incentive based mechanisms should be considered where available, to encourage private ownership land management	No
Tree protection is necessary to meet carbon sequestration and climate adaptation goals	No discussion on climate

Regarding the changes to the tree ordinance, we agree with the additional proposed protected tree species and have no further additions. However, as stated in our previous letter, protection of individual trees is benefitting the tree more than the vegetation community or habitat. As a result, we still propose that identifying important vegetation communities, such as stands, woodlands and forests, will allow for a full diversity of oak species present in the county.

We do not agree with the arboreal value chart, which is based on Diameter at Breast Height (dbh), with larger dbh trees given a higher value. This is a cumbersome valuation, that emphasizes valuing larger trees over smaller trees, when, in essence, it is the smaller trees that are not being valued for their regenerative growth potential. For example, there can be five 15” dbh trees (arboreal value of 1 each) that are removed but that is the same value as one >33” dbh tree (arboreal value of 5). As stated on our previous letter, the weighted values for dbh not provide for the condition of the tree itself. The arboreal chart values individual trees, so we save trees but lose the vegetation communities.

We do not agree that agricultural uses exempt from tree protection ordinance should include wineries and agricultural cultivation (i.e., all crops). In essence, all agriculture, then, is exempt from this ordinance. We understand the importance of wineries and cannabis to Sonoma County, but hundreds of acres of savanna, woodland and forest communities have been lost with this mindset.

We feel the need to protect the vegetation communities at a watershed level is required for agricultural lands. As stated in our previous letter, we recommend the County assess the overall acreage of woodlands and forests, then provide a projected loss in acreage overtime based on predicted development of agricultural lands. Perhaps these protections could be split into two categories. For those lands that are greater than 5 acres to be converted to agriculture, then the watershed level protections should be applied. For those areas that are smaller than 5 acres then an individual tree valuation could be applied. For lands greater than 5 acres to be converted a percentage of the vegetation canopy cover, for example 70%, shall be maintained.

In summary, the Milo Baker (Sonoma County) Chapter of the Native Plant Society believes that it is incumbent on the County to increase protections for trees and forests throughout the County. The proposed ordinance will not effectively provide for these protections. Our organization is willing to continue the support of reviewing and analyzing data, setting up realistic goals and supporting the overall health and resiliency of our County by protecting our native forests.

Regards,

Wendy Smit, President

Milo Baker Chapter of the California Native Plant Society

From: [Terri Moon](#)
To: [Doug Bush](#)
Subject: Tree Ordinance Input
Date: Thursday, August 18, 2022 1:48:42 AM

EXTERNAL

Dear Mr. Bush,

What is the justification / rationalization for Ag to have an exemption in the tree ordinance? This does not make sense, given that two of our primary concerns are reducing Co2 in the atmosphere and cooling the planet, both things that trees do for free!

I encourage you to remove any exemptions for Agriculture from the proposed ordinance.

With gratitude for your consideration and support,
Terri Moon

Terri Moon, MS

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“Unless we as social change agents come from a certain spirituality, we are likely to create more harm than good.” — Marshall B. Rosenberg

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August 17, 2022

Sonoma County Planning Commission
Doug Bush, Planner III
County of Sonoma, Permit Sonoma
Re: Comprehensive Tree Ordinance Update

Dear County Planning Commissioners and Mr. Bush,

The Sonoma County Chapter of Community Alliance with Family Farmers (CAFF), submitted comments in May 2021, (attached here), regarding the long-awaited Tree Ordinance update. As stated then, CAFF promotes ecological farming techniques, including practices that sequester carbon, improve soil organic matter content, reduce erosion and sediment loss, enhance nutrient cycling, increase soil water holding capacity and infiltration, support and sustain biodiversity, and increase resiliency to drought and weather extremes. **Native trees provide all of these functions and are a critical part of healthy agricultural ecosystems.**

In 2012 as part of the Vineyard Erosion and Sedimentation and Control Ordinance, (VESCO), hearings, at least one County Supervisor publicly stated that additional protections for trees were needed and called for an update to the County Tree Ordinance. Over ten years later, after thousands more trees have been lost, “global warming” becoming the climate crisis that it is, and many pleas from organizations and individuals to halt the loss of this critical natural resource, we are dismayed that the proposed Tree Ordinance falls far short of providing these critical protections.

