



RESOLUTION NO. \_\_\_\_-2017

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**ADOPTION OF OAK RESOURCES MANAGEMENT PLAN**

**WHEREAS**, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

**WHEREAS**, because of that mandate, El Dorado County's General Plan and the various elements thereof must be periodically updated with current data, recommendations, and policies; and

**WHEREAS**, on July 19, 2004, the Board of Supervisors (Board) adopted a General Plan, which identifies planned land uses and infrastructure for physical development in the unincorporated areas of the County of El Dorado; and

**WHEREAS**, on May 6, 2008, the Board adopted the Oak Woodland Management Plan (OWMP) and its implementing ordinance, to be codified as Chapter 17.73 of the County Code (Ord. 4771. May 6, 2008); and

**WHEREAS**, on June 6, 2008, a lawsuit was filed in El Dorado Superior Court against the OWMP; and

**WHEREAS**, on February 2, 2010, the Court ruled to uphold the Board of Supervisors action to adopt the OWMP. However, on appeal, the Appellate Court over-ruled that decision, remanding the case back to Superior Court, with the direction to require the County to prepare an Environmental Impact Report (EIR) for the OWMP; and

**WHEREAS**, the Court decision overturning the OWMP prompted the County to address, at a minimum, the implementation of certain oak tree policies in the General Plan; and

**WHEREAS**, on September 4, 2012, the OWMP was rescinded (Resolution No. 123-2012) and its implementing ordinance was rescinded on September 11, 2012 (Ordinance No. 4892); and

**WHEREAS**, on September 24, 2012, the Board determined that all the related biological policies should be reviewed and considered for revisions to ensure that the goals and objectives of the General Plan can be achieved; and

**WHEREAS**, on October 7, 2014, the Board determined that a combination mitigation/ conservation approach to redefine the County's program for management of and mitigation for biological resource impacts and implementation of the OWMP, specifically related to Option B of General Plan Policy 7.4.4.4 (oak woodland in-lieu fee option) in place of implementation of the Integrated Natural Resources Management Plan (INRMP), shall be considered; and

**WHEREAS**, in 2015, the Board held five (5) workshops (January 26, February 23, March 30, May 18 and June 22) to discuss ten (10) key project decision points that have informed the preparation of draft policy amendments, revisions to the OWMP and related General Plan Implementation Measures; and

**WHEREAS**, on June 22, 2015, the Board adopted Resolution of Intention (ROI) No. 108-2015, to set a public hearing to consider proposed amendments to the General Plan and revisions to any related General Plan Implementation Measures as summarized in Table “Summary of Revisions to General Plan Objectives, Policies, and Implementation Measures” and authorizing staff to prepare all necessary documentation and environmental review requirements pursuant to the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS**, on June 22, 2015, the Board adopted ROI No. 109-2015, to set a public hearing to consider proposed amendments to the OWMP including re-titling to the Oak Resources Management Plan (ORMP), consistent with General Plan Implementation Measure CO-P; inclusion of in-lieu fee payment option for impacts to individual native oak trees and oak woodlands; and authorizing staff to prepare all necessary documentation and environmental review requirements pursuant to CEQA requirements; and

**WHEREAS**, on July 14, 2015, the Board adopted ROI No. 118-2015 (superseding ROI No. 108-2015), which was revised to more accurately reflect the proposed amendments to General Plan Chapter 7 – Conservation and Open Space Element (as discussed on June 22, 2015); and

**WHEREAS**, on July 17, 2015, the County commenced the environmental review process with issuance of a CEQA Notice of Preparation (NOP) of a Draft EIR for a 30-day public review period ending on August 17, 2015 soliciting written comments regarding the scope and content of the EIR for the Project; and

**WHEREAS**, on August 13, 2015, a public scoping meeting was held during the Planning Commission's regular meeting to receive comments on the scope and content of the Draft EIR; and

**WHEREAS**, on August 17, 2015, the deadline to submit comments on the NOP released on July 17, 2015 closed at 5:00 p.m.; and

**WHEREAS**, on September 29, 2015, following consideration of comments on the original NOP and Project, the Board approved several revisions to the draft ORMP and directed staff to release a revised NOP, along with the revised draft ORMP; and

**WHEREAS**, on November 23, 2015, the County released a revised NOP of a Draft EIR and revised draft ORMP for a 30-day public review period ending on December 23, 2015 soliciting written comments regarding the scope and content of the EIR (documents revised based on Board direction and comments received during the initial NOP review period) for the Project; and

