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TO: Board of Supervisors Agenda of: February 28, 2012

FROM: Tom Dougherty, Project Planner

DATE: February 21, 2012

RE: Rezone Z10-0009/Planned Development PD10-0005/Tentative Parcel Map P10-0012/Creekside Plaza

Oak Canopy: The following revision to condition Number 15 is recommended, and a Reasonable Use Determination is requested, in accordance with the *Interim Interpretive Guidelines for General Plan Policy 7.4.4.4* to comply with Oak Tree Policy 7.4.4.4 implementation measures:

15. Oak Canopy: The project ~~shall~~ will remove ~~0.60~~ 0.37 acres of oak canopy (13.39 percent of total existing 4.32-acre project site). The required 90 percent retention of oak canopy as established by the General Plan shall be achieved through ~~payment of a \$3,196.00 (0.06 acre at a 1:1 ratio; 0.31 acre at a 2:1 ratio) in lieu fee. Said fee shall be paid prior to issuance of a building and/or grading permit and/or filing of the Parcel Map.~~ implementation of the Conceptual Oak Mitigation Plan prepared by Barrett Anderson, (Attachment A to Memo to Board of Supervisors dated February 21, 2012) to include planting a mixture of valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizenii*), and blue oak (*Quercus douglasii*). A total of 0.06 acres shall be replaced at a 1 to 1 ratio, and 0.62 acres shall be replaced at a 2 to 1 ratio at a rate of 200 (1-gallon or treepot) oak saplings per acre (or equivalent number of acorns or larger sized oak trees) amounting to 163 (1-gallon or treepot) oak saplings (or equivalent) planted in the 0.76 acre of available space shown in the attached Figure 1, *Oak Woodland Analysis* map. Should this density be too high for the available space, it may be modified in the final plan based on discussions with a qualified biologist. The plan shall be subject to review and approval by Planning Services prior to issuance of a grading permit and/or removal of indigenous oak trees. All planted trees shall be monitored for a period of ten years to commence on their planting date.

Findings for Reasonable Use Analysis

The project site contains 13.9 percent oak tree canopy coverage (0.60 acres), resulting in a required retention of 90 percent of the canopy or 0.54 acres. The project would remove 0.37 acres which is in excess of the 0.06 acres that may be removed and therefore would not conform

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to General Plan Policy 7.4.4.4, Option A. Given that the project does not meet the required retention requirements of General Plan Policy 7.4.4.4(A) due to the unique circumstance, the applicant is requesting a Reasonable Use determination.

As required by the Interim Interpretive Guidelines (adopted November 9, 2006), the following findings can be made:

- i. *The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources.*

Discussion: The site is 4.32 acres, including the proposed right-of-way acquisition area, and has been designed to preserve the existing oak trees and riparian habitat located primarily along the northern property line within the proposed wetland conservation easement, open space parcel. In order to have adequate parking, access to roadways, protect portions of the stream, and allow reasonable commercial development for a 4.32-acre commercial site, the proposal only develops 3.18 acres and leaves 1.14 acres as open space.

- ii. *The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.*

Discussion: The project site is surrounded by existing commercial development at the intersection of Missouri Flat and Forni Roads. As proposed, the project is limited to the typical commercial development and supporting improvements associated with the operation of a retail/office/restaurant commercial center, and consistent with the designs of similar parcels in the area designated by the General Plan for commercial uses.

- iii. *Soil disturbance and tree removal is minimized through the incorporation of some or all of the following measures into the project design:*

- a. *Stepped foundations are used on sloping areas rather than graded pads;*

Discussion: Given the commercial nature of project, stepped foundation would not result in retention of the trees in the proposed driveway. A graded pad is necessary to accommodate the necessary on-site improvements (landscaping, parking, underground utilities) supporting the proposed commercial center.

- b. *Depth of excavation and/or fill outside of the building footprint is limited to no more than five feet measured vertically from the natural ground surface, except for grading necessary to install retaining walls designed to reduce the total area of tree canopy that will be removed and/or damaged;*

Discussion: Development of the site would require grading and filling of the site, necessitating the construction of a retaining wall along the edge of the proposed open space parcel. The pad would require extensive grading necessary to accommodate off-street parking, landscaping, and utilities. The retaining wall allows reasonable use of the commercial parcel and allows reasonable

conservation of the existing stream bed and preservation of a portion of the riparian habitat.

- c. *Structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the greatest extent feasible;*

Discussion: The proposed facility would require grading of a pad in order to accommodate the building and its supporting improvements and would not feasibly match the existing natural mildly sloping contour of the site. The facility is designed in accordance with the applicable County standards to ensure proper vehicular and pedestrian circulation.

- d. *Patio decks are included in the design of dwellings to minimize the need for graded yard areas;*

Discussion: Patio decks are not a part of the project.

- e. *Design techniques such as clustering of buildings are proposed to take advantage of the portions of the property which are least constrained by oaks;*

Discussion: The development of the facility consists of three buildings and associated parking which maximizes the use of the site unconstrained by other oak trees proposed to be retained. The project is constructing a 27-foot tall retaining wall to protect the existing streambed and associated riparian habitat, including indigenous oak trees. The project's landscape plan includes the planting of 22 interior live oaks (*Quercus wislizenii*), and 16 valley oaks (*Quercus lobata*).