While we appreciate staff’s research and other efforts presented in staff materials, only one of the changes outlined to provide protections of any significance – increased list of species of protected native trees - is included in the current proposal.

As indicated in the staff materials, none of the situations stated in the staff report that allow trees to be cut have been addressed; stated stakeholder recommendations were not incorporated into the draft ordinance, as below.

“Current regulations are not effective because:

- 1) most projects are exempt from tree protection ordinances,*
- 2) even when applicable, the regulations don’t prevent removal of trees,*
- 3) mitigations often allow paying fees which are too low and make “feeing out” too easy,*
- 4) regulations don’t consider cumulative effects of removals*

- Ordinances should emphasize retaining existing trees, not mitigation*
- Tree preservation and wildfire hazard mitigation are compatible*
- New policies or changes to existing policies should not get in the way of wildfire hazard mitigation*



- *Incentive based mechanisms should be considered where available, to encourage private ownership land management*
- *Tree protection is necessary to meet carbon sequestration and climate adaptation goals”*

We are also concerned that instead of incorporating protection for oak woodlands in the updated Tree Ordinance as requested by the Planning Commission earlier, oak woodlands have been separated out for a “workshop to discuss policy options” with no action to be taken at this time. Oaks and oak woodlands were clearly the highest priority in stakeholder comments and should have been included in the Tree Ordinance.

This further delay in protecting our critical oak woodlands begs once again the need for a moratorium on development in these areas. With the continuing drought, heat, wildfires and floods from atmospheric rivers continuing and predicted to increase, we cannot afford to lose more of this most valuable habitat.

Perhaps the most egregious omission in the proposed Ordinance is the continuation of exemption from most tree protections for agriculture. As we stated earlier, by far the most extensive loss of mature trees, forest and woodland habitat has been due to these activities and there are no justifications for the exemptions to continue.

The state and Federal governments are providing funding to plant trees on farms and ranches due to their many benefits. Trees and agriculture are not just compatible, they are essential to creating a healthy farm ecosystem including increasing water infiltration, reducing erosion, hosting beneficial birds and insects, providing shade and of course capturing carbon.

We urge you to direct staff to remove the ag exemption and further strengthen the Tree Ordinance. If oaks and oak woodlands – including young regenerating trees – are not included in the Tree Ordinance, there must be an immediate moratorium on development in these areas to prevent a rush of clearing in anticipation of these much-needed and overdue restrictions.

Thank you for considering our comments.

Wendy Krupnick

Vice president, CAFF Sonoma County



May 16, 2021

Doug Bush, Planner III
County of Sonoma, Permit Sonoma
Re: Comprehensive Tree Ordinance Update

Dear Mr. Bush,

The Sonoma County Chapter of Community Alliance with Family Farmers (CAFF) would like to thank the Board of Supervisors and Permit Sonoma for moving forward with updating the County Tree Protection Ordinance. This update has been long overdue. Along with many other groups and individuals, we have been sounding the alarm about the loss of mature trees and their surrounding ecosystems, especially the destruction of acres of oak woodland, for many years. We have previously requested, and do so now, that a moratorium be placed immediately on removal of mature trees and clearing of oak woodlands until the revised ordinance is approved.

CAFF promotes ecological farming techniques, including practices that sequester carbon, improve soil organic matter content, reduce erosion and sediment loss, enhance nutrient cycling, increase soil water holding capacity and infiltration, support and sustain biodiversity, and increase resiliency to drought and weather extremes. Native trees provide all of these functions and are a critical part of healthy agricultural ecosystems.

We appreciate the increased recognition of the value of these ecological farming practices locally and State-wide in recent years. The support and resources provided by programs like the California Healthy Soils Initiative and those offered by the RCDs and NRCS have encouraged even more farmers and ranchers to expand and modify practices that conserve the land and sequester carbon. It has been disconcerting to see removal of carbon-sequestering trees and thereby defeat the progress we can make in that regard. This allowance seems both ill-advised and self-defeating.

