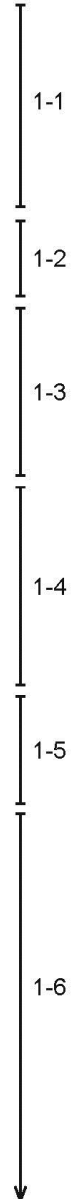


### 3.6 PUBLIC COMMENT MEETING

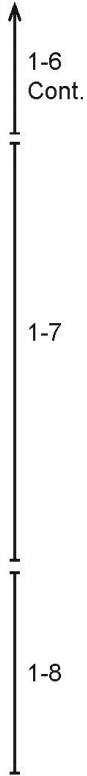
Comment Letter 1

Public Comments:

(18:42) Tim white, resident of El Dorado Hills: Good morning. My name is Time White. I'm a resident of El Dorado Hills. Been living in El Dorado County for about two years now. I think that one of the most iconic images growing up in California and as you drive around EDC is of the growing oak woodlands that you see from the highways from green valley road from all the –you know- side roads throughout the county and throughout California. Um, it is estimated, according to the Dudek report that about -uh- 6500 acres of oak woodlands will be lost or destroyed in EDC in the next 19 years, through 2035 due to construction and you know, that construction will occur, I'm not anti-growth or anti construction it will happen and yes oak trees and oak woodlands will be lost. Um, I think what I would like to see is some of the mitigation requirements set forth in this proposal brought a little stronger and maybe require more mitigation to be done. I think- um- this is a good report; uh, it's a very good report. Um, I think it could be better. I think that we could have, for EDC, a blueprint for an oak resources management program- oak conservation ordinance that could be a blueprint for the rest of the state of California and, again, for parts of the US where they are also facing oak tree loss. Um, I think everyone here is probably old enough to remember, there use to be those ads for that retail chain; good, better, or best. Like I said, this is a good plan, we can make it better. But why not set a standard for the State of California; make this the best plan possible, given the state of things as they exist today. Um, Mitigation –uh- I would like to see the mitigation constraints requirements. You take down a 24 inch oak, about this diameter, and you're going to get 24 1-inch little plugs or, uh, 3 acorns to create 1- inch of new tree. How about looking at a different standard? Instead of diameter, circumference, you know, that way you'll get much more trees replacing the ones you take down. Now you can't replace a 24 inch oak tree that's 45, 60 feet high with a canopy that goes out about 45 feet and a root structure that probably goes out longer than that canopy probably 60 feet typically. But what we are trying to do is replace those trees so that, uh, future generations... none of us here are going to sit under the shade of these replacement trees, that's just not going to happen, they don't grow that fast. Oak trees go slowly that's why those majestic, historic trees that are 36" or more are 200, 250 years old. It takes time for a tree to grow. Uh, someone once said that a gardener is very patient if he or she plants a tree, knowing that he or she will never sit under the shade of that tree. I think we have a chance here to upgrade the mitigation requirements and I will submit written comments with more detail because I only have three minutes here and I know that staff, Shawna and the rest, would like to see written comments in more detail and I will do that. Um, I also would like to see exceptions for mitigations change. I see no reason why the county –uh- road exemption exists. If the county is going to widen an existing road and take out oak trees, then please mitigate. Uh you know, the contractors who's hired to do that road improvement can incorporate into its fees and cost structure a payment to the mitigation thing to replace the tree. If they take down a 12 inch oak tree, the mitigation costs are less than 1000 dollars. So yes, you are taking one part of county peter and paying to paul for the oak trees but again we are trying to preserve oak trees and grow new oak trees for future generations. I think that's important. I also think the commission and the county should look at the single family home exemption. There're ways to get around that. Uh, I think that again, if a single family home is going to be built on a one acre or less, that we should look at –uh- requiring some mitigation. Perhaps just not at the same standard as the standard mitigation set forth in here but it could be a lesser standard and we have provided for lesser standard mitigation for affordable



