

**Draft Addendum to the El Dorado County Biological  
Resources Policy Update and Oak Resources  
Management Plan Environmental Impact Report**

**Zoning Ordinance Amendments to  
Chapter 130.39 (Oak Resources Conservation)  
and Updates to the County Oak Resources  
Management Plan**

*(File No. OR 24-0001)*

**State Clearinghouse Number 2015072031**

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## **I. INTRODUCTION**

### **A. Overview**

This document constitutes an addendum to the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2015072031) for the El Dorado County (County) 2017 Biological Resources Policy Update and Oak Resources Management Plan (ORMP). El Dorado County (County) staff has determined that an addendum is the appropriate document for the 2025 amendments to Chapter 130.39 of the Zoning Ordinance (Oak Resources Conservation Zoning Ordinance Amendments) and ORMP because minor, technical amendments to Chapter 130.39 of the Zoning Ordinance and ORMP are needed, and none of the revisions trigger any of the conditions for preparation of a subsequent or new document under the California Environmental Quality Act (CEQA). This addendum was prepared pursuant to the CEQA Statutes provided in California Public Resources Code section 21000 et seq. and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

### **B. CEQA Authority for Addendum**

Pursuant to CEQA Guidelines section 15164(a), the lead or responsible agency must prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred. CEQA Guidelines section 15164(e) provides that the brief explanation of the decision to not prepare a subsequent EIR must be supported by substantial evidence.

Under CEQA Guidelines section 15162, “no subsequent EIR shall be prepared for that project unless the lead agency determines...one or more of the following conditions occur:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of

reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

#### C. Scope of Addendum

This addendum addresses whether any of the above conditions have occurred as described in section 15162 of the CEQA Guidelines that would require preparation of a subsequent EIR to the 2017 Biological Resources Policy Update and ORMP FEIR as the result of the minor, technical amendments to Chapter 130.39 of the Zoning Ordinance and ORMP. The scope of analysis contained within this addendum addresses the five environmental resource areas previously identified and analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR for potential environmental impacts as listed below:

- Land Use and Planning
- Biological Resources
- Forestry Resources
- Greenhouse Gases
- Visual Resources

Section 3 of this addendum includes a table that summarizes the proposed Zoning Ordinance amendments and completes the necessary CEQA review of the draft documents as compared to the 2017 Biological Resources Policy Update and ORMP FEIR.

#### D. Adoption and Availability of Addendum

As noted above, this addendum will be considered for approval by the County Board of Supervisors (Board). Pursuant to CEQA Guidelines section 15164(c), an addendum is not required to be circulated for public review but can be included in or attached to the FEIR. Under CEQA Guidelines section 15164(d), the Board must consider the addendum with the FEIR prior to deciding on the proposed amendments to Chapter 130.39 and the ORMP.

## **II. BACKGROUND INFORMATION ON THE 2017 OAK RESOURCES CONSERVATION ORDINANCE AND ORMP <sup>(OBJ)</sup>**

The 2017 Oak Resources Conservation Zoning Ordinance Amendments and ORMP were part of a broader County project to amend the County General Plan's biological resources policies with amendments to several General Plan objectives, policies, and implementation measures to address the County's need for a clear, defensible, feasible, and reasonable approach to managing biological resource impacts, including impacts to oak trees and oak woodland resources. The revised General Plan policies required the County to create an ORMP for management of the County's oak resources and adopt a new Oak Resources Conservation Ordinance to implement the requirements of the ORMP.

### III. PROPOSED OAK RESOURCES CONSERVATION ZONING ORDINANCE AMENDMENTS

#### A. Overview

The proposed amendments to Chapter 130.39 contain various updates for consistency with state law and Chapter 8.09 of the County Ordinance Code, *Hazardous Vegetation and Defensible Space* (the Defensible Space Ordinance). The proposed amendments also contain clarifications to existing regulations including applicability to public projects, in-lieu fee calculations, the definition of heritage trees, and changes to exemptions for fire safe activities/fire insurance requirements and single-family parcels among other revisions and clarifying edits.

