

# **El Dorado County's New Oak Resources Management Plan and Oak Resources Conservation Ordinance**

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**Community & Economic Development  
Advisory Committee**

**Presentation  
May 10, 2018**



## **Presentation Overview**

- Summary of Board of Supervisors Actions on October 24, 2017
- Oak Resources Management Plan (ORMP)
- Oak Resources Conservation Ordinance
- Mitigation In-Lieu Fees and Examples
- Questions ?



## Board Action on October 24, 2017

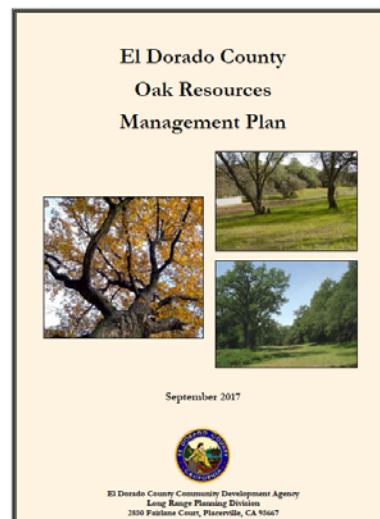
- Certified Project EIR
- Adopted General Plan Amendment – comprehensive update of biological resources policies, objectives, implementation measures in GP Conservation & Open Space Element
- Adopted Oak Resources Management Plan (ORMP)
  - Updates 2008 Oak Woodland Management Plan (OWMP)
  - Establishes in-lieu fee payment option  
(effective date: 12/23/17)
- Adopted Oak Resources Conservation Ordinance to implement ORMP (effective date: 11/23/17)



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## ORMP at a Glance – 6 Sections

- 1.0 – Introduction
- 2.0 – Oak Resources Impact Mitigation Requirements
- 3.0 – In-Lieu Fee
- 4.0 – Priority Conservation Areas
- 5.0 – Application of ORMP to Development Review Process
- 6.0 – Definitions



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## ORMP Overview

- Required by General Plan Policy 7.4.2.8 and Implementation Measure CO-P (Develop/Adopt an ORMP)
- Updates 2008 Oak Woodland Management Plan
  - Plan for mitigating impacts to, and conservation of, Oak Resources (oak woodlands & individual oak trees)
  - Definitions of exempt projects and actions
  - Mitigation options and standards; Greater mitigation standards for Heritage Trees (any oak tree with 36" diameter or greater)
  - Technical Report requirements
  - Mitigation monitoring and reporting requirements



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## ORMP Mitigation Options for Impacts to Oak Woodlands

1. **Replacement planting on-site** (within an area subject to deed restriction or conservation easement)
2. **Replacement planting off-site** (within an area subject to conservation easement)
3. **Off-site woodland conservation** - deed restriction, conservation easement, or fee title of land acquired by land conservation organization
4. **In-lieu Fee Payment** – used by the County (or given by the County to a land conservation organization) to acquire off-site deed restrictions and/or conservation easements
5. **Combination of options above**




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Ordinance No. 5061  
Page 1

## OAK RESOURCES CONSERVATION ORDINANCE

### (CHAPTER 130.39 OF TITLE 130 – ZONING ORDINANCE)



ORDINANCE NO. 5061

AN ORDINANCE ADOPTING AN OAK RESOURCES CONSERVATION ORDINANCE TO IMPLEMENT THE OAK RESOURCES MANAGEMENT PLAN


THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. New Chapter 130.39 (Oak Resources Conservation) of Title 130 as set forth below is hereby added to the El Dorado County Ordinance Code.

**OAK RESOURCES CONSERVATION**

Sec. 130.39.010. – Content.


This section establishes standards for implementing the County's Oak Resources Management Plan (ORMP) in compliance with General Plan Policy 7.4.4.4 and Implementation Measure CO-P (mitigation requirements for impacts to oak resources). This Chapter shall be referred to as the Oak Resources Conservation Ordinance ("Ordinance").