- f. *The project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan. It is recognized that more than one policy may have to be considered in the determination of reasonable use of a particular parcel.*

Discussion: The commercial development has been designed in conformance with all applicable policies of the General Plan involving traffic impacts, air quality, noise effects, and commercial design standards, as conditioned and mitigated.

Additional Revised Conditions: The applicant had requested revisions to Conditions 8 and 29 at the Planning Commission hearing dated January 26, 2012. Those changes were verbally agreed upon with the applicant but were inadvertently left out of the final motion. The following are those conditions and the revisions are shown in strikeout and underline:

8. **Tentative Parcel Map Expiration:** The Parcel Map shall be filed prior to issuance of any building permit if the proposed building is to be constructed over an existing property line. ~~As an alternative, the parcels may be merged or a lot line adjustment processed,~~ prior to issuance of any building permit. The tentative map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

29. **Drainage Zone of Benefit:** The proposed project must form an entity for the maintenance of the drainage facilities to include the maintenance of the existing creek. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map or issuance of a building permit ~~issuance~~ for Building B or C whichever comes first.

Attachment A.....Conceptual Oak Mitigation Plan, Barrett Anderson, Consulting Biologist
(three pages)

**Creekside Plaza
El Dorado County, California
Conceptual Oak Mitigation Plan**

**Prepared by Barrett Anderson
Consulting Biologist**

Background

The Creekside Plaza development has chosen Option A based on General Plan Policy 7.4.4.4. Approximately 0.6 acres of the 4.1-acre site consists of canopy cover provide by oaks (the genus *Quercus*). Option A requires that 90% of the existing canopy be retained following construction of the project. The project as proposed, cannot be constructed and preserve this amount of oak canopy. Therefore, the applicant is requesting that the County make a finding of Reasonable Use per the Provisions of Policy 7.4.4.4.

Figure 1. shows the proposed project, oak tree canopy to be removed, and proposed planting areas (i.e. oak replacement areas). Calculations to determine the area needed for oak mitigation is included in the following table:

| | Acres |
|--|--------------|
| Total Existing Oak Canopy | 0.60 |
| Portion of Oak Canopy to remain | 0.23 |
| portion of Oak Canopy to be removed | 0.37 |
| | |
| Total Property Acreage (includes R/W acquisition) | 4.32 |
| | |
| Percentage of Existing Oak Canopy | 13.9% |
| | |
| Therefore, Per Option A, 10% of oak canopy can be removed & replaced at 1:1 | 0.06 |
| | |
| Remaining portion of oak canopy to be removed with 2:1 replacement as reasonable Use | 0.31 |
| | |
| Therefore, for 2:1 replacement: 0.31 Acres * 2= | 0.62 |
| 1:1 Replacement acreage: + | 0.06 |
| Total Oak Replacement Area Required: | 0.68 |
| | |
| Total Oak Replacement Area Provided: | 0.76 |

Proposed Oak Mitigation Plan

Approximately one acre of the project site has been proposed as a preserve for streams, wetlands, and adjacent upland habitat. The preserve area will be in a Conservation Easement, and the Easement will be held by 501(c)(3) organization approved to hold such easements. In addition, funds will be provided for the annual management of the Preserve.

The Preserve has approximately 0.49 acre available and suitable for planting oak trees. An additional 0.29 acre is available on the perimeter of the proposed project adjacent to the

Preserve or other undeveloped land. Therefore, the total amount of land proposed for oak replanting is 0.76 acre.

The applicant proposes planting a mixture of valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizeni*), and blue oak (*Quercus douglasii*), depending on availability. These species either grow on the property or in areas surrounding the property. Oaks will be planted in appropriate locations: for example, valley oaks will be planted nearest the riparian zone, and interior live oaks and blue oaks will be planted on more upland slopes.

General Plan Policy 7.4.4.4 stipulates that 200 (1-gallon or treepot) oak saplings per acre (or equivalent number of acorns or larger sized oak trees) will be planted to offset canopy losses from the proposed project, amounting to 163 (1-gallon or treepot) oak saplings (or equivalent) planted in the 0.76 acre of available space. This density may be too high for the available space, and may be modified in the final plan based on discussions with a qualified biologist.

Trees will be irrigated with water from the project once it is completed, and the plantings will be monitored for a period of 10 years. The applicant and his biologist will work with a landscape architect to prepare a more detailed planting and monitoring plan, which will be submitted at a later date.

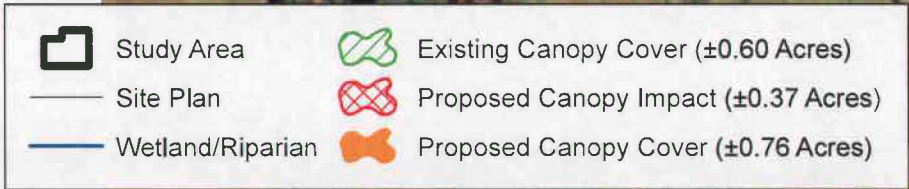
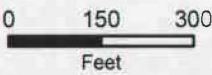


FIGURE 1

**Oak Woodland
Canopy Analysis**
Creekside Plaza
El Dorado County, CA

Aerial Photo: Google Earth, 2007



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