



## RESOLUTION NO. 128-2017

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **ADOPTING AN AMENDMENT TO THE BIOLOGICAL RESOURCES POLICIES, OBJECTIVES, AND IMPLEMENTATION MEASURES IN THE EL DORADO COUNTY GENERAL 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 September 24, 2012, the Board determined that all the related biological resources policies, objectives, and implementation measures in the General Plan should be reviewed and considered for revisions to ensure that the goals and objectives of the General Plan can be achieved; and

**WHEREAS**, the purpose of the General Plan Biological Resources Policy Update (Project) is to revise specific biological resource objectives, policies, and implementation measures included in the Conservation and Open Space Element of the County's 2004 General Plan and to adopt an Oak Resources Management Plan (ORMP) inclusive of an in-lieu fee payment option for impacts to oak woodland areas and individual oak trees, and implementing Oak Resources Conservation Ordinance (Ordinance) that replace the 2008 Oak Woodlands Management Plan (OWMP); 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 Oak Woodland Management Plan (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 Oak Woodland Management Plan (OWMP) including re-titling to the Oak Resources Management Plan (ORMP), consistent with General Plan Implementation Measure CO-P; inclusion of in-lieu fee(s) for impacts to oak woodland areas and individual oak trees; 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 Environmental Impact Report (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 public hearing held by the Planning Commission on the Final EIR and the Project was closed; 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, Final EIR, all public comments on the Project and the Final EIR; and

**WHEREAS**, on April 27, 2017, the Planning Commission voted to recommend approval to the Board of staff's recommended actions that the Board certify the Final EIR; adopt an amendment to the biological resources policies, objectives and implementation measures in the El Dorado County General Plan; adopt the ORMP; and adopt the implementing Ordinance, including six additional recommendations identified by the Planning Commission during the hearing; and

**WHEREAS**, on July 18, 2017, the Board 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 July 18, 2017, the public hearing held by the Board on the Final EIR and the Project was closed; and

**WHEREAS**, on July 18, 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 recommendations, draft CEQA Findings of Fact, draft CEQA Statement of Overriding Considerations, and draft Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on July 18, 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 July 18, 2017, the Board directed staff to incorporate changes as directed on this date and return to the Board on September 12, 2017 for certification of the Final EIR and consideration of adoption of the proposed Project; and

**WHEREAS**, on July 18, 2017, the Board further directed staff to exclude Live Oaks from the definition of a Heritage Tree, and to revise the Personal Use Exemption to allow removal of 8 trees per dwelling unit per parcel; and to include these revisions in the final ORMP and implementing Ordinance for adoption; and to return to the Board on September 12, 2017 incorporating changes as directed on this date, for certification of the EIR and consideration of adoption of the Project; and

**WHEREAS**, on September 12, 2017, the Board redirected staff to remove the exclusion of Live Oaks from the definition of Heritage Tree and modification of the Personal Use Exemption; and directed staff to return to the Planning Commission on September 28, 2017 with additional modifications to the proposed Ordinance that

were not considered by the Planning Commission on April 27, 2017, pursuant to CA Government Code Section 65857; and

**WHEREAS**, on September 28, 2017, the Planning Commission recommended approval to the Board of staff’s proposed modification to General Plan Measure CO-K and modifications to the proposed Ordinance, with additional modifications (underlined) to Section 130.39.050(J), Exemption for Personal Use, as follows: “Removal of a native oak tree, other than a Heritage Tree or individual valley oak trees and valley oak woodlands...”; and

**WHEREAS**, on October 24, 2017, the Board held a limited public hearing to receive public comment only on the proposed modifications to the proposed General Plan Amendment and Ordinance that were considered and recommended by the Planning Commission on September 28, 2017; and

**WHEREAS**, on October 24, 2017, the limited public hearing was closed and the Board began deliberations; and

**WHEREAS**, on October 24, 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 October 24, 2017, the Board completed its deliberations, and accepted the Planning Commission’s recommendation on the proposed modifications to the General Plan Amendment and proposed Ordinance, and adopted Resolution No. 127-2017, Certifying the Final EIR for the Project; Making Environmental Findings of Fact; Adopting a Statement of Overriding Considerations; and Approving the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on October 24, 2017, the Board adopted Resolution No. 129-2017 Adopting an Oak Resources Management Plan and adopted Ordinance No. 5061 Adopting an Oak Resources Conservation Ordinance to implement the Oak Resources Management Plan; and

**WHEREAS**, on October 24, 2017, the Board adopted Resolution No. 130-2017 Establishing an In-Lieu Fee to Mitigation Impacts to Oak Woodland Areas and Individual Oak Trees; and

**WHEREAS**, the Project recommends amendments to General Plan objectives, policies, and implementation measures summarized in Table 3-1 below, which is included in Chapter 3 Project Description in the Final EIR. The full text of the proposed objectives, policies, and implementation measures (with additions shown in single underline and deletions shown in strikeout) are included following Table 3-1.

**Table 3-1  
 Proposed General Plan Revisions**

General Plan Objective/Policy/ Implementation Measure	Changes Made
Objective 7.4.1	Revise to focus on Pine Hill rare plant species
Policy 7.4.1.1	Update reference to County Code Chapter 130.71.
Policy 7.4.1.2	Add “Pine Hill rare plant” before “preserve sites” to clarify which preserves are addressed by this policy
Policy 7.4.1.3	Add “Pine Hill rare plant” before “preserve areas” to clarify which preserves are addressed by this policy
Policy 7.4.1.4	Replace “Proposed rare, threatened, or endangered species preserves” with “The Pine Hill Preserves” to clarify which preserves are addressed by this policy

**Table 3-1**  
**Proposed General Plan Revisions**

General Plan Objective/Policy/ Implementation Measure	Changes Made
Policy 7.4.1.5	Delete text
Policy 7.4.1.6	Delete text
Policy 7.4.1.7	Moved to Policy 7.4.2.2
Policy 7.4.2.1	Revise language to address coordinating wildlife and vegetation protection programs with appropriate federal and state agencies
Policy 7.4.2.2	Delete policy; replace with prior Policy 7.4.1.7 regarding noxious weeds
Policy 7.4.2.4	Revise text to clarify that active management is not required
Policy 7.4.2.6	Delete policy
Policy 7.4.2.7	Delete policy to remove requirement to maintain the Plant and Wildlife Technical Advisory Committee (PAWTAC), but does not preclude the County from re-convening the PAWTAC when necessary.
Policy 7.4.2.8	Revise to delete the Integrated Natural Resources Management Plan (INRMP) and to include: Requirement for wildlife movement studies for 4-, 6-, and 8-lane roadway projects Requirement for a biological resources technical report and establishment of mitigation ratios for special-status biological resources Identification of criteria for conservation lands Establish a voluntary database of willing sellers Biological resources mitigation program Habitat protection strategy
Policy 7.4.2.8	Revise proposed subsection (C) <i>Biological Resources Assessment</i> to add requirements that species surveys conform to current CDFW and USFWS recommendations and that biological resources technical report shall include recommendations for consideration of mitigation requirements related to nesting birds, roosting bats, entanglement of wildlife, and indirect impacts to adjacent properties.
Policy 7.4.2.8	Add new subsection (F) Mitigation Monitoring. Prior to final approval of an individual development project, applicants shall submit to the County a Mitigation Monitoring Plan that provides for periodic monitoring of preserved lands to assess effectiveness of the measures implemented to protect special-status and native species. The Mitigation Monitoring Plan shall demonstrate that funding is secured to implement the monitoring strategy in perpetuity.
Policy 7.4.2.9	Revise provisions for lands within the Important Biological Corridor (IBC) overlay to reflect new site-specific requirements
Objective 7.4.3	Incorporate objective into Policy 7.4.2.1
Objective 7.4.4	Consolidate Objective 7.4.4 and 7.4.5 to address oak woodlands and trees together
Policy 7.4.4.2	Revise to reflect the conservation portion of the mitigation/conservation approach
Policy 7.4.4.3	Revise to encourage retention of contiguous area of forests and oak woodlands

**Table 3-1  
Proposed General Plan Revisions**

General Plan Objective/Policy/Implementation Measure	Changes Made
Policy 7.4.4.4	Revise to refer to oak woodland and oak tree mitigation requirements in the Oak Resources Management Plan (ORMP). The Draft ORMP reflects the following revisions to the requirements previously contained in Policy 7.4.4.4: Use of 'oak woodland' as a measurement Development of a 2-tiered mitigation approach that incorporates oak woodland mitigation (Policies 7.4.4.4) and oak tree mitigation (including heritage trees (Policy 7.4.5.2)). Framework removes necessity for two oak woodland mitigation options (Option A and B) and removes retention standards by incorporating an incentive-based approach for oak woodland impact avoidance. Replace two oak woodland mitigation options (Option A and B) and retention standards with an incentive-based approach for oak woodland impact avoidance Identify projects or actions exempt from oak woodland and oak tree mitigation requirements Add criteria for identifying conservation lands outside of Priority Conservation Areas (PCA)
Policy 7.4.4.5	Delete policy; draft ORMP provides requirements for mitigation.
Objective 7.4.5	Merge Objective 7.4.5 with Objective 7.4.4 to address oak woodlands and individual oak trees (including Heritage Trees). Remove 'Vegetation' as non-tree vegetation is addressed in Policy 7.4.2.8.
Policy 7.4.5.1	Remove Policy 7.4.5.1 as it is redundant with Policy 7.4.5.2, which has been merged with Policy 7.4.4.4
Policy 7.4.5.2	Merge Policy 7.4.5.2 with Policy 7.4.4.4 to comprehensively address oak woodlands and oak tree resources in a two-tier framework as identified in the ORMP
Measure CO-K	Remove reference to eliminated Objective 7.4.3
Measure CO-L	Revise to reflect changes to Policy 7.4.2.8
Measure CO-M	Delete to reflect changes to Policy 7.4.2.8
Measure CO-N	Delete to reflect changes to Policy 7.4.2.9
Measure CO-P	Revise to reflect changes to Policy 7.4.4.4 and the ORMP
Measure CO-U	Delete to reflect changes to Policy 7.4.2.8

**LAND USE ELEMENT**

**OBJECTIVE 7.4.1: ~~RARE, THREATENED, AND ENDANGERED~~ PINE HILL RARE PLANT SPECIES**

**The County shall protect ~~State and Federally recognized rare, threatened, or endangered species~~ Pine Hill rare plant species and their habitats consistent with Federal and State laws.**

Policy 7.4.1.1      The County shall continue to provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter ~~130~~7.71 and the USFWS's *Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan* (USFWS 2002).

