



## 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	<p>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:</p> <ul style="list-style-type: none"> <li>Use of 'oak woodland' as a measurement</li> <li>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.</li> <li>Replace two oak woodland mitigation options (Option A and B) and retention standards with an incentive-based approach for oak woodland impact avoidance</li> <li>Identify projects or actions exempt from oak woodland and oak tree mitigation requirements</li> <li>Add criteria for identifying conservation lands outside of Priority Conservation Areas (PCA)</li> </ul>
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 ~~13017~~ 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 ~~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 overlav, applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek Ceanyon 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 overlav 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 7.4.1-62.8]

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.*

<del>Responsibility:</del>	<del>Planning Department</del>
<del>Time Frame:</del>	<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.*

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

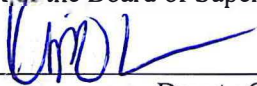
Responsibility:	Planning Department
Time Frame:	Refer to Measures CO-L and CO-M as applicable.

**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: Veerkamp, Ranalli, Hidahl, Frentzen, Novasel

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

By:   
Deputy Clerk

Noes: None  
Absent: None

  
Vice Chair, Board of Supervisors  
Michael Ranalli