#### B. Proposed Ordinance Amendments

There are several areas of focused amendments associated with the 2025 Oak Resources Conservation Zoning Ordinance Amendments. Proposed amendments include minor clarifications and edits for readability and ease of use, updates for consistency with state law and the Defensible Space Ordinance, clarifications to existing regulations including applicability to public projects, in-lieu fee calculations and the definition of heritage trees and changes to exemptions for fire safe activities/fire insurance requirements and single-family parcels.

Within each category listed below is a summary of the minor, technical proposed amendments to Chapter 130.39 of the Zoning Ordinance.

##### i. General clarifications to remove ambiguity and for better readability and ease of use

The amendments to Chapter 130.39 include multiple clarifications and non-substantive amendments for readability and ease of use (e.g. document organization/formatting, grammatical corrections, rewriting of confusing or unclear language, etc.). Examples include new language in Section 130.39.015 (Conflict of Ordinances) to address potential conflicts with the proposed amendments and other County ordinances and relocation of existing Section 130.39.050 (Exemptions/Mitigation Reductions) into Section 130.39.070 (Mitigation). As another example, the amendments include relocating the existing exemption for County projects (e.g. DOT road widening) from Section 130.39.050 (Exemptions) into Applicability (Section 130.39.020) to emphasize that these projects are exempt from ordinance regulation.

ii. Amendments/clarifications for consistency with County, state and federal law

This project includes amendments to Chapter 130.39 for consistency with the Defensible Space Ordinance and state law, including California Public Resources Code Section 4291 (state Fire Safe regulations). These revisions incorporate existing language in County and state law for clarity and consistency and do not introduce new regulations that could potentially cause new or increased environmental impacts.

iii. Minor amendments and clarifications to in-lieu fee calculations and methodology

These amendments clarify mitigation methodology for state streamlined ministerial projects (Sections 130.39.070.A and 130.39.070.B) by specifying that such projects mitigate for impacts to oak resources via in-lieu fee payment. These amendments do not affect other types of development projects/activities where applicants may continue to select appropriate site-specific mitigation options as outlined in the ORMP. These amendments are limited to clarifying the mitigation type for state streamlined ministerial projects and would not change the scope of required mitigation. Therefore, these amendments would not cause any new or increased impacts beyond those impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR.

iv. Updates to the definition of Heritage Tree

The definition of “Heritage Tree” has been amended in Section 130.39.030 (Definitions) to clarify the measurement methodology for multi-trunked trees to include an aggregate (total diameter) measurement of 36 inches Diameter at Breast Height (DBH) of the three largest trunks. This amendment is based on recommended industry practice for tree measurement and is not anticipated to significantly change the number or distribution of Heritage Trees in the County. Therefore, the impact analysis and conclusions reached within the 2017 Biological Resources Policy Update and ORMP FEIR would not change based on the above amendments because of the minor, non-substantive changes and clarifications regarding the definition of “Heritage Tree.”

v. Changes to exemptions for Fire Safe activities, fire insurance requirements and single-family parcels

The project includes minor changes to ordinance exemptions as discussed below. New Section 130.39.050.B (dead, dying or diseased trees inspected by an Investigative Official) provides an exemption for dead, dying or

diseased trees when such trees are inspected and verified by a County Defensible Space inspector. This amendment would not cause any new or increased environmental impacts as this change would be limited to confirmation of existing dead, dying or diseased oak trees. In addition, new Section 130.39.070.D.5 (Insurance-Required Oak Removal) has been added to allow for Insurance-required removal of healthy oak trees to protect persons, structures or property in the event of a wildfire or similar natural disaster. This amendment acknowledges that California insurance companies may require tree removal, as a condition of policy renewal, to reduce wildfire risk, prevent property damage and limit associated liability from dead, dying or diseased trees that could fall or cause damage to persons, structures or property. The 2017 Biological Resources Policy Update and ORMP FEIR accounted for exemptions related to public health and safety, including tree removals for fire prevention (consistent with PRC §4291), hazardous tree conditions, and required defensible space, all of which are analogous in purpose and environmental effect to insurance-mandated removals. Therefore, this proposed exemption would not result in new or substantially more severe environmental impacts than those analyzed in the 2017 EIR.