Policy 7.4.1.2      Private land for Pine Hill rare plant preserve sites will be purchased only from willing sellers.

Policy 7.4.1.3 Limit land uses within established Pine Hill rare plant preserve areas to activities deemed compatible. Such uses may include passive recreation, research and scientific study, and education. In conjunction with use as passive recreational areas, develop a rare plant educational and interpretive program.

Policy 7.4.1.4 ~~Proposed rare, threatened, or endangered species preserves~~The Pine Hill Preserves, as approved by the County Board of Supervisors, shall be designated ~~\_Ecological\_~~Preserve (-EP) overlay on the General Plan land use map.

~~Policy 7.4.1.5 Species, habitat, and natural community preservation/conservation strategies shall be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.~~

~~Policy 7.4.1.6 All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO M).~~

~~The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the County and in the creation and implementation of the INRMP.~~

~~Policy 7.4.1.5 Intentionally blank. The County will coordinate wildlife and vegetation protection programs with appropriate Federal and State agencies.~~

~~Policy 7.4.1.6 Intentionally blank.~~

Policy 7.4.1.7 ~~Intentionally blank. The County shall continue to support the Noxious Weed Management Group in its efforts to reduce and eliminate noxious weed infestations to protect native habitats and to reduce fire hazards.~~

#### **OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES**

**Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.**

~~Policy 7.4.2.1 To the extent feasible in light of other General Plan policies and to the extent permitted by State law, the County of El Dorado will protect identified critical fish and wildlife habitat, as identified on the Important Biological Resources Map maintained at the Planning Department, through any of the following techniques: utilization of open space, Natural Resource land use designation, clustering, large lot design, setbacks, etc.~~

~~Policy 7.4.2.2 Where critical wildlife areas and migration corridors are identified during review of projects, the County shall protect the resources from degradation by requiring all portions~~

~~of the project site that contain or influence said areas to be retained as non-disturbed natural areas through mandatory clustered development on suitable portions of the project site or other means such as density transfers if clustering cannot be achieved. The setback distance for designated or protected migration corridors shall be determined as part of the project's environmental analysis. The intent and emphasis of the Open Space land use designation and of the non-disturbance policy is to ensure continued viability of contiguous or interdependent habitat areas and the preservation of all movement corridors between related habitats. The intent of mandatory clustering is to provide a mechanism for natural resource protection while allowing appropriate development of private property. Horticultural and grazing projects on agriculturally designated lands are exempt from the restrictions placed on disturbance of natural areas when utilizing "Best Management Practices" (BMPs) recommended by the County Agricultural Commission and adopted by the Board of Supervisors when not subject to Policy 7.1.2.7.~~

Policy 7.4.2.1      The County will coordinate wildlife and vegetation protection programs with appropriate Federal and State agencies.~~*Intentionally blank.*~~

Policy 7.4.2.2      The County shall continue to support the Noxious Weed Management Group in its efforts to reduce and eliminate noxious weed infestations to protect native habitats and to reduce fire hazards. ~~*Intentionally blank.*~~

Policy 7.4.2.3      Consistent with Policy 9.1.3.1 of the Parks and Recreation Element, low impact uses such as trails and linear parks may be provided within river and stream buffers if all applicable mitigation measures are incorporated into the design.

Policy 7.4.2.4      ~~Establish~~Protect and ~~manage~~preserve wildlife habitat corridors within public parks and natural resource protection areas to allow for wildlife use. Recreational uses within these areas shall be limited to those activities that do not require grading or vegetation removal.

Policy 7.4.2.5      Setbacks from all rivers, streams, and lakes shall be included in the Zoning Ordinance for all ministerial and discretionary development projects.

~~Policy 7.4.2.6      El Dorado County Biological Community Conservation Plans shall be required to protect, to the extent feasible, rare, threatened, and endangered plant species only when existing Federal or State plans for non-jurisdictional areas do not provide adequate protection.~~

~~Policy 7.4.2.7      The County shall form a Plant and Wildlife Technical Advisory Committee to advise the Planning Commission and Board of Supervisors on plant and wildlife issues, and the committee should be formed of local experts, including agricultural, fire protection, and forestry representatives, who will consult with other experts with special expertise on various plant and wildlife issues, including representatives of regulatory agencies. The Committee shall formulate objectives which will be reviewed by the Planning Commission and Board of Supervisors.~~

Policy 7.4.2.6      ~~*Intentionally blank.*~~

Policy 7.4.2.7      ~~*Intentionally blank.*~~

Policy 7.4.2.8      ~~Develop within five years and implement an Integrated Natural Resources Management Plan (INRMP) that identifies~~ Conserve contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the County ~~and establishes~~



~~a program for effective habitat preservation and management. The INRMP shall include the following components:~~

~~A. Habitat Inventory. This part of the INRMP shall inventory and map the following important habitats through a Biological Resource Mitigation Program (Program). The Program will result in El Dorado County: the conservation of:~~

- ~~1. Habitats that support special status species;~~
- ~~2. Aquatic environments including streams, rivers, and lakes;~~
- ~~3. Wetland and riparian habitat;~~
- ~~4. Important habitat for migratory deer herds; and~~
- ~~5. Large expanses of native vegetation.~~

~~The County should update the inventory every three years to identify the amount of important habitat protected, by habitat type, through County programs and the amount of important habitat removed because of new development during that period. The inventory and mapping effort shall be developed with the assistance of the Plant and Wildlife Technical Advisory Committee, CDFG, and USFWS. The inventory shall be maintained and updated by the County Planning Department and shall be publicly accessible.~~

~~B. Habitat Protection Strategy. This component shall describe a strategy for protecting important habitats based on coordinated land acquisitions (see item D below) and management of acquired land. The goal of the strategy shall be to conserve and restore contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county. The Habitat Protection Strategy should be updated at least once every five years based on the results of the habitat monitoring program (item F below). Consideration of wildlife movement will be given by the County on all future 4 and 6 lane roadway construction projects. When feasible, natural undercrossings along proposed roadway alignments that could be utilized by terrestrial wildlife for movement will be preserved and enhanced.~~

~~C. Mitigation Assistance. This part of the INRMP shall establish a program to facilitate mitigation of impacts to biological resources resulting from projects approved by the County that are unable to avoid impacts on important habitats. The program may include development of mitigation banks, maintenance of lists of potential mitigation options, and incentives for developers and landowner participation in the habitat acquisition and management components of the INRMP.~~

~~D. Habitat Acquisition. Based on the Habitat Protection Strategy and in coordination with the Mitigation Assistance program, the INRMP shall include a program for identifying habitat acquisition opportunities involving willing sellers. Acquisition may be by state or federal land management agencies, private land trusts or mitigation banks, the County, or other public or private organizations. Lands may be acquired in fee or protected through acquisition of a conservation easement designed to protect the core habitat values of the land while allowing other uses by the fee owner. The program should identify opportunities for partnerships between the County and other organizations for habitat acquisition and management. In evaluating proposed acquisitions, consideration will be given to site specific features (e.g., condition and threats to habitat, presence of special status species), transaction related features (e.g.,~~

~~level of protection gained, time frame for purchase completion, relative costs), and regional considerations (e.g., connectivity with adjacent protected lands and important habitat, achieves multiple agency and community benefits). Parcels that include important habitat and are located generally to the west of the Eldorado National Forest should be given priority for acquisition. Priority will also be given to parcels that would preserve natural wildlife movement corridors such as crossing under major roadways (e.g., U.S. Highway 50 and across canyons). All land acquired shall be added to the Ecological Preserve overlay area.~~

- ~~E. Habitat Management. Each property or easement acquired through the INRMP should be evaluated to determine whether the biological resources would benefit from restoration or management actions. Examples of the many types of restoration or management actions that could be undertaken to improve current habitat conditions include: removal of non native plant species, planting native species, repair and rehabilitation of severely grazed riparian and upland habitats, removal of culverts and other structures that impede movement by native fishes, construction of roadway under and overcrossing that would facilitate movement by terrestrial wildlife, and installation of erosion control measures on land adjacent to sensitive wetland and riparian habitat.~~
- ~~F. Monitoring. The INRMP shall include a habitat monitoring program that covers all areas under the Ecological Preserve overlay together with all lands acquired as part of the INRMP. Monitoring results shall be incorporated into future County planning efforts so as to more effectively conserve and restore important habitats. The results of all special status species monitoring shall be reported to the CNDDB. Monitoring results shall be compiled into an annual report to be presented to the Board of Supervisors.~~
- ~~G. Public Participation. The INRMP shall be developed with and include provisions for public participation and informal consultation with local, state, and federal agencies having jurisdiction over natural resources within the county.~~
- ~~H. Funding. The County shall develop a conservation fund to ensure adequate funding of the INRMP, including habitat maintenance and restoration. Funding may be provided from grants, mitigation fees, and the County general fund. The INRMP annual report described under item F above shall include information on current funding levels and shall project anticipated funding needs and anticipated and potential funding sources for the following five years.~~
- A. Habitat Protection Strategy. The Program establishes mitigation ratios ~~for~~to offset impacts to special-status species habitat and special-status biological resources, including vegetation communities, plants, and wildlife within the County.

