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EDC COB <edc.cob@edcgov.us>

January 26, 2015 -- Agenda Item No. 2

1 message

Site Admin <alliance4responsibleplanning@gmail.com>

Mon, Jan 26, 2015 at 12:10 AM

To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Attached is a letter from Alliance for Responsible Planning concerning Item No. 2 on today's Board of Supervisors Agenda. In the event you have any questions, please let us know. We appreciate the opportunity to provide comments for your consideration.

Thank you,

Maryann Argyres, for
Alliance for Responsible Planning**A4RP Ltr to BOS re Bio Policy Decision Pts 2 and 3.pdf**

626K

Alliance for Responsible Planning

January 25, 2015

Hon. Ron Mikulaco
Hon. Shiva Frentzen
Hon. Brian Veerkamp
Hon. Michael Ranalli
Hon. Sue Novasel
El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, California 95667

Re: January 26, 2015 – Agenda Item #2 – File 12-1203
Biological Resource Policy Update – Decision Points 2 and 3

Honorable Members of the Board of Supervisors,

We appreciate the opportunity to provide comments on the referenced matter. Due to the technical nature of the subject, we referred this matter to a subcommittee on the Biological Resource Policy update, and have attached their comments for your review.

Thank you for considering our input on this important issue.

Very truly yours;

ALLIANCE FOR RESPONSIBLE PLANNING

(sent via email; original to follow)

Maryann Argyres, President

Alliance for Responsible Planning is a nonprofit public benefit corporation, comprised of residents, ranchers, growers and other business owners. We are a “coalition of the middle” – those who feel the dialogue on land use has been dominated by no growth advocates on the one hand and development interests on the other. We support slow growth, support the extension of Measure Y to prevent gridlock, and seek a better future for our families and our community.

P.O. Box 83, Camino, CA 95709 • www.edcarp.org • alliance4responsibleplanning@gmail.com
Alliance for Responsible Planning is a California nonprofit public benefit corporation

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Preliminary Comments

Before addressing the specific Decision Points, we would like to make some preliminary comments:

1. **We support the Board’s decision to review and update, as needed, the Biological Resource Policies to insure the goals and objectives of the General Plan can be met.** Since General Plan adoption in 2004, these policies have been the subject of much disagreement and some litigation; the fact that the language is subject to a wide range of interpretation suggests that clarification is needed. We assume this review process will also evaluate the feasibility of proposed mitigation measures. It seems that some of these adopted measures are overly ambitious or disproportionate to the extent of impacts – particularly when recognizing that most new development during this General Plan will occur on existing parcels or parcels which were approved before 1999, which may be beyond the reach of some of these policies.

2. **The work plan, described in earlier Staff Reports and Memos from Dudek, should help to simplify review for the Board and for members of the public.** The work plan takes complex issues and breaks those down to smaller decision points. This does not mean that a choice on an early decision point commits the Board to a particular path on future decisions. In fact, it’s possible that the Board might decide to clarify or reconsider an early decision in light of new information, including information provided by public comment, in connection with the later decision points.

3. **We should keep in mind what it is that we are trying to accomplish.** The biological resource policies are included in the 2004 General Plan in an effort to mitigate significant effects related to implementation of the plan, although the county recognizes that the effects cannot be reduced to a less-than-significant level. El Dorado County, like most jurisdictions in the state, approved the necessary findings to proceed with adoption of the 2004 General Plan, notwithstanding that some significant effects cannot be fully mitigated. The biological resource policies are not intended to prevent or frustrate implementation of the goals and objectives of the General Plan, and should not require major changes to the plan. If policy language leads to such a contrary interpretation, we should ask whether the interpretation is proper or whether the mitigation measure is infeasible.

