

EXHIBIT D

SUMMARY OF PROPOSED CHANGES (4/27/17 – 7/18/17) TO THE FOLLOWING DRAFT DOCUMENTS ATTACHED TO LEGISTAR FILE 12-1203

General Plan Conservation and Open Space Element (Attachment 22J);

Oak Resources Management Plan (Attachment 22K);

Oak Resources Conservation Ordinance (Attachment 22L); and

Draft Environmental Impact Report, June 2016 (Attachment 22O)

<https://www.edcgov.us/Government/longrangeplanning/environmental/pages/biopolicyupdatedrafteir.aspx>

Page No.	<i>Change as presented to Planning Commission on 4/27/17</i>	<i>Changes subsequent to Planning Commission hearing on 4/27/17</i>
Proposed General Plan Conservation and Open Space Element		
144	Revise proposed General Plan Policy 7.4.1.1 to remove proposed addition of "where feasible".	
147	Text added to Policy 7.4.2.8 section C to add specific requirements related to the content of Biological Resources Assessments prepared in compliance with this policy.	
149	New section F added to Policy 7.4.2.8 to specify requirements related to mitigation monitoring, as required by EIR Mitigation Measure BIO-1.	
Proposed Oak Resources Management Plan		
6	Text added to Section 2.1 to specify that the exemptions from the ORMP's mitigation requirements identified in this section do not apply where a project would result in impacts to valley oak trees and valley oak woodlands, except when valley oak trees are dead, dying, and diseased.	Text revised to avoid repetition. Additional text added to Section 2.1 (Applicability, Exemptions and Mitigation Reductions) specifying that impacts to Heritage Trees must be mitigated regardless of whether they are located within or outside an oak woodland.
7	Text added to Section 2.1.6 to exclude activities that require issuance of a Conditional Use Permit from the Agricultural Activities Exemption.	
7	Text added to Section 2.1.9 to specify that the exemptions for removal of dead, dying, and diseased trees continue to apply where the affected trees are valley oaks.	
8	Text added to Section 2.1.10 to clarify the application of the Personal Use Exemption.	
8	Text added to Section 2.1.11 to specify that the Mitigation Reductions for Affordable Housing do not apply to impacts to valley oak trees and valley oak woodlands.	

<i>Page No.</i>	<i>Change as presented to Planning Commission on 4/27/17</i>	<i>Changes subsequent to Planning Commission hearing on 4/27/17</i>
Proposed Oak Resources Management Plan (continued)		
10	Text added to Section 2.2.2 to clarify how in-lieu fee payments may be used to offset impacts to oak woodland.	
13		Text added to Section 2.3.1 (Oak Tree Permits) specifying that impacts to Heritage Trees must be mitigated regardless of whether they are located within or outside an oak woodland.
14	Text added to Section 2.3.2 to clarify how in-lieu fee payments may be used to offset impacts to oak trees; also add Section 2.4 description: "Replacement Planting Guidelines" and add Section 2.5 description: "Oak Resources Technical Reports".	
19, 20, and 25	Text added to sections 2.6, 3.1, and 4.1 to provide the title of another section referenced in these paragraphs.	On page 20, in Section 3.1, Table 5 (Oak Woodland In-Lieu Fee) to accurately reflect oak woodland in-lieu fee cost per acre amounts presented in Nexus Study (Updated 6/21/16).
21		In Section 3.2, revised Table 6 (Individual Oak Tree In-Lieu Fee) to accurately reflect individual oak tree in-lieu fee cost per inch amount for Acquisition and Planting presented in Nexus Study (Updated 6/21/16).
22 and 23		Section 3.3 revised to clarify in-lieu fee inflation adjustments, and county and state reporting and finding requirements following adoption of the in-lieu fee.
24		Insert Figure 2 -2 – Map of Priority Conservation Areas, Oak Woodlands, and Public Lands in El Dorado County in clean version of the ORMP on Legistar; no changes proposed.
27 and 28	Text added to Section 5.0 items 5(b) and 6(c) to clarify how in-lieu fee payments may be used to offset impacts to oak woodland and oak trees.	
31	Text revisions made to clarify references to definitions of terms.	
Proposed Oak Resources Conservation Ordinance		
XX4	Text edited to clarify reference to Section 2.5 of the ORMP.	

<i>Page No.</i>	<i>Change as presented to Planning Commission on 4/27/17</i>	<i>Changes subsequent to Planning Commission hearing on 4/27/17</i>
Proposed Oak Resources Conservation Ordinance (continued)		
XX6	Revise Section 130.39.050 to add language clarifying oak resources impact mitigation required for any non-exempt action requiring discretionary development entitlements or approvals, or ministerial actions requiring a building permit or grading permit; also add language to stipulate that all impacts to Heritage Trees, individual valley oak trees, and valley oak woodlands shall be subject to provisions and mitigation requirements in the ORMP, regardless of whether or not the action requires a development permit.	
XX7	Revise Section 130.39.050(F) to clarify the Agricultural Activities Exemption does not apply to activities that require issuance of a Conditional Use Permit, consistent with ORMP revisions.	
XX7	Revise Section 130.39.050(I) to specify that the Dead, Dying, or Diseased Tree Exemption does apply to valley oak trees, consistent with ORMP revisions.	
XX7	Revise Section 130.39.050(J) to specify tree removal limits of the Personal Use Exemption, consistent with ORMP revisions.	
XX7	Revise Section 130.39.050(K) to clarify that the Affordable Housing Mitigation Reduction does not apply to valley oak trees or valley oak woodlands, consistent with ORMP revisions.	
XX8	Revise Section 130.39.050(K) to clarify that the Affordable Housing Mitigation Reduction does not apply to valley oak trees or valley oak woodlands, consistent with ORMP revisions.	Revised text Section 130.39.060(K) to complete the word "Tree".
XX9		Revise 130.39.060(E) to clarify mitigation requirements for impacts to Heritage Trees, "regardless of location within or outside of an oak woodland".
XX10 and XX11	Revise Section 139.39.070, subsections C.1.a and C.2.a to clarify use of in-lieu fee payment for conservation, consistent with ORMP revisions.	
XX12	Omit statement regarding content of fee reports.	Correct sub-section numbering level in Section 130.30.070.
Draft Environmental Impact Report		
6-58		Clarify discussion of Rural Lands under the Agricultural Activities Exemption.
6-79 10-17		Clarify delineation of the Weber Creek Important Biological Corridor (IBC) referenced in the DEIR as shown on attached map

OBJECTIVE 7.4.1: PINE HILL RARE PLANT SPECIES

The County shall protect Pine Hill rare plant species and their habitats consistent with Federal and State laws.

- Policy 7.4.1.1 The County shall continue to provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 130.71 and ~~where feasible~~ the USFWS's *Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan* (USFWS 2002).
- Policy 7.4.1.2 Private land for Pine Hill rare plant preserve sites will be purchased only from willing sellers.
- Policy 7.4.1.3 Limit land uses within established Pine Hill rare plant preserve areas to activities deemed compatible. Such uses may include passive recreation, research and scientific study, and education. In conjunction with use as passive recreational areas, develop a rare plant educational and interpretive program.
- Policy 7.4.1.4 The Pine Hill Preserves, as approved by the County Board of Supervisors, shall be designated Ecological Preserve (-EP) overlay on the General Plan land use map.
- Policy 7.4.1.5 *Intentionally blank.*
- Policy 7.4.1.6 *Intentionally blank.*
- Policy 7.4.1.7 *Intentionally blank.*

OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES

Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.

- Policy 7.4.2.1 The County will coordinate wildlife and vegetation protection programs with appropriate Federal and State agencies.
- Policy 7.4.2.2 The County shall continue to support the Noxious Weed Management Group in its efforts to reduce and eliminate noxious weed infestations to protect native habitats and to reduce fire hazards.

construction and widening projects. Impacts on public safety and wildlife movement for projects that include new roads of 4 or more lanes or the widening of roads to 4 or more lanes will be evaluated during the development review process (see Section C below). The analysis of wildlife movement impacts will take into account the conditions of the project site and surrounding property to determine whether wildlife undercrossings are warranted and, if so, the type, size, and locations that would best mitigate a project's impacts on wildlife movement and associated public safety.

C. Biological Resources Assessment. A site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project. Vegetation communities and special-status plants shall be mapped and assessed in accordance with the CDFG 2009 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* and subsequent updates, and the *List of Vegetation Alliances and Associations* (CDFG 2010) and subsequent updates. Any surveys conducted to evaluate potential presence of special-status wildlife species shall conform to practices recommended by CDFW and/or USFWS at the time of the survey. The report will include an assessment of direct, indirect and cumulative impacts to biological resources, including vegetation communities, plant and wildlife species and wildlife movement. The report shall include recommendations for:

- pre-construction surveys and avoidance/protection measures for nesting birds;
- pre-construction surveys and avoidance/protection measures for roosting bats;
- avoidance and minimization measures to reduce impacts related to entrapment, entanglement, injury, or poisoning of wildlife; and
- avoidance and minimization measures to reduce indirect impacts to wildlife in open space adjacent to a project site.