Special-status species include plants and animals in the following categories:

- Species listed or proposed for listing as Threatened or Endangered under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA);
- Species considered as candidates for listing as Threatened or Endangered under ESA or CESA;
- Wildlife species identified by California Department of Fish and Wildlife (CDFW) as Species of Special Concern;
- Wildlife species identified by US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) as Species of Concern;

- Plants listed as Endangered or Rare under the California Native Plant Protection Act;
- Animals fully protected under the California Fish and Game Code;
- Plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A (plants presumed extirpated in California and either rare or extinct elsewhere), 1B (plants rare, threatened, or endangered in California and elsewhere), 2A (plants presumed extirpated in California, but more common elsewhere), or 2B (plants rare, threatened, or endangered in California, but more common elsewhere). The CNPS CRPRs are used by both CDFW and USFWS in their consideration of formal species protection under ESA or CESA.

With the exception of oak woodlands, which would be mitigated in accordance with the ORMP (see General Plan Policy 7.4.4.4), and Pine Hill rare plant species and their habitat, which would be mitigated in accordance with County Code Chapter 130.71 (see General Plan Policy 7.4.1.1), mitigation of impacts to vegetation communities will be implemented in accordance with the table below. Preservation and creation of the following vegetation communities will ensure that the current range and distribution of special-status species within the County are maintained.

<u>Habitat Mitigation Summary Table</u>			
<u>Vegetation Type</u>	<u>Preservation</u>	<u>Creation</u>	<u>Total</u>
<u>Water</u>	<u>NA</u>	<u>1:1</u>	<u>1:1</u>
<u>Herbaceous Wetland</u>	<u>1:1</u>	<u>1:1</u>	<u>2:1</u>
<u>Shrub and Tree Wetlands</u>	<u>2:1</u>	<u>1:1</u>	<u>3:1</u>
<u>Upland (non-oak and non-Pine Hill rare plant species habitat)</u>	<u>1:1</u>	<u>NA</u>	<u>1:1</u>

B. Wildlife Movement for future 4- and 6- and 8-lane roadway construction projects. Consideration of wildlife movement will be given by the County on all future 4-, 6, and 8-lane roadway construction and widening projects. Impacts on public safety and wildlife movement for projects that include new roads of 4 or more lanes or the widening of roads to 4 or more lanes will be evaluated during the development review process (see Section C below). The analysis of wildlife movement impacts will take into account the conditions of the project site and surrounding property to determine whether wildlife undercrossings are warranted and, if so, the type, size, and locations that would best mitigate a project’s impacts on wildlife movement and associated public safety.

C. Biological Resources Assessment. A site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project. Vegetation communities and special-status plants shall be mapped and assessed in accordance

with the CDFG 2009 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* and subsequent updates, and the *List of Vegetation Alliances and Associations* (CDFG 2010) and subsequent updates. Any surveys conducted to evaluate potential presence of special-status wildlife species shall conform to practices recommended by CDFW and/or USFWS at the time of the surveys. The report will include an assessment of direct, indirect and cumulative impacts to biological resources, including vegetation communities, plant and wildlife species and wildlife movement. The report shall include recommendations for:

- pre-construction surveys and avoidance/protection measures for nesting birds;
- pre-construction surveys and avoidance/protection measures for roosting bats;
- avoidance and minimization measures to reduce impacts related to entrapment, entanglement, injury, or poisoning of wildlife; and
- avoidance and minimization measures to reduce indirect impacts to wildlife in open space adjacent to a project site.

The results of the biological resources technical report shall be used as the basis for establishing mitigation requirements in conformance with this policy and the Oak Resources Management Plan (ORMP, see General Plan Policy 7.4.4.4).

D. Habitat Protection. Mitigation for impacts to vegetation communities defined above in Section A will occur within the County on a minimum contiguous habitat block of 5 acres. Wetlands mitigation may occur within mitigation banks and/or outside the County if within the watershed of impact. Mitigation sites will be prioritized based on the following criteria:

- Location within PCAs and IBCs
- Location within other important ecological areas, as defined in the Updated INRMP Initial Inventory and Mapping (June 2010);
- Woodland, forest and shrub communities with diverse age structure;
- Woodland and forest communities with large trees and dense canopies;
- Opportunities for active land management to be used to enhance or restore natural ecosystem processes;
- Presence of or potential to support special-status species;
- Connectivity with adjacent protected lands;
- Parcels that achieve multiple agency and community benefits;
- Parcels that are located generally to the west of the Eldorado National Forest;  
and
- Parcels that would preserve natural wildlife movement corridors such as crossings under major roadways (e.g., U.S. Highway 50 and across canyons).

E. Mitigation Assistance. The County will establish and maintain a database of willing sellers of land for mitigation of biological resource impacts within the County. The County will manage the database as a voluntary program wherein

landowners must opt-in to be included in the database by contacting the County. The database will include the following information:

- Property owner name
- Assessor's Parcel Number
- Parcel acreage
- General vegetation communities as mapped in the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) database
- Location within ~~Priority Conservation Area (PCA)~~, ~~Important Biological Corridor (IBC)~~, or important ecological area, as defined in the Updated INRMP Initial Inventory and Mapping (June 2010).

F. Mitigation Monitoring. Prior to final approval of an individual development project, applicants shall submit to the County a Mitigation Monitoring Plan that provides for periodic monitoring of preserved lands to assess effectiveness of the measures implemented to protect special-status and native species. The Mitigation Monitoring Plan shall demonstrate that funding is secured to implement the monitoring strategy in perpetuity.

Policy 7.4.2.9

The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay:

:

- ~~Increased minimum parcel size;~~
- ~~Higher canopy retention standards and/or different mitigation standards/thresholds for oak woodlands;~~
- ~~Lower thresholds for grading permits;~~
- ~~Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;~~
- ~~Increased riparian corridor and wetland setbacks;~~
- ~~Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Game);~~
- ~~Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;~~
- ~~Building permits discretionary or some other type of "site review" to ensure that canopy is retained;~~
- ~~More stringent standards for lot coverage, floor area ratio (FAR), and building height; and~~

- ~~• No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).~~

~~The standards listed above shall be included in the Zoning Ordinance.~~

- In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek Canyon IBC) shall be required to provide to the County a biological resources technical report (meeting the requirements identified in Section A of Policy 7.4.2.8 above). The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species (as defined in Section B of Policy 7.4.2.8 above) that may be affected by a proposed project as well as the presence of wildlife corridors particularly those used by large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Properties within the -IBC overlay that are found to support wildlife movement shall provide mitigation to ensure there is no net loss of wildlife movement function and value for special-status species, as well as large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Mitigation measures may include land use siting and design tools.

Wildland Fire Safe measures (actions conducted in accordance with an approved Fire Safe Plan for existing structures or defensible space maintenance for existing structures consistent with California Public Resources Code Section 4291) are exempt from this policy, except that Fire Safe measures will be designed insofar as possible to be consistent with the objectives of the Important Biological Corridor. Wildland Fire Safe measures for proposed projects are not exempt from this policy.

#### **OBJECTIVE 7.4.3: ~~COORDINATION WITH APPROPRIATE AGENCIES~~ INTENTIONALLY BLANK**

~~Coordination of wildlife and vegetation protection programs with appropriate Federal and State agencies.~~

#### **OBJECTIVE 7.4.4: ~~FOREST AND~~ OAK WOODLAND, AND TREE RESOURCES**

**Protect and conserve forest ~~and~~ oak woodland, and tree resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetic values.**

- Policy 7.4.4.1 The Natural Resource land use designation shall be used to protect important forest resources from uses incompatible with timber harvesting.
- Policy 7.4.4.2 Through the review of discretionary projects, the County, consistent with any limitations imposed by State law, shall encourage the conservation, protection, planting, restoration, and regeneration of native trees in new developments and within existing communities.
- Policy 7.4.4.3 ~~Utilize~~Encourage the clustering of development to retain the largest contiguous areas of forests and oak woodlands possible ~~in wildland (undeveloped) status~~.
- Policy 7.4.4.4 For all new development projects ~~(not including agricultural cultivation and or actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy)~~ that would result in soil disturbance on parcels that (1)

~~are over an acre impacts to oak woodlands and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography /or by site survey performed by a qualified biologist or licensed arborist individual native oak trees, including Heritage Trees, the County shall require one of two mitigation options: (1) as outlined in the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural El Dorado County Oak Resources Management Plan (INRMP) conservation fund described ORMP). The ORMP functions as the oak resources component of the County's biological resources mitigation program, identified in Policy 7.4.2.8.~~

**Option A**

The County shall apply the following tree canopy retention standards:

<b>Percent Existing Canopy Cover</b>	<b>Canopy Cover to be Retained</b>
80-100	60% of existing canopy
60-79	70% of existing canopy
40-59	80% of existing canopy
20-39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

~~Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.~~

**Option B**

~~The project applicant shall provide sufficient funding to the County's INRMP conservation fund, described in Policy 7.4.2.8, to fully compensate for the impact to oak woodland habitat. To compensate for fragmentation as well as habitat loss, the preservation mitigation ratio shall be 2:1 and based on the total woodland acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8.~~

~~Policy 7.4.4.5 — Where existing individual or a group of oak trees are lost within a stand, a corridor of oak trees shall be retained that maintains continuity between all portions of the stand. The retained corridor shall have a tree density that is equal to the density of the stand.~~

**~~OBJECTIVE 7.4.5: NATIVE VEGETATION AND LANDMARK TREES~~**

**~~Protect and maintain native trees including oaks and landmark and heritage trees.~~**

~~Policy 7.4.5.1 — A tree survey, preservation, and replacement plan shall be required to be filed with the County prior to issuance of a grading permit for discretionary permits on all high density residential, multifamily residential, commercial, and industrial projects. To ensure that proposed replacement trees survive, a mitigation monitoring plan should be incorporated into discretionary projects when applicable and shall include provisions for necessary replacement of trees.~~

~~Policy 7.4.5.2 — It shall be the policy of the County to preserve native oaks wherever feasible, through the review of all proposed development activities where such trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. To ensure that oak tree loss is reduced to reasonable acceptable levels, the County shall develop and implement an Oak Tree Preservation Ordinance that includes the following components:~~

