

MEMORANDUM

To: Shawna Purvines, Principal Planner, El Dorado County
From: Cathy Spence-Wells, Principal
Subject: Policy Options
Date: July 18, 2014
Attachment(s): Figures 1–3

1.0 INTRODUCTION

On September 24, 2012, the El Dorado County Board of Supervisors (BOS) took action to consider amendments to General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, and 7.4.2.9 and their related Implementation Measures.

- 7.4.2.8 (Develop and Implement the Integrated Natural Resources Management Plan)
- 7.4.2.9 (Important Biological Corridor Overlay)
- 7.4.4.4 (Options A and B for Mitigating Impacts to Oak Woodland Habitat)
- 7.4.4.5 (Maintaining Continuity within Retained Portion of Oak Stands)
- 7.4.5.1 (Tree Survey, Preservation and Replacement Plan)
- 7.4.5.2 (Develop and Implement an Oak Tree Replacement Ordinance)

As discussed in the staff report prepared for the September 2012 BOS meeting, amending these policies “would enable the Board to clarify and refine the intent and scope of all of those policies, ensure the consistency of all the related biological policies, consider changes in state law, and finally harmonize the General Plan Policies” (BOS 2012a). The Environmental Impact Report (EIR) prepared for these amendments to the Policies would provide the analysis necessary to implement the Policies, so that no additional implementation process is necessary.

The staff report also clarified that “by focusing on only the biological policies and taking other policies and existing land use designations as a given, the Board can decide what resources are important, which important resources are at risk (as opposed to resources that already have protection as federal lands or through some other means), which important resources may be lost due to the land use designations, how to mitigate for those losses, and how to pay for that in a feasible way that does not conflict with other important goals and objectives of the 2004 General

Plan” (BOS 2012a). Based on the decision by the BOS to consider amending the aforementioned General Plan policies related to biological resources, this memorandum seeks to outline the broad policy approaches available to the County, while addressing the differences between resource conservation (which generally involves a comprehensive plan to identify areas to be preserved) and mitigation (which generally involves strategies to reduce impacts onsite, restore habitat either onsite or offsite, and may include preservation of offsite areas, although not in the context of a county-wide conservation program).

2.0 GENERAL PLAN OBJECTIVES AND ASSUMPTIONS

The process of evaluating potential amendments to the County’s biological resources policies must include consideration of the overall goals and objectives of the General Plan. The key framework concepts and objectives from the General Plan are briefly presented below. Following the concepts and objectives is a discussion of the Targeted General Plan Amendment and Comprehensive Zoning Ordinance Update (TGPA-ZOU) reflecting the Board’s direction with their 5-year General Plan review.

2.1 General Plan Concept Areas

The General Plan establishes planning concept areas (areas where growth will be directed as a means of providing for a more manageable land use pattern) to: (1) foster a rural quality of life; (2) sustain a quality environment; (3) develop a strong diversified, sustainable local economy; (4) plan land use patterns which will determine the level of public services appropriate to the character, economy, and environment of each region; and (5) accommodate the County’s fair share of the regional growth projections while encouraging those activities that comprise the basis for the County’s customs, culture, and economic stability (County of El Dorado 2004).

2.2 General Plan Objectives

The General Plan identifies the following overarching objectives (County of El Dorado 2004):

1. To develop a strong diversified and sustainable local economy;
2. To foster a rural quality of life;
3. To sustain a quality environment;
4. To accommodate the County’s fair share of regional growth projections and affordable housing while encouraging those activities that comprise the basis for the County’s customs, culture, and economic stability;

5. To oversupply residential and non-residential land use designations in order to provide market and landowner flexibility to more feasibly accommodate the market;
6. To concentrate and direct urban growth where infrastructure is present and/or can be more feasibly provided;
7. To recognize that funding limitations for infrastructure and services will result in lower levels of service while the County improves employment and housing opportunities;
8. To conserve, protect, and manage the County's abundant natural resources for economic benefits now and for the future;
9. To encourage infill development that more efficiently utilizes existing infrastructure and minimizes land use conflicts while avoiding the premature development of non-contiguous lands where direct and life cycle costs are greater;
10. To accomplish the retention of permanent open space/natural areas on a project-by-project bases through clustering;
11. To minimize down planning and/or down zoning where feasible;
12. To improve the jobs-to-housing ratio by giving preference to the development of high technology and value added employment centers and regional retail and tourism uses.

The Conservation and Open Space Element identifies the following Goals and Objectives for biological resources (County of El Dorado 2004):

Goal 7.4: Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

Objective 7.4.2: 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.

Objective 7.4.4: 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.

Objective 7.4.5: Protect and maintain native trees including oaks and landmark and heritage trees Protect and maintain native trees including oaks and landmark and heritage trees.

2.3 Targeted General Plan Amendment Objectives

The General Plan 5-year review was presented to the Board of Supervisors on April 4, 2011. That review concluded with the Board making findings that the County's General Plan is still within its growth projections and that basic General Plan Assumptions, Strategies, Concepts and Objectives are still valid, or have not changed so drastically as to require a comprehensive update. The review identified some land uses (i.e. Commercial, Industrial and Research and Development (R&D)) developing at a slower rate than forecasted, possibly creating a jobs/housing imbalance which may need to be corrected to ensure the vision of the General Plan is achieved.

The Board adopted a Resolution of Intent (ROI) (BOS 2011) to amend the General Plan to address changes in state laws, changes in the economy, changes in market demand, and to address an anticipated reduction in federal and state funding for roads and infrastructure to ensure growth in the County can be adequately accommodated.

The ROI went on to set the project objectives for a combined EIR on a TGPA-ZOU process to correct policies found to be constraining the development of housing affordable to the moderate or below income earner, the creation of jobs and tax revenues generating businesses, and policies affecting the agriculture and natural resource industries.

3.0 POTENTIAL BIOLOGICAL POLICY OPTIONS

Working with County staff, Dudek has developed four broad policy options for the BOS to consider. The potential concepts for each of the four options are provided below along with the possible public outreach and estimated timelines. In developing these options, Dudek has taken into account the information in the General Plan Policy 7.4.4.4 Options Report (BOS 2012b) presented to the BOS at the September 24, 2012, hearing and the BOS direction provided at that hearing, as well as local issues identified by County staff.

In order to address the County's need for a clear, feasible, and reasonable approach to managing biological resource impacts, the goal under each of the four options is to develop:

- Policies that are self-implementing and do not need further clarification, interpretation or policy determination.
- Policies that clearly define what resources are covered and the types of development activities affected by the policies.
- Mitigation options that are clearly defined.

- Policies that comply with State law and are defensible and effective.

