

# **El Dorado County General Plan Biological Resources Policy Update Project**

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**Board of Supervisors**

**July 18, 2017  
(Item No. 44)**

# Purpose of Today's Hearing

- Board to consider Planning Commission's six recommendations and Agricultural Commission's five comments (Attachment 24B)
- Board to provide staff direction on recommended changes to proposed policies, Oak Resources Management Plan, Oak Resources Conservation Ordinance (Attachment 24E)
- Receive public comment on proposed policies, ORMP, and Ordinance



# Proposed Agenda

- **Open Public Hearing**
- **Presentation**
- **Questions from Board of Supervisors**
- **Receive Public Comment**
- **Close Public Hearing**
- **Board Deliberations and Direction to Staff**
- **Continue matter to date/time certain for final action**

# INRMP/OWMP Timeline 2006 - 2009

Date	Description
April 2006	General Plan EIR Settlement Agreement - Allows only Policy 7.4.4.4 Option A (oak canopy retention) until INRMP is adopted
Nov 2006	Planning Commission adopted Interim Guidelines for Policies 7.4.4.4 (Option A)
June 2007	Board approved Oak Woodland Habitat Map
Apr 2008	Board adopted INRMP Initial Inventory and Mapping
May 2008	Board certified Negative Declaration & adopted Oak Woodland Management Plan (OWMP)
June 2008	Lawsuit Filed Against OWMP Adoption
Dec 2009	County contract with SEA to prepare INRMP Phase I



# INRMP/OWMP Timeline 2010 - 2012

Date	Description
Feb 2010	Trial Court upheld the OWMP
Jun 2010	Board adopted Updated INRMP Initial Inventory & Mapping
Oct 2010	Board accepted Indicator Species Report
Dec 2010	Board accepted Wildlife Movement and Corridors Report
Apr 2011	Board received Draft INRMP Phase II Options Report
July 2012	Appellate Court Decision - held that County had not adequately evaluated environmental effects of the OWMP; EIR Required for OWMP
Sept 2012	County rescinded OWMP and its implementing ordinance
Sept 2012	Board directed staff to prepare ROI to amend General Plan biological policies and RFP for consultant to prepare EIR



# General Plan Biological Resources Policy Update Timeline 2014 - 2017

**2014**

**2015**

**2016**

**2017**

**Board contracted with Dudek (3/11/14)**

**Board Workshops on 10 Decision Pts (Jan - Mar 2015)**

**Draft EIR & Draft General Plan Policies, ORMP, and Oak Resources Conservation Ordinance Released (6/30/16)**

**Final EIR Released (3/8/17)**

**Dudek presented Board with Background and Options Memos (7/28/14)**

**Board Workshop Draft Policy Revisions and Draft ORMP (5/18/15)**

**Planning Commission Hearing (4/27/17)**  
**Agricultural Commission Meeting (5/10/17)**

**Board selected Mitigation/Conservation Approach (10/7/14)**

**Board adopts ROIs 108-2015 and 109-2015 (6/22/15)  
118-2015 (7/14/15)**

**Board Hearing (7/18/17)**

**Board consider Certification of EIR and Project Adoption (Aug/Sep 2017)**





# Project Description

- **Amendments to biological resources policies, objectives and implementation measures in 2004 General Plan, Conservation and Open Space Element**
- **Oak Resources Management Plan (ORMP)**
  - **Updates 2008 Oak Woodland Management Plan (OWMP)**
  - **Establishes in-lieu fee payment option**
- **Oak Resources Conservation Ordinance**
  - **Implements ORMP**



# Project Scenarios



## Site Information

- 2.4-acre parcel
- 1.3 acres non-oak upland
- 1.1 acres oak woodland
- 5 individual oak trees outside of woodland (each 8" diameter)



# Scenario 1



## Project Impacts

Development Area: 0.5 acres

Non-Oak Upland: 0.2 acres

Oak Woodlands: 0.3 acres (27%)

Individual Oak Trees: 2 (16 total inches)

