

LATE DISTRIUBITON 2-20-15

BOS 2-23-15

#1

El Dorado County General Plan Biological Policies

February 23, 2015



Background and Previous BOS Hearings

| Hearing Date | Discussion |
|------------------------|--|
| July 28, 2014 | Review History/Background and Policy Options memos |
| Sept 2, 2014 | Follow-up discussion of oak resources |
| Oct 7, 2014 | Direction to proceed with Policy Option 3, the Mitigation/Conservation approach |
| Nov 21 and Dec 7, 2014 | Additional discussion of Oak Woodland Management Plan (OWMP) and in-lieu fee |
| January 13, 2015 | Established policy update timeline, Review key (10) decision points for the Board, discussion and direction provided on Decision Point 1 |
| January 26, 2015 | Discussion and direction provided on key Decision Points 2-3 |



Purpose of Workshop

Decision Points and Timeline

- Review key Decision Points 4 through 7
- Following public comment, Board to provide direction on Decision Points 4 through 7



Policy Update Timeline

| Task | 2015 | | | | | | | | | | | | 2016 | | | | |
|------------------------------------|------|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|------|-----|-----|-----|-----|
| | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
| Biological Policies/OWMP | | | | | | | | | | | | | | | | | |
| Board meetings | █ | █ | █ | | █ | █ | | | | | | | | | | | |
| Draft policy language/OWMP | | | █ | █ | | | | | | | | | | | | | |
| Final draft policy language/OWMP | | | | █ | █ | | | | | | | | | | | | |
| Final policy language/OWMP | | | | | | | | | | | | | | | █ | █ | █ |
| Environmental Impact Report | | | | | | | | | | | | | | | | | |
| Administrative Draft IS/NOP | | | █ | █ | | | | | | | | | | | | | |
| Notice of Preparation | | | | | █ | █ | | | | | | | | | | | |
| Scoping Meeting | | | | | | | █ | | | | | | | | | | |
| Administrative Draft EIR | | | | | | | | █ | █ | | | | | | | | |
| Draft EIR | | | | | | | | | █ | █ | | | | | | | |
| Public meetings on Draft EIR | | | | | | | | | | █ | █ | | | | | | |
| Administrative Final EIR | | | | | | | | | | | | | █ | █ | █ | | |
| Final EIR | | | | | | | | | | | | | | | | █ | █ |



Decision Point Status

- January 2015 Workshop 1 (Jan. 13)
 - 1: Board approved OWMP In-Lieu Fee Study
- January 2015 Workshop 2 (Jan. 26)
 - 2: Oak Resource Measurement Methodology
 - 3: Roadway Undercrossing Requirements



Decision Point Status

- February 2015 Workshop (Feb. 23)
 - 4: Two-tiered Mitigation and Threshold
 - 5: Oak Mitigation Exemptions
 - 6: Priority Conservation Area (PCA) Update
 - 7: Special Status Resource Mitigation



Upcoming Decision Points

- March 2015 Workshop
 - 8: Important Biological Corridor (IBC) Standards
 - 9: Ecological Areas In PCAs and IBCs
 - 10: Database of Willing Sellers



Preparing the Project Description

- May 18, 2015 (Tentatively Scheduled)
 - Present draft project description for review and comment.
 - The draft project description will include draft policies proposed for amendment and revised OWMP.
 - Upon approval of a draft project description, staff will begin the environmental review process.



Decision Point 4

Oak Mitigation Approach

Options:

- Establish a two-tiered approach for oak mitigation that clearly defines oak tree and oak woodland mitigation requirements
- Retain existing policy language



Decision Point 4

Oak Mitigation Approach

- Current oak woodland Policy 7.4.4.4 and oak tree Policy 7.4.5.2 imply a two-tiered approach
- Language in current policies does not preclude a project from needing to mitigate under both policies
- Intent is to provide a clear path for oak tree and oak woodland impact mitigation that:
 - Removes the need to mitigate under both policies
 - Retains consistency with General Plan