~~A. Oak Tree Removal Permit Process. Except under special exemptions, a tree removal permit shall be required by the County for removal of any native oak tree with a single main trunk of at least 6 inches diameter at breast height (dbh), or a multiple trunk with an aggregate of at least 10 inches dbh. Special exemptions when a tree removal permit is not needed shall include removal of trees less than 36 inches dbh on 1) lands in Williamson Act Contracts, Farmland Security Zone Programs, Timber Production Zones, Agricultural Districts, designated Agricultural Land (AL), and actions pursuant to a Fire Safe plan; 2) all single family residential lots of one acre or less that cannot be further subdivided; 3) when a native oak tree is cut down on the owner's property for the owner's personal use; and 4) when written approval has been received from the County Planning Department. In passing judgment upon tree removal permit applications, the County may impose such reasonable conditions of approval as are necessary to protect the health of existing oak trees, the public and the surrounding property, or sensitive habitats. The County Planning Department may condition any removal of native oaks upon the replacement of trees in kind. The replacement requirement shall be calculated based upon an inch for inch replacement of removed oaks. The total of replacement trees shall have a combined diameter of the tree(s) removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the County Planning Department. The County may also condition any tree removal permit that would affect sensitive habitat (e.g., valley oak woodland), on preparation of a Biological Resources Study and an Important Habitat Mitigation Program as described in Policy 7.4.1.6. If an application is denied, the County shall provide written notification, including the reasons for denial, to the applicant.~~

~~B. Tree Removal Associated with Discretionary Project. Any person desiring to remove a native oak shall provide the County with the following as part of the project application:~~

- ~~• A written statement by the applicant or an arborist stating the justification for the development activity, identifying how trees in the vicinity of the project or construction site will be protected and stating that all construction activity will follow approved preservation methods;~~
- ~~• A site map plan that identifies all native oaks on the project site; and~~



- ~~• A report by a certified arborist that provides specific information for all native oak trees on the project site.~~

~~C. Commercial Firewood Cutting. Fuel wood production is considered commercial when a party cuts firewood for sale or profit. An oak tree removal permit shall be required for commercial firewood cutting of any native oak tree. In reviewing a permit application, the Planning Department shall consider the following:~~

- ~~• Whether the trees to be removed would have a significant negative environmental impact;~~
- ~~• Whether the proposed removal would not result in clear cutting, but will result in thinning or stand improvement;~~
- ~~• Whether replanting would be necessary to ensure adequate regeneration;~~
- ~~• Whether the removal would create the potential for soil erosion;~~
- ~~• Whether any other limitations or conditions should be imposed in accordance with sound tree management practices; and~~
- ~~• What the extent of the resulting canopy cover would be.~~

~~D. Penalties. Fines will be issued to any person, firm, or corporation that is not exempt from the ordinance who damages or destroys an oak tree without first obtaining an oak tree removal permit. Fines may be as high as three times the current market value of replacement trees as well as the cost of replacement, and/or replacement of up to three times the number of trees required by the ordinance. If oak trees are removed without a tree removal permit, the County Planning Department may choose to deny or defer approval of any application for development of that property for a period of up to 5 years. All monies received for replacement of illegally removed or damaged trees shall be deposited in the County's Integrated Natural Resources Management Plan (INRMP) conservation fund.~~

## **MEASURE CO-K**

Work cooperatively with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and Bureau of Land Management to implement the gabbro soils rare plant ecological preserve and recovery program and to develop a long-term preserve strategy. Develop implementation measures to incorporate in County development standards for ministerial and discretionary projects, which may include:

- Identification of compatible land uses within preserve sites, which may include passive recreation, research and scientific study, and interpretive education; and
- Fuels management and fire protection plans to reduce fire hazards at the interface between rare plant preserve sites and residential land uses; ~~and.~~

[Policies 7.4.1.1, 7.4.1.2, and 7.4.1.3 ~~and Objective 7.4.3~~]

Responsibility:	Planning Department
Time Frame:	Ongoing implementation to continue immediately upon General Plan adoption. Development standards to be incorporated into updated Zoning Ordinance and design standards programs.

**MEASURE CO-L**

Develop guidelines for the preparation of biological ~~study~~resources technical reports. [Policy 7.4.1-~~6~~2.8]

Responsibility:	Planning Department and Department of Transportation
Time Frame:	Develop guidelines within five years of General Plan adoption.

**MEASURE CO-M**

~~Develop and implement an Integrated Natural Resources Management Plan consistent with Policy 7.4.2.8.~~  
~~Intentionally blank.~~

Responsibility:	Planning Department
Time Frame:	<del>Develop initial habitat protection strategy; develop and implement mitigation assistance program; and develop and implement conservation fund within two years of General Plan adoption. Develop framework for acquisition strategy and monitoring program within three years of General Plan adoption. Begin actual acquisition after completion of the initial inventory and mapping; develop management strategies as properties are acquired. Adaptive management of the entire program will be ongoing.</del>

**MEASURE CO-N**

~~Review and update an Important Biological Corridor (IBC) Overlay land use designation consistent with Policy 7.4.2.9.~~  
~~Intentionally blank.~~

Responsibility:	Planning Department
Time Frame:	<del>Within two years of General Plan adoption.</del>

**MEASURE CO-O**

Prepare and adopt a riparian setback ordinance. The ordinance, which shall be incorporated into the Zoning Code, should address mitigation standards, including permanent protection mechanisms for protected areas, and exceptions to the setback requirements. The ordinance shall be applied to riparian areas associated with any surface water feature (i.e., rivers, streams, lakes, ponds, and wetlands) and should be prepared in coordination with Measure CO-B. [Policy 7.4.2.5]

Responsibility:	Planning Department
Time Frame:	Within three years of General Plan adoption.

**MEASURE CO-P**

Develop and adopt an Oak Resources Management Plan. The plan shall address the following:

- Mitigation standards ~~outlined in Policy 7.4.4.4~~for oak resources impacts;
- ~~Thresholds~~Definitions of ~~significance for the loss of oak woodlands~~;
- ~~Requirements for tree survey~~exempt projects and actions;

- Technical report requirements;
- ~~Oak resources mitigation plans for discretionary projects;~~
- Replanting options and replacement standards;
- Heritage/landmark tree protection Tree mitigation standards; and
- An Oak Tree Preservation Ordinance as outlined in Oak resources mitigation monitoring and reporting requirements.

[Policies ~~7.4.4.4 and 7.4.5.1~~]

Responsibility:	Planning Department
Time Frame:	<u>Within two years of General Plan adoption. Concurrent with biological resources policy update.</u>

### **MEASURE CO-U**

#### Intentionally blank.

~~Mitigation under Policy 7.4.1.6 shall include providing sufficient funding to the County's conservation fund to acquire and protect important habitat at a minimum 2:1 ratio. The cost associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. For larger development projects (i.e., those that exceed a total of 10 acres), in addition to contributing to the conservation fund at a minimum 2:1 ratio, onsite preservation and/or restoration of important habitat shall be required at a 1:1 ratio. Impacts on important habitat and mitigation requirements shall be addressed in a Biological Resources Study and an Important Habitat Mitigation Program (described below).~~

- A. ~~Biological Resources Study. The County shall adopt biological resource assessment standards that apply to all discretionary projects that would result in disturbance of soil and native vegetation in areas that include important habitat as defined in the INRMP. The assessment of the project site must be in the form of an independent Biological Resources Study, and must be completed by a qualified biologist. The evaluation shall quantify the amount of important habitat, by habitat type, as defined in the General Plan and delineated on maps included in the INRMP. The Biological Resources Study shall also address the potential for the project to adversely affect important habitat through conversion or fragmentation. This requirement shall not apply to projects that are on lands that either (1) have already been the subject of a study and for which all mitigation requirements are being implemented or (2) have been evaluated by the County and found to not possess any important habitat resources.~~
- B. ~~Important Habitat Mitigation Program. The Biological Resource Study shall include an Important Habitat Mitigation Program that identifies options that would avoid, minimize, or compensate for impacts on important habitats in compliance with the standards of the INRMP and the General Plan. All mitigation programs shall include a monitoring and reporting component requiring reports to the County not less than once each year for a period of not less than 10 years. The report will include a description of the lands included in the mitigation program (including location and size), a summary of the evaluation criteria established at the time the mitigation program was approved, an evaluation of the mitigation program based on those criteria, and recommendations for action during the following year. The County shall adopt standards for evaluating mitigation programs proposed as part of the Biological Resources Study described above. The standards shall ensure that the mitigation reduces direct and cumulative impacts of proposed development on important habitats to less than significant levels in accordance with CEQA thresholds.~~

<u>Responsibility:</u>	<u>Planning Department</u>
<u>Time Frame:</u>	<u>Refer to Measures CO L and CO M as applicable.</u>

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of El Dorado 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 and the associated Draft and Final EIRs and hereby adopts the amendments to the County General Plan Conservation and Open Space Element, 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 24th day of October 2017, by the following vote of said Board:

Ayes:

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

Noes:  
Absent:

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

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

## EXHIBIT A



# EL DORADO COUNTY GENERAL PLAN CONSERVATION AND OPEN SPACE ELEMENT

## **PRINCIPLE**

*Consistent with the objectives, goals, and policies set forth in the Land Use Element, the Plan must conserve and improve the County's existing natural resources and open space, including agricultural and forest soils, mineral deposits, water and native plants, fish, wildlife species and habitat, and federally classified wilderness areas; and preserve resources of significant biological, ecological, historical or cultural importance.*

## **INTRODUCTION**

The purpose of the Conservation and Open Space Element of the General Plan is to address the management, preservation, and conservation of natural resources and open space of El Dorado County. Management of the County's resources will assure the availability of those resources to future generations and the realization of their full economic potential.

Pursuant to Government Code Section 65302, both a conservation and an open space element must be included in a general plan. The General Plan combines these two elements into the Conservation and Open Space Element and as such satisfies the legal requirements for the Conservation and Open Space Elements defined in the Government Code, Sections 65302(d) and 65560, respectively.