The results of the biological resources technical report shall be used as the basis for establishing mitigation requirements in conformance with this policy and the Oak Resources Management Plan (ORMP, see General Plan Policy 7.4.4.4).

D. Habitat Protection. Mitigation for impacts to vegetation communities defined above in Section A will occur within the County on a minimum contiguous habitat block of 5 acres. Wetlands mitigation may occur within mitigation banks and/or outside the County if within

F. Mitigation Monitoring. Prior to final approval of an individual development project, applicants shall submit to the County a Mitigation Monitoring Plan that provides for periodic monitoring of preserved lands to assess effectiveness of the measures implemented to protect special-status and native species. The Mitigation Monitoring Plan shall demonstrate that funding is secured to implement the monitoring strategy in perpetuity.

Policy 7.4.2.9

The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay:

- In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek canyon IBC) shall be required to provide to the County a biological resources technical report (meeting the requirements identified in Section A of Policy 7.4.2.8 above). The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species (as defined in Section B of Policy 7.4.2.8 above) that may be affected by a proposed project as well as the presence of wildlife corridors particularly those used by large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Properties within the -IBC overlay that are found to support wildlife movement shall provide mitigation to ensure there is no net loss of wildlife movement function and value for special-status species, as well as large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Mitigation measures may include land use siting and design tools.

Wildland Fire Safe measures (actions conducted in accordance with an approved Fire Safe Plan for existing structures or defensible space maintenance for existing structures consistent with California Public Resources Code Section 4291) are exempt from this policy, except that Fire Safe measures will be designed insofar as possible to be consistent with the objectives of the Important Biological Corridor. Wildland Fire Safe measures for proposed projects are not exempt from this policy.

2.0 Oak Resources Impact Mitigation Requirements

The following sections outline mitigation requirements for impacts to oak resources. These mitigation requirements meet the goals and objectives of the General Plan and fulfill the requirements of General Plan Policy 7.4.4.4.

2.1 *Applicability, Exemptions and Mitigation Reductions*

Oak resources impact mitigation is required for any non-exempt action requiring discretionary development entitlements or approvals from El Dorado County or ministerial actions requiring a building permit or grading permit issued by El Dorado County. All impacts to Heritage Trees, individual valley oak trees, and valley oak woodlands are subject to the mitigation requirements contained herein, regardless of location within or outside of an oak woodland and whether or not the action requires a development permit (except for dead, dying, and diseased trees, as discussed in Section 2.1.9). Oak woodland impacts or removal of individual native oak trees (excluding Heritage Trees, individual valley oak trees, and valley oak woodlands) outlined in the following sections are exempt from the mitigation requirements included in this ORMP. Exemptions do not apply to removal of Heritage Trees, individual valley oak trees, or valley oak woodlands.

2.1.1 Single-Family Lot Exemption

Projects or actions occurring on lots of 1 acre or less allowing a single-family residence by right, and that cannot be further subdivided without a General Plan Amendment or Zone change are exempted from the mitigation requirements included in this ORMP.

2.1.2 Fire Safe Activities Exemption

Actions taken pursuant to an approved Fire Safe Plan for existing structures or in accordance with defensible space maintenance requirements for existing structures as identified in California Public Resources Code (PRC) Section 4291 are exempted from the mitigation requirements included in this ORMP. Oak resources impacts for initial defensible space establishment for new development are not exempt from the mitigation requirements included in this ORMP. After establishment of defensible space for new development, maintenance of that defensible space thereafter is exempt from the mitigation requirements included in this ORMP.

In addition, fuel modification activities outside of defensible space areas that are associated with fuel breaks, corridors, or easements intended to slow or stop wildfire spread, ensure the safety of emergency fire equipment and personnel, allow evacuation of civilians, provide a point of attack or defense for firefighters during a wildland fire, and/or prevent the movement of a wildfire from a structure to the vegetated landscape, where no grading permit or building permit is applicable, are exempted from the mitigation requirements included in this ORMP.

2.1.3 Utility Line Maintenance Exemption

Actions taken to maintain safe operation of existing utility facilities in compliance with state regulations (PRC 4292-4293 and California Public Utilities Commission (CPUC) General Order 95) are exempted from the mitigation requirements included in this ORMP. Actions associated with development of new utility facilities, including transmission or utility lines, are not exempt.

2.1.4 County Road Project Exemption

Road widening and realignment projects necessary to increase capacity, protect public health, and improve safe movement of people and goods in existing public rights-of-way (as well as acquired rights-of-way necessary to complete the project) where the new alignment is dependent on an existing alignment are exempted from the mitigation requirements included in this ORMP. New proposed roads within the County Circulation Element and internal circulation roads within new or proposed development are not exempt.

2.1.5 Affordable Housing Exemption

Affordable housing projects for lower income households, as defined pursuant to Section 50079.5 of the California Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to California Government Code §56076 are exempted from the mitigation requirements included in this ORMP.

2.1.6 Agricultural Activities Exemption

The following activities are exempted from the mitigation requirements included in this ORMP unless the activities require issuance of a Conditional Use Permit:

- Agricultural activities conducted for the purposes of producing or processing plant and animal products or the preparation of land for this purpose;
- Agricultural cultivation/operations, whether for personal or commercial purposes (excluding commercial firewood operations);
- Activities occurring on lands in Williamson Act Contracts or under Farmland Security Zone Programs.

2.1.7 Emergency Operations Exemption

Actions taken during emergency firefighting operations or responses to natural disasters (e.g., floods, landslides) and associated post-fire or post-disaster remediation activities are exempted from the mitigation requirements included in this ORMP.

2.1.8 Timber Harvest Plan Exemption

Tree removal permitted under a Timber Harvest Plan approved by CAL FIRE is exempted from the mitigation requirements included in this ORMP.

2.1.9 Dead, Dying, or Diseased Trees Exemption

Individual native oak tree removal (including individual valley oak trees and valley oak trees within valley oak woodlands) is exempted from the mitigation requirements included in this ORMP when:

- The tree is dead, dying, or diseased, as documented in writing by a Certified Arborist or Registered Professional Forester; and/or

- The tree exhibits high failure potential with the potential to injure persons or damage property, as documented in writing by a Certified Arborist or Registered Professional Forester.

2.1.10 Personal Use Exemption

Removal of a native oak tree, other than a Heritage Tree, when it is cut down on the owner’s property for the owner’s personal use, is exempted from the mitigation requirements included in this ORMP provided that no more than 8 trees are removed from a single parcel per year and provided that the total diameter inches at breast height (dbh) of trees removed from a single parcel per year does not exceed 140 inches.

2.1.11 Mitigation Reductions for Affordable Housing

This ORMP also provides for reductions to oak woodland mitigation for affordable housing projects that are not exempted as defined above. Specifically, development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units, as defined by California Health and Safety Code §50052.5, 50053, and 50093, shall be granted a reduction in the amount of oak woodland that is required to be mitigated, as set forth in Table 2. The reduction is to be applied to the mitigation ratio presented in Table 3 and shall only be applied to the residential portion(s) of the proposed project. This reduction for affordable housing projects ~~applies to oak woodland and individual native oak tree impacts and but does not apply to removal of Heritage Trees or individual valley oak trees. This reduction for affordable housing projects also does not apply to impacts to valley oak woodlands impacts. This reduction for affordable housing projects applies to impacts to other oak woodland habitat and removal of other individual oak trees.~~ applies to impacts to other oak woodland habitat and removal of other individual oak trees. In no case shall the mitigation requirement be less than zero.

**Table 2
Affordable Housing Mitigation Reduction**

Affordable Housing Type (Household Income Level)	Percent Oak Woodland Mitigation Reduction (for portion of project that is income restricted)
Very Low	200%
Lower	100%
Moderate	50%

Example: A project proposes 25% of the units to be affordable in the Lower income category. The oak woodland mitigation ratio may be reduced by 25%. A Moderate income project that provides all units at that income level may reduce the oak woodland mitigation ratio by 50%. A project with 20% Very Low income units would receive a 40% reduction in oak woodland mitigation ratio.