With this in mind, we offer the following comments concerning Decision Points 2 and 3 for your consideration:

Decision Point 2 – Oak Resource Measurement Methodology

Dudek’s memo recommends the use of oak woodland rather than oak canopy as the unit of measure for the policies. **We are less concerned about the metric or unit of measure than about the effect of the resulting policies – what is the impact on General Plan land uses, private property interests, and the cost of building or expanding a business or building a new home in El Dorado County.**

Current General Plan policy language was written using oak canopy as the metric to determine the extent of resources onsite, to determine the amount of canopy retention required and to differentiate between projects meeting the requirements of Option A or Option B. If the policy is changed to “woodland” rather than “canopy”, the basic policy language will need to be revised. We cannot simply strike out “canopy” and substitute “woodland”.

As we move through the decision points, **the County should consider how this change, and subsequent changes to policy language, would affect various types of land uses on oak woodlands of varying distribution and density.** Figures 1 and 2, included in the staff report, show three very different examples of oak woodlands. Future analysis should consider hypothetical developments at various intensities (i.e., industrial/commercial/multi-family, high-density residential, and medium- to low-density residential) overlaid on the different oak woodland examples; then compare the effect of canopy vs. woodland impacts and mitigation requirements. This will help to evaluate the feasibility of each approach.

Decision Point 3 – Roadway Undercrossing Requirements

New or widened roadways are typically “projects” requiring environmental analysis under CEQA; significant effects on wildlife movement are routinely a part of the CEQA review. The 2004 General Plan requires the county to consider the effects of new or widened 4- or 6-lane road projects¹ on wildlife movement, and where feasible, to preserve or enhance natural undercrossings to allow for movement of terrestrial wildlife. Typical strategies include design modifications to drainage structures to serve a dual purpose of conveying water and permitting wildlife movement.

¹ We assume this policy would apply to future road or road widening projects of 4 or more lanes, including an 8-lane configuration (i.e., two free-flow lanes, an HOV lane and auxiliary lane in each direction on Highway 50), even though not expressly mentioned in the General Plan language.

As Dudek's memo shows, there are relatively few major roads in the County; there are even fewer new roads or widening projects that might trigger the undercrossing policy. Most of these are located in Community Regions, where planned commercial and residential development may further constrain wildlife movement. The policy also is limited to feasible preservation or enhancements, which includes the question of economic feasibility. It does not mandate that the county retrofit existing roadways or build a \$1 million bridge when adding a right turn lane.

We support retaining the existing policy language, substantially as written. Additional wildlife movement studies for roads of 4 lanes or more, if necessary, should be limited to future 4-lane or greater new roads or road widening projects which an Initial Study determines may have a significant or potentially significant effect on wildlife movement.

We appreciate the opportunity to provide these comments.



Jim Mitrisin <jim.mitrisin@edcgov.us>

FW: Comment on Cheryl Langley's Public Comment of 1/23/2015

1 message

Roger Lewis <re.lewis@comcast.net>

To: Jim Mitrisin - El Dorado County <jim.mitrisin@edcgov.us>

Mr. Mitrisin,

Forwarded as requested

Roger Lewis

From: Roger Lewis [mailto:re.lewis@comcast.net]

Sent: Monday, January 26, 2015 10:09 AM

To: bosthree@edcgov.us

Cc: bosone@edcgov.us; bostwo@edcgov.us; 'bosfour@edcgov.us'; bosfive@edcgov.us; shawna.purvines@edcgov.us; jim davies (j854davies@att.net); 'Shirley Parker'

Subject: Comment on Cheryl Langley's Public Comment of 1/23/2015

Dear Supervisor Veerkamp,

This is to comment on Cheryl Langley's comments of 1/23/2014 regarding Decision Point #1 discussed at the Jan 13, 2015 Board meeting.

Ms Langley is exacerbating an already complex problem by interjecting a number of issues that I find irrelevant.