## **RELATIONSHIP TO OTHER ELEMENTS**

This element contains provisions for the conservation and protection of soils, minerals, water, wildlife and fisheries, vegetation, cultural resources, and open space. The issues of this element are closely linked to those of almost all other elements of this General Plan. The intensity of development and issues of land use compatibility relating to resource protection and/or production are discussed in the Land Use, Agriculture and Forestry, and Parks and Recreation Elements.

Natural resources and soil preservation are also discussed in the Agriculture and Forestry Element. The Agriculture and Forestry Element focuses primarily on conservation of

agricultural lands and timber forest lands and identifies the types of uses which are compatible with resource utilization.

Measures necessary for the protection of life and property, as well as ecological values, are also discussed in the Public Health, Safety, and Noise Element.

The Parks and Recreation Element discusses the provision and maintenance of parks, recreation facilities, and trails to serve El Dorado County while the Conservation and Open Space Element deals with the conservation of open space for outdoor recreation.

The Public Services and Utilities Element discusses the conservation of reusable resources and land by recycling and waste management techniques.

**ORGANIZATION OF THE ELEMENT**

The Conservation and Open Space Element discusses significant natural resources including geology and soils, extractive minerals, water, biological resources, cultural resources, and open space resources. Goals, objectives, and policies are included in this element for each of the topics listed.

**POLICY SECTION**

**SOIL CONSERVATION**

**GOAL 7.1: SOIL CONSERVATION**

**Conserve and protect the County’s soil resources.**

**OBJECTIVE 7.1.1: SOILS**

**Long-term soil productivity.**

Policy 7.1.1.1 Conserve and maintain important agricultural soils for existing and potential agricultural and forest uses by limiting non-agricultural/non-forestry development on those soils.

**OBJECTIVE 7.1.2: EROSION/SEDIMENTATION**

**Minimize soil erosion and sedimentation.**

Policy 7.1.2.1 Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

- Reasonable use of the property would otherwise be denied.

- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.
- Replacement or repair of existing structures would occur in substantially the same footprint.
- The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under 30 percent. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

- Policy 7.1.2.2 Discretionary and ministerial projects that require earthwork and grading, including cut and fill for roads, shall be required to minimize erosion and sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces, and maximize the retention of natural vegetation. Specific standards for minimizing erosion and sedimentation shall be incorporated into the Zoning Ordinance.
- Policy 7.1.2.3 Enforce Grading Ordinance provisions for erosion control on all development projects and adopt provisions for ongoing, applicant-funded monitoring of project grading.
- Policy 7.1.2.4 Cooperate with and encourage the activities of the three Resource Conservation Districts in identifying critical soil erosion problems and pursuing funding sources to resolve such problems.
- Policy 7.1.2.5 The Department of Transportation, in conjunction with the Resource Conservation Districts and Soil Conservation District, shall develop a road-side maintenance program to manage roads in a manner that maintains drainage and protects surface waters while reducing road-side weed problems.
- Policy 7.1.2.6 The County shall encourage the Soil Conservation Service to update the 1974 Soil Survey and to digitize all soils mapping units on the Geographic Information System (GIS).
- Policy 7.1.2.7 The County shall require agricultural grading activities that convert one acre or more of undisturbed vegetation to agricultural cropland to obtain an agricultural permit through the Agricultural Commissioner’s office which may require approval of the Agricultural Commission. All erosion control measures included in the agricultural permit would be

implemented. All agricultural practices, including fuel reduction and fire protection, that do not change the natural contour of the land and that use “best management practices” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors shall be exempt from this policy.

## **CONSERVATION OF MINERAL RESOURCES**

### **GOAL 7.2: MINERAL RESOURCES**

**Conservation of the County’s significant mineral deposits.**

#### **OBJECTIVE 7.2.1: IDENTIFY MINERAL RESOURCES**

**Identification of the County’s important mineral resources.**

Policy 7.2.1.1 In accordance with California Code of Regulations, Sections 3675-3676, the County shall maintain all Mineral Land Classification reports produced by the State Department of Conservation, California Geological Survey, which pertain to El Dorado County. El Dorado County hereby recognizes, accepts, and adopts by reference those State Classification Reports as they currently exist and as may be amended, or supplemented, in the future. These reports are as follows:

1. Kohler, S.L. 1983. Mineral Land Classification of the Georgetown 15' Quadrangle, El Dorado, and Placer Counties, California. Open File Report 83-35. Prepared for the California Department of Conservation.
2. Kohler, S.L. 1984. Mineral Land Classification of the Auburn 15' Quadrangle, El Dorado and Placer Counties, California. Open File Report 83-37. Prepared for the California Department of Conservation.
3. Loyd, R.C., T.P Anderson, and M.M Bushnell.1983. Mineral Land Classification of the Placerville 15' Quadrangle, El Dorado, and Amador Counties, California. Open File Report 83-29. Prepared for the California Department of Conservation.
4. Loyd, R.C. 1984. Mineral Land Classification of the Folsom 15' Quadrangle, Sacramento, El Dorado, Placer, and Amador Counties, California. Open File Report 84-50. Prepared for the California Department of Conservation.
5. Loyd, R.C., and S.L. Kohler. 1987. Mineral Land Classification of the Camino and Mokelumne Hill 15' Quadrangles, El Dorado, Amador, and Calaveras Counties, California. Open File Report 87-02. Prepared for the California Department of Conservation.



6. Busch, Lawrence L. 2001. Mineral Land Classification of El Dorado County, California. Open File Report 2000-03. Prepared for the California Department of Conservation.

Policy 7.2.1.2 Areas designated as Mineral Resource (-MR) overlay on the General Plan Land Use Map shall be identified by the Mineral Resource (-MR) combining zone district on the zoning maps when the likely extraction of the resource through surface mining methods will be compatible with adjacent land uses as determined by Policy 7.2.2.2.

Policy 7.2.1.3 The County shall request the State Department of Conservation to conduct a County-wide study to assess the location and value of non-metallic mineral materials. Once completed, the County may recognize them in the General Plan and zone them and the surroundings to allow for mineral resource management.

**OBJECTIVE 7.2.2: PROTECTION FROM DEVELOPMENT**

**Protection of important mineral resources from incompatible development.**

Policy 7.2.2.1 The minimum parcel size within, or adjacent to, areas subject to the -MR overlay shall be twenty (20) acres unless the applicant can demonstrate to the approving authority that there are no economically significant mineral deposits on or adjacent to the project site and that the proposed project will have no adverse effect on existing or potential mining operations. The minimum parcel size adjacent to active mining operations which are outside of the -MR overlay shall also be twenty (20) acres.

Policy 7.2.2.2 The General Plan designations, as shown on the General Plan land use maps, which are considered potentially compatible with surface mining shall include:

- Natural Resource (NR)
- Agricultural Land (AL)
- Open Space (OS)
- Industrial (I)
- Public Facilities (PF)
- Rural Residential (RR)
- Commercial (C)
- Low-Density Residential (LDR)

All other General Plan designations are determined to be incompatible for surface mining. Industrial uses shall be limited to those compatible with mineral exploration.

- Policy 7.2.2.3 The County shall require that new nonmining land uses adjacent to existing mining operations be designed to provide a buffer sufficient to protect the mining operation between the new development and the mining operation(s).

### **OBJECTIVE 7.2.3: ENVIRONMENTAL/LAND USE COMPATIBILITY**

#### **Regulation of extraction of mineral resources to ensure that environmental and land use compatibility issues are considered.**

- Policy 7.2.3.1 The extraction of mineral resources within the County shall only be allowed following the approval of a special use permit and a reclamation plan conforming to the California Surface Mining and Reclamation Act (SMARA).

- Policy 7.2.3.2 In analyzing the environmental effects of mining operations, the County shall consider, at a minimum, the following issues in granting a new permit:

- A. Natural vegetation and topography for buffering;
- B. Central location of processing equipment and equipment storage;
- C. Dust control;
- D. Circulation and construction standards for access roads;
- E. Erosion control;
- F. Revegetation and re-establishment of natural appearing features on the site following mining activities;
- G. Ultimate land use;
- H. Hours of operation;
- I. Night lighting;
- J. Security fencing;
- K. Noise impacts;
- L. Protection of water quality, sensitive wildlife habitat and/or sensitive plant communities; and
- M. Phased reclamation that proceeds concurrently with surface mining.

- Policy 7.2.3.3 Existing development (commercial, residential, and public facilities), as well as undeveloped private lands, shall be protected from significant

adverse environmental effects caused by mining through use permit conditions, mitigation measures, and the Noise Element standards.

Policy 7.2.3.4 Surface access to subsurface mining is conditionally permitted only in compatible General Plan designations as defined in these policies. However, vent and escape shafts are permitted in incompatible General Plan designations where surface disturbance is minimal.

Policy 7.2.3.5 The County shall require satisfactory forms of accessible security including irrevocable letters of credit, cash deposits, escrowed negotiable securities, or performance bonds for all mining projects to cover all damages which may stem from the projects and to make sure that all reclamation is carried out. These securities shall be reviewed annually to ensure that there are sufficient funds available to repair potential damage at current costs.

Policy 7.2.3.6 Time limits for special use permits for each project shall be established on a case-by-case basis. Time limits shall be based on the reasonably expected life of the mining operation and potential conflicts with future neighboring land uses. Each project shall have a periodic review for compliance with the use permit. In no case shall such review time period exceed five years. Said review shall be funded by the applicant.

Policy 7.2.3.7 Exploration for economic mineral or ore deposits is permitted in compatible General Plan designations as defined in these policies. A special use permit shall be required if:

- A. Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed; or
- B. The operation in any one location disturbs one acre or more in size; or
- C. De-watering will occur or water will be discharged from the site as a result of the operation.

Policy 7.2.3.8 Exploration for economic mineral or ore deposits is permitted in incompatible General Plan designations, provided that:

- A. Methods of geological survey, geophysical, or geochemical prospecting are used; or
- B. Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance may be created; and
- C. No explosives may be used; there may be no drifting or tunnelling; and de-watering or water discharge is not allowed.