The local issues facing El Dorado County that are driving the need for updating the County's biological resource policies include:

- Development focused along Highway 50 corridor.
 - Current policies, such as requiring onsite preservation, constrain the economic development opportunities in the County's key growth areas.
- Highway 50 corridor – habitat connectivity value.
 - The highway and surrounding development form a substantial barrier to wildlife movement.
- Stakeholder/public perceptions regarding data
 - There is a lack of consensus on the adequacy and interpretation of data collected to date.
- Integrated Natural Resources Management Plan (INRMP) and associated mitigation program difficult and costly to implement.
 - Preparation of the INRMP has required substantial commitments of time from County staff and stakeholders; County has considerable obligations for long-term implementation of the conservation strategy.
- Oak woodland and oak canopy language unclear in current policies.
 - Current oak-related policies use the terms 'woodland' and 'canopy' in defining impacts and required oak retention. These two terms have different meanings and represent different area measurements and therefore present confusion in interpreting and implementing oak mitigation requirements.
- Limited options and overlapping requirements for oak mitigation.
 - Currently-available oak woodland mitigation options are limited to canopy retention and woodland replacement (Policy 7.4.4.4 Option A). Payment of an in-lieu fee to mitigate oak woodland impacts (Policy 7.4.4.4 Option B) is not currently viable.
 - Currently, some projects may be required to separately mitigate impacts to oak woodlands and individual oak trees.

The four options presented below address potential approaches for revising the General Plan policies and outline the necessary actions to be completed by the County and project proponents. Additionally, the options present a discussion of anticipated public involvement as well as

estimated timeline and cost for implementation. Table 1 below summarizes the major differences between the identified options.

Table 1
Comparison of Biological Policy Options

Option	Oak Woodland Management Plan	Priority Conservation Areas	Important Biological Corridors	Integrated Natural Resources Management Plan	Self-Implementing Policies	Initial Relative Cost	Timeframe for Implementing	Long-term Relative Staff Time/Cost
1	No	No	No	No	No	Low	15 mo.	High
2	No	No	No	No	Yes	Medium	18 mo.	Medium-High
3	Yes	Yes	Yes	No	Yes	Medium-High	20-24 mo.	Low
4	Yes	Yes	Yes	Yes	Yes	High	36 mo.	Medium-High

3.1 Option 1: Compliance with State and Federal Regulations

Under Option 1, the BOS would revise General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, and 7.4.2.9 and their related Implementation Measures (or portions thereof) to require compliance with Public Resources Code (PRC) 21083.4 (Senate Bill 1334 (Kuehl bill)¹) for impacts to oak woodlands, incorporate definitions of special-status biological resources and require compliance with state and federal requirements for evaluation and mitigation of impacts to biological resources. The associated EIR for the General Plan Amendment would analyze

¹ PRC Section 21083.4 (Senate Bill 1334, Kuehl) was enacted on February 18, 2004, after preparation of the 2004 General Plan EIR and prior to preparation of the County's Oak Woodland Management Plan. As enacted, PRC 21083.4 requires counties to determine whether projects will result in a conversion of oak woodlands and identifies four mitigation options to mitigate the significant effect of oak woodland conversion. The four mitigation options include: (1) conservation (via easements), (2) tree planting (including maintenance and monitoring and not to exceed half of the mitigation effort), (3) monetary contribution to the Oak Woodlands Conservation Fund, or (4) other measures identified by the County. A county may allow implementation of one or more of these mitigation options. PRC 21083.4 also identifies projects/actions that are exempt from its requirements. Exemptions include affordable housing projects (as defined in the statute) and actions on agricultural land used to produce products for commercial purposes, amongst others.

cumulative impacts to the identified special-status biological resources based on build-out of the General Plan.

Under this option individual project applicants would identify and implement measures to mitigate impacts to biological resources on a project-by-project basis. The County's role in mitigation would be to evaluate the adequacy of the proposed mitigation and to verify compliance with the mitigation measures identified for each project. Staff would rely primarily on state and federal regulations for analysis and mitigation for each individual project. The environmental review for individual projects under Option 1 would need to evaluate the project's proposed mitigation and determine whether additional mitigation would be necessary to meet the requirements of state and federal law. The environmental review would also need to evaluate and mitigate cumulative impacts (such as from habitat loss and fragmentation). While this analysis would tier from the General Plan Amendment EIR (which would analyze General Plan build-out), the environmental review for individual projects would need to provide more detailed analysis of each project's contribution to and mitigation for cumulative impacts. The General Plan policies would not provide substantial direction regarding project-specific and cumulative impacts and mitigation measures, necessitating detailed project-specific analysis in the environmental review for each individual project.

This option would comply with state and federal law and would provide defensible policies. However, this option would result in policies that would not be self-implementing. The lack of specificity in terms of analysis of impacts and identification of mitigation strategies would be challenging for staff to consistently apply, and this option does not address standards for individual oak tree impacts and mitigation. Finally, for oak woodland impacts, any mitigation fee payments (as identified in PRC 21083.4) would be submitted to a State-level fund, unless the County adopts an in-lieu fee program.

3.1.1 Public Outreach and Involvement

Dudek's recommended approach would include one public workshop to review the implications of revising these policies. This would entail explaining what the applicable state and federal requirements are, how the County would apply those requirements, and how the state and federal requirements would be implemented at the project level. Stakeholder advisory groups would not be necessary because the policies would be relying primarily on state and federal regulations identifying special-status resources and mitigation requirements.

All other public outreach would occur within the California Environmental Quality Act (CEQA) process – a scoping meeting for the EIR, public review of the Draft EIR including a

public meeting to receive comments on the Draft EIR, and a public hearing to consider certification of the EIR.

3.1.2 Timeline and Cost

This option could be implemented within 15 months, allowing for 3 months to prepare for and conduct one public workshop, and an additional 12 months to prepare and process the EIR. The initial costs associated with the policy update and the EIR for Option 1 would be lower compared to Options 2 through 4, as further studies would not be conducted in support of the policy amendments or the EIR. However, additional expenses would be incurred in funding County staff sufficient time to analyze each project on a case by case basis to assess conformance with the policies. This option may require additional funding for project applicants to develop project-specific strategies to conform to the policies and address cumulative impacts.

3.2 Option 2: Mitigation Approach

Under Option 2, the intent is to lay out clear requirements for mitigation of impacts to biological resources. The responsibility for undertaking the mitigation and for monitoring/ensuring the success of the selected mitigation actions would rest with the land owner or developer. The County's role would be to verify compliance with the requirements. The County would not develop a County-wide resource management strategy, and would not identify Priority Conservation Areas (PCAs) or Important Biological Corridors (IBCs). Under this option, General Plan Policies would be amended. The associated EIR would analyze cumulative impacts based on build-out of the General Plan.