1. I cannot understand her discussion of AB 1600 and I am not certain what her point is. If she is arguing that AB 1600 may not be applicable and that the County should be able to impose fees over and above what is determined in the nexus study, then the argument is moot because the nexus study is specifically designed to establish a reasonable fee. If she is trying to say that mitigation fees should cover more than just the direct impact due to the loss of woodlands, i.e. that they must cover additional infrastructure required by the project, then that, too, is irrelevant because this exercise is only to determine the fees required to mitigate environmental impacts.

2. Her stipulation requiring "substantial evidence" to support the fee study is unwarranted. A reasonable basis is all that should be needed, and that basis should be left solely to the discretion of County staff and New Economics and Advisory. Ms Langley's condition of "substantial evidence" sounds like she's laying the groundwork for a future claim of "lack of evidence" as a basis for delaying the process.

3. A committee is certainly not required to resolve this issue. A committee will only prolong the time to completion of the study, incur additional costs for staff and Dudek, and is unlikely to alter the results. The objective of the study is simply to determine a reasonable in-lieu fee and a method by which to calculate it. The in-lieu fee is a number arrived at through a logical process, which I'm confident New Economics and Advisory will pursue. In accordance with their scope of work, they will provide the basis of the calculations used to determine the fee. If future conditions indicate that the fee is either inadequate or excessive, I would presume that it can be modified.

If we can somehow simplify the process of determining the mitigation requirements rather than complicating it, I believe it will be to the benefit of all. Bearing in mind that the entire issue of mitigation is, per CEQA, subject to the "significant effect" test, and that current reports imply impacts of less than 100 acres per year out of a total of 300,000 acres of resources, perhaps it's time to greatly simplify the process.

Thank you,

Roger Lewis

El Dorado Sr. Housing

Kathy Witherow

Assistant to Supervisor Brian K. Veerkamp
District Three - El Dorado County
[530.621.5652](tel:530.621.5652)

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Roger Lewis <re.lewis@comcast.net>
To: Jim Mitrisin - El Dorado County <jim.mitrisin@edcgov.us>

Thu, Jan 29, 2015 at 10:46 AM

Mr. Mitrisin,

Forwarded as requested

Roger Lewis

From: Roger Lewis [<mailto:re.lewis@comcast.net>]
Sent: Monday, January 26, 2015 10:10 AM
To: bosthree@edcgov.us
Cc: bosone@edcgov.us; bostwo@edcgov.us; 'bosfour@edcgov.us'; bosfive@edcgov.us;
shawna.purvines@edcgov.us; jim davies (j854davies@att.net); 'Shirley Parker'
Subject: BOS Meeting, Jan 26, 2015 - Comments on Oak Resource Measurement Methodology

Dear Supervisor Veerkamp,

Staff is recommending the oak woodland-based method as the preferred methodology for measuring impacts from project developments.

Whereas we have previously stated our preference for a tree-based method, we would have no objection to the woodland-based method as long as we could understand how, from a practical viewpoint, it applies to an actual project. The comparisons presented by Dudek do not apply to impacts on projects, they only show differences between oak woodlands and oak canopies.

Using our El Dorado Sr. Housing project as an example (see attached woodland map) we find it extremely difficult to quantify the impact of our construction on the woodlands. For instance, how do you handle construction in gaps between trees? Do the gaps have to be mitigated? What unit of measurement is applied to the calculation of fees? \$/Ac of woodland, or \$/tree, or \$/SF of canopy, or something else. We suggest that if this issue cannot be explained at the Jan 26 meeting, that it be explained at the February meeting.

If quantifying an impact using woodland-based methods is too difficult or confusing to property owners, we suggest reconsidering the use of the canopy-based method or preferably the tree-based method. Keep in mind that the objective should be to recover adequate fees for mitigation, and with that objective in mind, does it really

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matter what method is used? Keeping the process simple will pay great dividends in the end.

Thank you,

Roger Lewis

El Dorado Sr. Housing, LLC.



EldoradoSrHousing_Woodland_Map.jpg
195K