Decision Point 4

Oak Mitigation Approach

- Existing Policy Language
- Projects/Actions Not Subject to Policy Requirements
- Potential Threshold Based on Existing Policies
- Oak Woodland Retention Standards
- Heritage Trees
- Potential Oak Mitigation Framework
- Comparison with Other Rural Counties



Decision Point 4

Oak Mitigation Approach

- Existing Policy Language
 - Mitigation requirements possible under two policies (7.4.4.4 and 7.4.5.2)
- Projects/Actions Not Subject to Policy Requirements
 - Generally include agricultural and fire safe activities and include 1-acre thresholds, with differing criteria
 - Exemptions are inconsistent between policies
 - Policy update could make exemptions consistent across policies



Decision Point 4

Oak Mitigation Approach

- Potential Threshold Based on Existing Policies
 - Oak tree and oak woodland policies have differing exemptions
 - However, a 1-acre threshold is consistent between the policies
 - Potential to modify policy language to exempt oak tree and oak woodland mitigation for parcels 1 acre and less for consistency between policies
 - Analysis of County parcel data to evaluate effect of this threshold



Decision Point 4

Oak Mitigation Approach

- County Parcel Data Summary

| Summary of Parcel Sizes with Oak Woodlands in El Dorado County | | | |
|--|------------------|--|--|
| Parcel Size | Total in County* | Quantity with Oak Woodlands (% of Total) | Quantity with Oak Woodlands and Not Classified as Developed (% of Total) |
| <= 1 acre | 50,999 | 8,550 (9.7%) | 1,938 (2.2%) |
| > 1 and <= 2 acres | 6,806 | 4,363 (4.9%) | 771 (0.9%) |
| > 2 and <= 5 acres | 10,318 | 7,919 (8.9%) | 1,523 (1.7%) |
| > 5 and <= 10 acres | 8,798 | 7,488 (8.5%) | 1,685 (1.9%) |
| > 10 and <= 40 acres | 7,267 | 5,990 (6.8%) | 2,327 (2.6%) |
| > 40 acres | 3,970 | 2,437 (2.8%) | 1,962 (2.2%) |
| Total: | 88,158 | 36,747 (41.7%) | 10,206 (11.6%) |



Decision Point 4

Oak Mitigation Approach

- Oak Woodland Retention Standards
 - Current standards difficult to interpret and implement and do not actually require retention (with Option B in place)
 - Policy language could be updated to simply replace ‘canopy’ with ‘woodland’, or revised to create a retention incentive approach
 - Under an incentive-based approach, projects that impact less oak woodland would require less mitigation



Decision Point 4

Oak Mitigation Approach

- Current Approach:

| Current Oak Canopy Retention Standards (Policy 7.4.4.4) | |
|---|-----------------------------|
| Percent Existing Canopy Cover | Canopy Cover to be Retained |
| 80 – 100 | 60% of existing canopy |
| 60 – 79 | 70% of existing canopy |
| 40 – 59 | 80% of existing canopy |
| 20 – 39 | 85% of existing canopy |
| 10 – 19 | 90% of existing canopy |
| 1 – 9 for parcels >1 acre | 90% of existing canopy |

- Incentive-Based Approach:

| Sample Oak Woodland Mitigation Ratios | |
|---------------------------------------|-------------------------------|
| Percent of Oak Woodland Impact | Oak Woodland Mitigation Ratio |
| 0-50% | 1:1 |
| 50.1-75% | 1.5:1 |
| 75.1-100% | 2:1 |



Decision Point 4

Oak Mitigation Approach

- Heritage Trees
 - Policy 7.4.5.2 does not specifically define ‘Heritage Trees’, but affords greater protection to oak trees with trunk diameters measuring 36 inches or more
 - “Heritage Tree” and “Landmark Tree” definitions in the General Plan are vague and do not provide any measurement criteria
 - Policy modification option is to define a “Heritage Tree” as a native oak tree with an individual trunk diameter measuring 36 inches or more



Decision Point 4

Oak Mitigation Approach

- Potential Oak Mitigation Framework
 - Two-tiered approach, clearly defines mitigation requirements
 - Oak Woodlands:
 - Impact determination and mitigation requirements clearly outlined in OWMP and mitigation ratios consistent across all mitigation options
 - Oak Trees:
 - Mitigation for Heritage Tree impacts required for all projects, otherwise oak tree mitigation required only for those trees not mitigated under oak woodland mitigation requirements