A mitigation-based option for oak tree and woodland-related policies (Policies 7.4.5.1, 7.4.5.2, 7.4.4.4 and 7.4.4.5) would involve the following:

- The policies and implementation measures would be updated to omit the requirement for an Oak Woodland Management Plan (OWMP)
- Policies would be updated to create clear instructions for mitigating impacts to both oak woodlands and oak trees and likely an ordinance created to outline mitigation requirements
- Policies would be clarified to define the method of oak woodland measurement (woodland area or canopy cover area), which would be consistently used for impact calculations and mitigation area determination
- Mitigation options for oak woodland impacts would be consistent with PRC 21083.4 (Senate Bill 1334 (Kuehl bill)) and would include one or more of the following:
 - In-lieu fee payments to California's Oak Woodlands Conservation Fund

Memorandum

Subject: Policy Options

- Tree planting on or off site (limited to a maximum of 50% of the required mitigation, per PRC 21083.4)
- Conservation easement placement over preserved areas
- Other mitigation measures developed by the County (which could include minimum onsite oak canopy retention standards)
- Mitigation options for oak tree impacts would include on or off site tree planting or on site retention/protection
- Mitigation options for loss of oak woodlands or individual trees would include a County-established in-lieu fee mitigation program
- Developer planting/monitoring/reporting would occur and County would be responsible for verifying compliance with mitigation

A mitigation-based option for special-status resources (Policies 7.4.2.8, and 7.4.2.9) would involve the following:

- Policies would be updated to reflect the County's General Plan EIR definitions of special-status vegetation communities and species
- Policies would create clear instructions for mitigating impacts and the County may create an ordinance outlining mitigation requirements specific to each category of special-status resources (e.g., vegetation communities, plants, wildlife)
- Policies would also be updated to require undercrossings for future 4- and 6-lane roadway projects and establish restrictions on barriers to wildlife movement

Under Option 2, environmental review for individual projects would be somewhat streamlined compared to Option 1 because the General Plan policies would provide specific direction and requirements for mitigation of an individual project's impacts. However, the General Plan policies would not define the County's approach to cumulative impacts and mitigation measures. Therefore, detailed project-specific analysis of the project's contribution to and mitigation for cumulative impacts would need to be included in the project's environmental review.

This option would comply with state and federal law and would also provide defensible policies. The policies would be self-implementing as the policies would define special-status biological resources, terms of impact analysis, and mitigation strategies. The policies would rely on State-level oak woodland mitigation standards (Senate Bill 1334 (Kuehl bill)) and would define what mitigation is necessary for individual tree impacts. The policies would clearly define what development activities and biological resources are covered by the policies.

This option would not develop a County-wide resource management plan (such as the INRMP). Evaluation and mitigation of cumulative impacts (such as from habitat loss and fragmentation) would tier from the analysis of General Plan build-out. In the absence of identifying priority mitigation areas, this option may result in more fragmented patches of restored or conserved habitat within the County and less uniformity between mitigation plans submitted to the County for approval. This would be inconsistent with General Plan Objective 7.4.2, which identifies protection of wildlife habitat and movement corridors. Unless the County re-establishes the in-lieu fee program, oak woodland mitigation fees collected within the County would be contributed to a state fund. This could result in fees being used to preserve woodlands outside of El Dorado County. If a County fund is established, the fees collected under that program could be used for oak woodland mitigation efforts in the County.

3.2.1 Public Outreach and Involvement

Dudek's recommends this approach would include at least two public workshops. At the first workshop, information would be presented regarding mitigation strategies and concepts and input solicited as to which strategies are appropriate for the community and meet the County's goals for resource management. The second workshop would be to present and solicit input on the draft policies. This would include discussion and specific examples of how the policies would be implemented at the project level.

Dudek also anticipates that this approach would include targeted outreach to stakeholder groups, such as conducting telephone interviews or small group meetings to provide focused discussions of the County's resource base and potential resource management and mitigation strategies. It is not expected that stakeholder advisory groups would be convened.

All other public outreach would occur within the CEQA process – a scoping meeting for the EIR, public review of the Draft EIR including a public meeting to receive comments on the Draft EIR, and a public hearing to consider certification of the EIR.

3.2.2 Timeline and Costs

This option could be implemented within approximately 18 months, allowing for 5-6 months to prepare for and conduct two public workshops, and an additional 12 months to prepare and process the EIR. The initial costs associated with policy update and the EIR for Option 2 would be higher than Option 1 as two public workshops would be held, and additional analysis (e.g., mitigation for oak trees) would be required in support of policy amendments and the EIR. The policies would be more detailed and specific in terms of the County's mitigation requirements, which could reduce the amount of staff time spent evaluating project proposals compared with

Option 1. Initial costs associated with Option 2 would be lower compared to Options 3 and 4, which identify additional technical studies and public outreach, but long-term implementation costs could be higher as more staff time would be needed to review each project's individual mitigation approach.

3.3 Option 3: Mitigation/Conservation Approach

Under Option 3, the intent is to amend policies to develop a program for County-wide management of impacts to biological resources and mitigation for those impacts. This option would build on mitigation strategies identified in Option 2 and would include preparation of the OWMP and resource management tools (such as the PCAs and IBCs). The plan and tools would comprise the County's resource management strategy. This option would lay out the requirements for analysis and mitigation of impacts, define the roles of project developers and the County in implementing mitigation, and prioritize mitigation opportunities.

The mitigation/conservation option would amend the oak tree and oak woodland policies (Policies 7.4.5.1, 7.4.5.2, 7.4.4.4 and 7.4.4.5). The revised policies would involve the following:

- The policies would be updated to retain and clarify requirements related to the OWMP and PCAs
- Policies would be updated to create a clear distinction (such as minimum woodland acreage or parcel size) between which projects would be subject to oak tree impact mitigation and which would be subject to oak woodland mitigation
- Policies would be clarified to define the method of oak woodland measurement (woodland area or canopy cover area), which would be consistently used for impact calculations and mitigation area determination
- Mitigation options for oak woodland impacts would be consistent with PRC 21083.4 (Senate Bill 1334 (Kuehl bill)) and would include one or more of the following:
 - In lieu fee payments to County conservation fund
 - Tree planting on or off site (only 50% of mitigation, per PRC 21083.4)
 - Conservation easement placement over preserved areas
 - Other mitigation measures developed by the County (which could include minimum onsite oak canopy retention standards)
- Mitigation options for oak tree impacts would include on or off site tree planting, on site retention/protection, or fee payments to the County conservation fund

Memorandum

Subject: Policy Options

- Developer planting/monitoring/reporting may occur and the County would therefore be responsible for verifying compliance with mitigation
- County would be responsible for managing mitigation fees, acquiring/managing conservation lands or easements, allocating mitigation funds to a local land trust or conservancy for oak mitigation/preservation projects, or a combination thereof.

A mitigation/conservation option for special-status resources (Policies 7.4.2.8, and 7.4.2.9) would involve the following:

- The policies would be updated to omit the requirements for the INRMP as currently envisioned, but would retain and clarify the requirements for PCAs and IBCs
- Policies would be updated to reflect the County's General Plan EIR definition of special-status vegetation communities and species
- Policies would create clear instructions for mitigating impacts and the County may create an ordinance outlining mitigation requirements specific to each category of special-status resources (e.g., vegetation communities, plants, wildlife)
- Policies would also be updated to require undercrossings for future 4- and 6-lane roadway projects which can act as barriers to wildlife movement
- Implementation program would be established to provide mitigation assistance by maintaining a database of willing sellers within PCAs and IBCs
- Specific standards for IBCs would be established, such as minimum parcel size, contiguous areas, and minimum corridor widths

The environmental review for individual projects under Option 3 would rely on the General Plan policy requirements for project-specific mitigation measures and rely on the OWMP, PCAs, and IBCs to address cumulative impacts. The OWMP, PCAs, and IBCs would provide the data and tools necessary to support a detailed cumulative impacts analysis in the General Plan Amendment EIR. This would support a streamlined environmental review process for individual projects. Under this option, there may be cases where a project that is consistent with the General Plan and General Plan EIR would be exempt from further environmental review.