Policy 7.2.3.9 All exploratory operations shall require a reclamation plan and a bond to ensure its completion if:

- A. Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed; or
- B. The operation in any one location disturbs one acre or more in size.

Policy 7.2.3.10 In those instances where a reclamation plan is not required, an erosion control plan shall be required for those operations in which over 50 cubic yards or more of overburden are disturbed.

Policy 7.2.3.11 Recreational mining, which is the extraction of minerals for recreation on a seasonal basis and the use of such devices as pans, rockers, and dredges with intakes eight inches in diameter or less, shall not require a special use permit. However, certain Federal or State regulations and local building and sanitation regulations may apply.

Policy 7.2.3.12 Except as provided for in Policy 2.2.2.7, zone changes removing the -MR Combining Zone District from the base zone district shall be considered by the County only when specific studies similar in nature to State Classification Reports prove that a significant mineral deposit no longer exists.

Policy 7.2.3.13 Regardless of the General Plan designation, subsurface mining shall be conditionally permitted throughout the County. Said mining shall be allowed only after impacts to the environment and affected surface land uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the impact of the operation on surface land uses, water quantity and quality, and noise and vibration impacts associated with surface access. All other related impacts shall also be addressed.

**CONSERVATION AND PROTECTION OF WATER RESOURCES**

**GOAL 7.3: WATER QUALITY AND QUANTITY**

**Conserve, enhance, and manage water resources and protect their quality from degradation.**

**OBJECTIVE 7.3.1: WATER RESOURCE PROTECTION**

**Preserve and protect the supply and quality of the County’s water resources including the protection of critical watersheds, riparian zones, and aquifers.**

Policy 7.3.1.1 Encourage the use of Best Management Practices, as identified by the Soil Conservation Service, in watershed lands as a means to prevent erosion, siltation, and flooding.

- Policy 7.3.1.2 Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements as well as incentives for the conservation and wise use of water.
- Policy 7.3.1.3 The County shall develop the criteria and draft an ordinance to allow and encourage the use of domestic gray water for landscape irrigation purposes. (See Title 22 of the State Water Code and the Graywater Regulations of the Uniform Plumbing Code).

**OBJECTIVE 7.3.2: WATER QUALITY**

**Maintenance of and, where possible, improvement of the quality of underground and surface water.**

- Policy 7.3.2.1 Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.
- Policy 7.3.2.2 Projects requiring a grading permit shall have an erosion control program approved, where necessary.
- Policy 7.3.2.3 Where practical and when warranted by the size of the project, parking lot storm drainage shall include facilities to separate oils and salts from storm water in accordance with the recommendations of the Storm Water Quality Task Force’s California Storm Water Best Management Practices Handbooks (1993).
- Policy 7.3.2.4 The County should evaluate feasible alternatives to the use of salt for ice control on County roads.
- Policy 7.3.2.5 As a means to improve the water quality affecting the County’s recreational waters, enhanced and increased detailed analytical water quality studies and monitoring should be implemented to identify and reduce point and non-point pollutants and contaminants. Where such studies or monitoring reports have identified sources of pollution, the County shall propose means to prevent, control, or treat identified pollutants and contaminants.

**OBJECTIVE 7.3.3: WETLANDS**

**Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.**

- Policy 7.3.3.1 For projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, the application shall include a delineation of all such features.

For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual

Policy 7.3.3.2 *Intentionally blank*

Policy 7.3.3.3 The County shall develop a database of important surface water features, including lake, river, stream, pond, and wetland resources.

Policy 7.3.3.4 The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Policy 7.3.3.5 Rivers, streams, lakes and ponds, and wetlands shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.

**OBJECTIVE 7.3.4: DRAINAGE**

**Protection and utilization of natural drainage patterns.**

- Policy 7.3.4.1 Natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.
- Policy 7.3.4.2 Modification of natural stream beds and flow shall be regulated to ensure that adequate mitigation measures are utilized.

**OBJECTIVE 7.3.5: WATER CONSERVATION**

**Conservation of water resources, encouragement of water conservation, and construction of wastewater disposal systems designed to reclaim and re-use treated wastewater on agricultural crops and for other irrigation and wildlife enhancement projects.**

- Policy 7.3.5.1 Drought-tolerant plant species, where feasible, shall be used for landscaping of commercial development. Where the use of drought-tolerant native plant species is feasible, they should be used instead of non-native plant species.
- Policy 7.3.5.2 A list of appropriate local indigenous drought tolerant plant materials shall be maintained by the County Planning Department and made available to the public.
- Policy 7.3.5.3 The County Parks and Recreation Division shall use drought tolerant landscaping for all new parks and park improvement projects.
- Policy 7.3.5.4 Require efficient water conveyance systems in new construction. Establish a program of ongoing conversion of open ditch systems shall be considered for conversion to closed conduits, reclaimed water supplies, or both, as circumstances permit.
- Policy 7.3.5.5 Encourage water reuse programs to conserve raw or potable water supplies consistent with State Law.

**CONSERVATION OF BIOLOGICAL RESOURCES**

**GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES**

**Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.**

**OBJECTIVE 7.4.1: PINE HILL RARE PLANT SPECIES**

**The County shall protect Pine Hill rare plant species and their habitat consistent with Federal and State laws.**

- Policy 7.4.1.1 The County shall continue to provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 130.71 and the USFWS's *Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan* (USFWS 2002).
- Policy 7.4.1.2 Private land for Pine Hill rare plant preserve sites will be purchased only from willing sellers.
- Policy 7.4.1.3 Limit land uses within established Pine Hill rare plant preserve areas to activities deemed compatible. Such uses may include passive recreation, research and scientific study, and education. In conjunction with use as passive recreational areas, develop a rare plant educational and interpretive program.
- Policy 7.4.1.4 The Pine Hill Preserves, as approved by the County Board of Supervisors, shall be designated Ecological Preserve (-EP) overlay on the General Plan land use map.
- Policy 7.4.1.5 *Intentionally blank.*
- Policy 7.4.1.6 *Intentionally blank.*
- Policy 7.4.1.7 *Intentionally blank.*

**OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES**

**Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.**

- Policy 7.4.2.1 The County will coordinate wildlife and vegetation protection programs with appropriate Federal and State agencies.
- Policy 7.4.2.2 The County shall continue to support the Noxious Weed Management Group in its efforts to reduce and eliminate noxious weed infestations to protect native habitats and to reduce fire hazards.
- Policy 7.4.2.3 Consistent with Policy 9.1.3.1 of the Parks and Recreation Element, low impact uses such as trails and linear parks may be provided within river



and stream buffers if all applicable mitigation measures are incorporated into the design.

Policy 7.4.2.4 Protect and preserve wildlife habitat corridors within public parks and natural resource protection areas to allow for wildlife use. Recreational uses within these areas shall be limited to those activities that do not require grading or vegetation removal.

Policy 7.4.2.5 Setbacks from all rivers, streams, and lakes shall be included in the Zoning Ordinance for all ministerial and discretionary development projects.

Policy 7.4.2.6 *Intentionally blank.*

Policy 7.4.2.7 *Intentionally blank.*

Policy 7.4.2.8 Conserve contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the County through a Biological Resource Mitigation Program (Program). The Program will result in the conservation of:

1. Habitats that support special status species;
2. Aquatic environments including streams, rivers, and lakes;
3. Wetland and riparian habitat;
4. Important habitat for migratory deer herds; and
5. Large expanses of native vegetation.

A. Habitat Protection Strategy. The Program establishes mitigation ratios to offset impacts to special-status species habitat and special-status vegetation communities within the County.

Special-status species include plants and animals in the following categories:

- Species listed or proposed for listing as Threatened or Endangered under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA);
- Species considered as candidates for listing as Threatened or Endangered under ESA or CESA;
- Wildlife species identified by California Department of Fish and Wildlife (CDFW) as Species of Special Concern;
- Wildlife species identified by US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) as Species of Concern;

- Plants listed as Endangered or Rare under the California Native Plant Protection Act;
- Animals fully protected under the California Fish and Game Code;
- Plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A (plants presumed extirpated in California and either rare or extinct elsewhere), 1B (plants rare, threatened, or endangered in California and elsewhere), 2A (plants presumed extirpated in California, but more common elsewhere), or 2B (plants rare, threatened, or endangered in California, but more common elsewhere). The CNPS CRPRs are used by both CDFW and USFWS in their consideration of formal species protection under ESA or CESA.

With the exception of oak woodlands, which would be mitigated in accordance with the ORMP (see General Plan Policy 7.4.4.4), and Pine Hill rare plant species and their habitat, which would be mitigated in accordance with County Code Chapter 130.71 (see General Plan Policy 7.4.1.1), mitigation of impacts to vegetation communities will be implemented in accordance with the table below. Preservation and creation of the following vegetation communities will ensure that the current range and distribution of special-status species within the County are maintained.

Habitat Mitigation Summary Table			
Vegetation Type	Preservation	Creation	Total
Water	NA	1:1	1:1
Herbaceous Wetland	1:1	1:1	2:1
Shrub and Tree Wetlands	2:1	1:1	3:1
Upland (non-oak and non-Pine Hill rare plant species habitat)	1:1	NA	1:1

B. Wildlife Movement for future 4- and 6- and 8-lane roadway construction projects. Consideration of wildlife movement will be given by the County on all future 4-, 6-, and 8-lane roadway construction and widening projects. Impacts on public safety and wildlife movement for projects that include new roads of 4 or more lanes or the widening of roads to 4 or more lanes will be evaluated during the development review process (see Section C below). The

analysis of wildlife movement impacts will take into account the conditions of the project site and surrounding property to determine whether wildlife undercrossings are warranted and, if so, the type, size, and locations that would best mitigate a project's impacts on wildlife movement and associated public safety.

