



## Legislation Text

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**File #:** 12-1203, **Version:** 27

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LIMITED HEARING - To consider the Planning Commission's recommendation and receive public comment only on the proposed modifications to General Plan Measure CO-K and the modifications to the proposed Oak Resources Conservation Ordinance that were considered by the Planning Commission on September 28, 2017, as directed by the Board of Supervisors on October 10, 2017. (The public hearing on the overall Project was closed on July 18, 2017 and remains closed.)

After the close of the limited public hearing, staff recommends the Board consider the recommendation of the Planning Commission and then consider certification of the Environmental Impact Report and approval of the overall Project.

Community Development Services, Planning and Building Department, recommending the Board consider the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance, collectively the proposed Project, consisting of specific revisions to biological resources objectives, policies, and implementation measures included in the Conservation and Open Space Element of the County's General Plan, adoption of an Oak Resources Management Plan, adoption of an in-lieu fee to mitigate impacts to oak woodlands and individual oak trees, and adoption of an Oak Resources Conservation Ordinance, and further recommends that the Board take the following final actions, pursuant to Board direction on July 18, 2017:

- 1) Adopt and authorize the Chair to sign Resolution 127-2017 Certifying the Final Environmental Impact Report for the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance; Making Environmental Findings of Fact (Exhibit A); Adopting a Statement of Overriding Considerations (Exhibit B); and Approving the Mitigation Monitoring and Reporting Program (Exhibit C); (see Attachment 27B for the Resolution and 22N for a link to the Final Environmental Impact Report);
- 2) Adopt and authorize the Chair to sign Resolution 128-2017 Adopting an Amendment to the Biological Resources Policies, Objectives, and Implementation Measures in the El Dorado County General Plan (Attachment 27C);
- 3) Adopt and authorize the Chair to sign Resolution 129-2017 Adopting an Oak Resources Management Plan (Attachment 27D);
- 4) Adopt and authorize the Chair to sign Resolution 130-2017 Establishing an In-Lieu Fee to Mitigate Impacts to Oak Woodland Areas and Individual Oak Trees (Attachment 27E);
- 5) Adopt and authorize the Chair to sign Ordinance 5061 Adopting an Oak Resources Conservation Ordinance to Implement the Oak Resources Management Plan (Attachment 27F); and
- 6) Direct staff to return to the Planning Commission and Board within 12-18 months after adoption or earlier, if necessary, to review implementation of the Project.

The Board held a public hearing on this matter on July 18, 2017. The public hearing was closed and the matter was continued to September 12, 2017. (Cont. 10/10/17, Item 37) (Est. Time: 30 Min.)

FUNDING: N/A

### DEPARTMENT RECOMMENDATION

Planning and Building Department (Planning) staff is recommending that the Board hold a limited public hearing to consider the Planning Commission's recommendation and to receive public comment only on the proposed modification to General Plan Measure CO-K and modifications to the proposed Oak Resources Conservation Ordinance as recommended by the Planning Commission to the Board of Supervisors on September 28, 2017 (Legistar File 17-0937). After the close of the limited public hearing, staff recommends the Board take the following final actions:

- 1) Adopt Resolution 127-2017 Certifying the Final Environmental Impact Report for the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance; Making Environmental Findings of Fact (Exhibit A); Adopting a Statement of Overriding Considerations (Exhibit B); and Approving the Mitigation Monitoring and Reporting Program (Exhibit C);
- 2) Adopt Resolution 128-2017 Adopting an Amendment to the Biological Resources Policies, Objectives, and Implementation Measures in the El Dorado County General Plan;
- 3) Adopt Resolution 129-2017 Adopting an Oak Resources Management Plan;
- 4) Adopt Resolution 130-2017 Establishing an In-Lieu Mitigation Fee to Mitigate Impacts to Oak Woodland Areas and Individual Oak Trees;
- 5) Adopt Ordinance No. 5061 Adopting an Oak Resources Conservation Ordinance to Implement the Oak Resources Management Plan; and
- 6) Direct staff to return to the Planning Commission and Board within 12-18 months after adoption or earlier, if necessary, to review implementation of the Project.

## **DISCUSSION/BACKGROUND**

On July 18, 2017, the Board held a public hearing on the Environmental Impact Report and the proposed Project which consists of specific revisions to biological resources objectives, policies, and implementation measures in the Conservation and Open Space Element of the County's General Plan, adoption of an Oak Resources Management Plan (ORMP), adoption of an in-lieu fee to mitigate impacts to Oak Woodland Areas and Individual Oak Trees, and adoption of an Oak Resources Conservation Ordinance to implement the ORMP. The public hearing on the overall proposed Project was closed and remains closed.

On September 28, 2017, the Planning Commission recommended approval to the Board of the proposed modification to General Plan Measure CO-K (delete reference to Objective 7.4.3 which has been eliminated) and the modifications to the proposed Oak Resources Conservation Ordinance listed in the staff memo (Legistar File 17-0937, Attachment 2A) and shown in Track Changes on Attachment 2B. The Planning Commission's recommendation included additional modifications (underlined) to Section 130.39.050(J), Exemption for Personal Use: "Removal of a native oak tree, other than a Heritage Tree or individual valley oak trees and valley oak woodlands..."

The limited public hearing on October 24, 2017 is solely for the purpose of receiving public comment on the limited non-substantive and/or procedural modifications that were recommended by staff after the close of the public hearing on July 18, 2017 on the overall proposed Project.

More detailed discussion and background information is included in the staff memo (Attachment 27A).

## **ALTERNATIVES**

The Board could choose to:

- 1) Accept the Planning Commission's recommendation and approve staff's recommendation as noted above; or
- 2) Reject the Planning Commission's recommendation and approve staff's recommendation as noted above; or
- 3) Certify the EIR, but not approve the Project.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION**

**FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Provide fully executed copies of Resolutions 127-2017 through 130-2017 to Planning and Building Department, Long Range Planning;
- 2) Publish the final Ordinance No. 5061 to the El Dorado County Code of Ordinances on Municode.

**STRATEGIC PLAN COMPONENT**

The Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance is intended to implement the biological resources policies, objectives, and implementation measures in the County General Plan. Therefore, this Project supports the County's strategic goal related to Good County Governance.

**CONTACT**

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