

**Article 67. - VOH Valley Oak Habitat Combining District.**

Sec. 26-67-005. - Purpose.

Purpose: to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Section 5.1 of the general plan resource conservation element.

Sec. 26-67-010. - Interpretation.

The provisions of this article shall be liberally construed to effectuate the purpose of this article. Where a provision of this article conflicts with another provision of this chapter or this code, the more restrictive provision shall prevail.

Sec. 26-67-020. - Permitted uses.

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.

Sec. 26-67-030. - Mitigation required—Exceptions.

- (a) Except as provided in subsection (b), when any person cuts down or removes any large valley oak, or any small valley oaks having a cumulative diameter at breast height greater than sixty inches (60”), on any property within the VOH district, such person shall mitigate the resulting valley oak loss by one of the following measures: (1) retaining other valley oaks on the subject property, (2) planting replacement valley oaks on the subject property or on another site in the county having the geographic, soil, and other conditions necessary to sustain a viable population of valley oaks, (3) a combination of measures (1) and (2), or (4) paying an in-lieu fee, which shall be used exclusively for valley oak planting programs in the county. Such person shall have the sole discretion to determine which mitigation measure to use to mitigate the valley oak loss. The requirements for each mitigation measure are specified in Table 26-67-030. The selected mitigation measure shall be undertaken and completed within one (1) year after the valley oak or valley oaks are cut down or removed in accordance with guidelines established by resolution or ordinance of the board of supervisors.
- (b) This section shall not apply to the cutting down or removal of any valley oak within the VOH district that is (1) determined necessary by emergency personnel engaged in emergency procedures, (2) dead or irretrievably damaged or destroyed by causes beyond the property owner's control, including, without limitation, fire, flood, wind, lightning, or earth movement, or (3) part of a development project subject to the provisions of Section 26-67-040.

**TABLE 26-67-030**

**MITIGATION REQUIREMENTS FOR CUTTING DOWN OR REMOVING VALLEY OAKS WITHIN THE VOH DISTRICT**

LARGE VALLEY OAKS				
Diameter at Breast Height of Large Valley Oak Being Cut Down or Removed	Valley Oak Retention Requirement <sup>1</sup>	Valley Oak Replacement Requirement <sup>2</sup>	Valley Oak Retention and Replacement Requirement <sup>2</sup>	In-Lieu Fee Requirement

ATTACHMENT 1  
ZONING CODE SECTIONS

Greater than 20 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the diameter at breast height being cut down or removed	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than one-half the diameter at breast height being cut down or removed and plant 8 trees	\$ 50.00
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<sup>1</sup> All retained trees shall be valley oaks.

<sup>2</sup> All replacement trees shall be valley oak acorns, seedlings, saplings, or container grown stock.

SMALL VALLEY OAKS				
Cumulative Diameter at Breast Height of Small Valley Oaks Being Cut Down or Removed	Valley Oak Retention Requirement <sup>1</sup>	Valley Oak Replacement Requirement <sup>2</sup>	Valley Oak Retention and Replacement Requirement <sup>2</sup>	In-Lieu Fee Requirement
60 inches or less	None	None	None	None
Greater than 60 inches up to and including 80 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 8 trees	\$ 50.00
Greater than 80 inches up to and including 100 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 20 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 10 trees	\$ 75.00
Greater than 100 inches up to and including 120 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at	Plant 24 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast	\$100.00

	breast height being cut down or removed		height being cut down or removed and plant 12 trees	
Greater than 120 inches up to and including 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 28 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 14 trees	\$125.00
Greater than 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 32 trees plus additional 4 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 16 trees, plus additional 2 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	\$150.00, plus additional \$25.00 for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches

<sup>1</sup> All retained trees shall be valley oaks.

<sup>2</sup> All replacement trees shall be valley oak acorns, seedlings, saplings, or container grown stock.

Sec. 26-67-040. - Design review approval.

Where any development project within the VOH district is subject to design review pursuant to another provision of this chapter, the design review approval shall include measures to protect and enhance valley oaks on the project site in accordance with guidelines adopted by resolution or ordinance of the board of supervisors. Such measures shall include, but not be limited to, a requirement that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project.

Sec. 26-67-050. - Penalty for violation of article.

Any person who knowingly fails to comply with the mitigation or design review requirements of this article shall be required to mitigate any valley oak loss at five (5) times the rate otherwise required by this article.