2.2 Oak Woodland Permits and Mitigation

The policy of the County is to preserve oak woodlands when feasible, through the review of all proposed development activities where woodlands are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. As such, the County shall require mitigation for impacts to oak woodlands.

application. If oak woodlands have been impacted then copies of all permits for such actions must be attached to the certification. If the certification is not included with the application then the application is incomplete. If oak woodlands have been impacted within the 2 year period without the proper permits then the application is deemed incomplete until the applicant either: 1) enters into a remediation/settlement agreement with County (such remediation/settlement agreement shall be in full force and effect regardless of whether or not the County approves or denies the application); or, 2) all code enforcement proceedings are completed and all applicable penalties and fines are paid and/or all criminal proceedings are completed and all applicable penalties, fines and sentences are paid or fulfilled.

2.2.2 Oak Woodland Mitigation

In order to incentivize on-site retention of oak woodlands, mitigation for impacts to oak woodlands shall be based on the ratios presented in Table 3.

**Table 3
Oak Woodland Mitigation Ratios**

Percent of Oak Woodland Impact	Oak Woodland Mitigation Ratio
0-50%	1:1
50.1-75%	1.5:1
75.1-100%	2:1

Oak woodland impacts and mitigation shall be addressed in an oak resources technical report. As presented in Table 3, all of a project’s oak woodland impacts shall be mitigated at a 1:1 ratio where 50 percent or less of on-site oak woodlands are impacted, all of a project’s oak woodland impacts shall be mitigated at a 1.5:1 ratio where 50.1 to 75 percent of on-site oak woodlands are impacted, and all of a project’s oak woodland impacts shall be mitigated at a 2:1 ratio where greater than 75 percent of on-site oak woodlands are impacted. Non-exempt County road projects shall provide oak woodland mitigation at a ratio of 1:1 regardless of the amount of onsite retention. A deed restriction or conservation easement shall be placed over retained on-site woodlands and those woodlands retained on site shall not be counted towards the impacted amount or towards the required mitigation. Mitigation for the impacted oak woodlands shall occur at the ratio required under Table 3 using one or more of the following options:

1. Off-site deed restriction or conservation easement acquisition and/or acquisition in fee title by a land conservation organization for purposes of off-site oak woodland conservation;
2. In-lieu fee payment to be either used by the County to acquire off-site deed restrictions and/or conservation easements or to be given by the County to a land conservation organization to acquire off-site deed restrictions and/or conservation easements;
3. Replacement planting on-site within an area subject to a deed restriction or conservation easement;
4. Replacement planting off-site within an area subject to a conservation easement; or
5. A combination of numbers 1 through 4 above.

2.3 Individual Native Oak Tree and Heritage Tree Permits and Mitigation

The policy of the County is to preserve native oak trees when feasible, through the review of all proposed development activities where such trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. As such, the County shall require mitigation for impacts to individual native oak trees and Heritage Trees.

2.3.1 Oak Tree Removal Permits

A tree removal permit shall be required for discretionary or ministerial (e.g., building permits) projects to authorize removal of any individual native oak tree not located within an oak woodland. A tree removal permit shall be required for removal of any Heritage Tree, **regardless of location within or outside of an oak woodland**. An oak resources technical report shall accompany any tree removal permit application submitted to the County. The County may impose such reasonable conditions of approval as are necessary to protect the health of existing oak trees, the public, and the surrounding property. Oak tree removal permit review will be integrated into the environmental review process for discretionary projects or may be processed as an administrative permit for ministerial projects. In addition to findings of consistency with the requirements and standards of this ORMP, the County shall make the following findings before approving an oak tree removal permit application:

- The proposed action is consistent with the General Plan; and
- The proposed action is specifically allowed by this ORMP and implementing ordinance.

All oak tree removal permits shall be processed according to Chapter 130.51 of County Code (General Application Procedures).

Commercial firewood cutting operations with impacts to individual native oak trees or Heritage Trees shall also require an oak tree removal permit if not approved under an oak woodland removal permit. In reviewing a tree removal permit application for commercial firewood cutting operations, the County shall consider the following:

- Whether the removal of the tree(s) would have a significant negative environmental impact;
- Whether the tree proposed for removal is a Heritage Tree;
- Whether replanting would be necessary to ensure adequate regeneration;
- Whether the removal would create the potential for soil erosion; and
- Whether any other limitations or conditions should be imposed in accordance with sound tree management practices.

Fines shall be issued to any person, firm, or corporation that is not exempt from the standards included in this ORMP who removes an oak tree without first obtaining an oak tree removal permit. Fines may be as high as three times the current market value of replacement trees, as well as the cost of replacement, and/or the cost of replacement of up to three times the number of

required replacement trees. In the case of unpermitted Heritage Tree removal, fines may be as high as 9 times the current market value of replacement trees, as well as the cost of replacement, and/or the cost of replacement of up to 9 times the number of required replacement trees. If individual native oak trees or Heritage Trees are impacted without an oak tree removal permit, in addition to issuing fines and penalties, any and all applications for development of that property shall be deemed incomplete unless and until the property owner enters into a settlement agreement with the County or all code enforcement and/or criminal proceedings are complete and all penalties, fines and sentences are paid or fulfilled. All monies received as fines for illegal oak tree and woodland removal shall be deposited in the County's Oak Woodland Conservation Fund.

Under penalty of perjury, a code compliance certificate shall be required to affirm no oak trees have been impacted (i.e., cut down) on the property that is the subject of an oak tree removal permit application within 2 years prior to the submission date of the application. If oak trees have been impacted then copies of all permits for such actions must be attached to the certification. If the certification is not included with the application then the application is incomplete. If oak trees have been impacted within the 2 year period without the proper permits then the application is deemed incomplete until the applicant either: 1) enters into a remediation/settlement agreement with County (such remediation/settlement agreement shall be in full force and effect regardless of whether or not the County approves or denies the application); or, 2) all code enforcement proceedings are completed and all applicable penalties and fines are paid and/or all criminal proceedings are completed and all applicable penalties, fines and sentences are paid or fulfilled.

2.3.2 Oak Tree Mitigation

Mitigation for removal of individual native oak trees shall be based on an inch-for-inch replacement standard (defined in Section 2.4, [Replacement Planting Guidelines](#)) and shall be quantified and outlined in an oak resources technical report (Section 2.5, [Oak Resources Technical Reports](#)). Mitigation for removal of Heritage Trees shall be based on an inch-for-inch replacement standard at a 3:1 ratio and shall also be quantified and outlined in an oak resources technical report.

Options for individual native oak tree and Heritage Tree impact mitigation requirements include:

1. Replacement planting on-site within an area subject to a deed restriction or conservation easement;
2. Replacement planting off-site within an area subject to a conservation easement or acquisition in fee title by a land conservation organization;
3. In-lieu fee payment [to be either used by the County to plant oak trees or to be given by the County to a land conservation organization to plant oak trees](#); or
4. A combination of numbers 1 through 3 above.

Mitigation for individual native oak tree and/or Heritage Tree impacts shall be addressed in an oak resources technical report.

but not limited to, the limits of grading, fuel modification/defensible space areas, and above- and below-ground infrastructure). The site map(s) shall also clearly identify impacted oak resources.

2.6 Mitigation Program Flexibility

This ORMP provides for flexibility in meeting oak resources mitigation requirements. An applicant for a development project may comply with the provisions of this ORMP by combining mitigation options, except as specified for replacement planting to mitigate oak woodland impacts. Off-site mitigation may be accomplished through private agreements between the applicant and another private party consistent with the standards included in this ORMP and subject to approval by the County. When dedication of off-site conservation easements outside of PCAs is proposed by a developer, the proposed site shall be prioritized based on the standards set forth in this ORMP (Section 4.0, [Priority Conservation Areas](#)). A developer that dedicates a County-approved conservation easement is not subject to the acquisition component of the in-lieu fee, but is subject to the Initial and Long-Term Management and Monitoring and Administration components of the fee.

3.0 In-Lieu Fee

The methodology for determining the in-lieu fee for impacts to individual native oak trees and oak woodlands is provided in detail in Appendix B. In general, the in-lieu fee for oak woodlands is based on the costs of acquisition of land and conservation easements, along with management, monitoring, and administrative costs. For individual native oak trees, the in-lieu fee is based on an inch-for-inch replacement approach that accounts for costs associated with purchasing and planting 1-inch of trunk diameter.

3.1 Oak Woodlands

As noted, the in-lieu fee for impacts to oak woodlands is based on the costs of acquisition of land and conservation easements, along with management, monitoring, and administrative costs. A breakdown of costs per acre is provided in Table 5.