## Mitigation

### **Non-Oak Uplands**

- Conserve 1:1

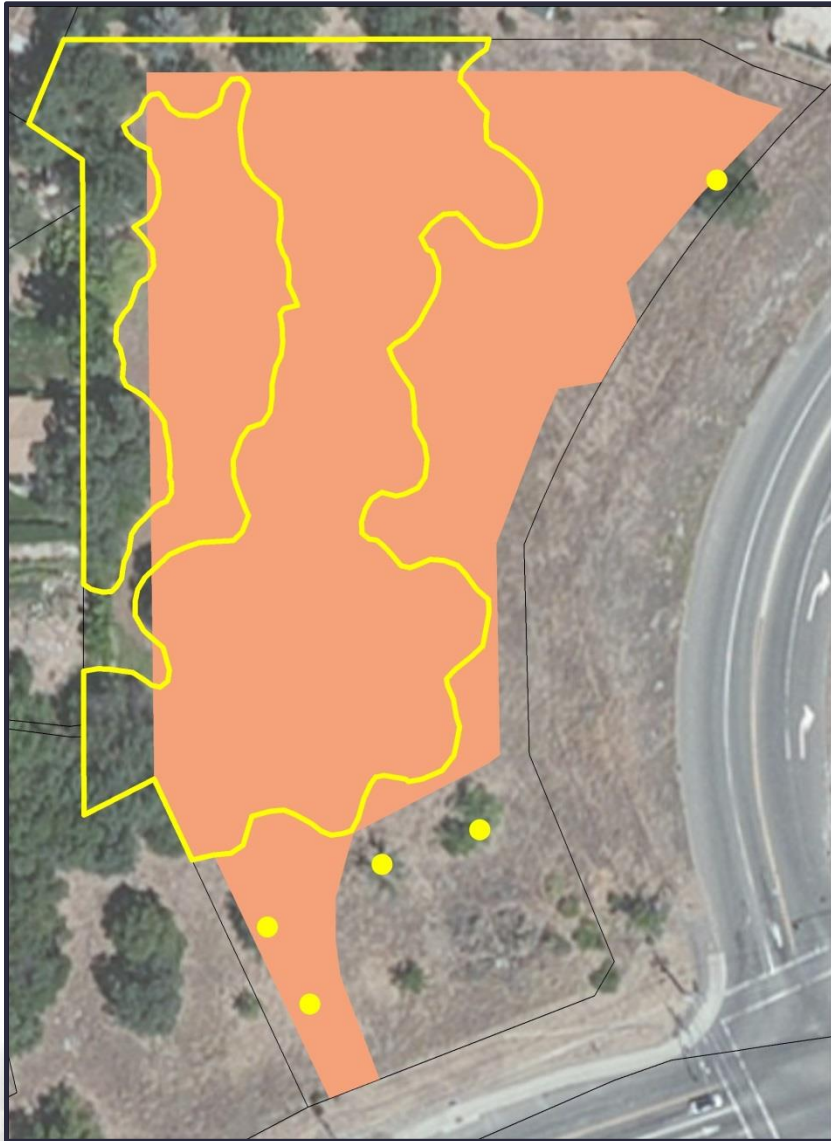
### **Oak Woodlands**

- Ratio: 1:1 (<50%)
- Plant, Conserve, and/or Fee (\$2,485.50)

### **Individual Oak Trees**

- Inch-for-Inch Replacement
- Plant and/or Fee (\$2,448)

# Scenario 2



## Project Impacts:

Development Area: 1.6 acres

Non-Oak Upland: 0.8 acres

Oak Woodlands: 0.8 acres (72%)

Individual Oak Trees: 3 (24 total inches)

## Mitigation:

### **Non-Oak Upland**

- Conserve 1:1

### **Oak Woodland**

- Mitigation Ratio: 1.5:1 (50-75%)
- Conserve, Plant, and/or Fee (\$9,942)

### **Individual Oak Trees**

- Inch-for-Inch Replacement
- Plant and/or Fee (\$3,672)

# Environmental Review Timeline

**Notice of Preparation Released 7/17/15  
(30-day review period ending 8/17/15)**

**Revised Notice of Preparation Released 11/23/15  
(30-day review period ending 12/23/15)**

**Draft EIR Released 6/30/16  
(45-day review period ending 8/15/16)**

**County responds to comments on DEIR in Final EIR  
(Final EIR Released 3/8/17)**

**Planning Commission Hearing (4/27/17)  
Agricultural Commission Meeting (5/10/17)**

**Board Hearing to consider Planning Commission's  
Recommendations (7/18/17)**

**Board to consider EIR, CEQA Findings,  
Mitigation Monitoring and Reporting Program, and  
makes decision on Project (Aug/Sep 2017)**