## **Sec. 26-88-010 (m) Tree Protection Ordinance.**

General Provisions. Projects shall be designed to minimize the destruction of protected trees. With development permits, a site plan shall be submitted that depicts the location of all protected trees greater than nine inches (9") and their protected perimeters in areas that will be impacted by the proposed development, such as the building envelopes, access roads, leachfields, etc. Lot line adjustments, zoning permits and agricultural uses are exempt from this requirement. The provisions of this section shall not apply to trees which are the subject of a valid timber harvesting permit approved by the state of California. This section shall not be applied in a manner that would reduce allowable density lower than that permitted as a result of C.E.Q.A. or by other county ordinances or render a property undevelopable. To achieve this end, adjustments may be made.

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.

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

- (1) Protected trees, their protected perimeters and whether they are to be retained or removed are to be clearly shown on all improvement plans. A note shall be placed on the improvement plans that "Construction is subject to requirements established by Sonoma County to protect certain trees."
- (2) Before the start of any clearing, excavation, construction or other work on the site, every tree designated for protection on the approved site plan shall be clearly delineated with a substantial barrier (steel posts and barbed wire or chain link fencing) at the protected perimeter, or limits established during the permit process. The delineation markers shall remain in place for the duration of all work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of brush, earth and other debris as to avoid injury to any protected tree.
- (3) Where proposed development or other site work must encroach upon the protected perimeter of a protected tree, special measures shall be incorporated to allow the roots to obtain oxygen, water and nutrients. Tree wells or other techniques may be used where advisable. No changes in existing ground level shall occur within the protected perimeter unless a drainage and aeration scheme approved by a certified arborist is utilized. No burning or use of equipment with an open flame shall occur near or within the protected perimeter (except for authorized controlled burns).
- (4) No storage or dumping of oil, gasoline, chemicals or other substances that may be harmful to trees shall occur within the drip line of any tree, or any other location on the site from which such substances might enter the drip line.
- (5) If any damage to a protected tree should occur during or as a result of work on the site, the county shall be promptly notified of such damage. If a protected tree is damaged so that it cannot be preserved in a healthy state, the planning director shall require replacement in accordance with the arboreal value chart. If on-site replacement is not feasible, the applicant shall pay the in-lieu fee to the tree replacement fund.
- (6) The following design standards for protected trees shall be adhered to:

- (i) Underground trenching for utilities should avoid tree roots within the protected perimeter. If avoidance is impractical, tunnels should be made below major roots. If tunnels are impractical and cutting roots is required, it shall be done by hand-sawn cuts after hand digging trenches. Trenches should be consolidated to serve as many units as possible.
  - (ii) Compaction within the drip line or protected perimeter shall be avoided.
  - (iii) Paving with either concrete or asphalt over the protected perimeter should be avoided. If paving over the protected perimeter cannot be avoided, affected trees shall be treated as removed for purposes of calculating arboreal values.
  - (iv) Wherever possible, septic systems and/or leachlines shall not be located on the uphill side of a protected tree.
- (7) Security posted for the purpose of insuring the proper construction of public or private improvements shall also include an amount sufficient to secure any requirements imposed pursuant to this section. In addition, security for potential tree damage shall be twenty-five percent (25%) of the amount posted for planned tree replacement. In lieu fees shall be paid prior to recording any maps. Such security shall not be released until protection requirements, including planting replacement trees, and any long term maintenance requirements have been satisfactorily discharged. The initial bond amount may be reduced to cover only the maintenance and replacement of trees after construction is completed.
- (8) The Valley Oak-*Quercus lobata* shall receive special consideration in the design review process to the extent that mature specimens shall be retained to the fullest extent feasible. Valley Oaks contribute greatly to Sonoma County's visual character, landscape and they provide important visual relief in urban settings. On existing parcels created without the benefit of an accompanying EIR, design review shall focus on the preservation of Valley Oaks to the fullest extent feasible. Where such preservation would render a lot unbuildable, partial protection with accompanying appropriate mitigations developed by a certified arborist shall be incorporated into the project design. In such cases where only partial protection can be achieved, full replacement in accordance with the arboreal value chart shall be required.