housing and other exemptions. Again, it's part of the cost of living here, it's part of the cost of building, uh, a new residence. Yes costs add up and we don't like taxes or fees. But again, it's part of doing business and again, we are setting a standard not for ourselves but for future generations to have more oak trees and woodland environments. Um, I would like to see the mitigation reports and requirements upgraded; I would like to see the Qualified Professionals, perhaps, that are selected, particularly when a developer does something, not be selected by the developer but be selected from a group of pre-approved –if that's acceptable- arborists or forest professionals. So the developer doesn't sort of get to pick and choose someone and maybe going with him. That's sort of taken out of the developer's purview that's going to get someone that's going to favor him or her but someone that comes from a group of pre-approved certified arborists. Finally, um, I would like to see –uh- as a requirement here that for a developer if they are going to do their own tree replacement that the post a 10,000 dollar surety bond or a performance bond to make sure that they comply with the seven year standards of following the growth of the trees and making sure they are irrigated and protected. That's a drop in the bucket. When you are talking about some developments that are going on 200, 300, 400 acres or more, It seems to be that a minimum of 100,000 dollars surety bond should be required. I believe that –uh, you know- if a developer is doing oak tree replacement or mitigation himself, this cost of bond will not be that much, particularly as insurance companies that issue such bonds they will reduce the cost of those bonds when they see that the developer is actually doing what he is supposed to do, in terms of the 7 year mitigation and tracking. Finally, I would like to see, to find out, if there are plans to have a –uh- dedicated employee or at least a full time employee, 50 % of his or her time, will be to tracking all these requirements that were set forth in the ordinance plan, there are a lot of reports that are going to have to come in, there are a lot of fees to be paid, right now it says that development services will do it but I'd like to see if there is a plan from the development services department, to follow through and make sure that it does get done. Uh- I thank you for your time and to thank staff for their assistance and for looking at this report.



Commissioner: thanks for your comments Mr. White

## Response to Comment Letter 1

### Comment Received during Public Comment Meeting

Tim White

August 11, 2016

- 1-1** This comment introduces the commenter. This comment then states that oak woodlands are one of the most iconic images of California and that 6,500 acres of oak woodlands would be lost or destroyed in El Dorado County (the County) in the next 19 years due to development. As an aside, the commenter states that he is not anti-growth or anti-construction.

This comment does not address the accuracy or adequacy of the Draft Environmental Impact Report (EIR) and, thus, no response is required. As discussed in Master Response 9 in Chapter 2 (Master Responses) of this Final EIR, during preparation of the Final EIR, it was determined that the calculations of the extent of oak woodland impacts double-counted several parcels. The revised total potential impact area calculations indicate that the maximum oak woodland loss would be 4,848 acres. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.

- 1-2** This comment states that the mitigation requirements for the proposed project could be stronger and more mitigation could be required, although the Draft EIR was well done.

The Board of Supervisors determined that the proposed mitigation standards, which incentivize but do not require retention, would best meet the County's overall General Plan and land use goals and objectives. Refer to Master Response 1 in Chapter 2 (Master Responses) in this Final EIR for discussion of the Board of Supervisors' role in setting General Plan policy. Also refer to Master Response 4 in Chapter 2 (Master Responses) in this Final EIR for discussion of the oak resource mitigation and monitoring requirements of the proposed Oak Resources Management Plan (ORMP).

- 1-3** This comment states that the County could set a blueprint for an oak resources management program-oak conservation ordinance that could set a standard for the State of California and thus should create the best plan possible.

The primary responsibility of the Board of Supervisors is to determine the policy approach that best meets the County's goals and objectives. Refer to Master Response 1 in Chapter 2 (Master Responses) of this Final EIR for additional discussion of the Board of Supervisors' role in setting General Plan policy.

This comment does not address the accuracy or adequacy of the Draft EIR and, thus, no response is required. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.

**1-4** This comment suggests using circumference instead of diameter as a mitigation requirement in order to increase the amount of trees planted. The comment asserts that if a 24-inch oak is removed, mitigation will entail planting of 24 “1-inch little plugs.”

Measuring trees by their diameter at breast height is the standard metric for certified arborists and Registered Professional Foresters. It is also the standard metric used in tree conservation ordinances in many other jurisdictions.

The comment does not correctly characterize the mitigation requirements identified in the ORMP. Table 4 of the proposed ORMP, shown below as Table 3-9, identifies the options for tree planting to mitigate each inch of tree impacted. Planting a single 15-gallon-container-size oak tree would mitigate for 1 inch of tree impact; planting two 1-gallon-container-size oak trees would also mitigate for 1 inch of tree impact. The mitigation options do not include planting 1-inch plugs as suggested in the comment.

**Table 3-9  
Oak Tree Replacement Quantities**

Replacement Tree Size	Number of Trees Required per Inch of Trunk Diameter Removed
Acorn	3
1-gallon/TreePot 4	2
5-gallon	1.5*
15-gallon	1

\* Quantity of replacement trees to be rounded up to the nearest whole number.