C. Biological Resources Assessment. A site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project. Vegetation communities and special-status plants shall be mapped and assessed in accordance with the CDFG 2009 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* and subsequent updates, and the *List of Vegetation Alliances and Associations* (CDFG 2010) and subsequent updates. Any surveys conducted to evaluate potential presence of special-status wildlife species shall conform to practices recommended by CDFW and/or USFWS at the time of the survey. The report will include an assessment of direct, indirect and cumulative impacts to biological resources, including vegetation communities, plant and wildlife species and wildlife movement. The report shall include recommendations for:

- pre-construction surveys and avoidance/protection measures for nesting birds;
- pre-construction surveys and avoidance/protection measures for roosting bats;
- avoidance and minimization measures to reduce impacts related to entrapment, entanglement, injury, or poisoning of wildlife; and
- avoidance and minimization measures to reduce indirect impacts to wildlife in open space adjacent to a project site.

The results of the biological resources technical report shall be used as the basis for establishing mitigation requirements in conformance with this policy and the Oak Resources Management Plan (ORMP, see General Plan Policy 7.4.4.4).

D. Habitat Protection. Mitigation for impacts to vegetation communities defined above in Section A will occur within the County on a minimum contiguous habitat block of 5 acres. Wetlands mitigation may occur within mitigation banks and/or outside the County if within the watershed of impact. Mitigation sites will be prioritized based on the following criteria:

- Location within PCAs and IBCs
- Location within other important ecological areas, as defined in the Updated INRMP Initial Inventory and Mapping (June 2010);

- Woodland, forest and shrub communities with diverse age structure;
  - Woodland and forest communities with large trees and dense canopies;
  - Opportunities for active land management to be used to enhance or restore natural ecosystem processes;
  - Presence of or potential to support special-status species;
  - Connectivity with adjacent protected lands;
  - Parcels that achieve multiple agency and community benefits;
  - Parcels that are located generally to the west of the Eldorado National Forest; and
  - Parcels that would preserve natural wildlife movement corridors such as crossings under major roadways (e.g., U.S. Highway 50 and across canyons).
- E. Mitigation Assistance. The County will establish and maintain a database of willing sellers of land for mitigation of biological resource impacts within the County. The County will manage the database as a voluntary program wherein landowners must opt-in to be included in the database by contacting the County. The database will include the following information:
- Property owner name
  - Assessor's Parcel Number
  - Parcel acreage
  - General vegetation communities as mapped in the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) database
  - Location within Priority Conservation Area (PCA), Important Biological Corridor (IBC), or important ecological area, as defined in the Updated INRMP Initial Inventory and Mapping (June 2010).
- F. Mitigation Monitoring. Prior to final approval of an individual development project, applicants shall submit to the County a Mitigation Monitoring Plan that provides for periodic monitoring of preserved lands to assess effectiveness of the measures implemented to protect special-status and native species. The Mitigation Monitoring Plan shall demonstrate that funding is secured to implement the monitoring strategy in perpetuity.

Policy 7.4.2.9 The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay:

- In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek canyon IBC) shall be required to provide to the County a biological resources technical report (meeting the requirements identified in Section A of Policy 7.4.2.8 above). The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species (as defined in Section B of Policy 7.4.2.8 above) that may be affected by a proposed project as well as the presence of wildlife corridors particularly those used by large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Properties within the -IBC overlay that are found to support wildlife movement shall provide mitigation to ensure there is no net loss of wildlife movement function and value for special-status species, as well as large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Mitigation measures may include land use siting and design tools.

Wildland Fire Safe measures (actions conducted in accordance with an approved Fire Safe Plan for existing structures or defensible space maintenance for existing structures consistent with California Public Resources Code Section 4291) are exempt from this policy, except that Fire Safe measures will be designed insofar as possible to be consistent with the objectives of the Important Biological Corridor. Wildland Fire Safe measures for proposed projects are not exempt from this policy.

### **OBJECTIVE 7.4.3: INTENTIONALLY BLANK**

### **OBJECTIVE 7.4.4: FOREST, OAK WOODLAND, AND TREE RESOURCES**

**Protect and conserve forest, oak woodland, and tree resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetic values.**

- Policy 7.4.4.1 The Natural Resource land use designation shall be used to protect important forest resources from uses incompatible with timber harvesting.
- Policy 7.4.4.2 Through the review of discretionary projects, the County, consistent with any limitations imposed by State law, shall encourage the conservation, protection, planting, restoration, and regeneration of native trees in new developments and within existing communities.
- Policy 7.4.4.3 Encourage the clustering of development to retain the largest contiguous areas of forests and oak woodlands possible.
- Policy 7.4.4.4 For all new development projects or actions that result in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, the County shall require mitigation as outlined in the El Dorado County Oak Resources Management Plan (ORMP). The ORMP functions as the oak resources component of the County’s biological resources mitigation program, identified in Policy 7.4.2.8.

The ORMP identifies standards for oak woodland and native oak tree impact determination, mechanisms to mitigate oak woodland and native oak tree impacts, technical report submittal requirements, minimum qualifications for technical report preparation, mitigation monitoring and reporting requirements, and projects or actions that are exempt from this policy. The ORMP also establishes an in-lieu fee payment option for impacts to oak woodlands and native oak trees, identifies Priority Conservation Areas (PCAs) where oak woodland conservation efforts may be focused, and outlines minimum standards for identification of oak woodland conservation areas outside the PCAs. Requirements for monitoring and maintenance of conserved oak woodland areas and identification of allowable uses within conserved oak woodland areas are also included in the ORMP.

**PRESERVATION OF CULTURAL RESOURCES**

**GOAL 7.5: CULTURAL RESOURCES**

**Ensure the preservation of the County’s important cultural resources.**

**OBJECTIVE 7.5.1: PROTECTION OF CULTURAL HERITAGE**

**Creation of an identification and preservation program for the County’s cultural resources.**

- Policy 7.5.1.1 The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric and

paleontological resources) by discretionary projects. This Ordinance should include (but not be limited to) and provide for the following:

- A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.
- B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.
- C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.
- D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.
- E. Formulation of project review guidelines for all development projects.
- F. Development of a cultural resources sensitivity map of the County.

Policy 7.5.1.2 Reports and/or maps identifying specific locations of archaeological or historical sites shall be kept confidential in the Planning Department but shall be disclosed where applicable.

Policy 7.5.1.3 Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California, Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

Policy 7.5.1.4 Promote the registration of historic districts, sites, buildings, structures, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation’s California Points of Historic Interest and California Inventory of Historic Resources.

Policy 7.5.1.5 A Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County’s important cultural resources. The Commission’s duties shall include, but are not limited to:

- A. Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries) and the curation of any artifacts collected during field collection/excavation;

- B. Assisting in preparation of a cultural resources inventory (to include prehistoric sites and historic sites and structures of local importance);
- C. Reviewing all projects with identified cultural resources and making recommendations on appropriate forms of protection and mitigation; and
- D. Reviewing sites for possible inclusion in the National Register of Historic Places, California Register, and other State and local lists of cultural properties.

The County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for grants to aid in historic preservation projects. The Cultural Resources Preservation Commission could serve as the Commission required for the CLG program.

- Policy 7.5.1.6 The County shall treat any significant cultural resources (i.e., those determined California Register of Historical Resources/National Register of Historic Places eligible and unique paleontological resources), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards.

## **OBJECTIVE 7.5.2: VISUAL INTEGRITY**

### **Maintenance of the visual integrity of historic resources.**

- Policy 7.5.2.1 Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.
- Policy 7.5.2.2 The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner consistent with National Historic Preservation Act (NHPA) Historic District standards.
- A. The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.
  - B. New buildings and structures and reconstruction/restoration of historic (historic as per National Register of Historic Places [NRHP] and California Register of Historical Resources [CRHR] criteria) buildings and structures shall generally conform to styles of architecture prevalent during the latter half of the 19th century into the first decade of the 20th century.
  - C. Any historic building or structure located within a designated HDCD, or any building or structure located elsewhere in the county that is listed on the NRHP or CRHR, is designated a California Building of Historic Interest, or a California State Historic Landmark, or is



designated as significant as per NRHP/CRHR criteria, shall not be destroyed, significantly altered, removed, or otherwise changed in exterior appearance without a design review.

- D. In cases where the County permits the significant alteration of a historic building or structure exterior, such alteration shall be required to maintain the historic integrity and appearance of the building or structure and shall be subject to a design review.
- E. In cases where new building construction is placed next to a historic building or structure in a designated HDCD or listed on the CRHR/NRHP, the architectural design of the new construction shall generally conform to the historic period of significance of the HDCD or listed property.
- F. In cases where the County permits the destruction of a historic building or tearing down a structure, the building or structure shall first be recorded in a manner consistent with the standards of the NHPA Historic American Building Survey (HABS) by a qualified professional architectural historian.
- G. The County shall mandate building and structure design controls within the viewshed of the Marshall Gold Discovery State Historic Park. These design controls shall be consistent with those mandated for designated Historic Design Control Districts.

Policy 7.5.2.3 New buildings and reconstruction in historic communities shall generally conform to the types of architecture prevalent in the gold mining areas of California during the period 1850 to 1910.

Policy 7.5.2.4 The County shall prohibit the modification of all National Register of Historic Places (NRHP)/California Register of Historical Resources (CRHR) listed properties that would alter their integrity, historic setting, and appearance to a degree that would preclude their continued listing on these registers. If avoidance of such modifications on privately owned listed properties is deemed infeasible, mitigation measures commensurate with NRHP/CRHR standards shall be formulated in cooperation with the property owner.

Policy 7.5.2.5 In cases where the County permits the demolition or alteration of an historic building, such alteration or new construction (subsequent to demolition) shall be required to maintain the character of the historic building or replicate its historic features.

Policy 7.5.2.6 The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.

**OBJECTIVE 7.5.3: RECOGNITION OF PREHISTORIC/HISTORIC RESOURCES**

**Recognition of the value of the County’s prehistoric and historic resources to residents, tourists, and the economy of the County, and promotion of public access and enjoyment of prehistoric and historic resources where appropriate.**

**OBJECTIVE 7.5.4: PROTECTION OF CEMETERIES**

**Preservation and protection of existing cemeteries including access and parking.**

Policy 7.5.4.1 Protect access routes and parking at existing cemeteries. Development proposals will be evaluated to ensure that they do not interfere with cemeteries or their access and parking.