**Table 5
Oak Woodland In-Lieu Fee**

Activity	Cost per Acre
Acquisition	\$4,400
Initial Management and Monitoring	\$2,6300
Long-Term Management and Monitoring	\$89075
Administration	\$39579
Total Cost per Acre	\$8,2857,954

Source: New Economics & Advisory Draft Oak Resource In-Lieu Fee Nexus Study (June 2016)

The in-lieu fee payment option for impacts to oak woodlands shall be made at the ratio outlined in Table 3, which provides for a variable mitigation ratio depending on the percentage of oak woodland impacted on a project site. The County shall deposit all oak woodland in-lieu fees into its Oak Woodland Conservation Fund, which shall be used to fund the acquisition of land and/or conservation easements from willing sellers as described in Section 4.0 ([Priority Conservation Areas](#)). This fund shall also be used for ongoing monitoring and management activities, including but not limited to fuels treatment, weed control, periodic surveys, and reporting. It is anticipated that conservation easements and mitigation lands would be held by a land conservation organization; therefore, ongoing monitoring and management activities would be conducted by such organizations. Funding to support the negotiation of the purchase price and oversight of the land transaction is included in the management component of the oak woodland in-lieu fee.

If a project applicant independently negotiates purchase of a conservation easement with a willing seller to mitigate oak woodland impacts, the applicant shall be responsible for paying the Initial and Long-Term Management and Monitoring and Administration components of the Oak Woodland In-Lieu Fee to the County, unless the applicant also independently negotiates acceptance of the conservation easement management and monitoring with a land conservation organization approved by the County.

This ORMP establishes a strategy for conserving oak woodland habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county. Identification of PCAs and standards for prioritizing conservation of oak woodlands outside of PCAs (Section 4.3, [Conservation Outside of PCAs](#)) fulfills the oak woodlands portion of the conservation requirements outlined in General Plan Policy 7.4.2.8.

4.2 Management of PCAs

Existing oak woodlands within the PCAs identified as mitigation for project impacts, whether on or off a project site, will be protected from further development through a conservation easement granted to the County or a land conservation group approved by the County or by acquisition in fee title by a land conservation group or acquisition in fee title by the County. Management activities would be conducted by land conservation organizations and may include, but are not limited to, one or more of the following activities, as determined appropriate and/or necessary through monitoring of the sites: inspections, biological surveys, fuels treatment to reduce risk of wildfire and to improve habitat, weed control, database management, and mapping. Agricultural use (i.e., grazing) shall be allowed in conserved oak woodlands as long as the activity occurred at the time the conservation easement is established, the spatial extent of the agricultural use is not expanded on conserved lands, and the agricultural use does not involve active tree harvest or removal (e.g., fuelwood operations, land clearing for crop planting, etc.).

4.3 Conservation Outside of PCAs

The PCAs have been delineated to prioritize the acquisition of land or oak woodland conservation easements either by the County (using the funds collected in the County's Oak Woodland Conservation Fund) or privately by developers. However, acquisition of land or oak woodland conservation easements outside of the PCAs may also occur on minimum contiguous habitat blocks of 5 acres, as described below. The following criteria shall be used for selecting potential oak woodlands conservation lands or easements outside of PCAs, consistent with General Plan Policy 7.4.2.8 (D):

- Location within IBCs;
- Location within other important ecological areas as identified in the Initial Inventory and Mapping (June 2010);
- Woodlands with diverse age structure;
- Woodlands with large trees and dense canopies;
- Opportunities for active land management to be used to enhance or restore natural ecosystem processes;
- Potential to support special-status species;
- Connectivity with adjacent protected lands;
- Parcels that achieve multiple agency and community benefits;
- Parcels that are located generally to the west of the Eldorado National Forest; and

As costs change over time, there will be a need to adjust the fee to closely match future cost increases or decreases. Appendix B details the fee adjustment approach. A report regarding fee adjustments will be included in a report to be submitted to the Planning Commission and Board of Supervisors every other March, as described in Appendix A. The first fee adjustment study would occur at least 12 months after adoption of this ORMP.

3.2 Oak Trees

For individual native oak trees, the in-lieu fee is based on an inch-for-inch replacement approach that accounts for costs associated with purchasing and planting 1-inch of trunk diameter and maintaining those trees for a period of seven years.

The assumptions that factor into the in-lieu fee are:

1. Two 1-gallon/TreePot 4-sized container trees are assumed to represent one inch of trunk diameter. The acquisition and planting component of the per-inch mitigation fee is then based on the costs to purchase and plant two 1-gallon/TreePot 4-sized container trees.
2. To determine the per-inch fee, the median price of 1-gallon/TreePot 4-sized container trees was calculated from a survey of nurseries in El Dorado County and the surrounding region.
3. This price was then doubled for each tree to account for costs associated with planting. Doubling the per-tree cost to account for purchasing and planting a tree (inclusive of labor and materials) is a standard approach in the landscape/habitat restoration industry.
4. The management and monitoring component of the per-inch mitigation fee is based on annual costs associated with maintaining planted trees for a period of seven years. Data for this fee was derived from cost estimates provided by a habitat restoration contracting firm, Habitat Restoration Sciences, Inc.

Based on this analysis, the individual native oak tree mitigation fee was calculated to be \$153.00 per-inch. In the case of Heritage Trees, the mitigation fee shall be \$459.00 per-inch (3:1 ratio). Table 6 summarizes the cost breakdown associated with the in-lieu fee for individual native oak trees.

**Table 6
Individual Oak Tree In-Lieu Fee**

Activity	Cost per Inch
Acquisition and Planting	\$31.902
Initial Management & Monitoring (Years 1-7)	\$113.40
Administration (5%)	\$7.27
Total Cost per Inch (non-Heritage Trees) (rounded to nearest whole dollar)	\$153
Total Cost Per Inch (Heritage Trees – 3:1 Ratio)	\$459

Source: New Economics & Advisory Draft Oak Resource In-Lieu Fee Nexus Study (June 2016)

As described in this ORMP, this per-inch mitigation fee may be paid as mitigation for impacts to individual native oak trees or Heritage Trees. The per-inch fee shall be multiplied by the total number of trunk diameter inches removed (dbh). The County shall deposit all oak tree in-lieu

fees into its Oak Woodland Conservation Fund and shall use collected per-inch mitigation fees for native oak tree planting projects or may use such funds to acquire oak woodland conservation easements, with documentation that the number of diameter inches being acquired meets those for which mitigation fees have been paid.

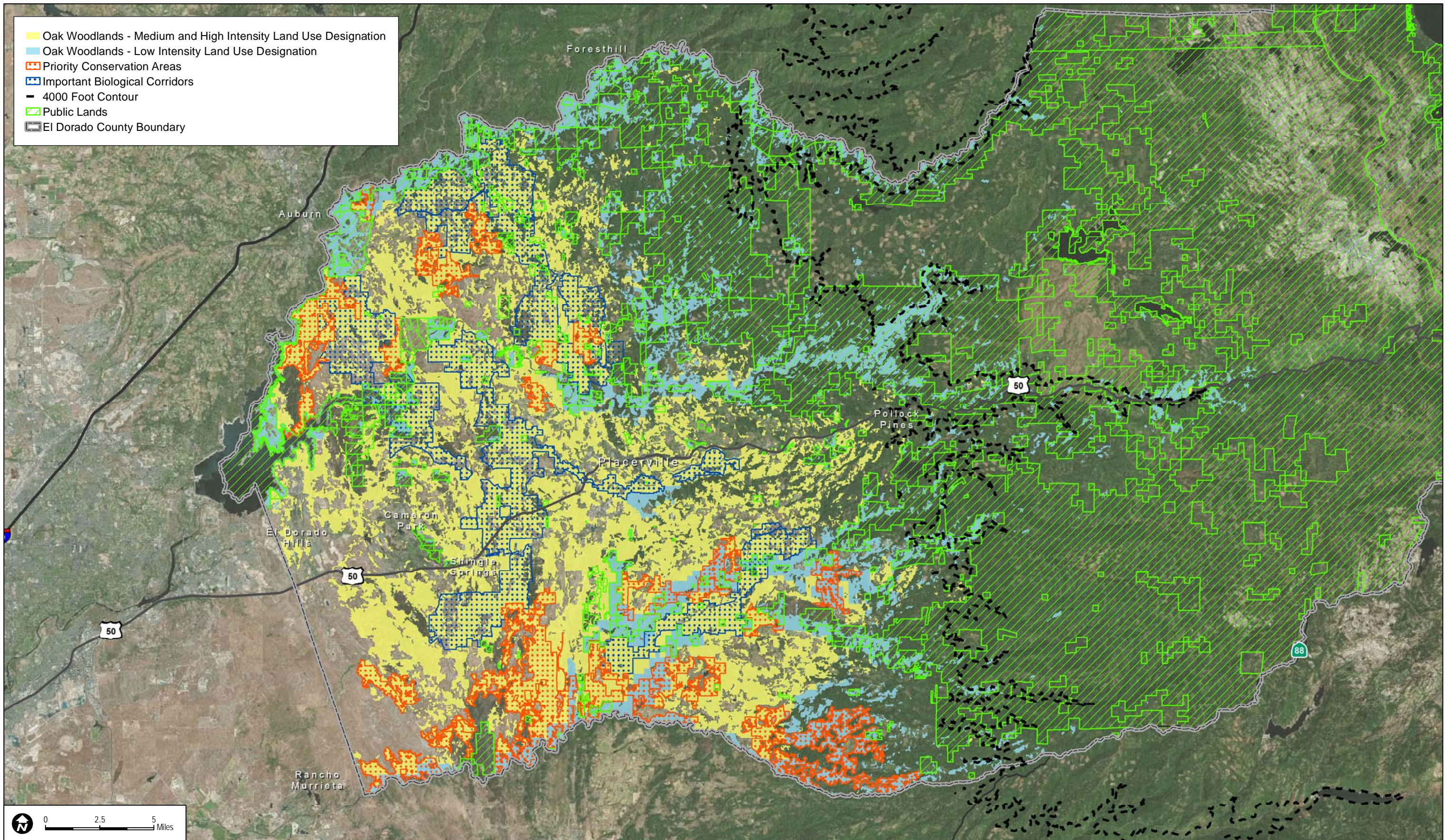
3.3 Fee Adjustments, **Reporting/Accounting**, and **Findings/Reviews**