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## Ordinance at a Glance – 10 Sections

Section No. – Title	Section No. – Title
<b>130.39.010</b> – Content	<b>130.39.060</b> – Oak Tree and Oak Woodland Removal Permits – Ministerial Projects
<b>130.39.020</b> – Applicability	<b>130.39.070</b> – Oak Tree and Oak Woodland Removal Permits – Discretionary Projects
<b>130.39.030</b> – Definitions	<b>130.39.080</b> – In-Lieu Fee Appeals
<b>130.39.040</b> – Prohibition	<b>130.39.090</b> – Enforcement
<b>130.39.050</b> – Exemptions and Mitigation Reductions	<b>130.39.100</b> – Mitigation Maintenance, Monitoring and Reporting



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## Where Does the Ordinance Apply?

(Section 130.39.020)

- All privately-owned lands within unincorporated area of the County at or below 4,000 feet elevation above sea level
  - Approx. 872 square miles or 560,000 acres
- Areas where Oak Resources (oak woodlands and individual native oak trees) are present
  - Approx. 247,000 acres of Oak Woodland in ORMP Planning Area



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## Six Major Oak Species in El Dorado County

- Canyon live oak (*Quercus chrysolepsis*)
- Blue Oak (*Quercus douglasii*)
- Leather Oak (*Quercus durata*)
- Black Oak (*Quercus kelloggii*)
- Valley Oak (*Quercus lobata*)
- Interior live oak (*Quercus wislizenii*)



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## Canyon Live Oak

(*Quercus chrysolepsis*)



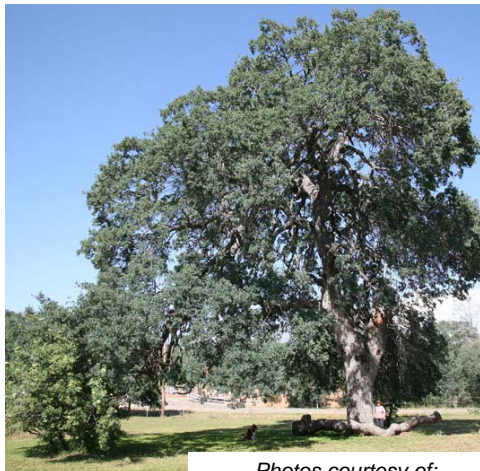
Photos courtesy of:  
<http://selectree.calpoly.edu/>



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## Blue Oak

(*Quercus douglasii*)



Photos courtesy of:  
<http://selectree.calpoly.edu/>



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## Leather Oak

(*Quercus durata*)



Photos courtesy of:  
<http://selecttree.calpoly.edu/>



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## Black Oak

(*Quercus kelloggii*)



Photos courtesy of:  
<http://selecttree.calpoly.edu/>



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## Valley Oak (*Quercus lobata*)



Photos courtesy of:  
<http://selectree.calpoly.edu/>

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## Interior Live Oak (*Quercus wizlizenii*)



Photos courtesy of:  
<http://selectree.calpoly.edu/>

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## Key Definitions

(Section 130.39.030)

- **Oak Woodlands**

An oak stand with a greater than 10 percent canopy cover

- **Individual Native Oak Trees**

Any live native oak tree with a single main trunk diameter greater than 6 inches but less than 36 inches or multiple trunks greater than 10 inches, measured at 4 ½ feet from ground level (diameter at breast height = dbh)

- **Heritage Trees**

Any live native oak tree with a single main trunk measuring 36 inches or greater, or with a multiple trunk with an aggregate trunk measuring 36 inches or greater (measured at 4 ½ feet from ground level)



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## Key Definitions

(Section 130.39.030)

- **Oak Resources Technical Report**

- Stand-alone report as specified in Section 2.5 (Oak Resources Technical Reports) of the ORMP prepared by a Qualified Professional

- **Qualified Professional**

- Arborist certified by International Society of Arboriculture
- Registered Professional Forester
- Qualified Wildlife Biologist



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## Where to find a Qualified Professional

The County does not have a recommended list of Qualified Professionals. However, here are a few websites of professional organizations:

- International Society of Arboriculture: [www.isa-arbor.com/](http://www.isa-arbor.com/)
- American Society of Consulting Arborists: [www.asca-consultants.org/](http://www.asca-consultants.org/)
- California Licensed Foresters Association: [www.clfa.org/](http://www.clfa.org/)
- California Board of Forestry and Fire Protection: [http://bofdata.fire.ca.gov/professional\\_foresters\\_registration/locate\\_a\\_rpf\\_or\\_crm/](http://bofdata.fire.ca.gov/professional_foresters_registration/locate_a_rpf_or_crm/)



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## Exemptions (Section 130.39.050)

### Important Exclusions:

*Unless otherwise noted, **impacts are always mitigated for:***

- Heritage Trees (36 inches or greater (dbh))
- Individual Valley Oak Trees and Valley Oak Woodlands



Valley Oak Tree

Photo Credit: Charles Webber  
© California Academy of Sciences  
(Licensed for professional use)



Valley Oak Woodland

Photo Credit: University of California  
Oak Woodland Management:  
[http://ucanr.edu/sites/oak\\_range/Calif\\_ornias\\_Rangeland\\_Oak\\_Species/Valley\\_Oak/](http://ucanr.edu/sites/oak_range/Calif_ornias_Rangeland_Oak_Species/Valley_Oak/), Last Accessed 11/17/17.



Valley Oak Leaves

Photo Credit: Wikipedia Commons:  
[www.wikipedia.com](http://www.wikipedia.com)  
Last Accessed 11/17/17



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## Exemptions (Section 130.39.050)

- A. Existing Single-Family Parcels (1 acre or less)
- B. Fire Safe Activities (for existing structures)
- C. Utility Line Maintenance (compliance with PRC 4292-4293 & CPUC General Order 95)
- D. County Road Projects
- E. Affordable Housing
- F. Agricultural Activities
- G. Emergency Operations (firefighting or natural disasters)
- H. Timber Harvest Plan (approved by CAL FIRE)
- I. Dead, Dying, or Diseased Trees
- J. Personal Use of Property Owner (limit of 8 trees per parcel per year)
- K. Mitigation Reductions for Affordable Housing

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## Exemptions (Section 130.39.050)

- Existing Single-Family Parcels
  - Development on parcels 1 acre or less allowing a single-family residence by right, and cannot be further subdivided without General Plan Amendment or Zone change
- Tree Removal for Personal Use
  - Allowed on owner's property for owner's personal use
  - Limited to 8 trees per parcel per year, not to exceed total of 140 diameter inches
  - **Exclusion: Heritage Trees, Valley Oak Trees, and Valley Oak Woodlands**

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## Exemptions (Section 130.39.050)

### ■ County Road Projects

- Road widening and realignment necessary to increase capacity, protect public health and improve movement of people/goods in existing rights-of-way
- Similar to current practice, DOT will continue to mitigate consistent with CEQA and new Oak Conservation Ordinance.
- **Exception:** DOT projects shall mitigate for impacts to Heritage Trees and Valley Oak Trees/Woodlands.



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## Exemptions (Section 130.39.050)

### ■ Agricultural Activities (when allowed by right)

- Producing or processing plant and animal products or preparation of land for this purpose
- Agricultural cultivation/operations for personal or commercial purposes (excluding commercial firewood operations)
- Activities on lands in Williamson Act Contracts or Farmland Security Zone Programs



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## Exemptions

(Section 130.39.050)

- **Dead, Dying or Diseased Trees** *(including Heritage Trees and Valley Oak Trees/Woodlands)*
  - Must be documented in writing by Certified Arborist or Registered Professional Forester; and/or
  - Tree(s) exhibit high failure potential, with potential to injure persons or damage property, documented in writing by Certified Arborist or Registered Professional Forester



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## Exemptions

(Section 130.39.050)

- **Affordable Housing**
  - Affordable housing projects for lower income households (Section 50079.5 of CA Health and Safety Code)
  - Located within urbanized area or within sphere of influence defined in Government Code Section 56076
- **Mitigation Reductions For Affordable Housing**
  - Non-exempt affordable housing projects may qualify for partial oak woodland mitigation credit
  - Development projects must propose at least 10 percent of their dwelling units as “income restricted affordable units” (CA Health/Safety Code Sections 50052.5, 50053 and 50093)



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## Oak Tree/Woodland Removal Permits (Section 130.39.060)

### Ministerial Development (e.g. building/grading permits)

- Requires Administrative Permit including:
  - Oak Resources Code Compliance Certificate
  - Oak Resources Technical Report, prepared by a Qualified Professional, including required mitigation in-lieu fee payment(s) for the project\*
  - Reason/Objective for Impact and condition of oak resources

\*Ministerial projects mitigating by retention and/or replanting require Minor Use Permit.