**CEQA Guidelines Sec. 15082, et seq.**

**We Are  
Here**

**EIR  
Process**

# Resources Evaluated in the Draft EIR

- Draft EIR, Chapters 5 – 9
  - Land Use and Planning (includes agricultural resources)
  - Biological Resources
  - Forestry Resources
  - Greenhouse Gases (focused on loss of carbon sequestration)
  - Visual Resources

The Draft EIR is posted on the County website at following link:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdateDraftEIR.aspx>





# Final EIR

- Final EIR prepared following Draft EIR public circulation
- Final EIR includes:
  - Draft EIR comments and responses
    - Master Responses
    - Individual responses to comments
  - Revisions to Draft EIR
- Mitigation Monitoring and Reporting Program (Attachment 22E, Legistar File 12-1203)

The Final EIR is posted on the County website at following link:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdateDraftEIR.aspx>



# Proposed Project Changes as a Result of the Environmental Review Process

- **General Plan Policies**
  - **Omit “where feasible”, add survey protocols and mitigation recommendations, add monitoring requirements**
  
- **Oak Resources Management Plan**
  - **Clarify valley oaks and heritage oaks are excluded from the exemptions other than under the dead, dying and diseased trees exemption**
  - **Modify Agricultural Activities exemption to exclude activities that require a conditional use permit**



# Proposed Project Changes as a Result of the Environmental Review Process

- **Oak Resources Management Plan (continued)**
  - Add limits to Personal Use Exemption
  - Add text to clarify how in-lieu fees may be used
  
- **Oak Conservation Ordinance**
  - Clarify project types regulated under the ordinance
  - Clarify exemptions and use of in-lieu fee payment per ORMP revisions
  - Omit statement regarding content of fee reports

# Additional Project Clarifications

## ■ ORMP

- **Heritage Tree must be mitigated regardless of inside or outside woodland**
- **In-lieu fee inflation adjustments, reporting and finding requirements**

## ■ Draft EIR

- **Discussion of Rural Lands under Ag Exemption**
- **Weber Creek Important Biological Corridor (IBC) figure**



# Planning Commission Recommendations

- 1. Add language to Ordinance Section 130.39.080 (Enforcement) from ORMP Maintenance and Monitoring Program**
- 2. Redefine Heritage Oak Tree diameter size to 20 inches (from 36 inches, ORMP Section 6.0, Definitions)**
- 3. Change bi-annual reporting (every 2 years) to annual reporting and include expenses and income in Ordinance Section 130.39.090.B**
- 4. Increase in-lieu fee for Oak Woodland based on acquisition land values in El Dorado County (ORMP, Section 3.0)**
- 5. Enforcement of mitigation monitoring and reporting needs to be more effectively applied**
- 6. Establish long-term funding for Mitigation and Monitoring in perpetuity**



# Agricultural Commission Comments

- 1. Heritage Oak size should not be less than 36 inches in diameter on Ag zoned lands or AL designated, and 20 inches on other lands.**
- 2. Personal Use Exemption – 8 tree limit per parcel seems impractical and needs more flexibility or criteria depending on the character of the parcel (e.g., size, density, number of dwelling units, number of owners, zoning or land use designation).**
- 3. Site Selection Criteria and Maintenance&Monitoring (M&M) cost in the in-lieu fee seems inadequate.**
- 4. Exclude mitigation CUP trigger in an Ag District or active Williamson Act contracted lands.**
- 5. Exemption from mitigation for Heritage Trees that are Live Oak species removed from Agricultural properties.**





# Staff Recommendation

- Staff recommends proposed changes shown in the Final EIR and additional clarifications (shown on Attachment 24E)
- Staff recommends proposed changes per Planning Commission recommendations No. 1 and 5 as shown in the staff report (Attachment 24A)
- Staff is not recommending any changes suggested by the Agricultural Commission as noted in the staff memo (Attachment 24C)

# Past Performance of Oak Mitigation Efforts - Examples

- **El Dorado Hills Specific Plan - not subject to Policy 7.4.4.4 Option A**
- **Discretionary Development Project: Wilson Estates – subject to Policy 7.4.4.4 Option A**
- **County DOT Road/Bridge Projects – exempt from Policy 7.4.4.5 Option A**



# El Dorado Hills Specific Plan (Serrano)



**EDH Blvd betw. archery range & fire station; planted 2004, faces southwest**



**Serrano Pkwy betw. Village Green & Terracina planted 1994, faces northward**

## **Overall Mitigation Program Success**

- **Acorn Plantings (late 1990's – 2004)**
- **3 acorns/location; 200-210 locations/acre**
- **Total 145 acres**
- **2007 census – approx. 7,800 surviving (approx. 62/acre)**