Section 130.39.050.C also provides an exemption for trees that have fallen or sustained damage by natural disasters. As this exemption only applies to individual trees that are impacted by natural causes, this amendment would not cause any new or increased environmental impacts beyond those previously analyzed in the 2017 EIR.

The existing exemption for single-family parcels (Section 130.39.050.A) is being removed due to significant enforcement challenges and conflicts with state law (e.g. SB9) allowing ministerial small-lot subdivisions. Removal of this exemption would further reduce potential environmental impacts to County oak resources and therefore, would not cause any new or increased impacts beyond the impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR.

#### **IV. CEQA ANALYSIS**

County staff has determined that an addendum is the appropriate document because minor, technical amendments to Chapter 130.39 of the Zoning Ordinance and ORMP are needed, but none of the amendments would trigger any of the conditions for preparation of a subsequent or new document under CEQA. The proposed amendments to the ordinance and ORMP are minor and technical in nature because the edits address areas of ambiguity and consistency with County, state and federal law. The amendments to the ordinance and ORMP would not change allowable land uses, nor cause new or intensified impacts to the County's Oak Resources beyond those impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR.

The environmental analysis is presented in the table below, which lists the relevant ordinance citation(s), the subject matter of the proposed amendment category, and relevant CEQA review.

| Relevant Ordinance Citation(s)  | Proposed Amendment  | CEQA Review  |
|---------------------------------|---|--|
| Multiple Sections               | Clarifications/minor amendments for readability and ease of use. Examples include language added to address conflicts with other County ordinances (Sec. 130.39.015) and relocation of existing Section 130.39.050 (Exemptions/Mitigation Reductions) to Section 130.39.070 (Mitigation). | The document includes multiple amendments and clarifications for purposes of readability and ease of use. Therefore, as these amendments are non-substantive in nature, the proposed amendments will have no foreseeable physical impact on the environment. These amendments present no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and require no new or modified mitigation measures.  |
| Multiple Sections               | Amendments for consistency with state and County Defensible Space and Fire Safe Regulations   | This project contains several amendments for consistency with the County Defensible Space Ordinance and applicable state Fire Safe regulations. Therefore, the proposed amendment will have no foreseeable physical impact on the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.   |
| Sec. 130.39.020 (Applicability) | Clarify ordinance exemption for County projects   | This amendment further clarifies the existing exemption for County-initiated development projects (e.g. DOT road widening, etc.) by removing these projects from ordinance regulation. Therefore, as this proposed amendment is minor and technical in nature, there would be no foreseeable physical impact on the environment. This amendment presents no new significant environmental effect nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures. |

| Relevant Ordinance Citation(s) | Proposed Amendment   | CEQA Review  |
|--------------------------------|--|--|
| Sec. 130.39.030 (Definitions)  | Consistency with Chapter 8.09 of the County Ordinance Code (Hazardous Vegetation and Defensible Space) | The amendments include incorporation of several definitions of terms from the County Defensible Space Ordinance for the benefit of the reader. These amendments are for purposes of establishing consistency between the regulations of Chapter 130.39 and Chapter 8.09 of the County Ordinance Code only and would not establish new regulations that could potentially cause a new or increased environmental impact. Therefore, the impact analysis and conclusions reached within the 2017 Biological Resources Policy Update and ORMP FEIR would not change based on this minor revision to Section 130.39.030. Therefore, this amendment would not cause a new significant environmental effect nor a substantial increase in the severity of a previously identified significant effect, involve no substantial change in circumstances under which the project is undertaken, and require no new or modified mitigation measures.  |
| Sec. 130.39.030 (Definitions)  | Update Definition of "Oak Woodland Removal Permit"   | This amendment clarifies the definition of "Oak Woodland Removal Permit" in Section 130.39.030 to resolve ongoing public confusion regarding permit requirements for removal of oak woodlands versus individual oak tree(s). This amendment provides an understandable threshold (projects impacting more or less than two acres of individual oak trees) for when an oak woodland removal permit shall be required versus a permit to remove individual oak tree(s). As this revision would not substantively change the required oak resource documentation or mitigation requirements for new development (where required), this change would not cause any significant environmental effects nor a substantial increase in the severity of a previously identified significant effect. Therefore, the proposed amendment will have no foreseeable physical impact on the environment, involve no substantial change in circumstances under which the project is undertaken, and will require no new or modified mitigation measures. |
| Sec. 130.39.030 (Definitions)  | Update definition of "Heritage Tree" to resolve measurement challenges with multi-trunked trees        | The definition of "Heritage Tree" is amended to clarify the measurement methodology for multi-trunked trees to include an aggregate (total diameter) measurement of 36 inches DBH of the three largest trunks. The amendment is based on recommended industry practice for tree measurement and is not anticipated to significantly change the number or distribution of Heritage Trees in the County. Therefore, the impact analysis and  |