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## Oak Tree/Woodland Removal Permits (Section 130.39.070)

### Discretionary Development (e.g. subdivision maps)

- Oak resources removal permit incorporated into all discretionary projects with impacts to oak resources
  - Oak Resources Technical Report and Code Compliance Certificate Required
  - Mitigation incorporated into conditions of approval
  - Security deposit required for any projects mitigating by replanting or retention (either on-site or off-site)
- Minor Use Permit required for:
  - Any ministerial projects (e.g. building/grading permits) mitigating by replanting or retention
  - Commercial firewood cutting operations with impacts to oak resources

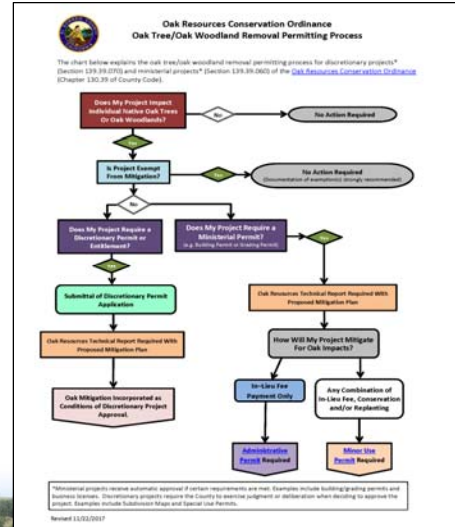


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## Oak Resources Removal Permitting Process Flow Chart

Reference chart available  
on Planning Services  
main webpage:

[www.edcgov.us/government/Planning](http://www.edcgov.us/government/Planning)



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## Oak Tree/Woodland Removal Permits Forms and Documents

### Administrative Permit

Administrative Permit, Relief, or Waiver  
Page 1

**COMMUNITY DEVELOPMENT SERVICES  
PLANNING AND BUILDING DEPARTMENT**  
2800 Fairlane Court, Pleasanton, CA 94567  
Phone: (925) 431-1500 [www.edcgov.us/Planning](http://www.edcgov.us/Planning)

**ADMINISTRATIVE PERMIT, RELIEF, OR WAIVER**  
REQUIRED SUBMITTAL INFORMATION

The following information must be provided with all applications as indicated below. **ALL ARE REQUIRED, UNLESS NOTED, OR, APPLICATION WILL BE DENIED, INCOMPLETE, AND WILL NOT BE ASSIGNED.** For your convenience, please use the check (✓) column on the left to be sure you have all required information.

**FORMS AND MAPS REQUIRED (Required for all applications)**

Check (✓)  
Application form, completed and signed.  
Letter of authorization from all property owners authorizing agent to act as applicant, when applicable.  
Proof of ownership (Grant Deed). If the property is changed title since the last fee lot.  
Air & 1/4 1" county map showing the location of the project in relation to the adjacent major roads, highways, and town sites.  
Handout of property maps, required.  
Provide map, mailing address and phone number of all property owners and their agents.

**OAK TREE/OAK WOODLAND REMOVAL (Required for all oak tree/oak woodland removal permits)**

The following information shall be required if any Oak Woodlands, Individual Native Oak Trees, or Heritage Trees, as defined in Oak Resources Conservation Ordinance Section 130.30 (05) (Confidentiality will be required by the project if a - all other compliance with Section 130.30 (05) Oak Tree and Oak Woodland Removal Permit - Ministerial Development Projects).