# Serrano Visitors Center & Serrano Pkwy at Silva Valley





# County DOT Road Project

## Green Valley Road Widening (Francisco Dr – Amy Lane)





# County DOT Bridge Project Green Valley Road at Weber Creek





## Discretionary Development Project Subject to Policy 7.4.4.4 Option A Wilson Estates (“The Overlook”) – Green Valley Rd west of Malcolm Dixon Rd

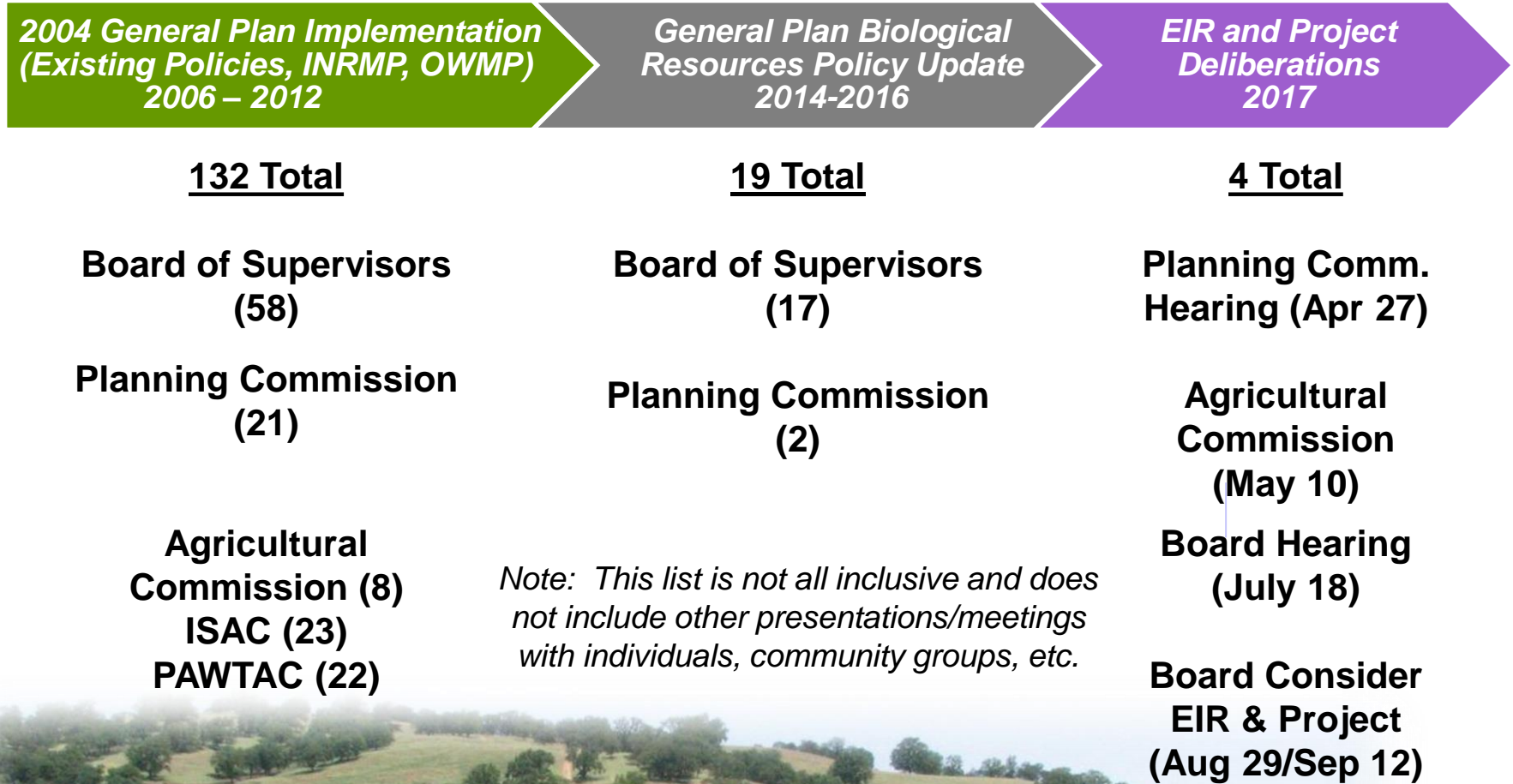


- 28 SF Lots
- 28.2 Total Acres
- 2.9 Acres Oak Canopy (10% of project area)
- Retain 90% of existing oak canopy, under 7.4.4.4 Option A



# Public Involvement Process/Timeline

11-year period (2006-2017), over **150** public meetings held to discuss Project-related items.