This option would comply with state and federal law and provide policies that are defensible. The policies would be self-implementing as they would define special-status biological resources, terms of impact analysis, and identify mitigation strategies. This would allow individual property owners to better understand the County's requirements under the comprehensive resource management strategy applicable to their properties. The policies would develop a County-wide resource management strategy, including the OWMP and the PCAs and

IBCs. These tools would facilitate the identification of mitigation opportunities for developers by allowing the County to maintain a database of willing sellers, and would allow the EIR for this policy update to address cumulative impacts from habitat loss and fragmentation in a more robust manner than relying on the General Plan build-out scenario. Under this option, the County has the ability to direct the management of conservation lands, whereas, under the INRMP, the County would potentially hold the land in fee title and bear the obligation to manage conservation lands in perpetuity.

For oak tree and oak woodland impacts, this option may not require oak woodland mitigation for small projects² and would allow oak woodland impact fees to stay within the County. Also, having an approved OWMP allows for oak conservation projects in the County (public or private) to access state-level Oak Woodland Conservation Program funding.

3.3.1 Public Outreach and Involvement

Dudek's recommendation would include three or four public workshops. Workshops may include a general discussion of the County's resources and mitigation strategies and concepts, including an evaluation of the information that was developed during Phase 1 of the INRMP. Other workshops may present focused discussions of the resources relevant to each of the OWMP, IBCs, and PCAs, and discussions of the draft policies.

It is also anticipated that this approach would include targeted outreach to stakeholder groups, such as conducting telephone interviews or small group meetings to provide focused discussions of the County's resource base and potential resource management and mitigation strategies. This approach may also include convening stakeholder advisory groups at strategic points to inform preparation of the OWMP and clarification and refinement of the PCAs and IBCs.

Additional public outreach would occur within the CEQA process – a scoping meeting for the EIR, public review of the Draft EIR including a public meeting to receive comments on the Draft EIR, and a public hearing to consider certification of the EIR.

3.3.2 Timeline and Costs

This option could be implemented within 20 to 24 months, allowing 10 to 12 months for the preparation of the OWMP and clarification and refinement of the PCA and IBCs as well as a public outreach process and an additional 10 to 12 months to prepare and process the EIR. The initial costs associated with the policy update and EIR for Option 3 would be higher than Options

² "Small projects" would need to be defined and may be based on lot size, oak woodland coverage, or other factors.

1 and 2 as three to four public workshops would be held, and additional analysis (e.g., preparation of the OWMP and clarification and refinement of the PCAs and IBCs) would be required in support of the policy amendments and EIR. Costs associated with the policy update and EIR under Option 3 would be lower compared to Option 4, which identifies additional technical studies and public outreach. With a comprehensive mitigation/conservation strategy in place, costs associated with staff time to review development proposals would be less than under Options 1 and 2, and about the same as under Option 4.

3.4 Option 4: Conservation Approach

The Conservation-focused approach would retain General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, and 7.4.2.9 and keep their related Implementation Measures essentially as they are. This approach would allow the County to build from prior efforts and complete the OWMP and INRMP. It would establish impact mitigation fees that would account for direct, indirect, and cumulative impacts and provide incentives, dis-incentives, and other provisions for protection of important habitats. The County would bear the responsibility of owning land and/or holding easements for conservation areas, monitoring and adaptive management of those lands in perpetuity, management of an endowment and retain responsibility for monitoring and management activities regardless of the performance of the endowment. While this option may not require amending the General Plan policies, this option would still require a number of actions.

The conservation option may refine and clarify the oak tree and oak woodland policies (Policies 7.4.5.1, 7.4.5.2, 7.4.4.4 and 7.4.4.5). This option would include the following actions:

- Keep and update the OWMP and PCAs
- Policies updated for clarity and consistency
- The EIR for this conservation option would provide the analysis necessary to support implementation of Option B (Policy 7.4.4.4) under the previously-adopted OWMP
- Policies clarified to define method of oak woodland measurement (woodland area or canopy cover area), which would be consistently used for impact calculations and mitigation area determination
- Mitigation options for oak woodland impacts would include one or more of the following:
 - Oak canopy retention requirements
 - In lieu fee payments to County conservation fund
 - Tree planting on or off site (only 50% of mitigation, per PRC 21083.4)
 - Conservation easement placement over preserved areas

Memorandum

Subject: Policy Options

- Mitigation options for oak tree impacts would include on or off site tree planting, on site retention/protection, and/or fee payments to the County conservation fund
- Developer planting/monitoring/reporting may occur and the County would therefore be responsible for verifying compliance with mitigation
- County would be responsible for managing mitigation fees and acquiring/managing conservation lands or easements
- Some projects may require both oak tree mitigation and oak woodland mitigation

A conservation option for special-status resources (Policies 7.4.2.8, and 7.4.2.9) would necessitate the following:

- Implement Phase 2 of the INRMP
- Refine and update the PCAs and IBCs
- County would be responsible for managing mitigation fees and acquiring/managing conservation lands or easements in perpetuity

Under Option 4, individual projects would implement the project-specific mitigation measures provided in the General Plan policies and demonstrate compliance with the OWMP, INRMP, PCAs, and IBCs to address cumulative impacts. The detailed cumulative impacts analysis in the General Plan Amendment EIR would support a streamlined environmental review process for individual projects. Under this option, there may be cases where a project that is consistent with the General Plan and General Plan EIR would be exempt from further environmental review.

This option would comply with state and federal law and provide policies that are defensible. The policies would be self-implementing as they would define special-status biological resources, establish terms of impact analysis, and identify mitigation strategies. The policies would develop a County-wide resource management strategy, including the OWMP and INRMP. These tools would facilitate the identification of mitigation opportunities for developers by allowing the County to maintain a database of willing sellers, and would allow the EIR for this policy update to address cumulative impacts from habitat loss and fragmentation in a more robust manner than relying on the General Plan build-out scenario. This option would complete Phase 2 of the INRMP.

The previous efforts to develop the INRMP were very lengthy and challenging. Under this option, the County has the obligation to manage and monitor conservation lands or easements in perpetuity, and managing the associated endowments. This would expose the County to liabilities associated with owning conservation lands in fee title.

For oak tree and oak woodland impacts, this option may result in multiple layers of oak mitigation for projects. Also, having an approved OWMP allows for oak conservation projects in the County (public or private) to access state-level Oak Woodland Conservation Program funding and oak woodland impact fees would stay within the County.

3.4.1 Public Outreach and Involvement

Dudek's recommendation would include at least three to four public workshops. Workshops may include a general discussion of the County's resources and mitigation strategies and concepts; focused discussions of the resources relevant to each of the key planning documents and in support of Phase 2 of the INRMP.

It is also anticipated that this approach would include targeted outreach to stakeholder groups, such as conducting telephone interviews or small group meetings to provide focused discussions of the County's resource base and potential resource management and mitigation strategies. This approach includes reconvening the Plant and Wildlife Technical Advisory Committee (PAWTAC) and INRMP Stakeholders Advisory Committee (ISAC) to inform preparation of the OWMP and INRMP Phase 2. Stakeholder advisory group meetings would extend the timeline and costs for this option.