Decision Point 4

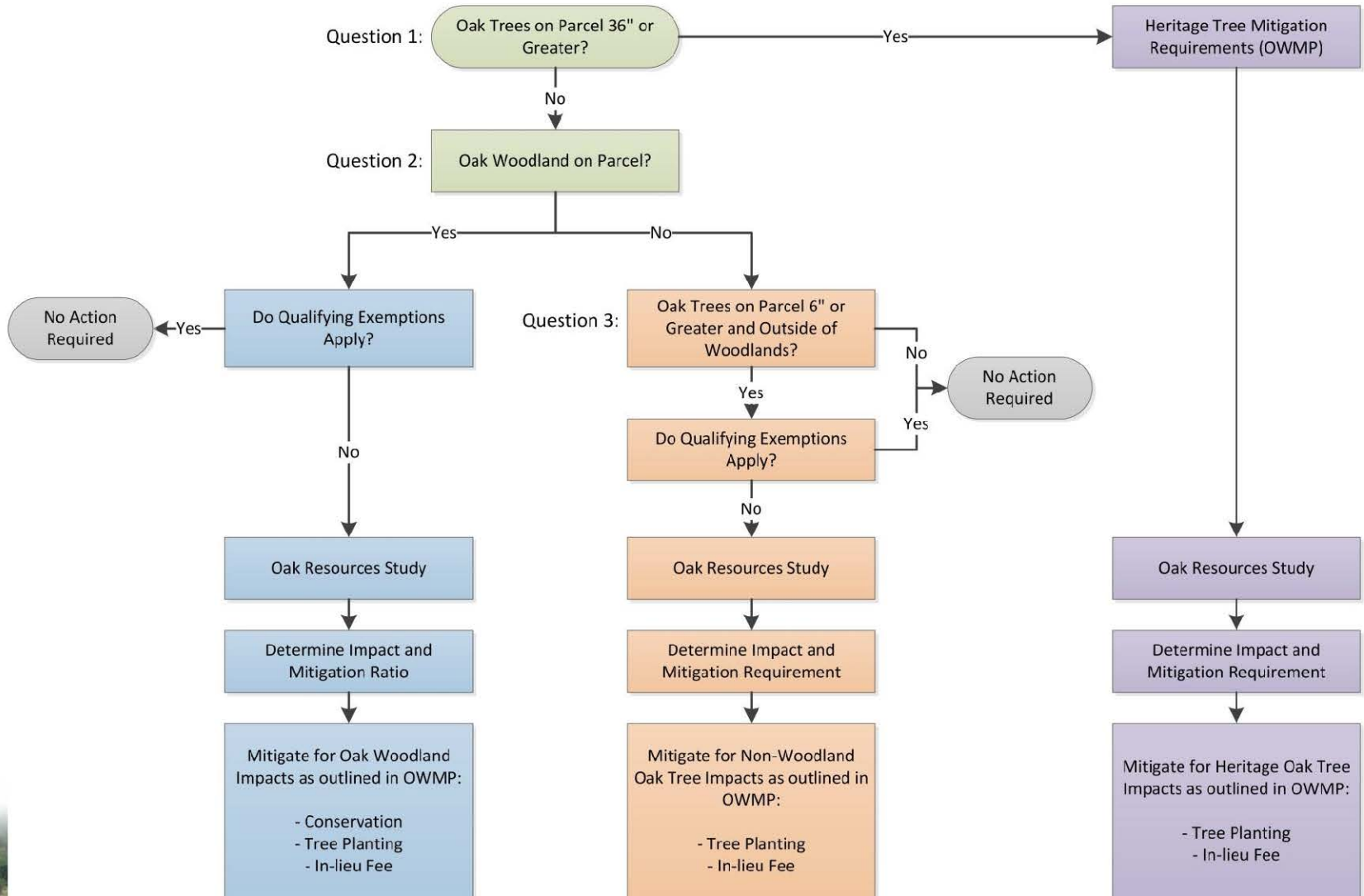
Oak Mitigation Approach

- Potential Oak Mitigation Framework (cont.)
 - Qualified Exemptions:
 - Consistent between oak tree and woodland policies, not applicable to Heritage Trees