| Relevant Ordinance Citation(s) | Proposed Amendment  | CEQA Review  |
|--------------------------------|---|--|
|                                |   | <p>conclusions reached within the 2017 Biological Resources Policy Update and ORMP FEIR would not change based on the above amendments because of the minor, non-substantive changes and clarifications regarding the definition of “Heritage Tree.” These amendments present no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.</p>   |
| Sec. 130.39.050 (Exemptions)   | Remove exemption for existing parcels that cannot be subdivided   | <p>The current exemption for existing single-family parcels (Section 130.39.050.A) is being removed due to significant enforcement challenges and conflicts with state law (e.g. SB9) allowing ministerial small-lot subdivisions. Removal of this exemption would further reduce potential environmental impacts to County oak resources and therefore, would not cause any new or increased impacts beyond the impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR. Accordingly, this amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial changes in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.</p>                        |
| Sec. 130.39.050 (Exemptions)   | Exemptions for natural disasters and Defensible Space inspections | <p>Section 130.39.050.B provides an exemption for dead, dying or diseased trees when such trees are inspected and verified by a County Defensible Space inspector. Section 130.39.050.C also provides an exemption for trees that have fallen or sustained damage by natural disasters. As these amendments would not cause any new or increased impacts to oak resources, they would not cause any new or increased impacts beyond those impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR. Therefore, these amendments present no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.</p> |

| Relevant Ordinance Citation(s)                      | Proposed Amendment  | CEQA Review   |
|---|---|---|
| Sec. 130.39.060 (Oak Tree/Woodland Removal Permits) | Administrative Permit for all Impacts to Oak Resources            | Section 130.39.060 was amended to clarify that an Administrative Permit will be required for all activities with impacts to oak resources. For ease of use, this amendment consolidates multiple County permit types that review site-specific impacts to oak resources, for both ministerial and discretionary development activities, into a single permit type. As this amendment has been completed for purposes of document organization only, this amendment would not cause any new or increased impacts beyond those impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR. Therefore, this amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.  |
| Sec. 130.39.070 (Mitigation)                        | Mitigation Methodology for State Streamlined Ministerial Projects | This amendment clarifies mitigation methodology for state streamlined ministerial projects (Sections 130.39.070.A and 130.39.070.B) by specifying that such projects mitigate for impacts to oak resources via in-lieu fee payment. This amendment does not affect other types of development projects/activities where applicants may continue to select appropriate site-specific mitigation options as outlined in the ORMP. As this amendment is limited to clarifying the mitigation type for state streamlined ministerial projects, this amendment would not change the scope of required mitigation for these projects. Therefore, this amendment would not cause any new or increased impacts beyond those impacts previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR. Further, this amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures. |
| Sec. 130.39.070 (Mitigation)                        | Exemption for Insurance-Required Oak Removal                      | New Section 130.39.070.D.5 (Insurance-Required Oak Removal) has been added to allow for Insurance-required removal of healthy oak trees to protect persons, structures or property in the event of a wildfire or similar natural disaster. This amendment acknowledges that California insurance companies may require tree removal, as a condition   |