Additional public outreach would occur within the CEQA process – a scoping meeting for the EIR, public review of the Draft EIR including a public meeting to receive comments on the Draft EIR, and a public hearing to consider certification of the EIR.

3.4.2 Timeline and Costs

This option could be implemented within approximately 36 months, allowing 24 months for the development of Phase 2 of the INRMP (potentially including convening stakeholder advisory groups), 6 months for the public outreach process (concurrent with INRMP Phase 2 development) and an additional 12 months to prepare and process the EIR. The initial costs associated with the EIR for Option 4 would be higher than Options 1, 2 and 3 as extensive stakeholder outreach would be conducted, and additional analysis (e.g., preparation of the OWMP and implementation of Phase 2 of the INRMP) would be required in support of the EIR. Costs associated with staff time to review development proposals would be less than under Options 1 and 2, and about the same as under Option 3. However significant additional staff time would be required under Option 4 to maintain and update the INRMP.

3.5 EXAMPLES OF DEVELOPMENT SCENARIOS FOR EACH OPTION

To demonstrate how each policy option may be implemented, Dudek prepared three potential development scenarios (Figures 1, 2, and 3). County staff provided a summary of typical development characteristics for moderate income residential, commercial, and industrial projects. Each development scenario reflects the information provided by County staff and is briefly described below. Typical mitigation considerations would be similar for each of the scenarios. A summary of mitigation considerations under each of the four policy options is provided in Table 2 at the end of this section to facilitate the Board's discussion of the broad policy options.

It is noted that each of the scenarios includes a limited amount of onsite preservation of oak canopy cover. The onsite preservation reflected in each scenario is not sufficient to meet the current policy (Option A) requirements, and therefore none of these scenarios are feasible currently. Should the policies be amended to reduce or omit onsite canopy retention requirements, the scenarios may become feasible. Alternatively, policy amendments that provide mitigation options (other than retention/replacement) may also make these scenarios feasible. Finally, these scenarios use oak canopy cover as the measurement tool for evaluating oak woodland impacts. As noted for Options 1 through 3, policies would be clarified to define the method of oak woodland measurement (woodland area or canopy cover area), which would then be used consistently for impact calculations and mitigation area determination.

Development Scenario 1: Infill/Moderate Income Housing

- **Site size:** 5.1 acres
- **Project type:** Multi-family (attached) housing
- **Lot coverage:** 1.2 acres of buildings (accommodating approximately 55 to 110 dwelling units with average size of 950 square feet), 1.3 acres parking (approximately 175 parking spaces)
- **Biological resources:** Southern portion of site supports oak woodland habitat, northern portion supports individual oak trees and has been previously disturbed. Oak woodland habitat continues to the southwest, intermixed with low-density residential development. This scenario would preserve a small area of oak woodland in the southern portion of the site; this area would be connected to adjacent similar habitat.
- **Oak canopy coverage:** Approximately 1.3 acres or 25%.
- **Approximate impacted oak canopy:** 0.5 acres.
- **Comment:** Under current policy (Option A), only 0.2 acres of oak canopy may be impacted for this scenario. Therefore, this scenario is currently infeasible for the site.

Development Scenario 2: Commercial

- **Site size:** 7.7 acres
- **Project type:** Commercial
- **Lot coverage:** 2.1 acres of building (90,000 square feet), 2.9 acres parking (approximately 400 parking spaces)
- **Biological resources:** Nearly the whole site supports oak woodlands with intermixed gray pines in the northern portion of the site. This scenario would preserve a small area of oak woodland in the northern portion of the site; this area would be connected to adjacent similar habitat.
- **Oak canopy coverage:** Approximately 6.5 acres or 84%.
- **Approximate impacted oak canopy:** 3.9 acres.
- **Comment:** Under current policy (Option A), only 2.6 acres of oak canopy may be impacted for this scenario. Therefore, this scenario is currently infeasible for the site.

Development Scenario 3: Industrial

- **Site size:** 3.4 acres
- **Project type:** Industrial
- **Lot coverage:** 1.2 acres of building (52,000 square feet), 0.9 acres parking/on-site circulation
- **Biological resources:** Southern portion of site supports isolated oak woodland habitat, northern portion supports chaparral with isolated oak trees and has been previously disturbed. This scenario would preserve a small area of oak woodland in the southern portion of the site; this area would be isolated from other similar habitat.
- **Oak canopy coverage:** Approximately 1.4 acres or 41%.
- **Approximate impacted oak canopy:** 0.9 acres.
- **Comment:** Under current policy (Option A), only 0.3 acres of oak canopy may be impacted for this scenario. Therefore, this scenario is currently infeasible for the site.



Potential Residential Site- 5.08 Acres
Residential Property
 Building - 1.20 Acres
 Parking Lot - 1.25 Acres

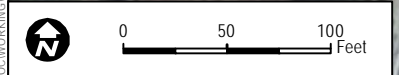
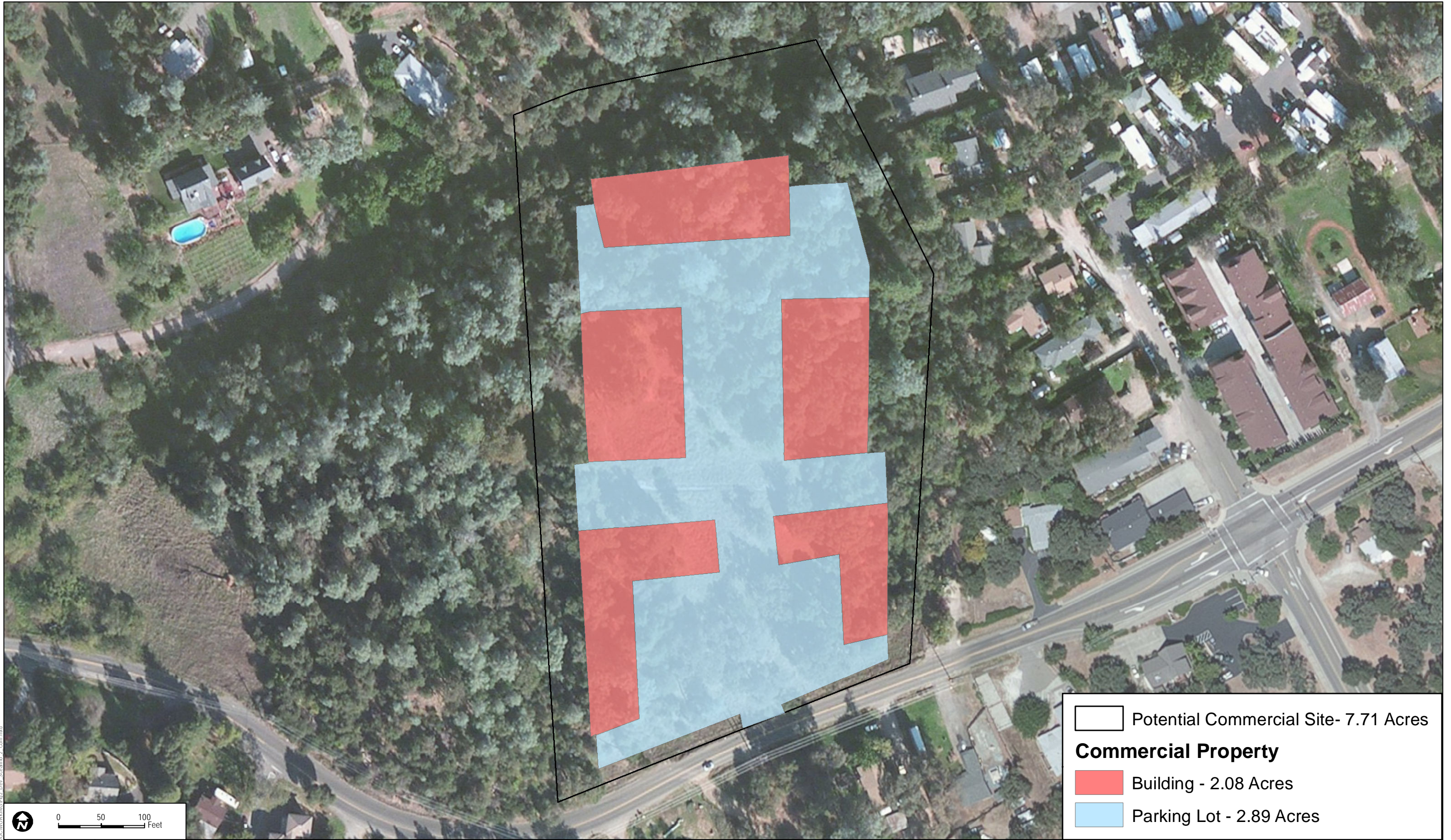