Check (✓)  
Oak Resources Code Compliance Certificate.  
Oak Resources Technical Report prepared by a Qualified Professional consistent with Section 130.30 (05) Oak Resources Technical Report of the Oak Resources Management Plan.  
Completed Oak Resources Technical Report Checklist, including supplemental data for impacted Individual Native Oak Trees within Oak Woodlands, as applicable.  
Reason and objective for impact to oak trees and/or oak woodlands.

Revised 7/2017

Other permit forms updated for  
Impacts to Oak Resources:

- Conditional/Minor Use Permit
- Design Review
- Tentative Parcel Map
- Planned Development
- Preliminary Subdivision Map
- Tentative Subdivision Map

Updated forms available on Planning Services  
webpage under [Applications and Forms](#)

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# Oak Tree/Woodland Removal Permits Forms and Documents

## Oak Resources Tech Report Checklist

**COMMUNITY DEVELOPMENT SERVICES  
PLANNING AND BUILDING DEPARTMENT**  
2850 Fairlane Court, Placerville, CA 95667  
Phone: (530) 621-5355 [www.cdcserv.ca.gov](http://www.cdcserv.ca.gov)

**OAK RESOURCES TECHNICAL REPORT CHECKLIST**

The following information is required for all Oak Resources Technical Reports submitted with Section 211 Oak Resources Technical Reports of the Oak Resources Management Plan (ORMP).

**FORM AND DATA REQUIREMENTS**

Please check (X) the "Applicant" boxes for those items completed. The planner reviewing the application will check (X) the "County" box.

Applicant: ☐ Yes ☐ No

County: ☐ Yes ☐ No

**1. Identify location and quantity of oak resources on the project, as available:**

a. Oak woodlands shall be mapped and assessed in accordance with the CDPS 2008 Plan for Surveying and Estimating Impacts to Special Status Native Plant Communities and Natural Communities and Associated Systems, and the List of Impaired Areas and Associated CDPS 2008 and subsequent updates.

b. Data collected for individual native oak trees and Heritage Trees shall include: location, species, trunk diameter (DBH), height, canopy volume, and general health and structural condition.

Planner: ☐ Yes ☐ No

**2. Identify and quantify project-related impacts to oak resources:**

a. Measure, identify how specific trees and woodlands (or related portions thereof) will be protected during development and related work.

**INCOMPLETE LIST - FOR DISPLAY ONLY**

Revised 11/22/2017

## Oak Resources Impacts Summary Data Sheet (Attached to Tech Report Checklist)

**COMMUNITY DEVELOPMENT SERVICES  
PLANNING AND BUILDING DEPARTMENT**  
2850 Fairlane Court, Placerville, CA 95667  
Phone: (530) 621-5355 [www.cdcserv.ca.gov](http://www.cdcserv.ca.gov)

**Summary Data Sheet of Oak Resources Impacts for Oak Tree/Oak Woodland Removal Permits**

Description	Blue (Quercus laevis)	California Black (Quercus californica)	Canyon Live (Quercus corymbosa)	Interior Live (Quercus oblongifolia)	Crocker White (Quercus parviflora)	Valley (Quercus parviflora)	Gracie (Quercus parviflora)
<b>Individual Native Oak Trees</b>							
Quantity (number of trees) of individual native oak trees to be removed, by species							
Quantity (number of trees) of individual native oak trees to be removed, greater than 24 inches and less than 36 inches (DBH), by species							
Total trunk diameter inches (DBH) to be removed							
<b>Heritage Trees</b>							
Quantity (number of trees) of Heritage Trees to be removed, by species							
Total trunk diameter inches (DBH) to be removed							
<b>Oak Woodlands</b>							
Total Acreage of existing oak woodlands*							
Acreage of existing oak woodlands to be removed							
Percentage of existing oak woodlands to be removed							

\* Information used for purposes of calculating in-lieu mitigation fee payment.  
\*\* If Heritage Trees occur within oak woodlands, the area of impacted Heritage Trees should be included in oak woodland acreage calculations.

