

El Dorado County Oak Resources Conservation Ordinance Update (Title 130, Chapter 130.39)

Board of Supervisors Public Workshop, January 14, 2025



Background

- State passage of the Oak Woodlands Conservation Act 2001:
- County adoption of Oak Resources Management Plan 2017: (ORMP) and Implementing Ordinance as directed by General Plan
- On December 7, BOS directed consultant and staff to correct 2021: identified issues with the 2017 ordinance (File 21-1753)
- **2022-2023**: Consultant and staff developed draft amendments in consultation with other agencies/departments (e.g. OWPR).
- On February 22, staff held a public workshop with the 2024: Planning Commission to solicit public and Commission feedback on the proposed amendments. Work is ongoing.



Applicability: Clarify how the ordinance would apply to public lands (Section 130.39.020).

Clarify In-Lieu Fee Calculation Method for removal of Oak Woodlands vs. Individual Native Oak Trees (Sections 130.39.070.1 and 130.39.070.2)

Clarify oak mitigation requirements for new subdivision maps (Tentative Maps, Final Maps, Parcel Maps) (Section 130.39.060)

Consider revising the definition of "Heritage Trees" to address identified issues with trees containing multiple small trunks (Section 130.39.030).

Objectives (Cont)

Review/Clarify exemption for existing single-family parcels (Section 130.39.050).

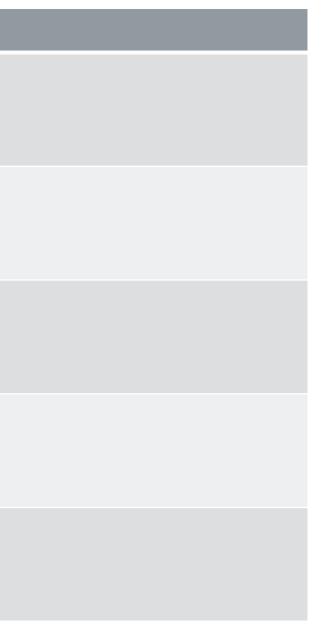
Oak Bonds: Clarify applicability and process requirements (Sections 130.39.070.B and 130.39.070.C).

Consider a standalone "Oak Tree Removal Permit" for ease of enforcement (130.39.060)

Incorporate other activities that cause oak impacts (e.g. septic permits) (Section 130.39.020)

Address identified issues with personal use exemption (Section 130.39.070.D.4).





Key Proposed Ordinance Revisions

	lssue	Discussion/Revisions
	Potential conflicts with Title 130 or other County Codes (Section 130.39.015)	Section 130.39.015 ("Conflict of Ordinances") added to conflicts with other County codes or ordinances.
	Ordinance applicability to County projects (Section 130.39.020)	Section 130.39.020.A (Applicability) amended to clarify undertaken by the County are exempt from oak tree/oa requirements.
	Consistency with new state and County Fire Safe regulations (Section 130.39.030)	New definitions of key Fire Safe terms have been added 130.39.030 (Definitions).
	Consistency with new state and County Fire Safe regulations (Section 130.39.050.B)	Exemptions for "Fire Safe Activities" (Section 130.39.05) consistency with state law and Chapter 8.09 of the Cou (Hazardous Vegetation and Defensible Space)

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Key Proposed Ordinance Revisions

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	lssue	Discussion/Revisions
	In-Lieu Fee Calculation: Removal of Oak Woodlands vs. Individual Native Oak Trees (Section 130.39.030)	For purposes in-lieu fee calculation, clarified existing de Woodland Removal Permit" to include oak woodlands in size that would be impacted by proposed developm
	Exemption for existing single- family parcels that cannot be further subdivided (Section 130.39.050.A)	This exemption was removed due to enforcement issue state law (e.g. SB9) allowing ministerial small lot subdiv
	Clarify definition of "Heritage Trees" to address measurement issues with multi-trunked trees (Section 130.39.030)	For multi-trunked trees, aggregate diameter measurem should be measured from the largest three trunks, cons practice.
	Oak Tree/Woodland Removal Permits (Section 130.39.060)	For ease of enforcement, this section was amended to oak tree/woodland removal permit (Administrative Perr development activities (ministerial and discretionary) th Resources.