~~As costs change over time, there will be a need to adjust the in-lieu fees to closely match future cost increases or decreases.~~ Appendix B details the ~~fee adjustment approach, which is summarized below:~~ annual inflation fee adjustment approach; however, as costs change over time, there will be a need to review and adjust the in-lieu fees to closely match future cost increases or decreases. Additionally, there are certain county and state reporting and finding requirements that the county will have to comply with after the in-lieu fee is adopted.

- Annual Inflation Adjustment: An annual adjustment for cost escalations influenced by changes in land values affecting acquisition, conservation easement values, as well as property tax obligations and organizational overhead costs (e.g. rent, wages, benefits, equipment, etc.) shall be applied to the Oak Woodland In-Lieu Fees. The Individual Oak Tree In-Lieu Fees shall be subject to an annual inflation fee that accounts for changes in acquisition/planting and management/monitoring costs.
- **Annual Monitoring and Reporting (Oak Tree/Oak Woodland Removal Permits and Enforcement Actions) (Ordinance Code Section 130.39.090 A.)**
- **Bi-Annual Reporting (Oak Woodland Conservation Fund Fee documentation, evaluation and recommendation regarding fee adjustment, if any) (Ordinance Code Section 130.39.090 B.)**
- **Mitigation Fee Act annual reporting requirement (Government Code Section 66006)**
- **Mitigation Fee Act 5-year findings (Government Code Section 66001)**
- ~~Annual Findings/Accounting: The Development Services Department shall prepare, once each fiscal year for the Board of Supervisors, a report of any portion of in-lieu fees remaining unexpended or uncommitted five or more years after deposit of the fees, identifying the purpose to which the fees are to be put, and demonstrating reasonable relationship between the fees and the purpose for which they were charged.~~
- ~~Other Periodic Reviews and 5-Year Updates: As the in-lieu fee program is implemented, the County will be able to track actual costs related to direct acquisition, conservation easements, overhead, wages, and management and monitoring costs. Therefore, the Nexus Study will need to be updated as new information becomes available and key assumptions can be appropriately refined. Periodically, the real estate market and broader economy undergoes more dramatic changes in land, and/or construction labor costs. Beginning with the fifth fiscal year following the first deposit into the fee account or fund, and every five years thereafter, the County shall make findings pertaining to~~

unexpended in lieu fee account balances. The County may conduct additional periodic review at any time to determine if costs and/or fees require further adjustments.

A report regarding any need for fee adjustments will be included in a report to be submitted to the Planning Commission and Board of Supervisors every other March, as described in Appendix A. The first fee adjustment study would occur at least 12 months after adoption of this ORMP.



DUDEK SOURCE: Bing Maps 2014; FRAP 2006; El Dorado County 2014

8229-01

Draft Oak Resources Management Plan

FIGURE 2
Priority Conservation Areas, Oak Woodlands, and Public Lands in El Dorado County

5.0 Application of ORMP to Development Review Process

Applicability of the ORMP to a development project shall be made as follows:

1. Oak resources are mapped, quantified, and categorized (oak woodland, individual native oak tree, and/or Heritage Tree) by a Qualified Professional hired by the applicant and documented in an oak resources technical report.
2. Oak resources impacts are quantified in the oak resources technical report. Oak resources impacts are calculated by identifying all disturbed areas as proposed, including:
 - a. Roads, driveways, and access drives;
 - b. Graded areas for building pads, parking lots, staging areas, and other improvements; and
 - c. Other disturbed areas resulting in oak resources impacts including septic system leach fields, above- and below-ground utilities, and defensible space vegetation removal for new construction.
3. The proposed oak woodland impact area is compared with the total on-site oak woodland area to determine the appropriate mitigation ratio.
4. Impacts to individual native oak trees and/or Heritage Trees are determined and the sum of impacted trunk diameter (dbh) calculated.
5. If applicable, the applicant proposes mitigation for impacts to oak woodlands in an oak resources technical report by one of the following mechanisms:
 - a. Deed restriction and/or conservation easement dedication (on-site), conservation easement acquisition (off-site), acquisition in fee title by a land conservation organization (on-site and/or off-site);
 - b. In-lieu fee payment at the ratio determined by percentage of on-site oak woodland impact and based on the currently-adopted per-acre fee amount with the fee to be either used by the County to acquire off-site deed restrictions and/or conservation easements or to be given by the County to a land conservation organization to acquire off-site deed restrictions and/or conservation easements;
 - c. Replacement planting on-site within an area subject to a deed restriction or conservation easement;
 - d. Replacement planting off-site within an area subject to a conservation easement or acquisition in fee title by the County or a County-approved land conservation organization; or
 - e. A combination of two or more of the above provisions.

In no case shall replacement planting exceed 50 percent of oak woodland mitigation requirement.

6. If applicable, the applicant proposes mitigation for impacts to individual native oak trees and/or Heritage Trees in an oak resources technical report by one of the following mechanisms:

- a. Replacement planting on-site within an area subject to a deed restriction or conservation easement;
 - b. Replacement planting off-site within an area subject to a conservation easement or acquisition in fee title by the County or a County-approved land conservation organization;
 - c. In-lieu fee payment for all diameter inches removed (dbh), or 3 times the total diameter inches removed for Heritage Trees, and based on the currently-adopted per-inch fee amount with the fee to be either used by the County to plant oak trees or to be given by the County to a land conservation organization to plant oak trees; or
 - d. A combination of two or more of the above provisions.
7. Payment of applicable in-lieu fees and establishment of any required deed restrictions and/or granting of any required conservation easements and/or land acquisition in fee title shall be required as a condition of approval of all discretionary or ministerial permits for which these provisions apply, and shall be completed prior to issuance of a grading or building permit, filing of a parcel or final map, or otherwise commencing with the project. The payment of in-lieu fees may be phased to reflect the timing of the oak resources removal/impact. For phasing, permits issued for oak resources removal shall only be for the area covered by the fee payment.
8. Payment of in-lieu fees and establishment of any required deed restrictions and/or granting of any required conservation easements and/or land acquisition in fee title, if necessary, shall be completed prior to issuance of a building or grading permit for ministerial projects.

Mitigation Maintenance, Monitoring and Reporting: Required care, inspection and documentation of Replacement Trees, including acorns, when planted as mitigation for loss of oak woodlands, loss of individual native oak tree(s) or Heritage Tree(s) as defined in the ORMP. Mitigation maintenance, monitoring and reporting shall contain the following elements:

1) Annual monitoring and maintenance of Replacement Trees during the 7-year period after planting in which any trees that do not survive during this period are replaced as needed by the responsible party listed on the Oak Tree or Oak Woodland Removal Permit for a period of 7 years from the date of planting,

2) Monitoring reports documenting the success of Replacement Tree planting submitted to the County at the following intervals:

- Oak Woodland Mitigation: Annually and at the conclusion of the 7-year period after planting (see ~~Section 6.0~~, definition of “Monitoring Report” [in this section](#)).
- Individual Native Oak Tree and Heritage Tree Mitigation: At the conclusion of the 7-year period after planting (see ~~Section 6.0~~, definition of “Monitoring Report” [in this section](#)).

Monitoring Report: A report prepared by a Qualified Professional documenting site observations and replacement planting survival totals for oak resources mitigation efforts. A Final Monitoring Report is one prepared at the end of the 7-year maintenance and monitoring period that summarizes replacement planting survival totals. All Final Monitoring Reports shall contain contingencies or alternatives if the success criteria for replantings, as determined by a Qualified Professional, have not been met at the end of the monitoring term, along with a means to ensure compliance with the replacement planting plan. A copy of the Final Monitoring Report shall be submitted to the County.

