

APPENDIX B
NATIVE AND HERITAGE
TREE ORDINANCES

Sonoma County Heritage or Landmark Trees

**City of Sonoma Municipal Code, Chapter 12.08 Tree Ordinance and
Chapter 12.09 Heritage Tree Ordinance**

**County of Sonoma Permit & Resource Management Department, Article
67 VOH Valley Oak Habitat Combining District**



HERITAGE OR LANDMARK TREES

CHAPTER 26D

HERITAGE OR LANDMARK TREES

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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 Wage a heritage or landmark tree shall obtain a tree permit. (Ord. No. 3651 § 1 (part), 1986.)

Sec. 26D-2. Definitions.

“Circumference” means trunk circumference measured at four and one-half feet (4½’) 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 (4½’) 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’). (Ord No. 3651 § 1 (part), 1986.)

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. (Ord. No. 3651 § 2, 1986.)

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. (Ord. No. 3651 § 3, 1986.)

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. (Ord. No. 3651 § 4, 1986.)

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 sheriffs 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. (Ord. No. 3651 § 5, 1986.)

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. (Ord. No. 3651 § 6, 1986.)



Chapter 12.08

TREE ORDINANCE

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Article I. Purpose

1.1.1 12.08.010

1.1.2 Declaration of legislative purpose and findings.

The city council finds and declares that trees contribute greatly to the health, safety and general welfare of all of the city’s citizens and that the preservation and proper maintenance of trees is a matter of city-wide concern. The city council further finds and determines that it is necessary to enact regulations prohibiting unnecessary damage, removal or destruction of trees.

The city council recognizes and finds that trees provide great aesthetic benefits, offer windbreaks, provide summer shade, noise abatement, and privacy screening, erosion control, act as filters against airborne pollutants, release oxygen, are wildlife habitats and prevent landslides through their root systems. All trees perform these functions for the property on which they are growing. Trees of significant size and maturity perform these functions for all persons living in their vicinity. Trees are key elements in a living system upon which the continued health and welfare of this community depends. In addition, trees

in the community and in the neighborhood provide a sense of identity and tradition and enhance property values.

The city council further finds and declares that careless treatment and arbitrary removal of trees detracts from scenic beauty, causes erosion, increases risks of landslides, reduces property values, increases construction costs and drainage costs, and thereby further reduces the attractiveness of an area.

The city council further finds and declares that trees form the ambiance important to sustaining the small town character to which the tourist industry is directly linked. The resulting economic activity is vital to businesses and employees serving the tourist industry and beneficial to all city residents.

A purpose of the city council acting under the authority of its power to protect the health, welfare and safety of its citizens in enacting the following regulations is to protect certain trees, and to promote the concept of tree protection, but to keep governmental regulation to a minimum as far as practicable. (Ord. 96-11, 1996).

Article II. Definitions

1.1.3 12.08.020

1.1.4 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section.

A. "Accepted arboricultural standards" means those pruning standards approved in the publication "Pruning Standards" published by the International Society of Arboriculture, as the same now exists and may be revised from time to time.

B. "Accepted arboricultural practices" means practices set forth as acceptable or better in current generally accepted textbooks on arboriculture and tree care and in current professional journals on arboriculture or university level publications on tree care.

C. "Alter" means to intentionally take an action that diminishes the health and vigor of a tree. "Alter" includes, but is not limited to, excessive or improper pruning of a tree, grade changes around or near a tree, excessive irrigation of a tree, and trenching in the root zone of a tree. "Alter" does not include periodic trimming, shaping, thinning or pruning of a tree to preserve or protect its health, growth or appearance, in accordance with accepted arboricultural standards and practices.

D. "Certified arborist" means a person who has been tested by and is currently certified as an "arborist" by the International Society of Arboriculture.

E. "Certified tree worker" means a person who has been tested by and is currently certified as a "tree worker" by the International Society of Arboriculture.

F. "Diameter" means the average diameter of the trunk of a tree measured at 54 inches above the average ground level immediately surrounding the trunk of the tree.

G. "New development" shall mean any project requiring the construction of a new commercial structure or structures, the subdivision of property into two or more lots for the purpose of constructing new residential or commercial structures, or new multifamily (more than two units) residential construction.

H. "Nonintrusion zone" means the area of ground as determined by the table below surrounding the trunk of a tree within which certain activities may be restricted or prohibited in order to protect the tree.