**1-5** This comment states that oaks grow slowly and thus mitigation through replanting benefits future generations, and reiterates the commenter’s opinion that the mitigation requirements should be strengthened.

The proposed ORMP requirement to mitigate on an inch-for-inch basis recognizes the temporal loss of oak trees inherent in using replanting as mitigation. For each impacted tree that is at least 6 inches diameter at breast height, at least six new trees would be planted. While the comment is correct that these trees require many years to grow to the size of the original impacted tree, at the time that the trees reach that size, there will be more trees than were impacted. Inch-for-inch mitigation is a typical requirement of tree preservation policies and ordinances and is consistent with the County’s current requirement under the existing language of General Plan Policy 7.4.5.2. The proposed

project includes merging Policy 7.4.5.2 with Policy 7.4.4.4, with the inch-for-inch mitigation included as a provision in the ORMP (Section 2.3.2, Oak Tree Mitigation).

- 1-6** This comment states that the County road exemption and the single-family home exemption (lots of one acre or less that cannot be further subdivided) should be changed so that some level of mitigation is required for these types of projects. This comment then reiterates that the ordinance will set a standard for future generations to have more oak trees and woodland environments.

The proposed ORMP defines the County road project exemption as applying only to “road widening and realignment projects necessary to increase capacity, protect public health, and improve safe movement of people and goods...” (Draft ORMP, June 2016, Section 2.1.4, County Road Project Exemption). The exemption does not apply to construction of new roads. As stated on page 6-56 of the Draft EIR:

“Since these are existing roads, oak woodlands habitats are already fragmented by the linear nature of the roads. Widening or realignment would incrementally increase oak woodlands loss but would not increase fragmentation, dependent upon the improvement proposed. The effect of this exemption is expected to remove a potential of 312 acres of 246,808 acres [of] oak woodlands (0.1% of the total oak woodlands acreage in the ORMP Area). The loss of this small amount of habitat is considered less than significant.”

The single-family home exemption (Draft ORMP, June 2016, Section 2.1.1, Single-Family Lot Exemption) reflects current language found throughout the General Plan that provides other exemptions for one-acre parcels. During the February 23, 2015 Board of Supervisors meeting, the Board provided direction to staff for the creation of a two-tiered mitigation approach as well as helped define various exemptions, one of which being the exemption for one acre or smaller single-family residential parcels that cannot be further subdivided. As discussed in Master Response 1, the Board of Supervisors has the authority to develop and interpret the County’s General Plan and to ensure that the General Plan and County Code reflect the County’s goals and objectives. As stated on page 6-51 of the Draft EIR:

“The Single-Family Lot Exemption could therefore result in impacts to approximately 290 acres of oak woodlands which would not require mitigation. This figure, however, is considered a conservative estimate as it does not account for undevelopable portions of a property (e.g., setback

areas, slope restrictions) or retention of oaks on individual lots for aesthetic, shading, or screening purposes.”

This comment does not address the accuracy or adequacy of the Draft EIR and does not provide evidence that contradicts the Draft EIR conclusions regarding the effect of these exemptions. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.

- 1-7** This comment states that the \$10,000 surety bond should be increased to an amount more proportional to the project size, to make sure the developer complies with the seven year standards of following the growth of trees and making sure they are irrigated and protected.

Section 130.39.070(F) of the Oak Resources Conservation Ordinance requires that “a bond or other security instrument in an amount not less than ten thousand dollars shall be required” as a condition of approval for projects subject to discretionary review and that propose to retain oak resources on site. The security instrument functions as a guarantee that the on-site retention will occur during project construction. This section of the proposed ordinance also states that “the form and amount of the security instrument shall be specified by the permit issuing body and approved by County Counsel.” This allows the County to require a higher security amount when warranted by the site-specific conditions, such as where \$10,000 may be deemed insufficient to assure protection of retained oak resources and/or to fully cover any potential oak tree replacement costs. This amount is consistent with jurisdictions with similar codes and/or ordinances (e.g., City of Rocklin, California), while other codes and/or ordinances (e.g., Sacramento County and Placer County) do not identify a minimum security amount.

- 1-8** This comment states that there should be a least one full-time employee that dedicates at least 50% of his or her time to tracking the requirements of the Ordinance.

The County will match the needs of the Ordinance with an appropriate level of employee support. This comment does not address the accuracy or adequacy of the Draft EIR and, thus, no response is required. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.