Oak Resources: Collectively, oak woodlands, individual native oak trees, and Heritage Trees.

Oak Resources Impacts: For individual native oak trees and Heritage Trees, removal or actions that cause the death of the tree shall constitute an impact. For oak woodlands, the oak woodland acreage that occurs within project-related disturbance areas shall be considered impacted.

Oak Tree Removal Permit: A permit issued by the County allowing removal of individual native oak trees not located within an oak woodland. An oak resources technical report shall accompany any tree removal permit application submitted to the County. Conditions of approval may be imposed on the permit. If a tree removal permit application is denied, the County shall provide written notification, including the reasons for denial, to the applicant. Oak tree removal permit processing and approval will be conducted concurrently with the environmental review process for discretionary projects or concurrent with other permit review and processing for ministerial projects (e.g., building permits).

Oak Woodland Conservation Fund: A fund set up by the County to receive in-lieu fees (Oak Woodland In-Lieu Fee and Individual Tree In-Lieu Fee) which shall be used to fund the acquisition of land and/or oak woodland conservation easements from willing sellers, native oak tree planting projects, and ongoing conservation area monitoring and management activities, including but not limited to fuels treatment, weed control, periodic surveys, and reporting.

communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001.

Heritage Trees: Any live native oak tree of the genus *Quercus* (including blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizeni*), canyon live oak (*Quercus chrysolepis*), Oregon oak (*Quercus garryana*), oracle oak (*Quercus x morehus*), or hybrids thereof) with a single main trunk measuring 36 inches dbh or greater, or with a multiple trunk with an aggregate trunk diameter measuring 36 inches or greater.

Impact: For Individual Native Oak Trees, the physical destruction, displacement or removal of a tree or portions of a tree caused by poisoning, cutting, burning, relocation for transplanting, bulldozing or other mechanical, chemical, or physical means. For oak woodlands, tree and land clearing associated with land development, including, but not limited to, grading, clearing, or otherwise modifying land for roads, driveways, building pads, landscaping, utility easements, fire-safe clearance and other development activities.

In-lieu Fee: Cash payments that may be paid into the County’s Oak Woodland Conservation Fund by an owner or developer as a substitute for a Deed Restriction, Conservation Easement or replacement planting. In-lieu fee amounts for Individual Native Oak Trees, Heritage Trees, and Oak Woodlands as presented in the ORMP may be adjusted by the County over time to reflect changes in land values, labor costs, and nursery stock costs.

Individual Native Oak Tree(s): Any live native oak tree of the genus *Quercus* (including blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizeni*), canyon live oak (*Quercus chrysolepis*), Oregon oak (*Quercus garryana*), oracle oak (*Quercus x morehus*), or hybrids thereof) with a single main trunk measuring greater than 6 but less than 36 inches dbh, or with a multiple trunk with an aggregate trunk diameter measuring greater than 10 but less than 36 inches dbh.

Oak Resources: Collectively, Oak Woodlands, Individual Native Oak Trees, and Heritage Trees.

Oak Resources Technical Report: A stand-alone report prepared by a Qualified Professional containing information, documents and formatting as specified in Section 2.5 ([Oak Resources Technical Reports](#)) of the ORMP (~~Oak Resources Technical Reports~~).

Oak Tree Removal Permit: A permit issued by the County allowing removal of individual native oak trees not located within an oak woodland. An oak resources technical report shall accompany any tree removal permit application submitted to the County. Conditions of approval may be imposed on the permit. If a tree removal permit application is denied, the County shall provide written notification, including the reasons for denial, to the applicant. Oak tree removal permit processing and approval will be conducted concurrently with the environmental review process for discretionary projects or concurrent with other permit review and processing for ministerial projects (e.g., building permits).

130.39.050 Exemptions and Mitigation Reductions

Oak resources impact mitigation is required for any non-exempt action requiring discretionary development entitlements or approvals from El Dorado County, or ministerial actions requiring a building permit or grading permit issued by El Dorado County. With the exception of dead, dying, and diseased trees, as discussed in Section 130.39.050.I (Dead, Dying, or Diseased Trees) below, all impacts to Heritage Trees, individual valley oak trees, and valley oak woodlands shall be subject to the provisions and mitigation requirements contained in the ORMP, regardless of whether or not the action requires a development permit. With the above noted exceptions, the provisions of this Chapter do not apply to the following activities, uses, and structures, except where provisions of a memorandum of understanding between the County and another governmental agency provide for County regulatory authority or otherwise provided by law:

- A. Existing Single-Family Parcels.** Projects or actions occurring on parcels of 1 acre or less allowing a single-family residence by right, and that cannot be further subdivided without a General Plan Amendment or Zone change are exempted from the mitigation requirements included in this Chapter.
- B. Fire Safe Activities.** Actions taken pursuant to an approved Fire Safe Plan for existing structures, or a Community Wildfire Protection Plan, or in accordance with Defensible Space maintenance requirements for existing structures as identified in California Public Resources Code (PRC) Section 4291 are exempted from the mitigation requirements included in this Chapter. Oak resources impacts for initial Defensible Space establishment for new development are not exempt from the mitigation requirements included in this Chapter.

In addition, fuel modification activities outside of Defensible Space areas that are associated with fuel breaks, corridors, or easements intended to slow or stop wildfire spread, ensure the safety of emergency fire equipment and personnel, allow evacuation of civilians, provide a point of attack or defense for firefighters during a wildland fire, and/or prevent the movement of a wildfire from a structure to the vegetated landscape, where no grading permit or building permit is applicable, are exempted from the mitigation requirements included in this Chapter.

- C. Utility Line Maintenance.** Actions taken to maintain safe operation of existing utility facilities in compliance with state regulations (PRC 4292-4293 and California Public Utilities Commission (CPUC) General Order 95) are exempted from the mitigation requirements included in this ORMP. Actions associated with development of new utility facilities, including transmission or utility lines, are not exempt.
- D. County Road Projects.** Road widening and realignment projects necessary to increase capacity, protect public health, and improve safe movement of people and goods in existing public rights-of-way (as well as acquired rights-of-way necessary to complete the project) where the new alignment is dependent on an existing alignment are exempted from the mitigation requirements included in this ORMP. New proposed roads within the County Circulation Element and internal circulation roads within new or proposed development are not exempt.

- E. Affordable Housing.** Affordable housing projects for lower income households, as defined pursuant to Section 50079.5 of the California Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to California Government Code §56076 are exempted from the mitigation requirements included in this Chapter.
- F. Agricultural Activities.** With the exception of uses/activities that require issuance of a Conditional Use Permit, and when such uses/activities are otherwise consistent with other provisions of County Code Title 130 (Zoning Ordinance), the following types of agricultural activities are exempted from the mitigation requirements included in this Chapter :
1. Agricultural activities conducted for the purposes of producing or processing plant and animal products or the preparation of land for this purpose;
 2. Agricultural Cultivation/Operations, whether for personal or commercial purposes (excluding commercial firewood operations);
 3. Activities occurring on lands in Williamson Act Contracts or under Farmland Security Zone Programs.
- G. Emergency Operations.** Actions taken during emergency firefighting operations or responses to natural disasters (e.g., floods, landslides, avalanches, etc.) and associated post-fire or post-disaster remediation activities are exempted from the mitigation requirements included in this Chapter.
- H. Timber Harvest Plan.** Tree removal permitted under a Timber Harvest Plan approved by CAL FIRE is exempted from the mitigation requirements included in this Chapter.
- I. Dead, Dying, or Diseased Trees.** Individual native oak tree removal (including individual valley oak trees and valley oak trees within valley oak woodlands) is exempted from the mitigation requirements included in this Chapter when:
1. The tree is dead, dying, or diseased, as documented in writing by a Certified Arborist or Registered Professional Forester; and/or
 2. The tree exhibits high failure potential with the potential to injure persons or damage property, as documented in writing by a Certified Arborist or Registered Professional Forester.
- J. Exemption for Personal Use.** Removal of a native oak tree, other than a Heritage Tree, when it is cut down on the owner's property for the owner's personal use, is exempted from the mitigation requirements included in this Chapter provided that no more than 8 trees are removed from a single parcel per year and provided that the total diameter inches at breast height (dbh) of trees removed from a single parcel per year does not exceed 140 inches.
- K. Mitigation Reductions for Affordable Housing.** Non-exempt affordable housing projects may qualify for partial oak woodland mitigation credit. Specifically, development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units, as defined by California Health and Safety Code §50052.5, 50053, and 50093, shall be granted a reduction in the amount of oak woodland

that is required to be mitigated, as set forth in Table 2. The reduction is to be applied to the mitigation ratio presented in Table 3 and shall only be applied to the residential portion(s) of the proposed project. This reduction for affordable housing projects ~~does apply to oak woodland and individual native oak tree impacts and but not apply to removal of Heritage Trees or individual valley oak trees. This reduction for affordable housing projects also does not apply to impacts to valley oak woodlands impacts. This reduction for affordable housing projects applies to impacts to other oak woodland habitat and removal of other individual oak trees impacts.~~ In no case shall the mitigation requirement be less than zero.