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ment (36 inches dbh) nsistent with industry

require a standalone rmit) for all hat impact Oak

Key Proposed Ordinance Amendments

Discussion/Revisions
Mitigation for state streamlined ministerial projects shal payment (Subsections 130.39.070.A.1 and 130.39.070.
Impacts to be mitigated by the applicant's choice of on following: 1) In-lieu fee payment or 2) replacement pla
For clarity, mitigation reductions in Section 130.39.050 to Section 130.39.070 (Mitigation)

all be via in-lieu fee).B.1)

ne or more of the anting (on or off-site).

have been relocated

Discussion Items

- Why does the ordinance require a technical report from a qualified professional?
 - Staff do not have the biological background and technical expertise to review potential impacts to Oak Resources:
 - All oak impacts are parcel and project-specific
 - Qualified professionals are needed to confirm the type (Heritage trees, Valley oak trees/woodland, individual native oak trees, oak woodland) and extent of oak resources impacted by proposed development.
- Mitigation Exemption for Insurance-Required Removal • (Section 130.39.070.D.5)
 - Insurance-required oak tree removal would be exempt from mitigation (fees, replanting, etc.)
 - How should required oak tree removal be documented and certified?
 - Are there options available to reduce homeowner cost?

Discussion Items (Cont)

- Definition of "Heritage Trees" (Section 130.39.030 Definitions)
 - Staff recommends Heritage Trees be defined based on a measurement of the three largest trunks (36" dbh) based on current industry practice.
- Exemption for Existing Single-Family Parcels that cannot be further subdivided (Section 130.39.050.A)
- Mitigation Maintenance, Monitoring and Reporting (Section 130.39.100)
 - Annual Monitoring/Reporting:
 - Does there remain a need for regular monitoring/reporting to the Board?
 - Biennial Reporting of Oak Woodland Conservation Fund Fees:
 - Need for biennial reporting?
 - Would a longer review period (e.g. five-year fee reporting) be more appropriate?

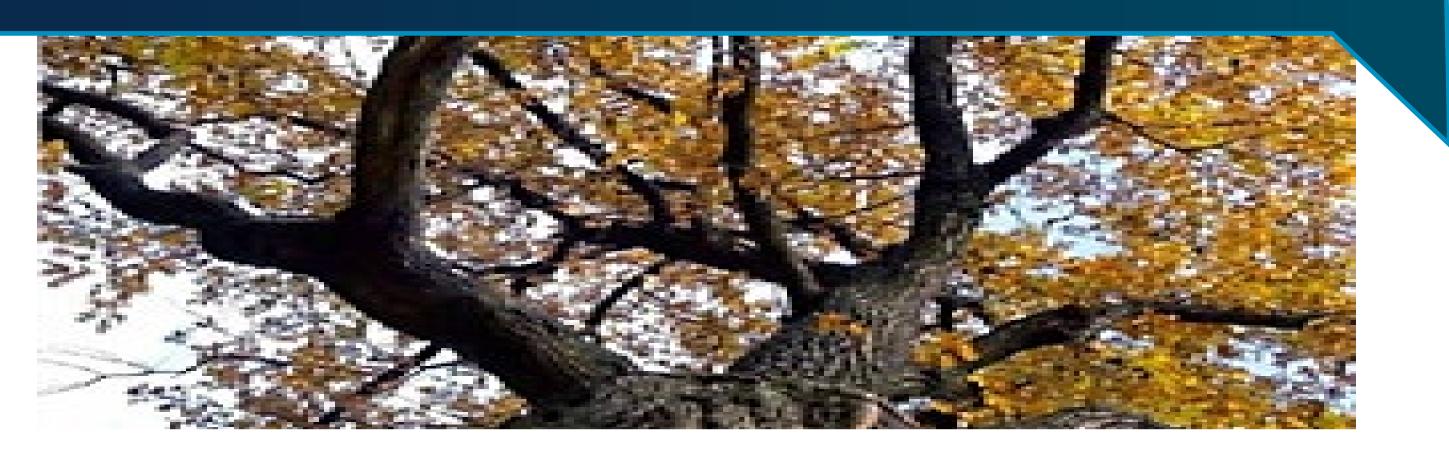


9

Anticipated Project Timeline/Next Steps

Next Step	Anticipated Timeline
Review public and Board feedback and incorporate into draft amendments where appropriate	January/February 2025
Update Oak Resources Management Plan (ORMP) for Consistency with Ordinance Updates	January/February 2025
Environmental Review	March 2025
Final Planning Commission and Board Hearings	April and May 2025





Questions & Comments

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