Trunk Diameter Protected Distance
(in inches) (radius in feet)

2 4
4 6
6 10

12 12
18 16
24 18
30 20
36 24
42 28
> 48 32

I. "Person" means any individual or group of individuals, any partnership or corporation, or any unincorporated association. "Person" includes the city.

J. "Project arborist" means an International Society of Arboriculture (ISA) certified arborist selected by the city to report on and oversee the protection of trees on a site subject to new development.

K. "Protected tree" means any tree designated to be preserved on an approved development plan or as a condition of approval of a tentative map, a tentative parcel map, or other development approval issued by the city.

L. "Relocate" means to relocate a tree from the place where it is growing and replanting it in another location in accordance with accepted arboricultural practices and with the intent and a reasonable expectation that it will survive and grow in the new location.

M. "Remove" means the cutting down of a tree or the relocation of a tree in a manner not in accordance with accepted arboricultural practices.

N. "Significant tree" means any tree having a single trunk diameter greater than two inches, and a height of more than six feet.

O. "Tree" means any woody plant having a single trunk, or a combination of multiple trunks, with a natural growth pattern that includes a definitely formed branching crown.

P. "Tree committee" means the permanent committee consisting of three members, namely:

1. Two members of the community services commission appointed by the chairman of the commission;

2. One certified arborist recommended by the two members from the community services commission and selected by the city council. (Ord. 96-11, 1996).

Article III. Prohibitions

1.1.5 12.08.030

1.1.6 Trees on public properties.

A. Unless specifically excepted by ordinance of this city, it is unlawful for any person other than the director of public works or his/her duly authorized representative to trim, prune, brace, or plant any tree in any public right-of-way, or public property within the city, or to cause the same to be done, unless and until a written permit to do so has first been obtained from the director of public works.

B. It is unlawful for any person other than those authorized under emergency circumstances within this chapter to alter, remove, relocate, or cause to be altered, removed, or relocated any tree in any public street, or public area within the city, unless and until a written permit to do so has first been obtained in accordance with SMC [12.08.050](#). Any such permit may be declared void by the director of public works, if its terms are violated. This subsection shall not apply to removal of trees required for new street construction.

C. It is unlawful for any person to break, injure, deface, mutilate, kill, or destroy any tree in any public street, or public property within the city, or to cause the same to be done or set fire to such within the city, nor shall any person cause or permit any wire charged with electricity, or any gas, liquid, or solid substance which is harmful to such trees to come in

contact therewith. No person other than the director of public works or his/her designee shall place, apply, attach or keep attached to any such tree or to the guard or stake intended for the protection thereof any wire or rope (other than one used to support a young or broken tree), sign, paint, or any other substance, structure, thing or device of any kind or nature whatsoever. (Ord. 96-11, 1996).

1.1.7 12.08.035

1.1.8 Applications for new development.

A. Rule. Applications for new development, as defined by this chapter, requiring the review and approval of the planning commission or the architectural review commission shall also be subject to the review of the tree committee. Said review shall be advisory in nature and shall occur prior to any consideration of the project by the planning commission or the architectural review commission when the project is not otherwise subject to planning commission review. In those instances when a project may be subject to the review of both the planning commission and the architectural review commission, the planning commission shall have the sole decision-making authority over tree-related matters governed by this chapter, except in the event of an appeal to the city council.

B. Scope of Tree Committee Authority. The scope of the review by the tree committee shall be limited to the identification of potential impacts of the proposed development to existing trees on or adjacent to the project site, and recommendations to the planning commission or the architectural review commission relative to the mitigation of identified impacts, including but not limited to a replacement program.

C. Authority of Planning Commission and Architectural Review Commission to Impose Conditions. The planning commission or architectural review commission, under their authority to approve, conditionally approve, or deny a project application, may, based on the recommendations of the tree committee and the arborist's report, modify the project site plan, adopt conditions of approval, or take any other relevant action deemed necessary to preserve, protect or replace existing trees on or adjacent to the project site. Failure to comply with requirements or conditions of approval, established by the planning commission or architectural review commission, shall be considered a violation of the provisions of this chapter.

D. Tree Information Required at Time of Application. An arborist's report, prepared by an ISA (International Society of Arboriculture) certified arborist, shall be a requirement of all new development. The report shall provide the necessary information to determine the appropriate extent of tree preservation and protection and tree replacement requirements.