Arboreal Value Charts. One of the following charts is to be used for determining arboreal values. The applicant shall indicate at time of application which chart is to be used. Chart No. 1 requires analysis to be done only in the development areas (building envelopes, access roads, etc.) and requires one hundred percent (100%) replacement or in-lieu fees. Chart No. 2 requires analysis of the entire site but allows for removal of up to fifty percent (50%) of the arboreal value. Compensation for the loss of greater than fifty percent (50%) arboreal value will require replacement by using the chart.

**Chart No. 1: To Be Used For Measuring Trees Removed Only in The Development Areas.**

d.b.h. <a href="#">131</a> (inches)	Removed Trees	Weighted Value	Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	

over 27-33		4	
over 33		5	

Total\_\_

This value (the A.V.) is used to  
calculate the replacement number.

**Chart No. 2 Complete Site Analysis.**

a. To Be Used For Measuring Existing Trees On The Entire Site.

d.b.h.* (inches)	Existing Trees	Weighted Value	Existing Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total\_\_

b. To Be Used For Measuring Trees To Be Removed.

d.b.h.* (inches)	Removed Trees	Weighted Value	Removed Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	

over 33		5	
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\* d.b.h. (diameter at breast height, four and one-half (4 ½) feet above ground) can be calculated by measuring the circumference of the tree and dividing by 3.14 or pi.

Total \_\_\_\_

Subtract the removed arboreal value from the existing arboreal value. If the removed arboreal value is more than fifty percent (50%) of the existing arboreal value, the developer must replace the difference between removed arboreal value and fifty percent (50%) of existing arboreal value using the arboreal valuations.

Arboreal Valuations. All trees to be replaced shall be the same native species as that removed unless specific approval has been granted by the planning director.

1 point A.V.	= six 5-gallon trees (can be existing trees on site that are below 9" d.b.h. if preservation methods are part of the development permit)
	= two 15-gallon trees**
	= \$200 in-lieu fee***
2 points A.V.	= 24" Box Tree**
	= \$400 in-lieu fee***

\*\* The large trees must come from nurseries where they have been irrigated. They must have on-site irrigation to insure their survival.

\*\*\* Annual average retail cost can be changed to reflect cost increases.

Replacement trees may be located on residentially zoned parcels of at least one and one-half acres and on any commercial or industrial zoned parcel, regardless of size, where feasible. Where infeasible, they may be located on public lands or maintained private open space. In-lieu fees may be used to acquire and protect stands of native trees in preserves or place trees on public lands.

**Per Sec. 26-02-140, Protected tree** means Big Leaf Maple *Acer macrophyllum*, Black Oak *Quercus kelloggii*, Blue Oak *Quercus douglasii*, Coast Live Oak *Quercus agrifolia*, Interior Live Oak *Quercus wislizenii*, Madrone *Arbutus menziesii*, Oracle Oak *Quercus morehus*, Oregon Oak *Quercus garryana*, Redwood *Sequoia sempervirens*, Valley Oak *Quercus lobata*, California Bay *Umbellularia californica* and their hybrids.

**Protected tree of special significance** means Valley Oak *Quercus lobata*.

## **Article 65. - RC Riparian Corridor Combining Zone.**

Sec. 26-65-005. - Purpose.

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

Sec. 26-65-010. - Applicability.

The RC combining zone shall be applied to designated streams and include the stream bed and bank and an adjacent streamside conservation area on each side of the stream as measured from the top of the higher bank. The minimum streamside conservation area shall be shown in the zoning database followed by the minimum setback for agricultural cultivation (e.g., RC 100/50). Where the drip line of existing riparian trees with trunks located wholly or partially within the streamside conservation area extends beyond the streamside conservation area boundary, as indicated in the zoning database, the boundary shall be increased to include the outer drip line of the riparian trees.

Sec. 26-65-020. - Determination of streamside conservation areas and setbacks for agricultural cultivation.

The streamside conservation area indicated in the zoning database is approximate to allow for a parcel-specific determination of the boundary based upon the location of the top of the higher bank and existing riparian vegetation. The streamside conservation area shall be determined by the director. The setback for agricultural cultivation indicated in the zoning database is also approximate to allow for a site-specific determination of the boundary based upon the location of the top of the higher bank, existing riparian vegetation, and, for upland areas of 50-foot riparian corridors, the slope and soil types of the planting area. The setback for agricultural cultivation shall be determined by the agricultural commissioner.

Sec. 26-65-030. - Prohibited uses and exceptions.

Except as allowed by Section 26-65-040, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines, and parking lots shall be prohibited within any stream channel or streamside conservation area.



