

# Appendix F

## General Plan Policies Applicable to OWMP

**Appendix F**  
**General Plan Goals, Measures, and Policies Applicable to the OWMP**

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**GOAL 6.2: FIRE HAZARDS**

Minimize fire hazards and risks in both wildland developed areas.

**OBJECTIVE 6.2.1: DEFENSIBLE SPACE**

All new development and structures shall meet “defensible space” requirements and adhere to fire code building requirements to minimize wildland fire hazards.

**GOAL 7.3: WATER QUALITY AND QUANTITY**

Conserve, enhance, and manage water resources and protect their quality from degradation.

**GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES**

Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

**GOAL 7.6: OPEN SPACE CONSERVATION**

Conserve open space land for the continuation of the County’s rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.

**MEASURE CO-G**

Create guidelines for development projects that may affect surface water resources. The guidelines should include:

- Definition(s) of surface water resources;
- Criteria for determining the presence of surface water resources;
- Buffer standards;
- Mitigation standards; and
- Use of Best Management Practices.

[Policies 7.3.1.1, 7.3.2.1, 7.3.2.3, 7.3.3.1, 7.3.3.2, and 7.3.4.2]

*Also refer to Measure CO-C.*

Responsibility:	Environmental Management, Department of Transportation, and Planning Department
Time Frame:	Within five years of General Plan adoption.

**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-M**

Develop and implement an Integrated Natural Resources Management Plan consistent with Policy 7.4.2.8.

Responsibility:	Planning Department
Time Frame:	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.

**MEASURE CO-N**

Review and update an Important Biological Corridor (-IBC) Overlay land use designation consistent with Policy 7.4.2.9.

Responsibility:	Planning Department
Time Frame:	Within two years of General Plan adoption.

**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;
- Thresholds of significance for the loss of oak woodlands;
- Requirements for tree surveys and mitigation plans for discretionary projects;
- Replanting and replacement standards;
- Heritage/landmark tree protection standards; and
- An Oak Tree Preservation Ordinance as outlined in Policy 7.4.5.2.

[Policies 7.4.4.4 and 7.4.5.2]

Responsibility:	Planning Department
Time Frame:	Within two years of General Plan adoption.

**MEASURE CO-T**

Work with the State of California Department of Parks and Recreation to identify the viewshed of Marshall Gold Discovery State Historic Park (Coloma) and establish guidelines for development within that viewshed.

[Policy 7.5.2.6]

Responsibility:	Planning Department
Time Frame:	Identify viewshed within four years of General Plan adoption. Adopt standards within six years.

**MEASURE CO-U**

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.

**GOAL 2.2: LAND USE DESIGNATIONS**

A set of land use designations which provide for the maintenance of the rural and open character of the County and maintenance of a high standard of environmental quality.

**OBJECTIVE 2.2.4: DENSITY BONUS**

Provide for incentives which encourage the utilization of the Planned Development concept and further the provision of public benefits as a component of development.

**Policy 2.2.4.1**

Planned Developments shall be provided additional residential units (density bonus), in accordance with A through C, for the provision of otherwise developable lands set aside for public benefit including open space, wildlife habitat areas, parks (parkland provided in excess of that required by the Quimby Act), ball fields, or other uses determined to provide a bona fide public benefit. (See example below.)

A. Maximum Density: The maximum density created utilizing the density bonus provisions shall not exceed the maximum density permitted by the General Plan land use designation as calculated for the entire project area except as provided for by Section B.

B. In addition to the number of base units, one and one half (1.5) dwelling units may be provided for Planned Developments within a planning concept area for each unit of developable land dedicated to public benefit. In calculating the maximum density permitted by the General Plan land use designation, the County shall include acreage of undevelopable land, except as excluded in Policy 2.2.3.2.

C. Public Benefit: Lands set aside for public benefit, as used herein, shall be those lands made available to the general public including but not limited to open space areas, parks, and wildlife habitat areas.

