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County of El Dorado

Legislation Details (With Text)

File #:	21-0500 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	3/22/2021	**In control:**	Board of Supervisors
On agenda:	10/19/2021	**Final action:**	10/19/2021
Title:	Planning and Building Department, Planning Division, recommending the Board: 1) Receive and file this Oak Resources Management Plan Implementation Report; 2) Defer any potential adjustments to the in-lieu fees until the next biennial report is performed in 2022; and 3) Provide direction for staff to explore alternative methodologies for determining the amount of any potential future adjustment of In-Lieu Fees. FUNDING: General Fund.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Oak Implementation Report, 2. B - ORMP and Appendices		

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, recommending the Board:
1) Receive and file this Oak Resources Management Plan Implementation Report;
2) Defer any potential adjustments to the in-lieu fees until the next biennial report is performed in 2022; and
3) Provide direction for staff to explore alternative methodologies for determining the amount of any potential future adjustment of In-Lieu Fees.

FUNDING: General Fund.

DISCUSSION / BACKGROUND

On October 7, 2001, the Governor approved the California Oak Woodlands Conservation Act (AB 242) which requires that local governments develop an Oak Woodlands Conservation Management Plan (Plan) to qualify for funding to preserve oak woodlands through the State of California's Oak Woodlands Conservation Fund (Fund). In addition, as of January 2005, California Public Resources Code Section 21083.4 (2004 Senate Bill 1334) requires that when a county is determining the applicability of the California Environmental Quality Act (CEQA) to a project, it must determine whether that project "may result in a conversion of oak woodlands that will have a significant effect on the environment." If such effects (either individual impacts or cumulative) are identified, the law requires that they be mitigated.

On October 24, 2017, the El Dorado County Board of Supervisors adopted a General Plan Amendment that revises the biological resources policies and related objectives and implementation measures in the Conservation and Open Space Element of the General Plan. Specifically, this amendment makes changes to the County's OWMP, which subsequently was retitled the Oak Resources Management Plan (ORMP) under Resolution 129-2017 and 130-2017. By way of the

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Resolutions, the Board approved the Oak Resources Conservation Ordinance, 5061, which became effective on November 23, 2017 and the In-Lieu Mitigation fee which became effective on December 23, 2017.

The attached Oak Resources Management Plan (ORMP) Implementation Report (Attachment A) includes an accounting of the Oak Resources Code Compliance Certificates, Oak Tree and Oak Woodland Removal Permits, and summary of the acreage and specific tree species affected so far during implementation of the ORMP.

ALTERNATIVES
The Board could decide to direct staff to explore alternative options for an annual inflation adjustment not yet considered by staff. The Board could also require an update to the ORMP to specify that annual adjustments will follow an alternative approach as opposed to the method currently specified in Appendix B of the ORMP and summarized in the Fee Adjustment section in this report.

The Board could direct staff to perform the annual inflation adjustment as specified in Appendix B of the ORMP; however, concerns with funding and costs associated with performing an annual inflation adjustment should be factored into the Board's decision.

The Board could also decide to direct staff to initiate a biennial inflation adjustment to assess the fee according to new information and data associated with current land acquisition, maintenance, and monitoring costs.

PRIOR BOARD ACTION
On October 24, 2017, the Board approved the General Plan Biological Resources Policy Update Project and took the following actions (Legistar #12-1203, Agenda Item #34) 1) Certified the Final Environmental Impact Report (EIR) for the Project (Resolution 127-2017); 2) Adopted a General Plan Amendment that comprehensively updated the biological resources policies, objectives, and implementation measures in the Land Use Element and Conservation and Open Space Element of the County's General Plan (Resolution 128-2017); 3) Adopted an Oak Resources Management Plan (ORMP) that replaced the 2008 Oak Woodland Management Plan (Resolution 129-2017); 4) Adopted an In-Lieu Mitigation Fee to mitigate impacts to oak woodland areas and individual oak trees (Resolution 130-2017); and 5) Adopted an Oak Resources Conservation Ordinance (No. 5061) to implement the ORMP (Ordinance No. 5061).

OTHER DEPARTMENT / AGENCY INVOLVEMENT
N/A

FINANCIAL IMPACT
There is no fiscal impact as a result of receiving and filing this report.

CAO RECOMMENDATION / COMMENTS
Approve as recommended.

CLERK OF THE BOARD FOLLOW UP ACTIONS
N/A

STRATEGIC PLAN COMPONENT
Good Governance - "Approach large, complex and/or system-wide matters as one organization -

Departments will collaborate on projects and efforts that have cross-departmental impacts”

Healthy Communities - “Work in collaboration with partners to develop a forest health sustainability plan and look at other jurisdictions for models of a climate sustainability plan”

Infrastructure - “Analyze need, coordinate and plan for County facilities, parks and trails including ongoing maintenance, operations and replacement”

CONTACT
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