- A. An exception to this prohibition may be approved by the director with a zoning permit if:
  - 1. It makes a parcel unbuildable, provided vegetation removal is minimized;
  - 2. The use involves the minor expansion of an existing legally established structure in conformance with Article 94 where it is demonstrated that the expansion will be accomplished with minimum vegetation removal and protection of riparian functions;
  - 3. The use involves only the maintenance, restoration, or reconstruction of an existing legally established structure or use in conformance with Article 94; or
  - 4. The director determines that the affected area has no substantial value for riparian functions.
- B. An exception to this prohibition may be approved with a use permit if a conservation plan is adopted that provides for the appropriate protection of the biotic resources, water quality, floodplain management, bank stability, groundwater recharge, and other applicable riparian functions. Off-site mitigation will be considered only where on-site mitigation is infeasible or would provide superior ecological benefits, as determined by the director.

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

The following activities and uses may be allowed within a streamside conservation area, if allowed by the base zone and any combining zones, subject to any required permits and the standards specified in this section. These activities and uses shall also be conducted and maintained in compliance with any prohibitions, permits, approvals, or authorizations required by applicable resource agencies.

- A. Stream maintenance and restoration carried out or overseen by the Sonoma County Water Agency.
- B. Levee maintenance.
- C. Invasive plant removal, such as Himalayan blackberry (*Rubus armeniacus*), giant reed (*Arundo donax*), salt cedar (*Tamrix sp.*), and star thistle (*Centaurea solstitialis*), not exceeding five (5) acres in disturbed area, principally involving hand labor and not using mechanized equipment.
- D. Streamside maintenance and small riparian habitat restoration not exceeding five (5) acres of disturbed area, principally involving hand labor and not using mechanized equipment, as described by State CEQA Guidelines Section 15333, subject to a zoning permit.
- E. Stream dams and stream-related water storage systems, subject to a zoning permit.
- F. Road and utility line crossings in compliance with county road construction standards and maintenance guidelines, subject to a zoning permit.
- 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.
- H. The following agricultural activities, provided that they are conducted and maintained in compliance with agricultural best management practices developed or referenced by the agricultural commissioner, or defined in a farm or ranch water quality plan acceptable to the agricultural commissioner. The agricultural commissioner shall determine the applicable agricultural best management practices and shall enforce the provisions of this subsection.
  - 1. Grazing and similar agricultural production, not involving cultivation or structures. Livestock control fencing and watering facilities are allowed.
  - 2. Agricultural cultivation and related access roads, drainage, planting, seeding, fertilizing, weeding, tree trimming, irrigation, and harvesting that do not involve the removal of existing contiguous riparian vegetation within two hundred feet (200') of the top of the higher bank, and are located as follows:

- a. No closer than one hundred feet (100') from the top of the higher bank in the 200-foot riparian corridor for the Russian River;
  - b. No closer than fifty feet (50') from the top of the higher bank in the 100-foot riparian corridors designated in the General Plan and the upland areas of the 50-foot riparian corridors; or
  - c. No closer than twenty-five feet (25') from the top of the higher bank in all other riparian corridors.
3. Replanting existing cropland and related access roads, drainage, planting, seeding, fertilizing, weeding, tree trimming, irrigation, and harvesting that are located closer to the top of the higher bank than specified in Subsection 26-65-040.H.2, provided that the existing cropland is under active cultivation and the footprint of the planting area is not increased within the applicable setback for agricultural cultivation.
  4. Filter strips, equipment turnarounds, grassy avenues, and fencing associated with agricultural cultivation that does not involve the removal of existing contiguous riparian vegetation within two hundred feet (200') of the top of the higher bank.
- I. Selective vegetation removal as part of an integrated pest management program administered by the agricultural commissioner.
  - J. Wells in compliance with Sonoma County Code Chapter 25B (Water Wells).
  - K. Fire fuel management in compliance with county fire safe standards, provided that no redwood trees are removed and vegetation removal is limited to the minimum required for fire safety purposes. New development located within one hundred feet (100') of any riparian corridor shall be allowed with a zoning permit only where there are no feasible alternative development locations that do not require vegetation removal for fire protection and fire resistive construction materials are used to avoid or minimize the need for vegetation removal in the riparian corridor.
  - L. Bikeways, trails, and parks on publicly owned land or public use easements, or on private lands, subject to a zoning permit.
  - M. Temporary seasonal gangway and floating dock of up to one hundred twenty square feet (120' sq.) with encapsulated floatation and grated deck, subject to a zoning permit.
  - N. Timber operations conducted in compliance with an approved timber harvest plan.
  - O. Tree removal subject to a zoning permit, to protect life or property from the threat of harm posed by a dead, dying, diseased, or damaged tree likely to die within one (1) year of the date proposed for removal, or a tree at risk of falling when the structural instability cannot be remedied. A report by a certified arborist or registered professional forester documenting the hazardous condition and a tree replacement plan is required.
  - P. Mining operations, subject to a use permit for surface mining activities in compliance with the Chapter 26A (Surface Mining) of this code.
  - Q. Other activities or uses not meeting the above criteria may be permitted with an exception under Section 26-65-030 (Prohibited Uses and Exceptions), subject to a use permit and approval of a conservation plan.

