

# FACT SHEET



*El Dorado County*

*Planning and Building Department*

## EL DORADO COUNTY OAK RESOURCES MANAGEMENT PLAN AND OAK RESOURCES CONSERVATION ORDINANCE Adopted October 24, 2017

### ***Background***

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 Oak Resources Management Plan and the Oak Resources Conservation Ordinance which are ***more stringent than State law prescribes.***

The revisions to these policies were based upon the Board's decision in 2014 to take a mitigation/conservation approach to develop a program to manage and reduce impacts to the County's biological resources (e.g., oak woodlands and individual oak trees). The Board also approved a new mitigation and conservation plan and ordinance for the County's oak resources that include an in-lieu mitigation fee option. The Oak Resources Management Plan and Oak Resources Conservation Ordinance apply to all privately-owned lands within the unincorporated area of the County at or below 4,000 feet elevation (above sea level) where oak resources are present.

The County currently has nearly 247,000 acres of oak woodlands. Based on County growth projection data through the year 2035, less than 5,000 acres of oak woodlands are projected to be impacted under the new biological resources conservation policies and ORMP. Therefore, at least 242,000 acres of oak woodlands will remain unaffected. In other words, ***only TWO percent of the County's oak woodlands would be impacted.***

*There is nothing in the Board's actions that can be construed as a green light to allow the cutting of 100 percent of the County's oaks.*

The Oak Resources Conservation Ordinance becomes effective on **November 23, 2017**. The In-Lieu Mitigation Fee effective date is **December 23, 2017**.

### ***Oak Resources Management Plan Overview (ORMP)***

The ORMP mitigation requirements are more stringent than state law which only requires mitigation of impacts to oak woodlands. The County's ORMP also requires mitigation of individual native oak trees and greater mitigation (3-to-1 ratio) for Heritage Trees which are 36 inches diameter or greater, measured four feet six inches from ground level. It also provides greater protection to individual valley oak trees and valley oak woodlands, which is the only oak woodland type in El Dorado County designated by the California Department of Fish and Wildlife as a Special-Status Vegetation Community protected under State law.

### **Specific Changes to the Policy by Action of the Board of Supervisors on October 24<sup>th</sup>, 2017**

#### ***Mitigation Options under the ORMP***

The ORMP requires mitigation for permitted oak tree removal under the ORMP including: on-site retention; replacement planting on-site and off-site; and in-lieu fees that will be used to acquire land and/or conservation easements to conserve oak woodlands, and to plant and maintain native oak trees. (Under the prior General Plan Policy tree canopy retention was the only mitigation option available.) All mitigation requires additional permits depending upon the mitigation option chosen.

### ***Incentive for On-Site Retention of Oak Woodlands***

To encourage on-site retention of oak woodlands, the ORMP requires increasing mitigation ratios based on the amount of oak woodland removed: Removing 50 percent or less requires a 1-to-1 ratio of mitigation, removing up to 75 percent requires a 1.5-to-1 ratio of mitigation, and removing up to 100 percent requires a 2-to-1 ratio of mitigation. Mitigation of oak woodlands would consist of one of the options described above: on-site retention; replacement planting on-site and off-site; and/or in-lieu fees.

### ***Security Deposit for On-Site Oak Tree/Oak Woodland Retention and Replacement Planting***

A security deposit is required for all discretionary projects proposing on-site oak tree/oak woodland retention and/or replacement planting as mitigation. No grading or other on-site work shall be permitted until the security deposit is posted.

### ***In-Lieu Fee Option***

The in-lieu fee for removal of *oak woodlands* is calculated based on total cost per acre which is currently set at \$8,285. The in-lieu fee for removal of *individual oak trees* is calculated on a total cost per inch which is currently set at \$153 for a non-Heritage Tree and \$459 per inch for a Heritage Tree at a 3-to-1 ratio. The per-inch fee shall be multiplied by the total number of trunk diameter inches removed. The in-lieu fees collected will be deposited in the County's Oak Woodland Conservation Fund. That fund will be used to acquire land and/or conservation easements to conserve oak woodlands, provide for native oak tree planting, and for ongoing conservation area monitoring and management activities.

### ***Oak Tree and Oak Woodland Removal Permits***

Permits for removal of Oak Resources are required for any non-exempt action requiring discretionary development entitlements or approvals from the County, or ministerial actions requiring a building or grading permit issued by the County. *An Oak Resources Technical Report prepared by a certified arborist, qualified wildlife biologist or a Registered Professional Forester is required prior to issuing a permit to remove any Oak Resources.*

### ***Mitigation Maintenance, Monitoring and Reporting***

Required care, inspection and documentation of replacement plantings (including replacement of any dead trees) shall be performed by all permittees for a seven (7) year period from the date of the planting. The County shall provide an annual reporting to the Board of Supervisors on the number of oak removal permits issued and estimated inches/acres approved for removal during the reporting year. The County shall provide a biennial report to the Planning Commission and Board of Supervisors of the in-lieu fees collected and recommend fee adjustments as appropriate.

### ***Exemptions to Mitigation Requirements***

Exemptions to oak mitigation requirements include but are not limited to: existing single-family parcel of one acre or less; fire safe activities to protect existing structures; utility line maintenance; emergency operations; County road projects; affordable housing projects; some agricultural activities; removal of dead, dying or diseased trees; some exemptions for personal use (e.g., firewood) limited to no more than eight trees per parcel per year; tree removal under a Timber Harvest Plan. Exemptions from mitigation do not apply to Heritage Trees, individual valley oak trees, and valley oak woodlands (unless these trees are dead, dying, or diseased).

### ***Enforcement, Fines and Penalties***

For unpermitted removal of oak woodland, fines may be issued at a cost of up to three (3) times the current oak woodland in-lieu fee amount. For unpermitted removal of individual native oak trees, fines may be issued at a cost of up to three (3) times the current market value of replacement trees. For unpermitted removal of Heritage Trees, fines may be issued at a cost of up to nine (9) times the current market value of replacement trees.

**For more information, visit the project webpage at:**

**<https://www.edcgov.us/Government/longrangeplanning/environmental/Pages/biopolicyupdate.aspx>**

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