Revised 11/22/2017

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## Enforcement (Section 130.39.090)

- **Fines for Unpermitted Oak Resource Removal**
  - Oak Woodland – **Up to 3 times** current In-lieu fee amount
  - Individual Native Oak Trees – **Up to 3 times** current market value of replacement trees (including replacement costs)
  - Heritage Trees – **Up to 9 times** current market value of replacement trees (including replacement costs)
- **Other Penalties - Development applications may be deemed incomplete until**
  - Property owner enters into settlement agreement with County, or
  - All code enforcement and/or criminal proceedings are complete and all penalties, fines and sentences are paid/fulfilled

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## Mitigation Maintenance, Monitoring and Reporting (Section 130.39.100)

- Mitigation Maintenance/Monitoring (**Permittee Responsibility**)
  - Site-specific replanting requirements based on Oak Resources Technical Report
  - Annual maintenance and monitoring by responsible party listed on Oak Tree/Oak Woodland Permit document
  - Replacement of any dead trees for a period of 7 years from the date of planting



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## Mitigation Maintenance, Monitoring and Reporting (Section 130.39.100)

- Mitigation Reporting - Permit responsible party to submit monitoring reports to the County
  - *For Oak Woodlands:* Annually and at conclusion of 7-year period after planting
  - *For Individual Native Oak and Heritage Trees:* At conclusion of 7-year period after planting



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## Mitigation Maintenance, Monitoring and Reporting (Section 130.39.100)

### Mitigation Reporting (County Responsibility)

- Annual Reports to Board of Supervisors
  - Oak Tree/Oak Woodland Removal Permits and enforcement actions
  - Quantity of permits issued and estimated inches and/or acres approved for removal during the reporting year
- Biennial Report to Planning Commission and Board of Supervisors
  - Documentation of mitigation in-lieu fees collected and recommended fee adjustment(s), as appropriate



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## MITIGATION IN-LIEU FEES



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## Mitigation In-Lieu Fees

### Oak Woodland Area In-Lieu Fee Rates (Resolution 130-2017, Exhibit A)

Activity	Cost per Acre
Acquisition	\$4,400
Initial Management and Monitoring	\$2,600
Long-Term Management and Monitoring	\$890
Administration	\$395
<b>Total Cost per Acre</b>	<b>\$8,285</b>

(Source: New Economics & Advisory Oak Resource In-Lieu Fee Nexus Study, June 2016)



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## Mitigation Ratios (Oak Woodlands)

### Oak Woodland Mitigation Ratios (ORMP, Table 3)

Percent of Oak Woodland Impact	Mitigation Ratio
0 – 50%	1:1
50.1% - 75%	1.5:1
75.1 - 100%	2:1

(Source: Oak Resources Management Plan, September 2016, adopted 10/24/3027)



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## Mitigation In-Lieu Fees

### Individual Oak Tree In-Lieu Fee Rates (Resolution 130-2017, Exhibit B)

Activity	Cost per Inch
Acquisition and Planting	\$31.90
Initial Management and Monitoring (Years 1-7)	\$113.40
Administration (5%)	\$7.27
<b>Total Cost per Inch (non-Heritage Trees)</b> (rounded to nearest whole dollar)	<b>\$153</b>
<b>Total Cost per Inch (Heritage Trees – 3:1 Ratio)</b>	<b>\$459</b>

(Source: New Economics & Advisory Oak Resource In-Lieu Fee Nexus Study, June 2016)



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## Mitigation Examples



### Site Information

- 2.4-acre parcel
- 1.3 acres non-oak upland
- 1.1 acres oak woodland
- 5 individual oak trees outside of woodland (each 8" diameter)

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## Example 1



### Project Impacts

Development Area: 0.5 acres = 


Oak Woodlands: **0.3 acres (27%)**

Individual Oak Trees: **2 trees**  
**(16 total diameter inches)**

### Mitigation

**Oak Woodland** = 

- Ratio: 1:1 (<50%)
- Plant, Conserve, and/or  
**Fee = \$2,485 (0.3 x \$8,285)**