FIGURE 1
Development Scenario 1: Infill/Moderate Income Housing

DRAFT



	Potential Commercial Site- 7.71 Acres
Commercial Property	
	Building - 2.08 Acres
	Parking Lot - 2.89 Acres

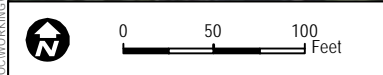
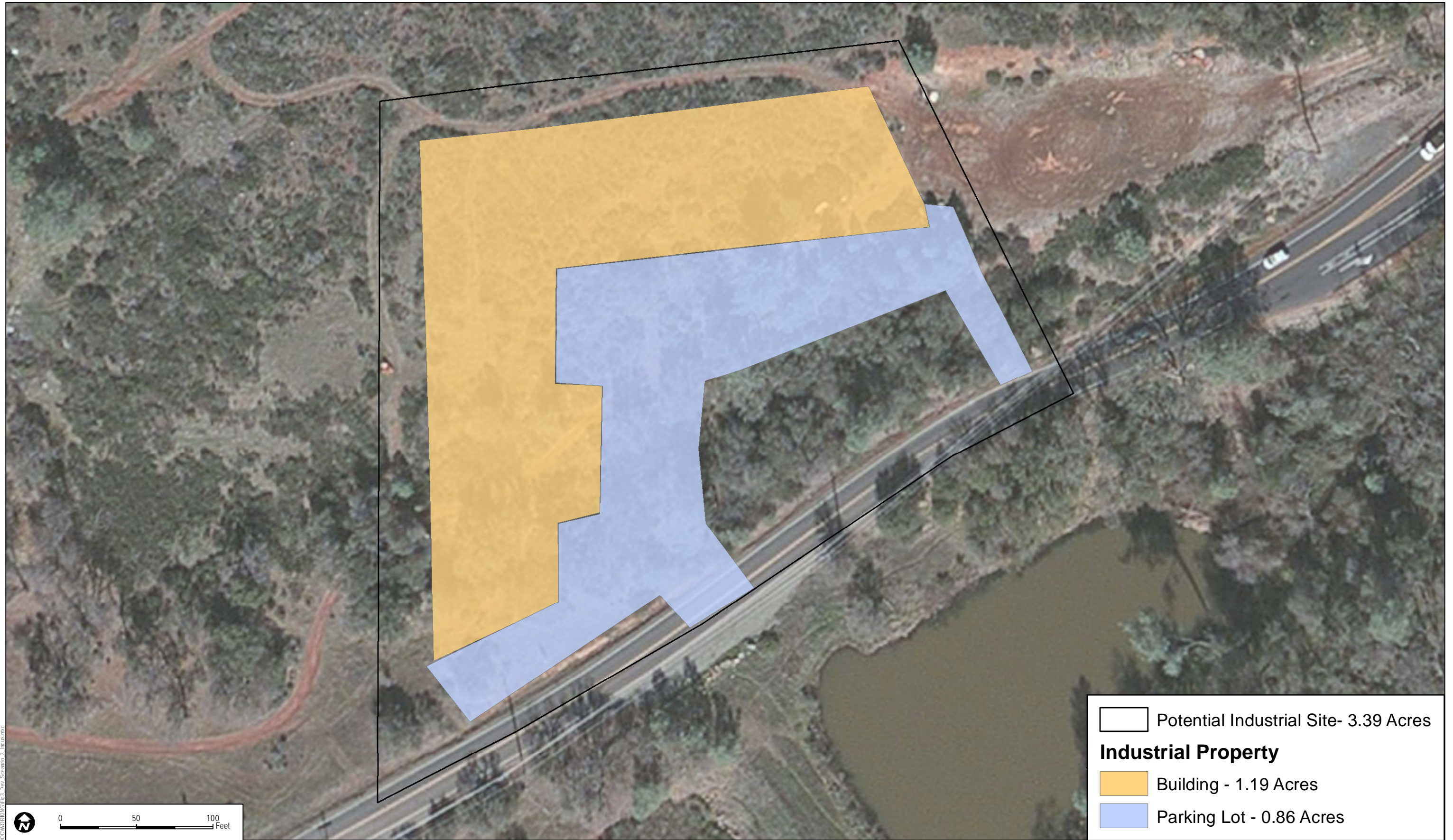
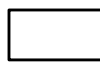


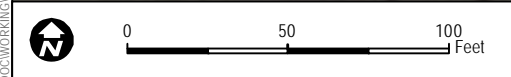


FIGURE 2
Development Scenario 2: Commercial

DRAFT



	Potential Industrial Site- 3.39 Acres
Industrial Property	
	Building - 1.19 Acres
	Parking Lot - 0.86 Acres



DUDEK

SOURCE: Bing 2014, County of El Dorado

8229
JUNE 2014

EDC DEVELOPMENT SCENARIOS

FIGURE 3
Development Scenario 3: Industrial

DRAFT

The following table summarizes the typical mitigation considerations for each of the four policy options.