An arborist shall be selected and retained by the community development director from a list of qualified members provided by the tree committee. All costs and fees for the services of the arborist shall be paid by the applicant and shall be paid in full at the time of the project application.

The requirement of an arborist's report may be waived by the determination of the community development director upon the finding of no significant trees on:

1. The project site;
2. On adjoining property that could reasonably be affected by the project construction.

The arborist's report shall clearly describe in writing all trees on the property. The report shall indicate the genus and species, the shape, the trunk diameter of each tree and the nonintrusion zone around each tree as determined by the table in SMC [12.08.020\(H\)](#), and shall indicate those trees which are proposed to be altered, removed, or relocated and the reasons therefor. Tree delineations by trunk location and an accurate outline of each tree's nonintrusion zone must be shown on the project site plan or tentative map, and on every page of the development and improvement plans where any work is proposed within the

nonintrusion zone of any protected tree. The property owner of the property and the person in control of the proposed development shall protect and preserve each tree situated within the site of the proposed development during the period the application(s) for the proposed development is being considered by the city.

E. Tree Replacement Program. A person owning or controlling a new development project shall be required to replace trees, designated for removal as part of the approval of the project, in accordance with the conditions of approval established by the planning commission or the architectural review commission as follows:

1. If the development site is inadequate in size to accommodate the replacement trees, the trees may be planted on public property with the approval of the city council.

2. Upon the request of the developer and the approval of the city council, the city may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the city.

F. Protected Trees. Development of a property on which a protected tree is located shall be subject to project design and construction requirements including, but not limited to, subsections (F)(1) through (F)(6) of this section. All applicable project design and construction requirements related to the protection of trees shall be implemented in accordance with accepted ISA guidelines, unless modified or waived by the director of public works in consultation with the project arborist.

1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree shall be securely fenced off at the nonintrusion zone, or other limit as may be established in the field by the project arborist. Such fences shall remain continuously in place for the duration of all work undertaken in connection with the development. The area so fenced off shall not be used as a storage area or altered or disturbed except as may be permitted under this subsection.

2. If the proposed development, including any site work for the development, will encroach upon the nonintrusion zone of a protected tree, special measures shall be utilized, as approved by the project arborist, to allow the roots to obtain oxygen, water, and nutrients as needed.

3. Underground trenching for public improvements shall avoid major support and absorbing tree roots of protected trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many units as possible. Trenching or any other excavation related to the project within the drip line of protected trees shall be avoided to the greatest extent possible and shall only be done under the on-site directions of a project arborist.

4. Concrete or asphalt paving shall not be placed over the root zones of protected trees, unless otherwise permitted by the project arborist. Artificial irrigation shall not occur within the root zone of oaks, unless deemed appropriate by the project arborist to improve tree vigor or mitigate root loss.

5. Compaction of the soil within the nonintrusion zone of protected trees shall be avoided, if possible. Any excavation, cutting, filling, or compaction of the existing ground surface within the nonintrusion zone shall be minimized and subject to such conditions as may be imposed by the project arborist.

6. Avoid burning or use of equipment with an open flame near or within the nonintrusion zone. All brush, earth and other debris shall be removed in a manner which prevents injury to the protected tree. Oil, gas, chemicals or other substances that may be harmful to trees shall not be stored or dumped within the nonintrusion zone of any protected tree, or at any other location on the site from which such substances might enter the nonintrusion zone of a protected tree. Construction materials shall not be stored within the nonintrusion zone of a protected tree. (Ord. 96-11, 1996).

Article IV. Exceptions

1.1.9 12.08.040

1.1.10 Exceptions to tree committee and permit requirements.

A. The provisions of this regulation as provided in SMC [12.08.030](#) through [12.08.035](#) shall not apply to the following:

1. The trimming or clearing of any tree's branches or roots from interfering (a) with the lines of any public utility, city water, sewer and storm drain lines and open storm drain channels and city streets, sidewalks, curbs and gutters when necessary for the proper maintenance of such facilities, or (b) with the maintenance of adequate lines of sight along city streets and entrances to such streets, including lines of sight to traffic control signs and signals; provided, that accepted arboricultural practices are utilized in each instance.

2. A removal or alteration of any tree necessitated by a hazardous or dangerous condition caused by the tree, or a portion thereof, which requires immediate action to protect life or property. Such a tree may be altered or removed by city personnel or a designated city contractor without a permit. Decision-making authority in such situations shall be made by the city manager or the head of any one of the following departments: police, fire, public works, community development or building official. (Ord. 96-11, 1996).