# Next Steps in this Hearing

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- **Receive Public Comment**
- **Close Public Hearing**
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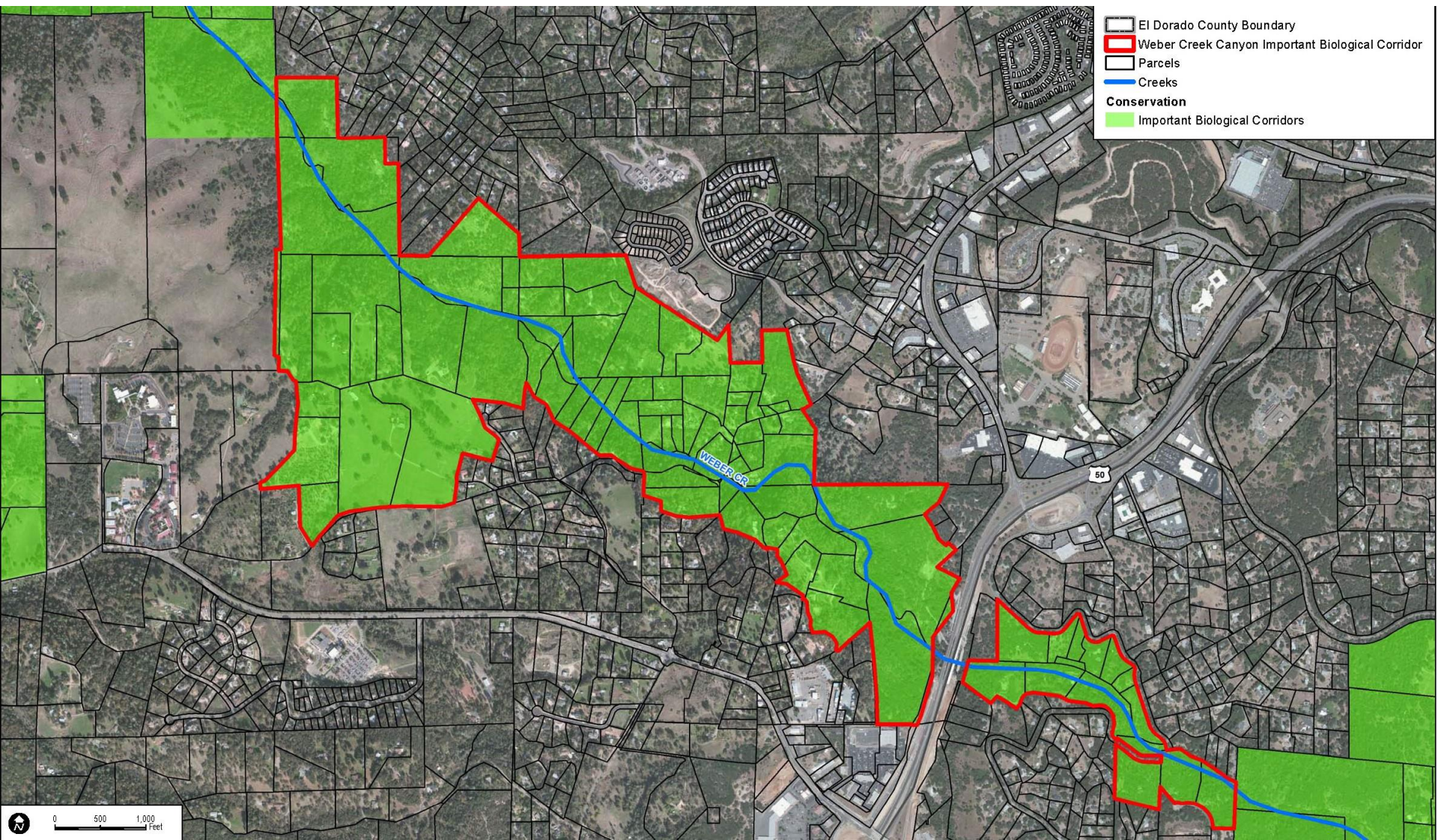
# Draft Board Adoption Documents (to be finalized)