**Table 2
Typical Mitigation Considerations by Policy Option**

Policy Option	Typical Mitigation Considerations
Option 1 (Compliance with State and Federal Regulations)	<ul style="list-style-type: none"> • Impacts to oak woodlands mitigated as required in PRC 21083.4 (Senate Bill 1334 (Kuehl bill)); no onsite canopy retention requirements – which would increase developable area for each scenario [note that the updated policies would include establishing the method for calculating mitigation requirements – whether based on oak woodland habitat or oak woodland canopy] • No mitigation for impacts to individual oak trees (outside of oak woodlands) • Mitigation for other biological resources would occur as required under any state or federal regulations and/or permits (this can be ambiguous in the absence of County-defined special-status biological resources and mitigation ratios) • Developer bears responsibility for all mitigation; County responsible for verifying compliance • Projects would result in additional fragmentation of the onsite and adjacent oak woodland • County must analyze cumulative impacts to biological resources for each project in the absence of a regional mitigation strategy
Option 2 (Mitigation Approach)	<ul style="list-style-type: none"> • At a minimum, impacts to oak woodlands mitigated as required in PRC 21083.4 (Senate Bill 1334 (Kuehl bill)); additional oak woodland mitigation would be required if County establishes oak woodland mitigation program [note that the updated policies would include establishing the method for calculating mitigation requirements – whether based on oak woodland habitat or oak woodland canopy] • Impacts to individual oak trees (outside of oak woodlands) mitigated as required in County policy • Impact analysis of special-status biological resources facilitated by County-defined special-status biological resources and mitigation ratios • Developer bears responsibility for all mitigation; County responsible for verifying compliance • County must analyze cumulative impacts to biological resources for each project in the absence of a regional mitigation strategy
Option 3 (Mitigation/Conservation Approach)	<ul style="list-style-type: none"> • Impacts to oak resources mitigated at a woodland level (as required in updated Policy 7.4.4.4 and 7.4.4.5) <u>OR</u> at a tree level (as required in updated Policy 7.4.5.1 and 7.4.5.2) [note that the updated policies would include establishing the method for calculating mitigation requirements – whether based on oak woodland habitat or oak woodland canopy] • Impact analysis of special-status biological resources facilitated by County-defined special-status biological resources and mitigation ratios • Developer site plan must be consistent with IBCs (minimum parcel size, contiguous areas, and minimum corridor widths) to maintain regional wildlife movement corridors • Developer incentivized to prioritize mitigation within PCAs and is assisted by the County's database of willing sellers within PCAs and IBCs • Developer bears responsibility for all mitigation; County responsible for verifying compliance • County to receive and manage any in-lieu fee payments made by developer for woodland-related impacts • County analysis of cumulative impacts for each project facilitated by County-wide mitigation strategy (through the identification of PCAs and IBCs)
Option 4 (Conservation Approach)	<ul style="list-style-type: none"> • Impacts to oak resources mitigated at a woodland level (as required in updated Policy 7.4.4.4 and 7.4.4.5) <u>AND</u> at a tree level (as required in updated Policy 7.4.5.1 and 7.4.5.2) [note that the updated policies would include establishing the method for calculating mitigation requirements – whether based

Table 2
Typical Mitigation Considerations by Policy Option

Policy Option	Typical Mitigation Considerations
	<p>on oak woodland habitat or oak woodland canopy]</p> <ul style="list-style-type: none">• Impact analysis of special-status biological resources and mitigation ratios as defined by the INRMP• Developer site plan must be consistent with IBCs (minimum parcel size, contiguous areas, and minimum corridor widths) to maintain regional wildlife movement corridors• County to receive and manage any in-lieu fee payments made by developer for woodland-related impacts• County analysis of cumulative impacts for each project facilitated by INRMP

4.0 EXEMPTIONS

4.1 Defensible Space/Fuel Modification

Current guidance for application of Policy 7.4.4.4 exempts, from mitigation requirements, tree removal activities associated with an approved Fire Safe Plan (Policy 6.2.2.2) for existing structures (County of El Dorado 2006). However, no exemption is identified for tree removal associated with defensible space clearance activities for an existing structure that does not have an approved Fire Safe Plan in place. This guidance also states that tree removal that does not qualify for review as oak woodland under Policy 7.4.4.4 may be subject to review under Policy 7.4.5.2. Policy 7.4.5.2 is tied to discretionary projects or proposed development activities and would not apply to tree removal for defensible space for existing structures. Therefore, tree removal for defensible space for existing structures in oak woodlands would require mitigation under Policy 7.4.4.4. Removal of oak trees for defensible space for existing structures in non-oak woodland areas would not require mitigation under Policy 7.4.5.2.

California PRC Section 4291 requires defensible space maintenance of up to 100 feet from structures in State Responsibility Areas (SRA). Currently, oak tree removal in the County for maintaining defensible space for existing structures may or may not require mitigation, depending on whether tree removal is occurring within or outside of oak woodlands. The 2008 OWMP clarified this issue and exempted oak tree removal from mitigation requirements if it occurred within PRC 4291-required defensible space areas for existing structures. The current policy update effort would provide such clarification to this issue.

4.2 Agricultural Activities

Current guidance for application of Policy 7.4.4.4 exempts, from mitigation requirements, tree removal activities associated with agricultural cultivation (County of El Dorado 2006).

Specifically, this includes agricultural cultivation/operations, whether for personal or commercial purposes, on land planned (AL, NR, RR, and Agricultural Districts [-A]) or zoned (AE, AP, A, PA, SA-10, RA, TPZ, and MR) for agricultural use per Policy 2.2.1.5. The current policy update effort would maintain this exemption. In addition, the use of conservation easements over grazing lands for purposes of oak woodland mitigation for development projects would provide income for farmers and ranchers while maintaining agricultural land and replacing Williamson Act funds. This would contribute to meeting the desired objectives of the TGPA-ZOU described above in Section 2.3 and could be implemented under Options 1 through 4.

4.3 Kuehl Bill Exemptions

In addition to the exemptions identified in the General Plan, PRC 21083.4 (Kuehl Bill) exempts from oak woodland mitigation requirements the following:

- Projects undertaken pursuant to an approved Natural Community Conservation Plan (NCCP) that includes oaks as a covered species or that conserves oak habitat;
- Affordable housing projects pursuant to Section 50079.5 of the Health and Safety Code within an urbanized area or a sphere of influence (as defined by Section 56076 of the Government Code);
- Conversion of oak woodlands on agricultural land used to produce products for commercial purposes;
- Projects undertaken pursuant to PRC 21080.5.

5.0 COMPARISON TO POLICIES AND ORDINANCES IN SURROUNDING RURAL COUNTIES

For the purposes of comparison, oak-related and biological resources-related policies and ordinances in counties surrounding El Dorado County were evaluated and summaries of requirements are presented in Table 3. Counties with adopted Oak Woodland Management Plans are indicated. In addition, the table indicates the “option” most closely aligned with the adopted policies and ordinances in these neighboring counties.