**WHEREAS**, on December 23, 2015, the deadline to submit comments on the revised NOP released on November 23, 2015 closed at 5:00 p.m.; and

**WHEREAS**, a Program EIR has been prepared pursuant to CEQA to analyze the potential environmental impacts of the Project; and

**WHEREAS**, on June 30, 2016, the County issued a Notice of Availability (NOA) of a draft program EIR (SCH# 20151072031) for the Project for a 45-day public review period ending on August 15, 2016; and

**WHEREAS**, said NOA contained substantially all of the information required by Public Resources Code Section 21092 and CEQA Guidelines Section 15087 and was published in a manner required by law, and was consequently made in full accordance with CEQA, notwithstanding any minor errors, which were not prejudicial; and

**WHEREAS**, on August 15, 2016, the deadline to submit comments on the Draft EIR closed at 5:00 p.m.; and

**WHEREAS**, the County received public and agency written and oral comments on the draft environmental documents including the NOP, revised NOP, and Draft EIR during the public comment periods; including over 500 written comments submitted by 17 agencies/organizations, and 115 individuals; and

**WHEREAS**, in accordance with CEQA, all comments received on the Draft Program EIR during the public comment periods were responded to and included in the Final EIR; and

**WHEREAS**, on March 8, 2017, the Final EIR was filed with the State Clearinghouse and released for public review; and

**WHEREAS**, on April 27, 2017, the Planning Commission held a duly noticed public hearing, pursuant to CA Government Code Sections 65090-65096 as applicable, to review and consider and receive testimony on the Final EIR and the Project; and

**WHEREAS**, on April 27, 2017, the Planning Commission carefully reviewed and considered the proposed amendments to the biological resources policies in the General Plan, the ORMP and implementing ordinance (Oak Resources Conservation Ordinance), Final EIR, all public comments on the Final EIR and the Project; and

**WHEREAS**, on April 27, 2017, the Planning Commission voted to recommend that the Board certify the Final EIR, adopt an amendment to the biological resources policies in the General Plan, adopt the Oak Resources Management Plan, and adopt the Oak Resources Conservation Ordinance; and

**WHEREAS**, on \_\_\_\_\_, 2017, the Board of Supervisors held a duly noticed public hearing, pursuant to CA Government Code Sections 65090-65096 as applicable, to review and consider and receive testimony on the Final EIR and the Project; and

**WHEREAS**, on \_\_\_\_\_, 2017, the public hearing on the Final EIR and the Project was closed; and

**WHEREAS**, on \_\_\_\_\_, 2017, the Board began its deliberations and independently reviewed the Project documents, including but not limited to, the Final EIR, staff report, written public comments, Planning Commission's recommendation, draft CEQA Findings of Fact, draft CEQA Statement of Overriding Considerations, and draft Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on \_\_\_\_\_, 2017, the Board directed staff to finalize the draft Findings of Fact and Statement of Overriding Considerations supporting certification of the Final EIR for final Board action; and further directed staff to prepare final printed versions of the Final EIR and the proposed General Plan policy amendment, ORMP, and Oak Resources Conservation Ordinance documents including all errata; and

**WHEREAS**, on \_\_\_\_\_, 2017, the Board's deliberations were conducted as part of a public meeting held in accordance with CEQA and the Ralph M. Brown Act; and

**WHEREAS**, on \_\_\_\_\_, 2017, the Board completed its deliberations and adopted Resolution No. \_\_\_\_\_-2017, Certifying the Final Environmental Impact Report for the General Plan Biological Resources Policy Update, ORMP, and Oak Resources Conservation Ordinance; Making Environmental Findings of Fact; Adopting a Statement of Overriding Considerations; and Approving the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the County has proceeded in accordance with Government Code Section 66001(a) of the Mitigation Fee Act regarding establishment of a new in-lieu fee payment option for mitigation of impacts to individual native oak trees and oak woodlands; and

**THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of El Dorado have received, reviewed, and considered the entire record, both written and oral, relating to the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance associated Draft and Final EIRs and hereby adopts the Oak Resources Management Plan, attached hereto as Exhibit A.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_ day of \_\_\_\_\_ 2017, by the following vote of said Board:

Attest:  
James S. Mitrisin  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_ Chair, Board of Supervisors