## **CHAPTER 26D - HERITAGE OR LANDMARK TREES**

### Sec. 26D-1. - General provisions.

This chapter shall be known and may be cited as the Sonoma County Heritage or Landmark Tree Ordinance.

Unless otherwise exempt under this chapter, any person or entity proposing to remove or damage a heritage or landmark tree shall obtain a tree permit.

### Sec. 26D-2. - Definitions.

"Circumference" means trunk circumference measured at four and one-half feet (4 ½') above the ground. For trees which are multi-stemmed above this height, measurement includes the circumference of two (2) or more trunks if combined are equal to or greater than the minimum size stipulated.

"Damage" means significant injury to the root system or other parts of a tree including burning, application of toxic substances, damaging through contact with equipment or machinery, changing the natural grade, compacting the soil within the dripline, interfering with the normal water requirements of the tree, trenching or excavating within the drip line, or removing more than one-third ( 1/3 ) of the live wood.

"Diameter" means trunk diameter measured at four and one-half feet (4 ½') above the ground.

"Dripline" means the area created by extending a vertical line from the outermost portion of the limb canopy to the ground.

"Heritage tree" means a tree or grove of trees so designated by the Sonoma County board of supervisors because of historical interest or significance.

"Landmark tree" means a tree or grove of trees so designated by the Sonoma County board of supervisors because of its outstanding characteristics in terms of size, age, rarity, shape or location.

"Topping" means elimination of the upper twenty-five percent (25%) or more of a tree's trunk or main leader.

"Tree" means a large woody plant which ordinarily has a central trunk and at maturity exceeds a height of fourteen feet (14').

### Sec. 26D-3. - Applicability.

This chapter applies to any person or entity in Sonoma County, including County Agencies.

This chapter protects heritage or landmark trees.

No person shall remove a heritage or landmark tree without obtaining a tree permit as outlined in Section 26D-5 and as exempted under Section 26D-6.

### Sec. 26D-4. - Designation of heritage or landmark trees.

A tree may be nominated for heritage or landmark status by the director of the planning department. Any person may request the planning director to consider any particular tree or trees for nomination. A form for this purpose is available at the planning department. After nomination by the planning director, the planning department shall notify the property owner of record, as shown on the latest assessor's roll, by certified mail.

The planning director must receive written approval from the property owner that the tree or trees may be designated as a heritage or landmark tree. If the property owner accepts the designation, staff shall make an inspection of the site and determine whether the tree(s) meets the criteria of heritage or landmark status. If the criteria are met, action will be taken to designate the tree(s) as a heritage or landmark tree.

The board of supervisors shall be the decision-making body designating Sonoma County heritage or landmark trees. A notice shall be recorded with the Sonoma County recorder's office stating, "NOTICE OF HERITAGE OR LANDMARK TREE DESIGNATION" — The Sonoma County Board of Supervisors, by Resolution \_\_\_\_\_ has designated a Heritage or Landmark Tree on certain real property described below and has caused this Notice to be recorded with the County Recorder.

- i. Description of Real Property—Official Record of Sonoma County Document #\_\_\_\_\_.
- ii. Owners of Real Property"

Notice to Property Owners. To remove or damage a designated heritage or landmark tree, a tree permit shall be obtained, unless otherwise exempted, as outlined in this chapter of the Sonoma County Code.

If the designated tree is on land with timber harvest potential a copy of the board of supervisors' resolution shall be sent to the California Department of Forestry with the request that the tree be protected if a timber harvest plan is filed.

