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EL DORADO

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MEMORANDUM

DATE: July 25, 2006
Agenda of: July 27, 2006

TO: Planning Commission
Item #: 14.a.

FROM: Steven D. Hust, Principal Planner

SUBJECT: Oak Woodlands - Interim Interpretive Guidelines

BACKGROUND

The adopted 2004 El Dorado County General Plan, Conservation and Open Space Element provides for the conservation and protection of soils, minerals, water, wildlife and fisheries, vegetation, cultural resources, and open space. Policies adopted in this element serve to guide the design of new development to meet these objectives. Policy 7.4.4.4, reproduced below, addresses oak canopy retention standards, provides exemptions, and defines standards for canopy retention, replacement and mitigation. Policy 7.4.4.5 addresses oak stand continuity, and Policy 7.4.5.1 and 7.4.5.2 address oak tree preservation/permitting.

PURPOSE/OBJECTIVE

Planning Services staff has identified various issues requiring clarification related to implementation of General Plan Policies 7.4.4.4 (Option A), 7.4.4.5, 7.4.5.1, and 7.4.5.2 regarding oak woodlands. The attached document identifies several key policy issues and suggests clarifications for Planning Commission consideration and direction. These include: Clarifying the scope and intent of Policy 7.4.4.4; establishing working definitions for key terms necessary to implement Policy 7.4.4.4, clarifying oak tree replacement options, and establishing a process to consider minor modifications to oak tree replacement and retention requirements if necessary to accommodate reasonable use of the property. These topics will be introduced to the Planning Commission for discussion on Thursday, July 27, 2006. Thereafter, Planning Services expects that the discussion will continue at future meetings to receive public input and Planning Commission direction. Planning Services will then prepare more detailed guidelines incorporating the Commission's direction and release the guidelines for public review in advance of final consideration by the Planning Commission in August/September. In addition to the key topics identified above for initial discussion, future topics for discussion include: Clarification of requirements and content for tree protection plans and important habitat mitigation plans, consideration of an interim process for implementing Policies 7.4.5.1 and 7.4.5.2 (Oak

Tree/Landmark Tree Protection) and clarification of the relationship between Policies 7.4.4.4 and 7.4.5.1 and 7.4.5.2.

Separately, a scope of work and contract are being finalized for preparation of the Oak Woodland Management Plan (OWMP) required under Policy 7.4.4.4. The Board of Supervisors is expected to act on this contract in August. Once the OWMP is in place, the County can implement Option B (Mitigation Fee) of Policy 7.4.4.4. Consequently, the proposed interpretive guidelines do not address implementation of Option B at this time.

RECOMMENDATION

Receive and consider the staff presentation on July 27th; receive initial public comment; provide staff with comments/direction and continue this matter for further review and discussion on August 10, 2006.

ATTACHMENTS

1. General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1 and 7.4.5.2.
2. Outline of Key Concepts for Discussion

EL DORADO COUNTY

GENERAL PLAN

POLICIES 7.4.4.4, 7.4.4.5, 7.4.5.1, AND 7.4.5.2

OBJECTIVE 7.4.4: FOREST AND OAK WOODLAND RESOURCES

Protect and conserve forest and woodland resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetic values.

Policy 7.4.4.4

- 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 or 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.