Table 2
Affordable Housing Mitigation Reduction

Affordable Housing Type (Household Income Level)	Percent Oak Woodland Mitigation Reduction (for portion of project that is income restricted)
Very Low	200%
Lower	100%
Moderate	50%

Example: A project proposes 25% of the units to be affordable in the Lower income category. The oak woodland mitigation ratio may be reduced by 25%. A Moderate income project that provides all units at that income level may reduce the oak woodland mitigation ratio by 50%. A project with 20% Very Low income units would receive a 40% reduction in oak woodland mitigation ratio.

130.39.060 Oak Tree and Oak Woodland Removal Permits – Ministerial Development Projects.

An Oak Tree and/or Oak Woodland Removal Permit shall be required for all non-exempt ministerial (e.g. building permit-related) development activities with Impacts to Oak Resources on a Developed Parcel as defined in this Chapter. Oak Tree and Oak Woodland Removal Permits shall contain the following minimum information as specified below:

- A. Administrative Permit.** For purposes of this Chapter, Oak **Tree** and Oak Woodland Removal Permits shall be processed as an Administrative Permit pursuant to Chapter 130.52 (Permit Requirements, Procedures, Decisions and Appeals).
- B. General Permit Requirements.** Application for an Oak Tree or Oak Woodland Removal Permit shall be made by filing a completed application form with the Director. The form shall require the following minimum information:
 1. An Oak Resources Technical Report as defined in this Chapter;
 2. Condition of the Oak Resource(s) subject to Impact;
 3. Site/Plot plan of affected parcel(s) as required by Administrative Permit requirements;

5. Any other information as determined by the Director to be necessary or convenient to evaluate the request.

C. Oak Tree and Oak Woodland Removal Permits – Permit Processing

1. The director shall issue an Oak Tree or Oak Woodland Removal Permit pursuant to Administrative Permit processing requirements.
2. The property owner shall be required to mitigate Oak Resources Impacts as shown in Section 130.39.060.D (Mitigation-Oak Woodland Removal) and/or Section 130.39.060.E (Mitigation – Individual Native Oak Tree/Heritage Tree Removal) below:

D. Mitigation – Oak Woodland Removal. If identified Oak Woodlands will be impacted as part of the permit, the applicant shall mitigate for loss of Oak Woodlands by In-lieu Fee payment to the Oak Woodland Conservation Fund. Fee payment shall be based on the percent of on-site Oak Woodlands impacted by the development as shown in Table 5 in the ORMP (Oak Woodland In-Lieu Fee).

Ministerial development projects where alternate mitigation is requested, such as replacement planting or Oak Woodlands conservation (either on-site or off-site) will require a Minor Use Permit pursuant to Section 130.52.020 (Minor Use Permits) and/or other permit(s) as required for review of the project by the County Code of Ordinances. Such requests shall be processed as a discretionary development project as specified in Section 130.39.070 (Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects). Replacement planting shall be consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP.

E. Mitigation – Individual Native Oak Tree/Heritage Tree Removal. If Individual Native Oak Trees, including Heritage Trees, **regardless of location within or outside of an oak woodland,** will be impacted as part of the permit, the applicant shall mitigate for loss of individual tree(s) by In-lieu Fee payment to the Oak Woodland Conservation Fund. In Lieu Fee payment for individual oak tree removal shall be as shown on Table 6 (Individual Oak Tree In-Lieu Fee) of the ORMP.

Ministerial development projects where alternate mitigation is requested, such as replacement planting (either on-site or off-site), will require a Minor Use Permit pursuant to Section 130.52.020 (Minor Use Permits) and/or other permit(s) as required for review of the project by the County Code of Ordinances. Such requests shall be processed as a discretionary development project as specified in Section 130.39.070 (Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects). Replacement planting shall be consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP.

130.39.070 Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects.

- A. Oak Tree and Oak Woodland Removal Permits.** An Oak Tree and/or Oak Woodland Removal Permit shall be a component of all discretionary projects with Impacts to Oak Resources as defined in this Chapter.
- B. Commercial Firewood.** For purposes of this Section, Commercial Firewood Cutting operations shall be considered discretionary and subject to a Minor Use Permit pursuant to Section 130.52.020 (Minor Use Permits). In addition to the specific findings required for Minor Use Permits, a Minor Use Permit for Commercial Firewood Cutting operations shall also consider the following:
1. Whether the removal of the tree(s) would have a significant negative environmental impact;
 2. Whether the proposed removal would not result in clear-cutting, but would result in thinning or stand improvement;
 3. Whether replanting would be necessary to ensure adequate regeneration;
 4. Whether the removal would create the potential for soil erosion;
 5. Whether any other limitations or conditions should be imposed in accordance with sound tree management practices; and
 6. What the extent of the resulting oak woodland coverage would be.
- C. Mitigation Requirement.** Impacts to oak resources on a property subject to a discretionary approval shall be addressed in the discretionary application review process and shall be incorporated as conditions of project approval.
1. **Mitigation – Oak Woodlands Removal.** If identified Oak Woodlands will be impacted as part of the permit, the applicant shall mitigate for loss of oak woodlands. Mitigation shall occur at the ratio identified in Table 1 (Oak Woodland Mitigation Ratios) using one or more of the following options as specified in the ORMP:
 - a. In-lieu Fee payment based on the percent of on-site Oak Woodland impacted by the development as shown in Table 5_-(Oak Woodland In-Lieu Fee) in the ORMP to be either used by the County to acquire off-site deed restrictions and/or conservation easements or to be given by the County to a land conservation organization to acquire off-site deed restrictions and/or conservation easements;
 - b. Off-site Deed Restriction or Conservation Easement acquisition for purposes of off-site oak woodland conservation consistent with Chapter 4.0 (Priority Conservation Areas) of the ORMP;
 - c. Replacement planting within an area on-site for up to 50 percent of the total Oak Woodland mitigation requirement consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP. This area shall be subject to a Deed Restriction or Conservation Easement;

- d. Replacement planting within an area off-site for up to 50 percent of the total Oak Woodland mitigation requirement. Off-site replacement planting areas shall be consistent with Section 2.4 (Replacement Planting Guidelines) and Chapter 4.0 (Priority Conservation Areas) of the ORMP. This area shall be subject to a Deed Restriction or Conservation Easement;
 - e. A combination of options a through d above.
2. **Mitigation – Individual Native Oak Tree/Heritage Tree Removal.** If Individual Native Oak Trees, including Heritage Trees, will be impacted as part of the permit, the applicant shall mitigate for loss of individual tree(s) by one or more of the following options as specified in the ORMP:
- a. In-lieu Fee payment for individual oak tree removal to be either used by the County to plant oak trees or to be given by the County to a land conservation organization to plant oak trees as shown in Table 6 (Individual Oak Tree In-Lieu Fee) of the ORMP;
 - b. Replacement planting on-site consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP within an area subject to a Deed Restriction or Conservation Easement and utilizing the replacement tree sizes and quantities shown in Table 2. On-site replacement planting shall be consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP;
 - c. Replacement planting off-site within an area subject to a Conservation Easement or acquisition in fee title by a land conservation organization utilizing the replanting sizes and quantities specified in Table 2. Off-site replacement planting shall be consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP; or
 - d. A combination of options a through c above.

**Table 1
Oak Woodland Mitigation Ratios**

Percent of Oak Woodland Impact	Oak Woodland Mitigation Ratio
0-50%	1:1
50.1-75%	1.5:1
75.1-100%	2:1

**Table 2
Oak Tree Replacement Quantities**

Replacement Tree Size	Number of Trees Required Per Inch of Trunk Diameter Removed
Acorn	3
1-gallon/TreePot 4	2
5-gallon	1.5
15-gallon	1

D. Oak Resources Technical Report. An Oak Resources Technical Report shall accompany any discretionary development project and include all pertinent information, documents and recommended mitigation as specified in the ORMP. Oak Resources shall not be removed from such property until the discretionary review process is completed and a permit has been issued.