To preserve the trees where they stand, and to supplement their innate capabilities with additional climate-beneficial farming practices is in accordance with the County's climate goals. A holistic and comprehensive approach to climate resiliency can only happen if the trees themselves are given increased levels of protection, which the Tree Ordinance is uniquely positioned to do. It is incumbent on these combined and cumulative efforts for us to succeed in combatting the most devastating effects of climate change.

We are responding below to the questions posed for the May 18, 2021 workshop:

Are current rules sufficient to meet the county's adopted natural resource protection goals?

It is clear that current rules are *not* sufficient as evidenced by the extensive loss of mature native trees and oak woodlands in our county. Much of the siltation of our rivers and streams has resulted from tree removal. There is increased run off and flooding during storms and loss



of habitat is surely exacerbating the significant decrease in populations of songbirds, insects, and other species.

How should we define success when it comes to native tree protections?

Successful native tree protection would be indicated by increase in acreage of healthy stands, woodlands and forests and their surrounding ecosystems, specific to each dominant species of trees. For example, oaks would have increasing natural regeneration so oak woodland acreage would increase and have trees of all ages in them. However, young Doug fir trees would be controlled resulting in fewer and much older trees spaced much farther apart with many other species present between trees.

Are certain trees species, or trees in particular areas more important than others?

Oaks and their habitats are among the most critical for California's native biodiversity, including some 2,000 plants as well as 5,000 insects, 80 amphibians and reptiles, 160 birds and 80 mammals. They capture and hold massive amounts of carbon, prevent erosion and increase water infiltration significantly. They are perhaps the most resilient trees to drought, flood and fire. As a UCANR study states, "Conifers maximize growth; oaks maximize persistence." We are lucky to have both in our county and should value each in their unique niches. Species that are particularly flammable and weedy, such as acacia, eucalyptus and young Doug fir, should not be protected and in many cases should be removed in favor of oaks and other more resilient native trees.

Should we continue to exempt most construction and agricultural operations from tree protections?

The exemption from most tree protections for ag and construction operations must be halted immediately. By far the most extensive loss of mature trees, forest and woodland habitat has been due to these activities and there are no justifications for the exemptions to continue. Addressing the climate crisis requires that all carbon stores be preserved and increased while simultaneously cutting carbon emissions as fast as possible. This means halting most new development that would remove carbon capturing trees and plants and supporting natural regeneration and planting of appropriate species, especially native shrubs and trees.

We ask that you move forward quickly with updating relevant existing ordinances and implement an immediate moratorium on further large tree removals to prevent a rush of tree cutting in anticipation of these much-needed restrictions.

Thank you for considering our comments.

Wendy Krupnick

Vice president, CAFF Sonoma County

cc. Chair Hopkins and Supervisors Coursey, Gore, Gorin and Rabbitt

From: [Wendy Jacobs](#)
To: [PlanningAgency](#)
Cc: [David Rabbitt](#)
Subject: UPDATED Public Comment, ORD 21-0001, Planning Commission Meeting 8/18/22
Date: Wednesday, August 17, 2022 4:15:00 PM
Attachments: [ReLEAF Petaluma Logo Color signature.png](#)
[Planning Comm re Tree Protection v 2.pdf](#)

EXTERNAL

Please accept this updated public comment from ReLeaf Petaluma, and replace the prior one sent this morning. We are sorry for the inconvenience.

Thank you!

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From: [Deborah Eppstein](#)
To: [PlanningAgency](#)
Subject: Tree Ordinance
Date: Tuesday, August 16, 2022 7:27:37 AM

EXTERNAL

Dear Plannign Commissioners,

A tree ordinance is much needed and long overdue, but its ridiculous that Ag is exempt. That's akin to saying we need to conserve water, but the biggest water users are exempt. We are all in this together and must ALL work together to protect our limited resources. If Ag cannot play by the rules that are good for everyone else, they need to leave the sandbox.

Thank you for your careful consideration and doing what is best for the environment, the county, and all of its people.

Best regards,

Deborah Eppstein, PhD
deppstein@gmail.com

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