Sample Oak Resource Process Flow Chart

(Must Answer Questions 1, 2, and 3)



Decision Point 4

Oak Mitigation Approach

- Comparison with Other Rural Counties

| Comparison of Oak Woodland and Oak Tree Policies in Nearby Rural Counties | | | | | |
|---|--------------------------------|--------------------|------------------------|-------------------------------------|----------------------------|
| County | Oak Woodlands | | | Oak Trees | |
| | Oak Woodland Impact Assessment | In-lieu Fee Option | Preservation Standards | Heritage or Landmark Tree Standards | Individual Tree Mitigation |
| Placer | X | X | | X | X |
| Tuolumne | X | | X | X | X |
| Nevada | | | | X | |



Decision Point 4

Oak Mitigation Approach

Recommendation:

- Revise minimum parcel size criteria for projects that are exempt from oak woodland mitigation (1 acre)
- Update the oak woodland retention standards and mitigation ratios
- Clarify mitigation requirements for individual native oak trees outside of oak woodlands and for heritage trees



Decision Point 5

Oak Resource Exemptions

Options:

- Provide exemptions to oak resource mitigation for specific project types/actions consistent with existing OWMP and General Plan policies
- Revise and/or refine the list of project types/actions that are exempt
- Eliminate exemptions



Decision Point 5

Oak Resource Exemptions

- Policy 7.4.4.4 Exemptions:
 - Approved Fire Safe Plan or active agricultural cultivation
- Policy 7.4.5.2 Exemptions (trees less than 36”):
 - Williamson Act, Farmland Security Zone, Agricultural Districts, Agricultural Land, TPZ, Fire Safe Plans
 - Single-family residential lots 1 acre or less that cannot be further subdivided
 - For the owner’s personal use
 - Written approval by the County Planning Department



Decision Point 5

Oak Resource Exemptions

- Existing OWMP Exemptions and Reduced Retention Requirements:
 - Reduced woodland retention requirements allowed for Affordable Housing projects
 - No oak woodland retention or replacement requirements for:
 - Capital improvement projects where alignment is dependent on existing alignment
 - Vegetation management for compliance with CPUC regulations



Decision Point 5

Oak Resource Exemptions

- Comparison of Current Exemptions

| Source | Current Exemption | Oak Woodlands | Oak Trees |
|----------------------------------|--|---------------|-----------|
| Policy 7.4.4.4 and 7.4.5.2, OWMP | Fire Safe (existing structures) | X | X |
| Policy 7.4.4.4 and 7.4.5.2, OWMP | Agriculture (cultivation, zoning, districts) | X | X |
| Policy 7.4.5.2 | Personal Use | | X |
| Policy 7.4.5.2 | Approved by County Planning Dept. | | X |
| OWMP | Affordable Housing | X | |
| OWMP | Capital Improvement Projects | X | |
| OWMP | Utility Line Clearance | X | |



Decision Point 5

Oak Resource Exemptions

- Potential New Exemptions:
 - Public Parks:
 - Railroad Park: Large oak tree removal may be necessary
 - Cronan Ranch: Minimal oak woodland impact expected on County-owned parcel
 - Bass Lake Regional Park: Oak woodland impacts < 5 acres, individual trees
 - Pollock Pines Regional Park: 11 large oaks impacted



Decision Point 5

Oak Resource Exemptions

- Potential New Exemptions (cont.):
 - Public Buildings:
 - Timing and funding of such projects is unknown
 - County owns 257 parcels (totaling 1,321 acres) that contain some oak woodland
 - 537 acres of oak woodland on these parcels (excluding parks)
 - Public Schools:
 - County has little jurisdiction over public school construction, oak tree/woodland regulations not enforceable
 - Emergency Operations and Hazards



Decision Point 5

Oak Resource Exemptions

Recommendation:

- Combine exemptions for oak woodlands and trees
- Projects consistent with state regulations and specific County policies would have exemptions/reductions from oak woodland and oak tree mitigation
- Exemption for single-family residential lots of 1 acre or less that cannot be further subdivided applied to both oak woodland and oak tree impacts



Decision Point 5

Oak Resource Exemptions

- Board Direction Needed:
 - Whether to retain or remove personal use exemption and allowance for written approval for tree removal
 - Whether or not to include exemptions for public schools, parks, government buildings, and emergency operations/hazard conditions.