FF. Security Deposit for On-Site Oak Tree/Oak Woodland Retention. If Oak Resources are identified for on-site retention as part of a discretionary project, a bond or other security instrument in an amount not less than ten thousand dollars shall be required as a condition of issuance of the discretionary permit and/or authorization to protect any Individual Native Oak Trees and/or Oak Woodlands identified for preservation during the construction period. The form and amount of the security instrument shall be specified by the permit issuing body and approved by County Counsel. No grading or other on-site work shall be permitted until the security is posted.

130.39.080 Enforcement

Fines, as established in the ORMP, shall be issued to any property owner that is not exempt from the standards included in the ORMP who Impacts an Oak Resource without first obtaining an Oak Tree and/or Oak Woodland Removal Permit. If an oak woodland is impacted without an Oak Woodland Removal Permit, in addition to issuing fines and penalties, any and all applications for development of that property shall be deemed incomplete unless and until the property owner enters into a settlement agreement with the County or all code enforcement and/or criminal proceedings are complete and all penalties, fines and sentences are paid or fulfilled.

If individual native oak trees or Heritage Trees are impacted without an Oak Tree Removal Permit, in addition to issuing fines and penalties, any and all applications for development of that property shall be deemed incomplete unless and until the property owner enters into a settlement agreement with the County or all code enforcement and/or criminal proceedings are complete and all penalties, fines and sentences are paid or fulfilled.

130.39.090 Monitoring and Reporting

A. Annual Monitoring and Reporting – Oak Tree/Oak Woodland Removal Permits and Enforcement Actions. The County shall monitor all Oak Tree and Oak Woodland Removal Permits and any enforcement actions on an annual basis. The County shall provide the results of this monitoring to the Board of Supervisors in the form of an annual report. The report shall include the quantity of permits issued and estimated inches/acres approved for removal during the reporting year.

B. Bi-Annual Reporting - Oak Woodland Conservation Fund Fees. The County shall monitor all In-lieu Fees deposited into the Oak Woodland Conservation Fund and provide documentation of fees collected and recommend fee adjustment(s), as appropriate, to the Planning Commission and Board of Supervisors every other March, as specified in Appendix A of the ORMP. ~~In addition to the monitoring and reporting requirements specified in the ORMP, fee reports shall provide information consistent with Government Code Section 66001.~~

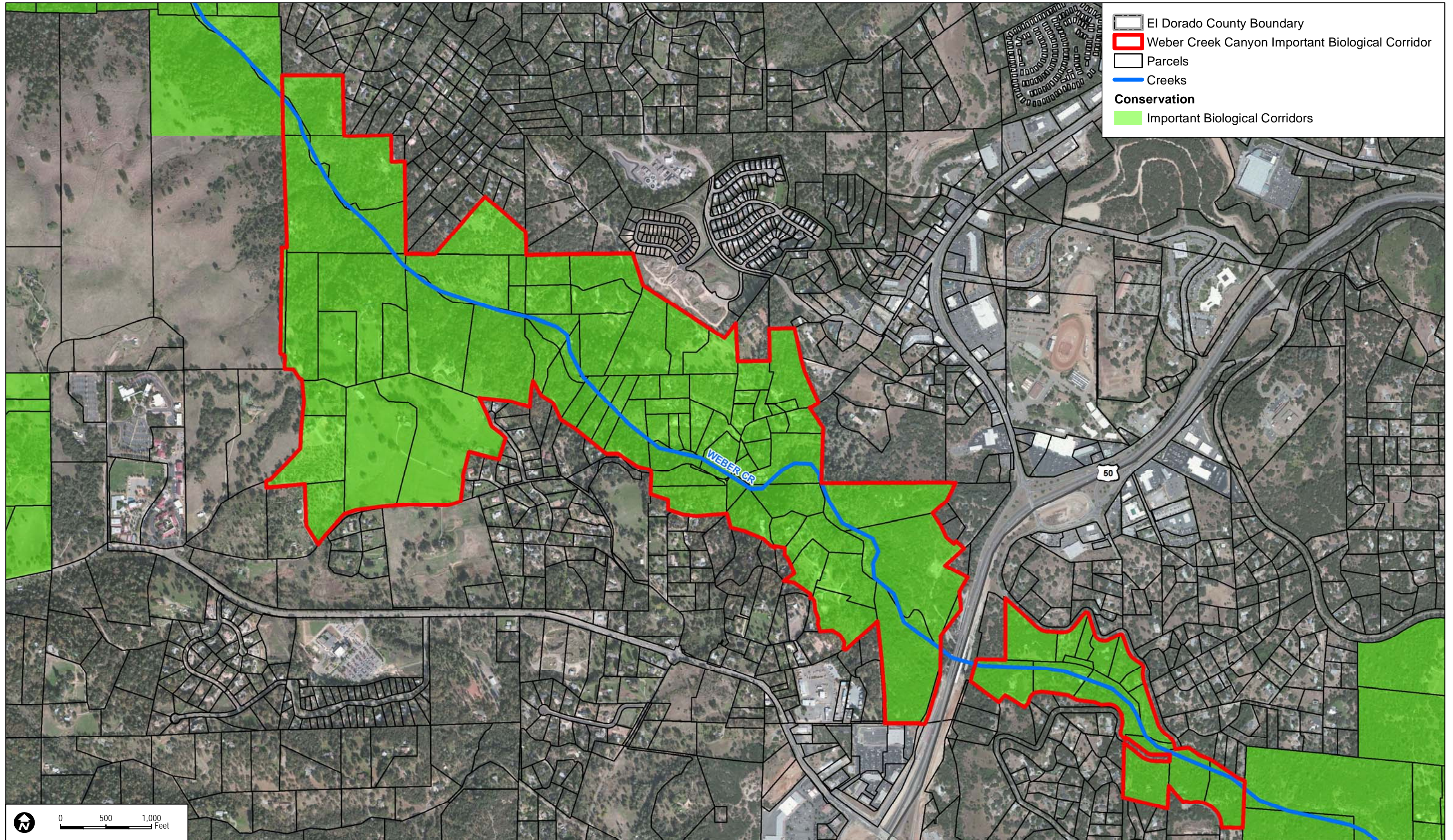
or under Farmland Security Zone Programs is also exempt from oak woodlands mitigation requirements. However, the exemption does not apply to activities that require the County to issue a Conditional Use Permit. Thus, mitigation for impacts to oak resources would be required as described in the ORMP for projects that would construct, for example, a microbrewery, bed and breakfast inn, health resort and retreat center, feed and farm supply store, or wholesale storage and distribution facility. All uses that require a the County to issue a Conditional Use Permit to be constructed on lands that are zoned for or allow agricultural uses would be subject to the impact analysis and mitigation requirements of the ORMP.

To evaluate the effect of exempting oak woodlands impacts associated with agricultural activities, the FRAP oak woodlands coverage data was overlaid on the El Dorado County parcel dataset in GIS (Figure 6-2). Parcels within the ORMP Area that included any amount of oak woodlands coverage were selected. The selected subset of parcels with oak woodlands coverage was then queried to determine land planned for agricultural use or that could allow agricultural activities (AL, NR, RR, and Agricultural Districts [-A]) or Agricultural, ~~Rural Lands~~, and Resource Zones (PA, LA, ~~and AG, and RL~~), or in Williamson Act Contracts, under Farmland Security Zone Programs, or in/partially in a Mineral Resource zone. Commercial and residential agricultural uses are permitted in other zoning districts, such as the Rural Lands zoning district. As shown in Table 6-13, there are 88,859 acres of oak woodlands in lands that carry the Rural Lands zoning designation and that could be used for agricultural activities that would qualify for the Agricultural Exemption. However, such districts are not necessarily considered agricultural zones and the Right-to-Farm protections that are guaranteed to lands in other agricultural zones do not extend to this district, and thus it is expected that the amount of oak woodland impacted from agricultural activities in the Rural Lands would be considerably less than 88,859 acres.

All parcels meeting these criteria with some level of oak woodlands coverage were then evaluated, and the acreage of oak woodlands area contained within them calculated. Table 6-12 summarizes the acreage of oak woodlands potentially covered under the Agricultural Activities Exemption, by woodland type.

Table 6-12
Oak Woodlands Located in Agricultural Lands

Oak Woodlands Type (FRAP 2015)	Total Oak Woodlands in ORMP Area (acres)	Total Oak Woodlands Area within Agricultural Lands (acres)
Blue Oak Woodland	46,521	29,279
Blue Oak-Foothill Pine	64,740	37,458
Coastal Oak Woodland	2	1
Montane Hardwood	98,930	50,655
Montane Hardwood-Conifer	32,643	12,785
Valley Oak Woodland	3,970	2,103
Total	246,806	132,281



SOURCE: Bing Maps 2014; CPAD 2014; FRAP 2006; El Dorado County 2014

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FIGURE 1
Weber Creek Canyon Important Biological Corridor