**PRESERVATION OF OPEN SPACE**

**GOAL 7.6: OPEN SPACE CONSERVATION**

**Conserve open space land for the continuation of the County’s rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.**

**OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE**

**Consideration of open space as an important factor in the County’s quality of life.**

Policy 7.6.1.1 The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and objectives of the Land Use and the Conservation and Open Space Elements by serving one or more of the purposes stated below. In addition, the designations on the land use map for Rural Residential and Natural Resource areas are also intended to implement said goals and objectives. Primary purposes of open space include:

- A. Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, banks of rivers and streams and watershed lands;
- B. Conserving natural resource lands for the managed production of resources including forest products, rangeland, agricultural lands important to the production of food and fiber; and areas containing important mineral deposits;
- C. Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes including those providing

access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors;

- D. Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality; and
- E. Providing for open spaces to create buffers which may be landscaped to minimize the adverse impact of one land use on another.

Policy 7.6.1.2 The County will provide for Open Space lands through:

- A. The designation of land as Open Space;
- B. The designation of land for low-intensity land uses as provided in the Rural Residential and Natural Resource land use designations;
- C. Local implementation of the Federal Emergency Management Agency’s National Flood Insurance Program;
- D. Local implementation of the State Land Conservation Act Program; and
- E. Open space land set aside through Planned Developments (PDs).

Policy 7.6.1.3 The County shall implement Policy 7.6.1.1 through zoning regulations and the administration thereof. It is intended that certain districts and certain requirements in zoning regulations carry out the purposes set forth in Policy 7.6.1.1 as follows:

- A. The Open Space (OS) Zoning District is consistent with and shall implement the Open Space designation of the General Plan land use map and all other land use designations.
- B. The Agricultural (A), Exclusive Agricultural (AE), Planned Agricultural (PA), Select Agricultural (SA-10), and Timberland Production Zone (TPZ) zoning districts are consistent with Policy 7.6.1.1 and serve one or more of the purposes set forth therein.
- C. Zoning regulations shall provide for setbacks from all flood plains, streams, lakes, rivers and canals to maintain Purposes A, B, C, and D set forth in Policy 7.6.1.1.
- D. Zoning regulations shall provide for maintenance of permanent open space in residential, commercial, industrial, agricultural, and residential agricultural zone districts based on standards established in

those provisions of the County Code. The regulations shall minimize impacts on wetlands, flood plains, streams, lakes, rivers, canals, and slopes in excess of 30 percent and shall maintain Purposes A, B, C, and D in Policy 7.6.1.1.

- E. Landscaping requirements in zoning regulations shall provide for vegetative buffers between incompatible land uses in order to maintain Purpose E in Policy 7.6.1.1.
- F. Zoning regulations shall provide for Mineral Resource Combining Zone Districts and/or other appropriate mineral zoning categories which shall be applied to lands found to contain important mineral deposits if development of the resource can occur in compliance with all other policies of the General Plan. Those regulations shall maintain Purposes A, B, C, D, and E of Policy 7.6.1.1.

Policy 7.6.1.4 The creation of new open space areas, including Ecological Preserves, common areas of new subdivisions, and recreational areas, shall include wildfire safety planning.

**IMPLEMENTATION PROGRAM**

**MEASURE CO-A**

Review the Zoning Ordinance (Title 17 of the El Dorado County Code) to identify revisions that accomplish the following:

- A. Incorporate tree canopy coverage standards outlined in Policy 7.4.4.4;
- B. Develop standards for use of native plants in landscaping [Policy 7.4.5.2];
- C. Establish Historic Design Control Combining Zone District and design guidelines for reconstruction and construction of new buildings and the demolition of existing buildings in such districts. Adopt an ordinance amendment implementing historic design review requirements and recordation procedures. [Policies 7.5.2.1, 7.5.2.2, and 7.5.2.4];
- D. Develop buffer standards for new nonmining land uses next to existing mining operations [Policy 7.2.2.3];
- E. Develop standards for minimizing erosion and sedimentation associated with earthwork and grading [Policy 7.1.2.2].

Responsibility:	Planning Department
Time Frame:	Update Zoning Ordinance within one year of General Plan adoption.

**MEASURE CO-B**

Coordinate with the Resource Conservation Districts to address erosion control issues. [Policy 7.1.2.4]

Responsibility:	Planning Department and Department of Transportation
Time Frame:	Ongoing

**MEASURE CO-C**

In coordination with the Resource Conservation Districts, develop a roadside maintenance program that addresses roadside drainage, the protection of adjacent surface waters, and vegetation control. [Policy 7.1.2.5]

*Also refer to Measure CO-G.*

Responsibility:	Department of Transportation
Time Frame:	Develop and implement program within three years of General Plan adoption.

**MEASURE CO-D**

Develop and agricultural permit program that includes standards for agricultural operations comparable to those in the Grading Ordinance and considers other issues important to the protection of agricultural lands.

Responsibility:	Department of Transportation, Department of Agriculture, and Planning Department
Time Frame:	Within three years of General Plan adoption

**MEASURE CO-E**

Request that the California Geological Survey conduct a non-metallic mineral survey for the County and manage resources appropriately. [Policy 7.2.1.3]

Responsibility:	Planning Department
Time Frame:	Request survey by state within two years of General Plan adoption. Amend General Plan upon completion of survey by state.

**MEASURE CO-F**

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**MEASURE CO-G**

Create guidelines for development projects that may affect surface water resources. The guidelines should include:

- Definition(s) of surface water resources;
- Criteria for determining the presence of surface water resources;
- Buffer standards;
- Mitigation standards; and
- Use of Best Management Practices.

[Policies 7.3.1.1, 7.3.2.1, 7.3.2.3, 7.3.3.1, 7.3.3.2, and 7.3.4.2]

*Also refer to Measure CO-C.*

Responsibility:	Environmental Management, Department of Transportation, and Planning Department
Time Frame:	Within five years of General Plan adoption.

**MEASURE CO-H**

Prepare and adopt an ordinance revision to permit the use of domestic gray water for irrigation purposes. [Policy 7.3.1.3]

Responsibility:	Environmental Management and Building Department
Time Frame:	Develop ordinance within five years of General Plan adoption.

**MEASURE CO-I**

Evaluate alternatives to the use of salt for snow removal on County roads. [Policy 7.3.2.4]

Responsibility:	Department of Transportation
Time Frame:	Complete evaluation within two years of General Plan adoption.

**MEASURE CO-J**

Develop and implement a program to perform water quality analysis and monitoring of the County’s recreational waters. [Policy 7.3.2.5]

Responsibility:	Environmental Management and Department of Transportation
Time Frame:	Develop and implement program within eight years of General Plan adoption.

**MEASURE CO-K**

Work cooperatively with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and Bureau of Land Management to implement the gabbro soils rare plant ecological preserve and recovery program and to develop a long-term preserve strategy. Develop implementation measures to incorporate in County development standards for ministerial and discretionary projects, which may include:

- Identification of compatible land uses within preserve sites, which may include passive recreation, research and scientific study, and interpretive education; and
- Fuels management and fire protection plans to reduce fire hazards at the interface between rare plant preserve sites and residential land uses.

[Policies 7.4.1.1, 7.4.1.2, and 7.4.1.3]

Responsibility:	Planning Department
Time Frame:	Ongoing implementation to continue immediately upon General Plan adoption. Development standards to be incorporated into updated Zoning Ordinance and design standards programs.

**MEASURE CO-L**

Develop guidelines for the preparation of biological resources technical reports. [Policy 7.4.2.8]

Responsibility:	Planning Department and Department of Transportation
Time Frame:	Develop guidelines within five years of General Plan adoption.

**MEASURE CO-M**

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**MEASURE CO-N**

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**MEASURE CO-O**

Prepare and adopt a riparian setback ordinance. The ordinance, which shall be incorporated into the Zoning Code, should address mitigation standards, including permanent protection mechanisms for protected areas, and exceptions to the setback requirements. The ordinance shall be applied to riparian areas associated with any surface water feature (i.e., rivers, streams, lakes, ponds, and wetlands) and should be prepared in coordination with Measure CO-B. [Policy 7.4.2.5]

Responsibility:	Planning Department
Time Frame:	Within three years of General Plan adoption.

**MEASURE CO-P**

Develop and adopt an Oak Resources Management Plan. The plan shall address the following:

- Mitigation standards for oak resources impacts;
- Definitions of exempt projects and actions;
- Technical report requirements;
- Oak resources mitigation options and standards;
- Heritage Tree mitigation standards; and
- Oak resources mitigation monitoring and reporting requirements.

[Policy 7.4.4.4]

Responsibility:	Planning Department
Time Frame:	Concurrent with biological resources policy update.

**MEASURE CO-Q**

Develop and adopt a Cultural Resources Preservation Ordinance, consistent with Policy 7.5.1.1.

Responsibility:	Planning Department and Department of Transportation
Time Frame:	Adopt ordinance within two years of General Plan adoption.



**MEASURE CO-R**

Maintain a confidential cultural resources database of prehistoric and historic resources, including the location and condition of pioneer cemetery sites. Information may be made available consistent with state and federal law. [Policy 7.5.1.2]

Responsibility:	Planning Department
Time Frame:	Ongoing

**MEASURE CO-S**

Investigate becoming a Certified Local Government through the State Office of Historic Preservation. [Policy 7.5.1.5]

Responsibility:	Planning Department
Time Frame:	Report to the Board of Supervisors within five years of General Plan adoption.

**MEASURE CO-T**

Work with the State of California Department of Parks and Recreation to identify the viewshed of Marshall Gold Discovery State Historic Park (Coloma) and establish guidelines for development within that viewshed. [Policy 7.5.2.6]

Responsibility:	Planning Department
Time Frame:	Identify viewshed within four years of General Plan adoption. Adopt standards within six years.

**MEASURE CO-U**

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