To remove a designated heritage or landmark tree, a tree permit shall be obtained, unless otherwise exempted.

#### Sec. 26D-5. - Permit processing procedures.

- (a) In any situation which requires removal of or possible damage to a heritage or landmark tree or trees, including application for a building, grading or demolition permit, a tree permit application must be filed.
- (b) The following are the steps involved in obtaining such a permit:
  - (1) Formal Application.
    - i. The applicant shall provide a completed application form, assessors' parcel map, location map (U.S.G.S. map), a site plan and three (3) photographs of the heritage or landmark tree(s) taken from different angles. The site plan shall be drawn in a scale of one inch (1") equals forty feet (40') or an acceptable numerically larger scale (ex. one inch (1") equals fifty feet (50') to the planning department showing the height, species, diameter and location of all heritage trees;
    - ii. The name, address and phone number of the applicant, and the owner of record of the land on which the tree cutting is proposed;
    - iii. The written consent of the owner of record of such land, if such owner is a person other than such applicant;
    - iv. The rationale for the request;
    - v. If at any time in the past an application to remove any of the same heritage or landmark trees has been denied, why and when and how is the present application any different?

- (2) Application Review. On receipt of an application for a tree permit, the planning department shall review the application for accuracy and completeness and, if necessary, will make an inspection of the project site, to be within fifteen (15) working days.
- (3) The applicant shall be issued a summary notice to be posted on a pole or tree or fence nearest to the front of the lot. Copies shall be posted on each corner of the lot or site visible to the public. The notice will state, "Application has been made to the Planning Department to cut and/or damage certain trees on this site, previously described in a Board of Supervisors resolution as a Landmark or Heritage Tree. A copy of the tree removal plan is on file with the Planning Department.

If any person has any comment or objections, they should be made to:

Sonoma County Planning Department, 575 Administration Drive, Room 105-A, Santa Rosa, California 95401-2885, by \_\_\_\_\_ (date) (15 working days from day of posting permit). All comments and objections received by this date will be considered. This application is for Tree Permit Number \_\_\_\_\_."

The applicant shall post the copies of the summary notice within two (2) days after receiving the posters for the application for a tree permit. The notices shall not be removed for fifteen (15) working days thereafter. The applicant shall submit an affidavit that the posting has been done. The project may not begin until after:

- i. The fifteen (15) working days have passed; and
  - ii. The tree permit has been issued; and
  - iii. The tree permit is posted in plain view of the site before and while the project is under way.
- (4) The applicant shall pay the fee established by the fee schedule (unless the applicant is a county department in which case there is no fee) for tree permit review. Public agencies must also follow the above rules; posting at the site of the proposed project and allowing for public comment etc., (except for trees which have fallen i.e., emergency tree removal).
  - (5) Application Determination. Based on the required application information and any other information, the planning director shall approve, condition or deny the application. In approving a tree permit, the director shall impose conditions to ensure that proper preservation techniques are employed.
- (c) The applicant shall be notified by mail of the director's decision. The decision of the director shall become final and effective ten (10) calendar days after the date of the director's determination letter provided no appeal of the action taken has been filed. Appeals of the determination shall be heard directly by the Sonoma County board of supervisors. If a recognized tree is to be removed, all notices in reference to the tree shall be removed.
  - (d) A tree permit allowing removal or damage of a heritage or landmark tree shall be approved only if one or more of the following criteria are met:
    - (1) That the tree was dead or was likely to promote the spread of insects or diseases;
    - (2) To ensure the public safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, and/or health and welfare of the general public.
    - (3) That the presence of the tree or trees creates an unreasonable negative economic impact on the property.
  - (e) A finding of any one of the following situations is grounds for denial:
    - (1) Removal or damage of a healthy tree could be avoided by:
      - (i) Reasonable redesign of the site plan, prior to construction;