Decision Point 6

Priority Conservation Area (PCA) Update

Options:

- Update the PCAs
- Leave the PCAs as delineated in the 2008 OWMP
- Leave the PCAs as delineated in the 2008 OWMP and establish criteria that would be used to identify conservation lands outside of the PCAs



Decision Point 6

Priority Conservation Area (PCA) Update

- Differences between numbers presented in General Plan EIR and OWMP
- General Plan Implementation
- Current PCAs
 - Potentially Insufficient Area



Decision Point 6

Priority Conservation Area (PCA) Update

- Initial Development of PCAs
 - 2008 OWMP
 - “Large expanses of contiguous oak woodland habitat where conservation easements may be acquired from willing sellers to offset the effects of increased habitat loss and fragmentation elsewhere”
 - GIS Analysis:
 - 500 acre contiguous oak woodland areas, 40+ acre parcels



Decision Point 6

Priority Conservation Area (PCA) Update

- Role of PCAs in Oak Woodland Mitigation
 - Guide County's acquisition of oak woodland habitat as mitigation for oak woodland impacts
 - Conservation easements to be granted to the County
 - OWMP states that conservation easements do not need to come from the PCAs but must be for land of equal or greater biological value



Decision Point 6

Priority Conservation Area (PCA) Update

- Analysis of PCA Needs:
 - 2004 General Plan Land Use Designations
 - 30% Slope Restrictions
 - Oak Woodland Distribution
 - PCAs and Important Biological Corridors (IBCs)
 - Comparison of General Plan Impacts and Available PCA Acreage



