

~~maintains continuity between all portions of the stand. The retained corridor shall have a tree density that is equal to the density of the stand." A qualified professional shall make this determination, which is subject to County approval.~~

3) Page 14, Section 5.2.c: Split this into two sections with section 2d as follows:

- c. Other disturbed areas resulting in tree removal including septic system leach fields and fire safety defensible space vegetation removal for new construction.

d. Fire Safe Plans allow for some retention of oak canopy. To simplify the calculation of oak canopy retention in this zone, the OWMP assumes 20% retention. A site specific analysis of tree removal may be utilized instead of the 20% retention assumption.

4) Page 15, Section 5.6: Add the text as shown:

- 6. Payment of applicable fees and granting of any required easements shall be required as a condition of approval of all discretionary permits for which these provisions apply, and shall be completed prior to issuance of a grading or building permit, filing of a parcel or final map, or otherwise commencing with the project. The payment of the fee may be phased to reflect the timing of the tree canopy removal.

The Planning Commission directed staff to prepare an economic analysis of the effect of the plan on private property. The staff memo dated March 28, 2008 (included in the Board's April 1, 2008 agenda packet) provides details regarding this analysis.

April 1, 2008 Supervisor Comments with suggestions and annotations for the OWMP

This section will summarize the comments made by Supervisors and offer possible suggestions for changes, for the Board's direction to staff. Staff requests direction on each item.

5) Page 8, Section 2.d: state that as this is feasible or desirable by the applicant.

- D. On-Site Mitigation – Replanting and Replacement (Option A)

As provided under Option A, Policy 7.4.4.4, all oak canopy removed for development must be replaced at a 1:1 ratio. In lieu of on-site replacement, where such replacement is not feasible due to soil/habitat considerations and/or land use constraints, or where such replacement is not feasible or desirable by the applicant, off-site mitigation may be substituted for replacement plantings by payment of the Conservation Fund In-Lieu Fee at a 1:1 canopy surface area ratio or dedication of an off-site conservation easement as described in Section 4.C, also at a 1:1 ratio. Off-site replacement at a 1:1 ratio is offered to avoid circumstances that would result in replacement plantings occurring in marginal habitat or at the expense of other existing habitat. The following provisions apply to on-site and off-site replacement:

6) Page 6, Section 2.a: Are there two discussions – one about habitat, one about canopy? It isn't 20 percent retention (of the oak tree canopy within the defensible

- space area around building pads or sites) of habitat if I limbed up, it would be 10 percent. The sentence should be 80-90 percent of canopy, whereas 10-20 percent habitat.
- Because of the ability to safely retain some of the oak canopy within the defensible space, when calculating oak tree canopy loss with new subdivisions and parcel maps, an applicant may assume ~~20~~ 80% retention of the oak tree canopy within the defensible space area around building pads or sites.
 - 7) Page 9, Section 2.d, sixth bullet: The first three words, “the source of” are redundant. Scratch them.
 - ~~The source of a~~ Acorns or saplings for replanting shall be from local sources when available, to maintain local genetic strains.
 - 8) Pages 10-11, Section 2.g: Policy 7.4.4.5 was struck in its entirety in the Planning Commission recommended changes. It should go back in as it provides connectivity with oaks and as a corridor.
 - G. Policy 7.4.4.5

Policy 7.4.4.5 of the 2004 General Plan states, “Where existing individual or group of oak trees are lost within a stand, a corridor of oak trees shall be retained that maintains continuity between all portions of the stand. The retained corridor shall have a tree density that is equal to the density of the stand.” A qualified professional shall make this determination, which is subject to County approval.

General Public Comments (verbal and written) regarding the OWMP (not specific text changes)

- 9) Objection to OWMP as submitted. The Plan does not address:
 - a. Fragmentation of oaks in the Highway 50 corridor to ensure connectivity between the Priority Conservation Areas (PCAs);
 - b. The fee is too low;
 - c. The Plan is based on oak canopy rather than oak woodland habitat, which will result in an underestimate of the amount of oak woodland lost to development, which in turn will cause less area of oak woodland to be preserved relative to development;
 - d. The Plan does not meet the intent of the General Plan for preservation of oak woodlands;
 - e. The Plan does not meet CEQA; and
 - f. The OWMP and the Integrated Natural Resources Management Plan (INRMP) should be approved concurrently, or the OWMP should occur after the INRMP as the INRMP may bring up environmental issues regarding oaks.

- 10) Thank you for adjusting agriculture guidelines so agriculture remains economically viable.
- 11) In regards to defensible space, if removing ladder fuels, you can maintain more than 20% of oak canopy.
- 12) Policy 7.4.4.5 needs to be eliminated.
- 13) A fee in the \$3,250 to \$4,000 range is more than adequate.

April 1, 2008 Supervisor Comments with suggestions and annotations for the OWMP Ordinance

- 14) Ordinance Section 17.72.090: Start the second paragraph with, “At its own review, the Board of Supervisors may adjust the fees by...”

- 17.72.090 Annual Fee Review. The fee amounts shall be reviewed on an annual basis by March 31 of each year and adjusted as necessary to insure that the anticipated fees are no more and no less than required for the purpose for which they are collected. The first fee adjustment study shall occur at least 12 months after adoption of this ordinance, thence every March 31 thereafter.

At its own review, the Board of Supervisors may adjust t~~The acquisition portion of the fee shall be adjusted~~ annually by the ten year average change in assessed valuation of County land as recorded by the County Assessor using the Property System Use Codes. Land uses excluded from the Oak Woodland Management Plan shall not be included in the assessed valuation determination.

At its own review, the Board of Supervisors may adjust t~~The management and monitoring portions of the fee shall be adjusted~~ annually by the ten year average change in the mean wage rate for forestry and conservation related employment for the state of California as reported by the Federal Bureau of Labor Statistics.

- 15) Ordinance Section 17.72.100: When you take trees out, pay the fee (by whichever permit allows the fee).
- 17.72.100 Time of Fee Payment. The fee is due at the time of issuance of first building or grading permit that authorizes construction activity resulting in oak tree canopy removal. The payment of the fee may be phased to reflect the timing of the tree canopy removal. Payment of the ~~conservation~~ fee may be deferred to the building permit phase for that area of subdivision map or planned development that will only be disturbed when homes are constructed. Payment of fees applicable to road and other infrastructure improvements shall be paid at the time the final map is recorded or a grading or similar permit is issued for said construction activity.

The above paragraph reflects the current wording in the ordinance. Staff believes the language is clear in order for Permit Center staff to implement.

16) Definition D: Use the definition as set forth in the General Plan, page 384.

- ~~D. "Development Project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of any discretionary or ministerial permit.~~

D. "Development" means the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land, excepting agriculture.