Article V. Permits

1.1.1112.08.050

1.1.12 Tree alteration or removal or relocation permits.

A. Any person desiring to alter, remove or relocate any tree(s) for which a permit is required under the provisions of SMC [12.08.030](#)(B) shall make application upon an appropriate city form to the director of public works. The applicant may also submit documentation of any type, including written recommendations from a certified arborist, concerning the health and quality and the desirability of alternatives (e.g., relocation or alteration) to the removal of each tree.

1. The granting or denying of a tree removal permit should be based upon reasonable standards including:

a. The condition of the tree with respect to its general health, structural condition, hazards potential and proximity to existing or proposed structures;

b. The necessity of the tree removal to allow construction of improvements or otherwise allow economic or other reasonable enjoyment of the property;

c. The number, species, age, size and location of existing trees in the area and the effect of the requested removal on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the city as a whole.

2. The review and permit process is not intended to prevent the necessary removal of trees for safety purposes, but is intended to provide a forum in which the value (i.e., shade, appearance, etc.) of a publicly-owned tree can be measured against the reasons for which the applicant desires to have it altered, removed or relocated. Replacement trees should generally be required to mitigate the loss of the tree.

B. Prior to making a determination on the application, the city tree committee shall inspect the tree(s) sought to be altered, removed or relocated. The tree committee may also refer the application to another department, commission or committee of the city, as they deem appropriate, and may require the applicant to provide additional information which they deem necessary in order to make an informed decision of the application. However, the tree committee shall render a decision on the application within 30 days of its referral to the committee by the director of public works.

C. If the tree committee approves an application to alter, remove, or relocate a tree, they shall direct the director of public works to issue a permit, subject to such conditions as the committee deems appropriate, which may include the planting of replacement trees.

D. A permit granted under the provisions of this section shall be valid for a period of 60 days from the date of issuance unless a longer period is stated in the permit, or an additional 60 days extension is granted by the director of public works. If the work authorized by the permit is not commenced prior to the expiration date, the permit shall become null and void. Once the work authorized by a permit is commenced, it shall be expeditiously pursued to completion. (Ord. 96-11, 1996).

Article VI. Pruning and Trimming Regulations

1.1.1312.08.060

1.1.14 Pruning and trimming regulations.

A. Pruning and trimming of all trees and shrubs within the city is encouraged except as prohibited or limited herein.

B. Pruning on public property except as authorized by the director of public works or other city department heads responsible for maintenance, or provided for as an exception in this chapter, is prohibited.

C. An owner or occupant of a lot shall keep all trees, hedges and other plants situated on the lot which abut upon or overhang a public street or sidewalk properly trimmed so that the same shall not interfere with the free use of the street or sidewalk. Such trimming shall not require a permit under this chapter; however, an encroachment permit may be required, under other ordinances or regulations of the city, to perform work within the public right-of-way. (Ord. 96-11, 1996).

Article VII. Appeals

1.1.1512.08.070

1.1.16 Appeals.

Any decision made by the director of public works or tree committee under the provisions of this chapter may be appealed to the city council by any interested person. The appeal must be filed in writing with the city clerk within 10 days of the decision. The written appeal shall state all facts and each ground upon which the appeal is based and shall be signed by the applicant. The city council shall hold a noticed public hearing before making a decision on the appeal. (Ord. 96-11, 1996).

Article VIII. Enforcement

1.1.1712.08.080

1.1.18 Civil fine for violation.

A. Any person who violates any provision of this chapter is liable in a civil action brought by the city attorney on behalf of the city in the amount of the appraised value of the tree (as determined by the Guide for Establishing Values of Trees and Other Plants, ISA, 1992 or as updated), but with a minimum amount of \$1,000 for each such violation.

B. If two or more persons are responsible for any violation of the provisions of this chapter, they shall be jointly and severally liable for the civil penalty set forth in subsection A of this section.

C. Amounts recovered under this section shall be deposited into a fund carried upon the financial records of the city which shall be used exclusively for the planting of trees in public places in the city and for tree related educational projects or programs. (Ord. 96-11, 1996).