Decision Point 6

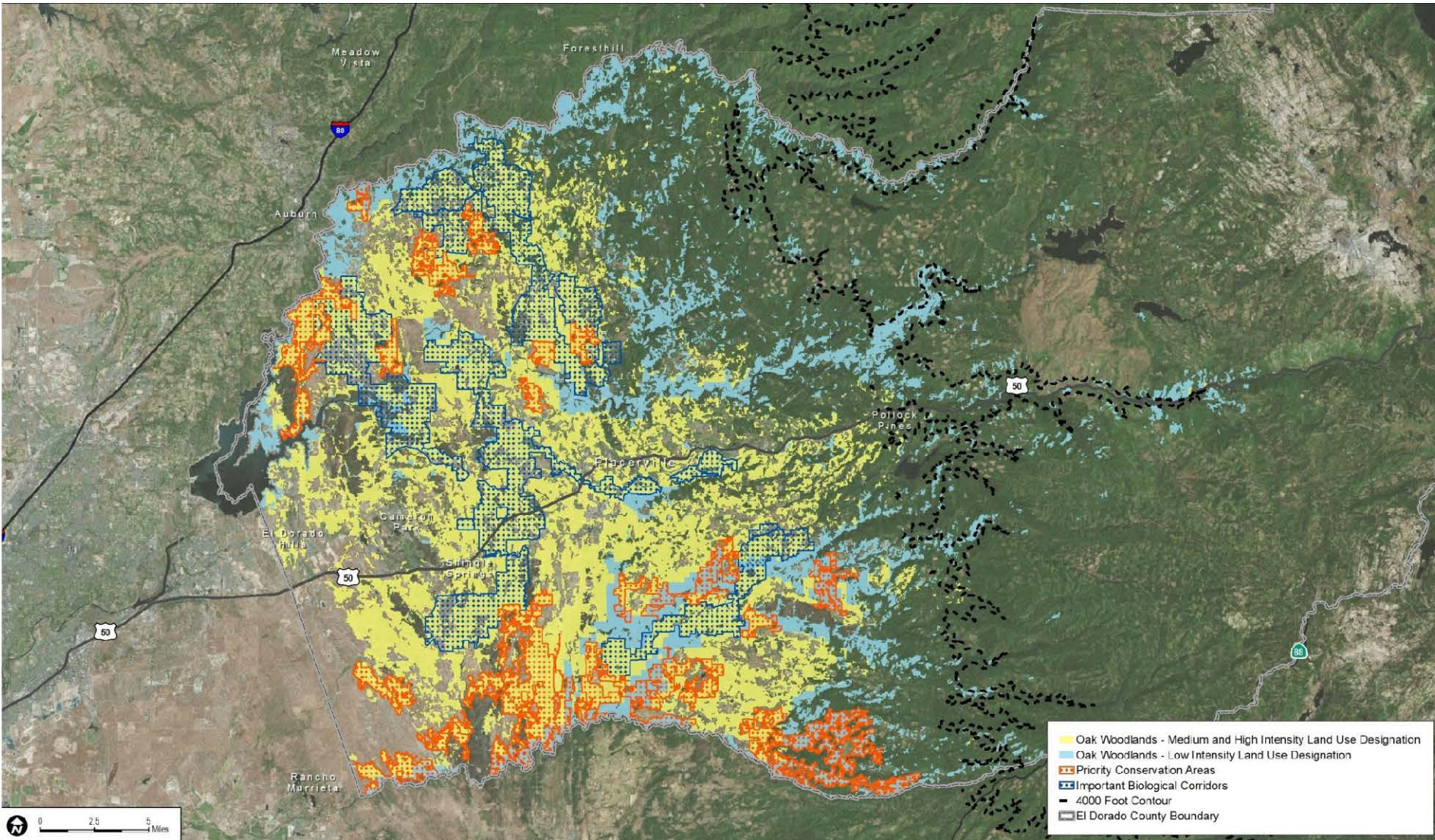
Priority Conservation Area (PCA) Update

- PCA Analysis Results:

| Oak Woodland Impact and Conservation Summary Table | | | | | | |
|--|-------------------------|--|--|--|---|---------------------------|
| Oak Woodland Type | Total in County (acres) | High and Medium Intensity Impacts (Slopes > 30% and excluding PCAs and IBCs) (acres) | High and Medium Intensity Impacts (Slopes ≤ 30% and excluding PCAs and IBCs) (acres) | Total in Priority Conservation Areas (acres) | Total in Important Biological Corridors (acres) | Total PCA and IBC (acres) |
| Blue Oak Woodland | 42,614 | 2,741 | 18,903 | 10,774 | 6,772 | 17,546 |
| Blue Oak-Foothill Pine | 12,915 | 983 | 5,870 | 1,557 | 2,643 | 4,200 |
| Coastal Oak Woodland | 13 | 0 | 13 | 0 | 0 | 0 |
| Montane Hardwood | 161,152 | 12,977 | 50,433 | 23,975 | 31,160 | 55,135 |
| Montane Hardwood-Conifer | 37,661 | 3,046 | 10,468 | 2,787 | 3,323 | 6,110 |
| Valley Oak Woodland | 3,434 | 55 | 2,133 | 310 | 809 | 1,119 |
| Total: | 257,789 | 19,801 | 87,820 | 39,403 | 44,707 | 84,110 |



PCAs, IBCs, and Oak Woodlands



Decision Point 6

Priority Conservation Area (PCA) Update

- Addressing the Shortfall in PCAs – 3 Options:
 - Update and Expand the Existing PCAs
 - Re-map PCAs by adjusting existing thresholds (e.g. 40-acre minimum parcels)
 - Larger effort, potential landowner concerns
 - Determine That Existing OWMP Provisions are Sufficient
 - Allow conservation of lands outside of PCAs, County must determine that conservation land is appropriate
 - Provides options, but may be inconsistent and may require more staff time