- (ii) Trimming, thinning, tree surgery or other reasonable treatment, as determined by the planning director.
  - (2) Adequate provisions for drainage, erosion control, land stability, windscreen, buffers along the road and between neighbors have not been made where such problems are anticipated as a result of the removal.
  - (3) The tree to be removed contains an active bird nest of a rare and endangered species and relocation of the nest is not possible.
- (f) Any person applying for a development permit in Sonoma County for a site that has one or more heritage or landmark trees shall attempt to protect and preserve said trees. The planning department has information available to aid in the preservation. Some of the measures deemed necessary may include any of the following:
- (1) Before the start of any clearing, excavation, construction or other work on the site, every heritage or landmark tree deemed to be endangered by said site work shall be securely fenced off at the protected perimeter, which shall be either the dripline or other limits as may be established by the permit reviewer. Such fences shall remain in place for duration of all such work. A scheme shall be established for the removal and disposal of brush, earth and other debris as to avoid injury to any heritage or landmark tree. All heritage or landmark trees to be removed shall be clearly marked.
  - (2) Where proposed development or other site work is to encroach upon the perimeter of a heritage or landmark tree, special measures shall be incorporated to allow the roots to obtain oxygen, water and nutrients as needed. Tree wells or other techniques may be used where advisable. Any excavation, cutting, filling or compaction of the existing ground surface within the protected perimeter shall be minimized. No adverse significant change in existing ground level shall occur within the dripline of the heritage or landmark tree. No burning or use of equipment with an open flame shall occur near or within the protected perimeter (except for authorized controlled burns).
  - (3) No storage or dumping of oil, gas, chemicals or other substances that may be harmful to trees shall occur within the dripline of any heritage or landmark trees, or any other location on the site from which such substances might enter the dripline. No construction materials shall be stored within the dripline.
  - (4) If any damage to a heritage or landmark tree should occur during or as a result of work on the site, the contractor, builder or owner shall promptly notify the department of planning of such damage. If such tree cannot be preserved in a healthy state, the planning department shall require replacement of any heritage or landmark tree removed with another tree or trees on the same site deemed adequate to compensate for the loss of the tree that is removed.
  - (5) If any related permits are denied, the tree permit shall be withheld.
  - (6) The applicant shall make an effort to achieve a design which will accommodate any jeopardized heritage or landmark tree or trees.
  - (7) When an application is made to subdivide a large tract on which heritage or landmark trees grow, the site plan shall show all heritage or landmark trees and an attempt will be made to divide the lots in such a way that the trees may be saved.
  - (8) Road and lot grades should not be changed to a degree that would jeopardize heritage or landmark trees on site, when possible.
  - (9) Underground trenching for utilities shall avoid major tree roots. If avoidance is impractical, tunnels shall be made below major roots. Trenches should be consolidated to service as many units as possible. Avoid trenching within the dripline of heritage or landmark trees when possible.
  - (10) Backfilling with earth or rock around heritage or landmark tree trunks shall only be permitted if appropriate backfilling standards are followed.

- (11) Avoid paving with either concrete or asphalt over the root systems or at least within the dripline when possible.
- (12) Significant compaction within the dripline shall be avoided when possible.
- (13) Caution shall be used when placing a septic system and/or leachline on the uphill side of a heritage or landmark tree.

Sec. 26D-6. - Exemptions.

The provisions of this chapter are not applicable to the following and no permit or compliance is required. This chapter does not require a permit for trimming, pruning or maintenance of heritage or landmark trees as long as there is no damage to the tree and there is no violation of any provisions of this chapter.

- (a) Trees within incorporated city limits;
- (b) Commercial timber operations on private land subject to the Z'berg-Nejedly Forest Practice Act of 1973. (Chapter 8 of Division 4 of the Public Resources Code) Refer to Section 26D-4;
- (c) Removal of trees on lands owned by the United States of America or the state of California;
- (d) Removal of any tree when such removal is authorized by the California Department of Forestry;
- (e) Removal of any tree when authorized by other ordinances or laws of the county of Sonoma, the state of California, or the United States of America;
- (f) In the case of an emergency where a tree is in a hazardous, dangerous or unhealthy condition so as to endanger life, property or other members of its own species, any members of the sheriff's department, fire department, county department of agriculture, department of public works, water agency or the planning department may authorize removal of such trees;
- (g) Any utility company licensed by the California Public Utilities Commission is exempt from the requirement of obtaining a permit so that they or their agents may maintain the required clearance around power lines.

Sec. 26D-7. - Enforcement.

The planning department shall enforce the provisions of these guidelines by responding to reports of violation. Planning department enforcement personnel are empowered under Section 26-92-192 to issue citations for violations of the prohibitions of this chapter or any condition of an approved tree permit.

Penalties include replacement or fines to be determined by the Sonoma County board of supervisors.

**TO ACCESS THESE AND OTHER COUNTY CODE SECTIONS ONLINE PLEASE VISIT THE FOLLOWING LINK.**

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