## **GOAL 2.5: COMMUNITY IDENTITY**

Carefully planned communities incorporating visual elements which enhance and maintain the rural character and promote a sense of community.

### **OBJECTIVE 2.5.1: PHYSICAL AND VISUAL SEPARATION**

Provision for the visual and physical separation of communities from new development.

#### **Policy 2.5.1.2**

Greenbelts or other means of community separation shall be included within a specific plan and may include any of the following: preserved open space, parks, agricultural districts, wildlife habitat, rare plant preserves, riparian corridors, and designated Natural Resource areas.

## **GOAL 7.1: SOIL CONSERVATION**

Conserve and protect the County's soil resources.

### **OBJECTIVE 7.1.2: EROSION/SEDIMENTATION**

Minimize soil erosion and sedimentation.

#### **Policy 7.1.2.1**

Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

- Reasonable use of the property would otherwise be denied.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California-registered civil engineer or an engineering geologist.
- Replacement or repair of existing structures would occur in substantially the same footprint.
- The use is a horticultural or grazing use that utilizes "best management practices (BMPs)" recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under 30 percent. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

### **Policy 7.1.2.2**

Discretionary and ministerial projects that require earthwork and grading, including cut and fill for roads, shall be required to minimize erosion and sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces, and maximize the retention of natural vegetation. Specific standards for minimizing erosion and sedimentation shall be incorporated into the Zoning Ordinance.

## **GOAL 7.3: WATER QUALITY AND QUANTITY**

Conserve, enhance, and manage water resources and protect their quality from degradation.

### **OBJECTIVE 7.3.2: WATER QUALITY**

Maintenance of and, where possible, improvement of the quality of underground and surface water.

#### **Policy 7.3.2.1**

Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.

### **OBJECTIVE 7.3.3: WETLANDS**

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

#### **Policy 7.3.3.4**

The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part



of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

**Policy 7.3.3.5**

Rivers, streams, lakes and ponds, and wetlands shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.

**OBJECTIVE 7.3.4: DRAINAGE**

Protection and utilization of natural drainage patterns.

**Policy 7.3.4.1**

Natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.

**GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES**

Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

**OBJECTIVE 7.4.1: RARE, THREATENED, AND ENDANGERED SPECIES**

The County shall protect State and Federally recognized rare, threatened, or endangered species and their habitats consistent with Federal and State laws.

**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 7.4.1.7**

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 7.4.2.4**

Establish and manage 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 7.4.2.8**

Develop within five years and implement an Integrated Natural Resources Management Plan (INRMP) that identifies important habitat 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 in El Dorado County:
  - 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 CNDDDB. 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.

#### **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.

Wildland Fire Safe measures 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

**Policy 7.4.4.2**

Through the review of discretionary projects, the County, consistent with any limitations imposed by State law, shall encourage the protection, planting, restoration, and regeneration of native trees in new developments and within existing communities.

**Policy 7.4.4.3**

Utilize the clustering of development to retain the largest contiguous areas possible in wildland (undeveloped) status.

**Policy 7.4.4.4**

For all new development projects (not including agricultural cultivation and 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 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, the County shall require one of two mitigation options: (1) 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 Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
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.

### **GOAL 7.5: CULTURAL RESOURCES**

Ensure the preservation of the County's important cultural resources.

#### **OBJECTIVE 7.5.2: VISUAL INTEGRITY**

Maintenance of the visual integrity of historic resources.

##### **Policy 7.5.2.6**

The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.

### **GOAL 7.6: OPEN SPACE CONSERVATION**

Conserve open space land for the continuation of the County's rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.

#### **OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE**

Consideration of open space as an important factor in the County's quality of life.