Decision Point 6

Priority Conservation Area (PCA) Update

- Addressing the Shortfall in PCAs – 3 Options (cont):
 - Retain the existing PCAs and identify specific criteria for approving additional conservation areas
 - Conservation outside of PCAs allowed, within identified standards
 - 20-acre minimum parcel size, diverse woodlands, opportunity for active land management, and potential to support special-status species



Decision Point 6

Priority Conservation Area (PCA) Update

Recommendation:

- Retain the PCAs shown in the 2008 OWMP and establish criteria for identifying additional conservation areas



Decision Point 7

Special Status Resource Mitigation

Options:

- General Plan policy language would incorporate mitigation ratios for special-status biological resources, including vegetation communities, plants and wildlife
- Determine that pre-determined minimum mitigation ratios are not necessary in General Plan policies



Decision Point 7

Special Status Resource Mitigation

- Existing General Plan Policy Language (7.4.2.8)
 - Develop a Conservation Strategy
 - Identify important habitat in the County
 - Establish effective habitat preservation and management program
 - Implement through the County's Integrated Natural Resources Management Plan (INRMP)



Decision Point 7

Special Status Resource Mitigation

- Conservation Strategy required to include:
 - Habitats that support special-status species;
 - Aquatic environments including streams, rivers, and lakes;
 - Wetland and riparian habitat;
 - Important habitat for migratory deer herds; and
 - Large expanses of native vegetation.



Decision Point 7

Special Status Resource Mitigation

- As part of ratio evaluation, developed County-wide:
 - List of special-status species
 - List of sensitive habitats within County
- Lists were developed using existing data/definitions:
 - Special-status definitions in the General Plan EIR (7.4.2.8)
 - FRAP land cover data meshed with CDFW sensitive habitats
- Special-status species habitats (e.g., chaparral, grassland)



Decision Point 7

Special Status Resource Mitigation

- Suggest preservation ratio of 1:1 for the following upland vegetation types:
 - Conifer Forest
 - Hardwood Forest (non Oak Woodland)
 - Hardwood Woodland (non Oak Woodland)
 - Herbaceous
 - Shrub
- Oak forest/woodlands mitigated per Decision Point 4



Decision Point 7

Special Status Resource Mitigation

- Suggest creation ratio of 1:1 for the following wetland types:
 - Water
 - Wetland
- In addition to creation, to mitigate for temporal loss suggest preservation ratio of:
 - 1:1 for herbaceous wetlands,
 - 2:1 for shrub and tree wetlands



Decision Point 7

Special Status Resource Mitigation

- Suggested Mitigation Summary:

| Habitat Mitigation Summary Table | | | |
|----------------------------------|--------------|----------|-------|
| Vegetation Type | Preservation | Creation | Total |
| Water | NA | 1:1 | 1:1 |
| Herbaceous Wetland | 1:1 | 1:1 | 2:1 |
| Shrub and Tree Wetlands | 1:1 | 2:1 | 3:1 |
| Upland (non-oak) | 1:1 | NA | 1:1 |

- Oak woodlands mitigated per Decision Point 4



Decision Point 7

Special Status Resource Mitigation

Recommendation:

- Revise General Plan policy language to incorporate mitigation ratios for special-status biological resources (vegetation communities, plants, and wildlife)



Summary of Recommendation

| Decision Point | Recommendation |
|----------------|--|
| #4 | <ul style="list-style-type: none">• Revise minimum parcel size criteria for projects that are exempt from oak woodland mitigation• Update the oak woodland retention standards and mitigation ratios• Clarify mitigation requirements for individual native oak trees outside of oak woodlands and for heritage trees |
| #5 | <ul style="list-style-type: none">• Combine exemptions for oak woodlands and trees• Projects consistent with state regulations and specific County policies would have exemptions/reductions from oak woodland and oak tree mitigation• Exemption for single-family residential lots of 1 acre or less that cannot be further subdivided applied to both oak woodland and oak tree impacts |
| #6 | <ul style="list-style-type: none">• Retain the PCAs shown in the 2008 OWMP and establish criteria for identifying additional conservation areas |
| #7 | <ul style="list-style-type: none">• Revise General Plan policy language to incorporate mitigation ratios for special-status biological resources (vegetation communities, plants, and wildlife) |