1.1.1912.08.090

1.1.20 Criminal penalty for violation.

A violation of any provision of this chapter is an infraction punishable by:

A. A fine not exceeding \$200.00 for the first violation;

B. A fine not exceeding \$350.00 for a second violation within one year;

C. A fine not exceeding \$500.00 for each additional violation occurring within one year. (Ord. 96-11, 1996).

1.1.2112.08.100

1.1.22 Injunctions.

In addition to all other actions and remedies, civil or penal, authorized by law, the city attorney is authorized to file an action in court seeking injunctive relief to enjoin a violation of any provision of this chapter or to prevent a threatened violation of any provision of this chapter. The injunctive relief sought in any such action may be prohibitory, mandatory, or both. (Ord. 96-11, 1996).

1.1.2312.08.110

1.1.24 Replacement trees.

In lieu of a civil fine under SMC [12.08.080](#) or prosecution under SMC [12.08.090](#) any person who alters, removes, or relocates a tree, or who permits or causes to be altered, removed, or relocated any tree in violation of any provision of this chapter, may petition the tree committee for permission to replace each tree so altered, removed, or relocated, with four replacement trees of the same genus and species, each of a minimum 15-gallon container size, to be planted on the property on which the violation was committed. If approved by the city attorney, the tree committee may grant the petition, with or without conditions, if it finds that the proposed replacement trees will substantially restore the property environmentally to a condition equal to its condition prior to the violation. Each such replacement tree shall be deemed and considered a "protected tree" under the provisions of this chapter. The conditions imposed by the tree committee may include requirements for security to insure the tree's successful establishment and proper care for a stated period of time. The tree committee may also authorize the planting of a lesser number of larger trees or a larger number of smaller trees than specified in this section if it finds that either adjustment will be more beneficial to the permanency of all trees on the property. (Ord. 96-11, 1996).

1.1.2512.08.120

1.1.26 Enforcing authority.

The primary responsibility for the enforcement of the ordinance codified in this chapter shall reside with the director of public works of the city with the assistance of the city attorney. (Ord. 96-11, 1996).

Chapter 12.09

HERITAGE TREE ORDINANCE

Sections:

- [12.09.010](#) Purpose.
- [12.09.020](#) Heritage tree defined.
- [12.09.030](#) Heritage tree dedication.
- [12.09.040](#) Removal and damaging of heritage trees prohibited.
- [12.09.050](#) Designated historical trees.
- [12.09.060](#) Penalties.

1.1.2712.09.010

1.1.28 Purpose.

In the passage of the ordinance codified in this chapter, the city recognizes that trees contribute in many important ways to the health, safety, and welfare of all of Sonoma's citizens. Besides their aesthetic benefits, trees offer windbreaks, provide erosion control, act as filters for airborne pollutants, release oxygen, and provide a habitat for birds and other wildlife. All trees perform these functions for the lands on which they occur. The city recognizes, however, that trees of significant size and maturity often perform these functions for all people living in their vicinity. They are key elements in a living system whose boundaries do not conform to the legal boundaries of private property. They are part of the natural heritage of all of Sonoma's citizens upon which the continued health and welfare of the community depends. Also part of such valued natural heritage are other trees, not necessarily as large, which form an important element of the community's history.

For these reasons, the city puts forth the ordinance codified in this chapter to protect certain trees that are deemed an essential part of Sonoma's natural and historical heritage, wherever they occur in the city, while at the same time recognizing individual rights to utilize land in a manner that will not be prejudicial to the public interest. (Ord. 75-11 § 1, 1976).

1.1.2912.09.020

1.1.30 Heritage tree defined.

As used in this chapter, "heritage tree" means a tree or group of trees specifically designated by official act of the parks and recreation commission that:

- A. The tree or group of trees has historical significance or has taken on the aura of historical appeal; or
- B. The tree or group of trees is mutually dependent upon each other for survival; or
- C. The tree or group of trees is considered an outstanding specimen of its species; or
- D. The tree or group of trees is the size of 50 inches or more in diameter measured at 24 inches above natural grade; and
- E. The tree or group of trees has been recommended as such by the parks and recreation commission and dedicated and accepted by the city council of Sonoma.

For the purpose of subsection C of this section, an outstanding specimen is a tree which has been determined by the parks and recreation commission heritage tree committee to be healthy, has attained maturity and is well formed. Any tree designated as a heritage tree

may be identified with a marker or by any other means as determined by the parks and recreation commission. (Ord. 75-11 § 1, 1976).