##### **Policy 7.6.1.1**

The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and objectives of the Land Use and the Conservation and Open Space Elements by serving one or more of the purposes stated below. In addition, the designations on the land use map for Rural Residential and Natural Resource areas are also intended to implement said goals and objectives. Primary purposes of open space include:

- A. Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas

required for ecologic and other scientific study purposes; rivers, streams, banks of rivers and streams and watershed lands;

- B. Conserving natural resource lands for the managed production of resources including forest products, rangeland, agricultural lands important to the production of food and fiber; and areas containing important mineral deposits;
- C. Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors;
- D. Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality; and
- E. Providing for open spaces to create buffers which may be landscaped to minimize the adverse impact of one land use on another.

## **GOAL 8.1: AGRICULTURAL LAND CONSERVATION**

Long-term conservation and use of existing and potential agricultural lands within the County and limiting the intrusion of incompatible uses into agricultural lands.

### **OBJECTIVE 8.1.2: GRAZING**

Protection of range lands for grazing of domestic livestock

#### **Policy 8.1.2.1**

The County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs to retain such lands as productive grazing units.

### **OBJECTIVE 8.1.3: PROTECTION OF AGRICULTURAL LANDS**

Protection of agricultural lands from adjacent incompatible land uses.

#### **Policy 8.1.3.1**

Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

#### **Policy 8.1.3.2**

Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.

The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.

### **OBJECTIVE 8.1.5: CLUSTER DEVELOPMENT**

The County shall encourage cluster development, or grouping together of allowable dwelling units in Rural Centers instead of the dispersal of such dwelling units on larger parcels.

#### **Policy 8.1.5.2**

Wherever feasible and where clustering is permitted, natural features such as ridge tops, creeks, and substantial tree stands shall be used to separate smaller clustered parcels from agricultural areas.

### **GOAL 8.3: FOREST LAND CONSERVATION**

Maintain healthy sustainable forests that provide for raw materials while limiting the intrusion of incompatible uses into important forest lands.

### **OBJECTIVE 8.3.3: LONG-TERM FOREST RESOURCES**

Ensure long-term viability of forest resources and timber production.

### **Policy 8.3.3.1**

Forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.

## **GOAL 8.4: SUSTAINABLE AND EFFICIENT FOREST PRODUCTION**

Minimized constraints inhibiting sustainable and efficient forest resource production.

### **OBJECTIVE 8.4.1: FOREST LAND BUFFERS**

Provide for buffer parcels and setbacks between timber production lands and adjacent incompatible land uses.

#### **Policy 8.4.1.1**

The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned Timberland Production Zone (TPZ) shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.

#### **Policy 8.4.1.2**

A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

All setbacks are measured from the property line.

## **GOAL 9.1: PARKS AND RECREATION FACILITIES**

Provide adequate recreation opportunities and facilities including developed regional and community parks, trails, and resource-based recreation areas for the health and welfare of all residents and visitors of El Dorado County.

## **OBJECTIVE 9.1.1: PARK ACQUISITION AND DEVELOPMENT**

The County shall assume primary responsibility for the acquisition and development of regional parks and assist in the acquisition and development of neighborhood and community parks to serve County residents and visitors.

### **Policy 9.1.1.4**

Regional parks and recreation facilities shall incorporate natural resources such as lakes and creeks and serve a region involving more than one community. Regional parks generally range in size from 30 to 10,000 acres with the preferred size being several hundred acres. Facilities may include multi-purpose fields, ball fields, group picnic areas, playgrounds, swimming facilities, amphitheaters, tennis courts, multi-purpose hardcourts, shooting sports facilities, concessionaire facilities, trails, nature interpretive centers, campgrounds, natural or historic points of interest, and community multi-purpose centers.

## **OBJECTIVE 9.1.3: INCORPORATION OF PARKS AND TRAILS**

Incorporate parks and non-motorized trails into urban and rural areas to promote the scenic, economic, and social importance of recreation and open space areas.

### **Policy 9.1.3.1**

Linear parks and trails may be incorporated along rivers, creeks, and streams wherever possible.

### **Policy 9.1.3.2**

On public lands and where trails can be developed, maintained, and managed, a system of trails along the American and Cosumnes River systems may be created to increase public access to scenic waterways.