Table 3
Neighboring County Tree and Habitat Conservation Policy and Ordinance Summary

County	Adopted OWMP	Tree-related General Plan Policy Summary	General Habitat and Species Conservation Policies	Most Similar Option
Alpine	No	Policies address only riparian vegetation protection and avoidance, and notification of California Department of Fish and Wildlife (CDFW) for impacts to sensitive tree species. No ordinance addressing tree or woodland protection/mitigation.	Policies generally require notification of CDFW when impacts will occur. Specific conservation policies are limited to deer and habitats for threatened Paiute and Lahontan cutthroat trout.	1/2
Amador	No	Policies identify careful protection of natural scenic resources and environmental assets in all future major public and private development; retention of mature trees may be required for scenic purposes; planting of native trees may be required. No ordinances in place regarding tree or woodland protection.	No policies directly related to habitat conservation or species protection. Establishes land use classifications for Open Space that "fully protect and maintain natural environmental values." No clarification beyond that. Typical of the time period, Conservation Plan emphasizes extractive land uses (e.g., mining, timber).	1/2
Butte	No	Policies call for establishment of mitigation bank including oak woodland, and to seek funding for an approach to protect significant specimen trees and groves.	Most habitat measures deferred to the Butte Regional Habitat Conservation Plan HCP/NCCP, being developed through a regional agency. Specific policies address guidelines for evaluating impacts outside the HCP/NCCP area, establishing a mitigation bank program for outside the HCP/NCCP area, biological assessment for development projects.	2/3
Calaveras	No	Policies address only riparian vegetation protection and avoidance. No ordinance addressing tree or woodland protection/mitigation.	Policies directly address only riparian habitat protection. Otherwise, relies on vegetative and/or wildlife assessment and appropriate mitigation measures during discretionary review, and application of Environmental Protection zone of the County Zoning Code to regulate development standards within significant protected wildlife and botanical habitats.	2
Nevada	No	Policies call for minimization of disturbance of heritage and landmark trees/groves and low elevation oaks; identify requirements for vegetation inventories for discretionary and ministerial projects; identify	Policies require County to prepare and implement a Habitat Management Plan for rare and endangered species and wetlands habitat while allowing the preparation of individual project habitat management plans as an alternative.	2/3

Table 3
Neighboring County Tree and Habitat Conservation Policy and Ordinance Summary

County	Adopted OWMP	Tree-related General Plan Policy Summary	General Habitat and Species Conservation Policies	Most Similar Option
		<p>mandatory clustering of development; and call for regulation to be adopted for protection of heritage/significant trees.</p> <p>The County's tree ordinance covers Landmark Trees (36" + dbh¹) requires tree replacement (on site) or payment into the County's Tree Preservation fund.</p>	No net loss of rare/endangered species or wetland/riparian over 1 acre.	
Placer	Yes	County has a tree preservation policy in place that outlines mitigation requirements for impacts to oak trees. As an un-adopted, working practice, the County requires mitigation for oak woodlands on properties that have 2 acres or more of oak woodland (on an acreage basis). Identification of significant trees (> 24" dbh) within oak woodland stands is also required. Project sites with < 2 acres of woodland are subject to the mitigation requirements in the County's tree preservation ordinance.	Development of the Placer County HCP/NCCP for programmatic compliance with Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and Clean Water Act Section 404 requirements. Other General Plan measures require County to identify and protect "significant ecological resource areas and other wildlife habitats critical to protecting and sustaining wildlife populations" through biological assessment and appropriate mitigation measures during discretionary review. County to develop and maintain biological resource maps for use in discretionary permit review. Also, sensitive habitat buffers for wetlands, streams, old growth woodlands, and special status species habitat, and several measures for protection and restoration of riparian and wetland habitats, vegetation communities, and open space areas.	3
Plumas	No	No specific policy related to oaks or other trees. No net loss policy for sensitive natural plant or habitat communities as defined by federal, state or local agencies.	Policy to protect areas with significant habitat and wetland values, but no detail provided as to implementation. No net loss policy for sensitive natural plant or habitat communities, including wetland habitat. Development of new biological resource maps for use in discretionary permit review.	1/2
Sierra	No	No specific policy related to oaks or other trees; prohibition on development in meadows.	Only policies relating to habitat are to prohibit land uses which require major new groundwater withdrawals which may impact meadows or other water-influenced habitats, and to prohibit development in meadows.	1

Table 3
Neighboring County Tree and Habitat Conservation Policy and Ordinance Summary

County	Adopted OWMP	Tree-related General Plan Policy Summary	General Habitat and Species Conservation Policies	Most Similar Option
Tehama	Yes, but voluntary	<i>Voluntary Oak Woodland Management Plan adopted in 2005. The purpose of this document was to expand upon, refine, and improve voluntary oak protection guidelines that had been established by the County in 1994, and to provide a consistent policy for conservation and use of oak woodland habitats throughout the County. Related GP policies call for voluntary protection and restoration, mapping, and monitoring, while examining feasibility of Oak Woodlands Ordinance.</i>	Policies to establish zoning and Best Management Practices (BMPs) that protect riparian zones, wetlands, and other lands identified by California Natural Diversity Database (CNDDDB) as natural areas. Also to encourage creation of interconnected habitat preserves. Refers species-specific conservation to CDFW.	2/3
Tuolumne	No	<p>Policies identify retaining existing significant vegetation (including Heritage Trees and oak woodlands); "no net loss" for valley oak woodland in development areas; minimum acreage preservation standards for oak woodlands; call for establishing a Heritage Tree Program; call for developing voluntary tree protection guidelines;</p> <p>No ordinance specifically addressing tree or woodland protection/mitigation.</p> <p><i>Note: Tuolumne County's Biological Resources Section of the proposed Natural Resources element is proposed to be comprehensively updated with the elimination of the County's mitigation program which has been in effect since 1987 and the establishment of thresholds of significance for oak woodland conversion.</i></p>	<p>Requires development of Tuolumne County Biological Conservation Handbook, to be updated at least every 5 years, and which would be used to establish appropriate mitigation for project impacts under a Biological Resources Conservation Program.</p> <p>Policy requiring no net loss of habitat values for wetlands, valley oak woodland, serpentine soils, old growth coniferous forest, big trees forest, old growth oak, aspen growth, native perennial grasslands, native grasslands, or cliff habitats.</p>	2

¹ dbh = diameter at breast height, a measurement of tree trunk diameter measured at 4.5 feet (54 inches) above natural grade

6.0 REFERENCES

BOS (El Dorado County Board of Supervisors). 2011. "Resolution of Intention to Amend the General Plan." Resolution 182-2011. Adopted November 14, 2011.

BOS (El Dorado County Board of Supervisors). 2012a. "General Plan Policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.5.1, and 7.4.5.2." From Roger Trout (Development Services Director) to El Dorado County Board of Supervisors. September 24, 2014.

BOS. 2012b. "General Plan Policy 7.4.4.4 Options Report." From Roger Trout (Development Services Director) to El Dorado County Board of Supervisors. September 20, 2012.

County of El Dorado. 2004. *2004 El Dorado County General Plan: A Plan for Managed Growth and Open Roads; a Plan for Quality Neighborhoods and Traffic Relief*. Adopted July 19, 2004.

County of El Dorado. 2006. "Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 (Option A). Adopted November 9, 2006, amended October 12, 2007. " Accessed online May 1, 2014. <https://www.edcgov.us/Government/Planning/OakWoodlands/OakGuidelinesRevised.aspx>.

Senate Bill 1334 (Kuehl bill). Introduced by Senator Kuehl. Oak woodlands conservation: environmental quality.