| Relevant Ordinance Citation(s)                                     | Proposed Amendment  | CEQA Review  |
|--|---|--|
|  |   | <p>of policy renewal, to reduce wildfire risk, prevent property damage and limit associated liability from dead, dying or diseased trees that could fall or cause damage to persons, structures or property. These requirements are typically based on fire safety regulations, property inspections, and insurer risk assessments in high-risk areas. The proposed exemption for the removal of oak trees as required by a homeowner's insurance provider does not result in new or substantially more severe environmental impacts than those previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR. The original EIR accounted for exemptions related to public health and safety, including tree removals for fire prevention (consistent with PRC §4291), hazardous tree conditions, and required defensible space, all of which are analogous in purpose and environmental effect to insurance-mandated removals. Further, as insurance-required removals would affect individual trees rather than entire oak woodland communities and occur on previously developed parcels, the scope and scale of impact are limited and consistent with the exemptions analyzed in the original EIR. Therefore, this amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.</p> |
| Sec. 130.39.100 (Mitigation Maintenance, Monitoring and Reporting) | Updates to Timeframes for Mitigation Monitoring and Reporting | <p>Section 130.39.100.A (Annual Monitoring and Reporting) has been amended to allow for five-year monitoring and reporting intervals for oak tree/woodland removal permits and enforcement actions. Section 130.39.100.B (Biennial Reporting) has also been amended to allow for five-year monitoring and reporting of activity in the Oak Resources Conservation Fund including balances, fees collected and recommended fee adjustments as needed. The intent of these amendments is to reduce the burden on County staff associated with required research, financial analysis, document preparation and presentation of annual or biennial reports to the County Board of Supervisors. Extending the monitoring and reporting timeframe for these documents would not affect the environmental monitoring and reporting requirements of the ORMP as previously analyzed in</p>   |

| Relevant Ordinance Citation(s) | Proposed Amendment | CEQA Review  |
|--------------------------------|--------------------|--|
|                                |                    | the 2017 Biological Resources Policy Update and ORMP FEIR. Therefore, this amendment would not cause any new or increased impacts beyond those impacts previously analyzed in that document. Further, this amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures. |

## V. CONCLUSION

Based on the above findings, the County has concluded that preparation of a subsequent EIR for these minor, technical amendments to the Zoning Ordinance and ORMP is unnecessary, and that preparation of an addendum is consistent with CEQA Guidelines section 15164. The County has determined, based on substantial evidence in light of the whole record, that the proposed amendments described in this addendum are not substantial. None of the conditions described under section 15162 of the CEQA Guidelines requiring preparation of a subsequent document have occurred. The modifications do not involve any new significant environmental effects. In addition, no substantial changes have occurred with respect to the circumstances under which the proposed 2025 amendments to Zoning Ordinance Chapter 130.39 and ORMP will be undertaken. The associated modifications to the Zoning Ordinance and ORMP would not involve new information of substantial importance, which shows that the Project will have one or more significant effects not discussed in the previous environmental document.

The County has independently considered the 2017 Biological Resources Policy Update and ORMP FEIR and this addendum, and concludes the following:

1. The consideration of the FEIR and approval of the addendum reflect the independent judgment of the County;
2. The contents of the addendum does not substantially change the County General Plan or its circumstances and does not require major revisions to the 2017 Biological Resources Policy Update and ORMP FEIR. The information added through the proposed amendments to Chapter 130.39 of the Zoning Ordinance and associated ORMP does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts as previously analyzed in the 2017 Biological Resources Policy Update and ORMP FEIR; and
3. Together, the FEIR and this addendum satisfy the requirements of CEQA. Preparation of an addendum is appropriate in accordance with CEQA Guidelines section 15164; no subsequent EIR is required.

Accordingly, the County approves this addendum and the associated 2025 amendments to both Chapter 130.39 of the Zoning Ordinance and ORMP.