1.1.3112.09.030

1.1.32 Heritage tree dedication.

The parks and recreation commission's heritage tree committee shall make a recommendation to the commission whether a tree, which meets the definitions under SMC [12.09.020](#), has a significant historical or horticultural value to the city to warrant its dedication as a heritage tree. Not all trees which meet the definition under SMC [12.09.020](#) will be significant, and the parks and recreation commission shall weigh the cost of maintenance against the value of the tree(s) as a Sonoma landmark in determining whether a tree should be dedicated as a heritage tree. The parks and recreation commission shall not recommend acceptance of dedication of a proposed heritage tree until at least six months (182 calendar days) has elapsed from the time the proposed dedication is taken under consideration by the commission.

Upon the recommendation of the parks and recreation commission that a tree(s) meets the criteria of a heritage tree and should be dedicated as such, the owner of the tree(s) may dedicate the tree(s) to the city, if he also dedicates right of access for maintenance and protection, and the dedication is accepted by resolution of the city council. Dedication shall be subject to such conditions as the council considers proper in the case. (Ord. 75-11 § 1, 1976).

1.1.3312.09.040

1.1.34 Removal and damaging of heritage trees prohibited.

A. It is unlawful for any person to break, injure, deface, mutilate, kill or destroy any heritage tree or set fire or permit any fire to burn where such fire or the heat thereof will injure any portion of a heritage tree, or to cause or permit any wire charged with electricity to come into contact therewith, or to allow any gas, liquid, or solid substance which is harmful to such trees to come in contact with their leaves.

B. It is unlawful and it is prohibited for any person other than the director of public works or his duly authorized representative to place, apply, attach or keep attached to any such heritage tree any wire, rope, sign, paint, or any other substance, structure, thing or device of any kind or nature whatsoever until a written permit to do so has first been obtained from the parks and recreation commission. (Ord. 75-11 § 1, 1976).

1.1.3512.09.050

1.1.36 Designated historical trees.

In those cases in which the city and property owner cannot reach an agreement for the dedication of a proposed heritage tree, or where the city finds that a tree's historical importance is outweighed by its dedication and maintenance costs, the city's parks and recreation commission may declare such a tree a designated historical tree.

The purpose of such identification is to recognize and locate trees of historical significance in the city. Such identification as a designated historical tree is not intended nor shall it restrict the owner of such property where the tree shall occur from any normal exercise of his property rights that are recognized under law.

Such identification shall include the marking of designated historical trees on maps of the historic preservation combining district and on a master heritage and historical tree map to

be prepared and maintained by the city planning department. Identification shall also include written notification to the property owner of such designation and, if so ordered by the parks and recreation commission and accepted by the property owner, a physical marker may be placed on or near a designated historical tree. (Ord. 75-11 § 1, 1976).

1.1.3712.09.060

1.1.38 Penalties.

Any person violating any of the provisions of this chapter or failing to comply with them shall upon conviction thereof be punished by a fine not to exceed \$500.00, or by imprisonment not to exceed six months, or both such fine and imprisonment. (Ord. 75-11 § 1, 1976).

Article 67.

VOH Valley Oak Habitat Combining District.

§ 26-67-005 [Purpose.](#)

§ 26-67-010 [Interpretation.](#)

§ 26-67-020 [Permitted uses.](#)

§ 26-67-030 [Mitigation required - Exceptions.](#)

§ 26-67-040 [Design review approval.](#)

§ 26-67-050 [Penalty for violation of article.](#)

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. (Ord. No. 4991 § 1(h), 1996.)

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. (Ord. No. 4991 § 1(h), 1996.)

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. (Ord. No. 4991 § 1(h), 1996.)

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 Requirement¹	Valley Oak Replacement Requirement²	Valley Oak Retention and Replacement Requirement²	In-Lieu Fee Requirement
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

¹All retained trees shall be valley oaks.

²All 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 Requirement¹	Valley Oak Replacement Requirement²	Valley Oak Retention and Replacement Requirement²	In-Lieu Fee Requirement
60 inches of 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 breast height being cut down or removed	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 height being cut down or removed and plant 12 trees	\$100.00
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	Retain 1 or more	Plant 32 trees	Retain 1 or more trees	\$150.00, plus

140 inches	trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	plus additional 4 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	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	additional \$25.00 for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches
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¹All retained trees shall be valley oaks.

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

(Ord. No. 4991 § 1(h), 1996.)

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. (Ord. No. 4991 § 1(h), 1996.)

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. (Ord. No. 4991 § 1(h), 1996.)

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