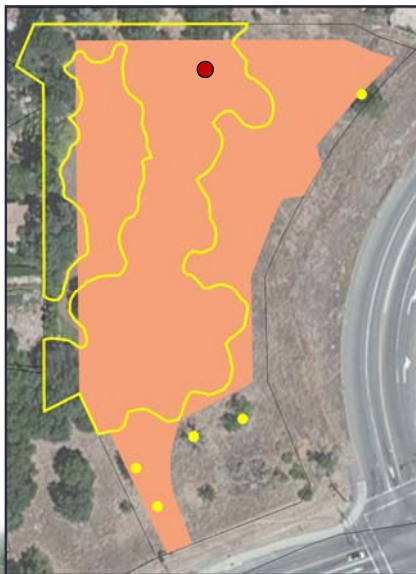
**Individual Oak Trees** = 

- Inch-for-Inch Replacement
- Plant and/or **Fee =**  
**\$2,448 (16 x \$153)**

**Total In-Lieu Fees = \$4,933**

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## Example 2



### Project Impacts:

Development Area: 1.6 acres = 

Oak Woodlands: **0.8 acres (72%)**

Individual Oak Trees: **3 (24" total dbh)**

Heritage Trees: **1 (36" dbh)**

### Mitigation:

**Oak Woodland** = 

- Mitigation Ratio: 1.5:1 (50-75%) or  
**Fee = \$9,942 (\$8,285 x 0.8 x 1.5)**

**Individual Oak Trees** = 

- Inch-for-Inch Replacement or  
**Fee = \$3,672 (\$153 x 24)**

**Heritage Oak Trees** = 

- Mitigation Ratio: 3:1 or  
**Fee = \$16,524 (\$459 x 36)**

**Total In-Lieu Fees = \$30,138**

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## Mitigation Fee Calculations

- Mitigation fees are site and project-specific and must be calculated by a Qualified Professional (Section 130.39.060, ORMP Section 2.5). Questions regarding fee estimates should be directed to a Qualified Professional.
- The Ordinance allows for limited fee appeals for specific circumstances including but not limited to incorrect calculation of the required mitigation fee. (Refer to Section 130.39.080 – In-Lieu Fee Appeals)



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## Project Webpage

[www.edcgov.us/Government/longrangeplanning/environmental/Pages/biopolicyupdate.aspx](http://www.edcgov.us/Government/longrangeplanning/environmental/Pages/biopolicyupdate.aspx)

### Long Range Planning

[Home](#) > [Government](#) > [Long Range Planning](#)

### General Plan Biological Resources Policy Update

The General Plan Biological Resources Policy Update Project consists of the adoption of a General Plan Amendment to the biological resources policies, objectives and implementation measures in the General Plan Conservation and Open Space Element; Adopting an Oak Resources Management Plan (update of the 2008 Oak Woodland Management Plan); Establishing an In-Lieu Mitigation Fee to mitigate impacts to Oak Woodland Areas and Individual Oak Trees; adopting an Oak Resources Conservation Ordinance; and certifying the Environmental Impact Report (EIR).

[ORMP/Ordinance Fact Sheet](#)  
[Frequently Asked Questions](#)  
[Oak Resources Management Plan](#)  
[Oak Resources Conservation Ordinance](#) (sections bookmarked for easier reference)  
[In-Lieu Mitigation Fee](#)  
[Oak Resources Removal Process Flow Chart](#)  
[Oak Resources Technical Report Checklist](#)  
[Oak Resources Code Compliance Certificate](#)



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## Planning Services Webpage

[www.edcgov.us/Government/Planning](http://www.edcgov.us/Government/Planning)

### Planning Services

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#### Mission Statement

The mission of the Planning Department is to: Guide land use and development consistent with the General Plan, Building Codes and related regulations, by providing accurate, timely and courteous professional and technical services to our customers, to maintain the County's unique quality of life, protect public safety and the environment and to promote economic vitality for current and future generations.



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#### What's New

#### **El Dorado County Oak Resources Management Plan and Oak Resources Conservation Ordinance (Adopted October 24, 2017)**

- [Frequently Asked Questions](#)
- [Fact Sheet](#)
- [Oak Tree Species Photos](#)
- [Oak Resources Removal Process Flow Chart](#)



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## Questions ?



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