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TO: Board of Supervisors

FROM: Rob Peters, Deputy Director of Planning

DATE: May 14, 2025

SUBJECT: Oak Resources Conservation Zoning Ordinance Update

INTRODUCTION

On January 14, 2025 (File No. 25-0052), staff held a public workshop with the Board to solicit feedback on preliminary draft amendments to Chapter 130.39 of the Zoning Ordinance (Oak Resources Conservation). At the workshop, the Board reviewed the proposed amendments and recommended staff move them forward for adoption as presented with a few minor edits and clarifications. The Board also directed staff to explore the scope, schedule, and cost of processing two additional items not included in the proposed amendments and report back to the Board with staff's findings: 1) a proposed exemption for live oak trees and 2) a second proposed exemption for roadside oak tree trimming/removal for wildfire prevention. This memo provides a summary of the requested information on those two items.

RECOMMENDATION

Staff recommends the Board, 1) direct staff to advance the draft amendments to Chapter 130.39 (Oak Resources Conservation), including minor edits/clarifications recommended by the Board at the January 2025 workshop, for a hearing by the Planning Commission (Commission), and 2) not pursue either exemption at this time due to budget considerations and table them for future consideration as part of possible comprehensive updates to the General Plan, Zoning Ordinance, and Oak Resources Management Plan (ORMP).

BACKGROUND

2024: On February 22 (File No. 24-0265), staff held a public workshop with the Commission to solicit feedback on the proposed amendments to Chapter 130.39 of the Zoning Ordinance. The Commission supported the draft amendments as proposed and recommended a few minor edits which were incorporated into the draft amendments as appropriate.

2025: On January 14 (File No. 25-0052), staff held a public workshop with the Board to solicit additional feedback on the proposed ordinance amendments. Although the Board supported the draft amendments as presented, the Board also directed staff to explore and provide information back to the Board regarding the scope, schedule, and cost of processing two additional items not included in the preliminary ordinance update: 1) an exemption for live oak trees and 2) a second exemption for roadside oak tree trimming/removal for wildfire prevention.

BOARD-REQUESTED ITEMS FOR DISCUSSION

Under the current draft amendments to Chapter 130.39 of the Zoning Ordinance, the removal of oak trees is allowed if the tree is 1) less than six diameter at breast height (DBH), 2) dead, dying, or diseased (with certification by a Certified Arborist or Registered Professional Forester) with high failure potential with the potential to injure persons or damage property, 3) associated with an approved fire safe plan to protect existing structures or as part of an approved Community Wildfire Protection Plan or maintenance of Defensible Space requirements under Public Resources Code Section 4291 and Chapter 8.09 of the County Ordinance Code, 4) associated with a County road project, or 5) associated with utility line construction or maintenance.

Below is a brief overview of the two additional items identified by the Board for additional Research.

Live Oak Tree Exemption

Since live oak exemptions were not included in the County's previous environmental analyses, including the 2004 General Plan Environmental Impact Report (EIR) and the 2017 General Plan Biological Policy Updates EIR, exempting live oaks from the Zoning Ordinance would be considered a new project pursuant to the California Environmental Quality Act and require a new EIR to assess the potential environmental impacts of removing the existing protections for live oaks as well as mitigation measures to avoid or mitigate those impacts. During the development of Chapter 130.39 – specifically on July 28, 2014 (File 12-1203) – the Board considered but ultimately rejected incorporating this exemption due to the additional time, cost, and environmental review involved. A preliminary cost estimate indicates that a new EIR would cost an estimated \$300,000 and take approximately 2 years to complete due to the complexity of environmental analysis needed and anticipated robust public participation/comments. This cost estimate does not include the work to update the Zoning Ordinance, ORMP, and possibly the General Plan.

If such an exemption were implemented, a process would be implemented requiring written verification of tree species by a qualified professional, such as a registered arborist, qualified biologist, or licensed forester prior to removal. This service could cost property owners between \$200 and \$2,000 or more, depending on the number and location of live oak trees on the site.

Exemption for Removal of Oak Trees Along Roads

The second item is a proposed exemption for trimming or removing roadside oak trees for

wildfire prevention. Although Chapter 8.09 of the County Ordinance Code (Hazardous Vegetation and Defensible Space) allows for case-specific exemptions as determined by an Investigative Official, including roadway and driveway clearance of Ladder Fuels (under-canopy vegetation and tree limbs less than 15 feet in height) up to 10 feet from the edge of roads and driveways and Hazardous Vegetation (including dead or dying trees), these provisions would not be sufficient to ensure adequate Countywide road clearance, including oak tree removal as needed, to help prevent the spread of wildfires. Like the live oak exemption, this change would also require a new EIR, as the County's previous environmental analysis did not include a Countywide exemption for roadside fire clearance and analysis of potential environmental impacts that result from that exemption or mitigation measures to avoid or mitigate the potential impact. As the environmental analysis is anticipated to be different and less extensive than the analysis required for the live oak tree exemption, a new, standalone EIR is recommended, with a preliminary cost estimate of \$250,000 and 1.5 years to complete due to the complexity of environmental analysis needed and anticipated robust public participation/comments. This cost estimate does not include the work to update the Zoning Ordinance, ORMP, and possibly the General Plan. If the environmental review for both exemptions was processed together, the overall EIR processing cost and processing time would be reduced, with combined costs likely comparable to the standalone EIR for live oaks (\$400,000 total cost) with a combined processing time of 2-3 years.

If this exemption was developed and implemented, decisions on several key items should be made, including:

1. Coordination with CAO Wildfire Prevention Staff:
Collaborate with appropriate CAO wildfire prevention staff to ensure ongoing support and consistency between applicable titles/chapters of the County Ordinance Code.
2. Determine Required Clearing Distance:
Define the appropriate distance for roadside tree clearing to effectively support wildfire prevention efforts, in accordance with fire safety guidelines or best practices
3. Detailed Cost Breakdown:
Develop a clear estimate of the typical costs involved in roadside tree removal or trimming, including labor, equipment, and disposal.
4. Oak Tree Identification:
Establish a method for identifying oak trees that would be subject to this exemption.
5. Funding Responsibility:
Decide who would be responsible for paying for the work—County, property owners, or another source (e.g. available grant funding).
6. Countywide Program Consideration:
Evaluate whether it would be beneficial to create a Countywide program for roadside tree trimming/removal instead of handling it on a case-by-case basis
7. Property Owner Permissions and Access:
Address how to obtain permission from property owners and secure access to private land where needed.