



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



Board of Supervisors Public Workshop, January 14, 2025

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# Background

- 2001:** State passage of the Oak Woodlands Conservation Act
- 2017:** County adoption of Oak Resources Management Plan (ORMP) and Implementing Ordinance as directed by General Plan
- 2021:** On December 7, BOS directed consultant and staff to correct 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).
- 2024:** On February 22, staff held a public workshop with the Planning Commission to solicit public and Commission feedback on the proposed amendments. Work is ongoing.

# Objectives

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

Issue	Discussion/Revisions
Potential conflicts with Title 130 or other County Codes (Section 130.39.015)	Section 130.39.015 ("Conflict of Ordinances") added to address potential 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 that projects directly undertaken by the County are exempt from oak tree/oak woodland permit requirements.
Consistency with new state and County Fire Safe regulations (Section 130.39.030)	New definitions of key Fire Safe terms have been added to Section 130.39.030 (Definitions).
Consistency with new state and County Fire Safe regulations (Section 130.39.050.B)	Exemptions for "Fire Safe Activities" (Section 130.39.050.B) updated for consistency with state law and Chapter 8.09 of the County Ordinance Code (Hazardous Vegetation and Defensible Space)

# Key Proposed Ordinance Revisions

Issue	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 definition of "Oak Woodland Removal Permit" to include oak woodlands two acres or greater in size that would be impacted by proposed development
Exemption for existing single-family parcels that cannot be further subdivided (Section 130.39.050.A)	This exemption was removed due to enforcement issues and conflicts with state law (e.g. SB9) allowing ministerial small lot subdivisions
Clarify definition of "Heritage Trees" to address measurement issues with multi-trunked trees (Section 130.39.030)	For multi-trunked trees, aggregate diameter measurement (36 inches dbh) should be measured from the largest three trunks, consistent with industry practice.
Oak Tree/Woodland Removal Permits (Section 130.39.060)	For ease of enforcement, this section was amended to require a standalone oak tree/woodland removal permit (Administrative Permit) for all development activities (ministerial and discretionary) that impact Oak Resources.

# Key Proposed Ordinance Amendments

Issue	Discussion/Revisions
Mitigation: State streamlined ministerial projects (Section 130.39.070)	Mitigation for state streamlined ministerial projects shall be via in-lieu fee payment (Subsections 130.39.070.A.1 and 130.39.070.B.1)
Mitigation: All other development projects (Section 130.39.070)	Impacts to be mitigated by the applicant's choice of one or more of the following: 1) In-lieu fee payment or 2) replacement planting (on or off-site).
General Reorganization of Section 130.39.050 (Exemptions and Mitigation Reductions)	For clarity, mitigation reductions in Section 130.39.050 have been relocated to Section 130.39.070 (Mitigation)

# 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?

# 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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