	Document	Legistar File 12-1203 Attachment
1.	Resolution Certifying the EIR	22B
2.	CEQA Findings of Fact	22C
3.	Statement of Overriding Considerations	22D
4.	Mitigation Monitoring and Reporting Program	22E
5.	Resolution Adopting an Amendment to the Biological Resources Policies, Objectives and Implementation Measures in the General Plan	22F

# Draft Board Adoption Documents (to be finalized)

	Document	Legistar 12-1203 Attachment
6.	Resolution Adopting Oak Resources Management Plan	22H
7.	Resolution Adopting Oak Resources Conservation Ordinance	22I
8.	Resolution Establishing In-Lieu Mitigation Fee	24F
9.	Conservation and Open Space Element	22G
10.	Oak Resources Management Plan	22P
11.	Oak Resources Conservation Ordinance	22I

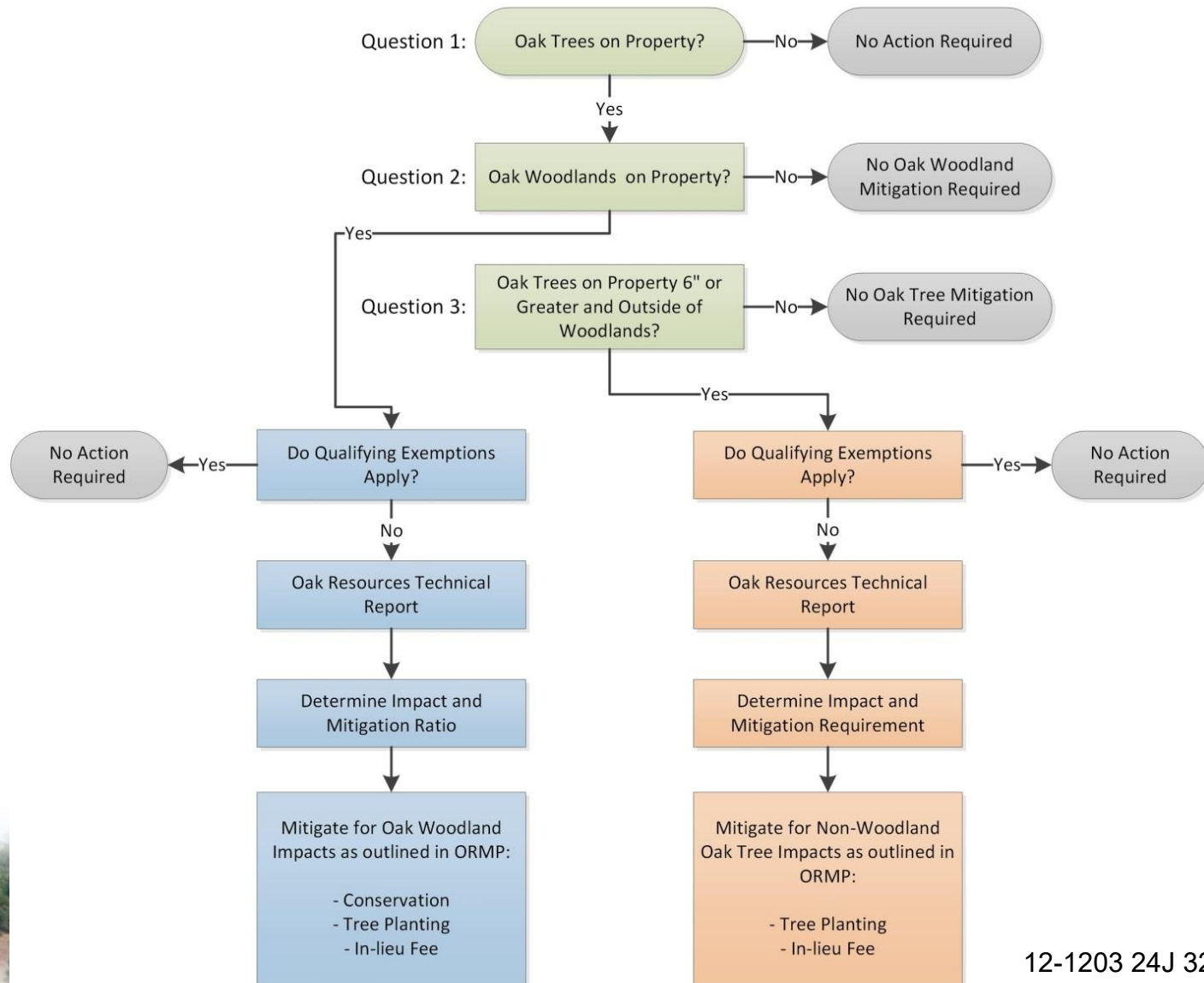






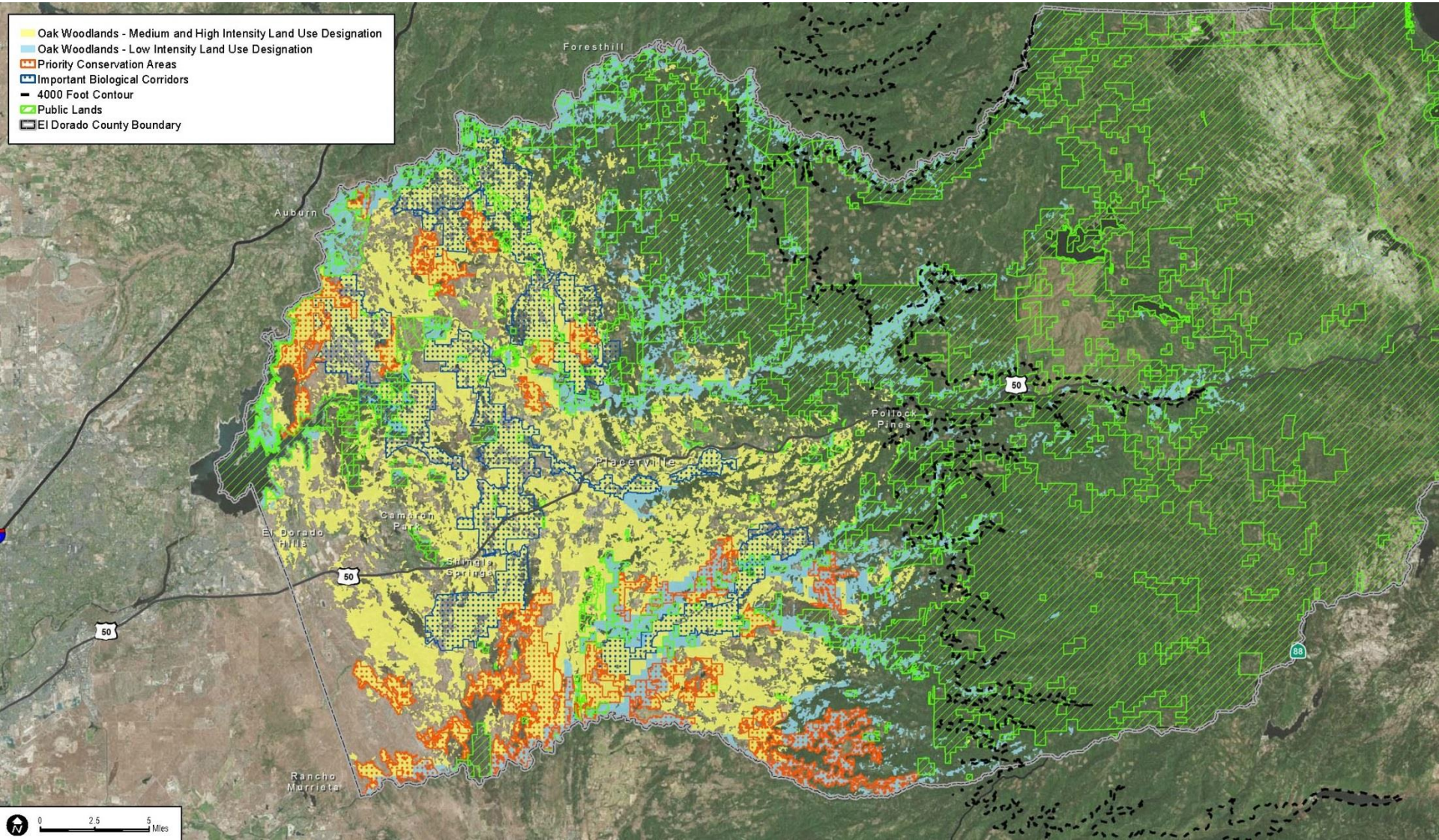
# Oak Resources Removal Permit Flow Chart

(Must Answer Questions 1, 2, and 3)

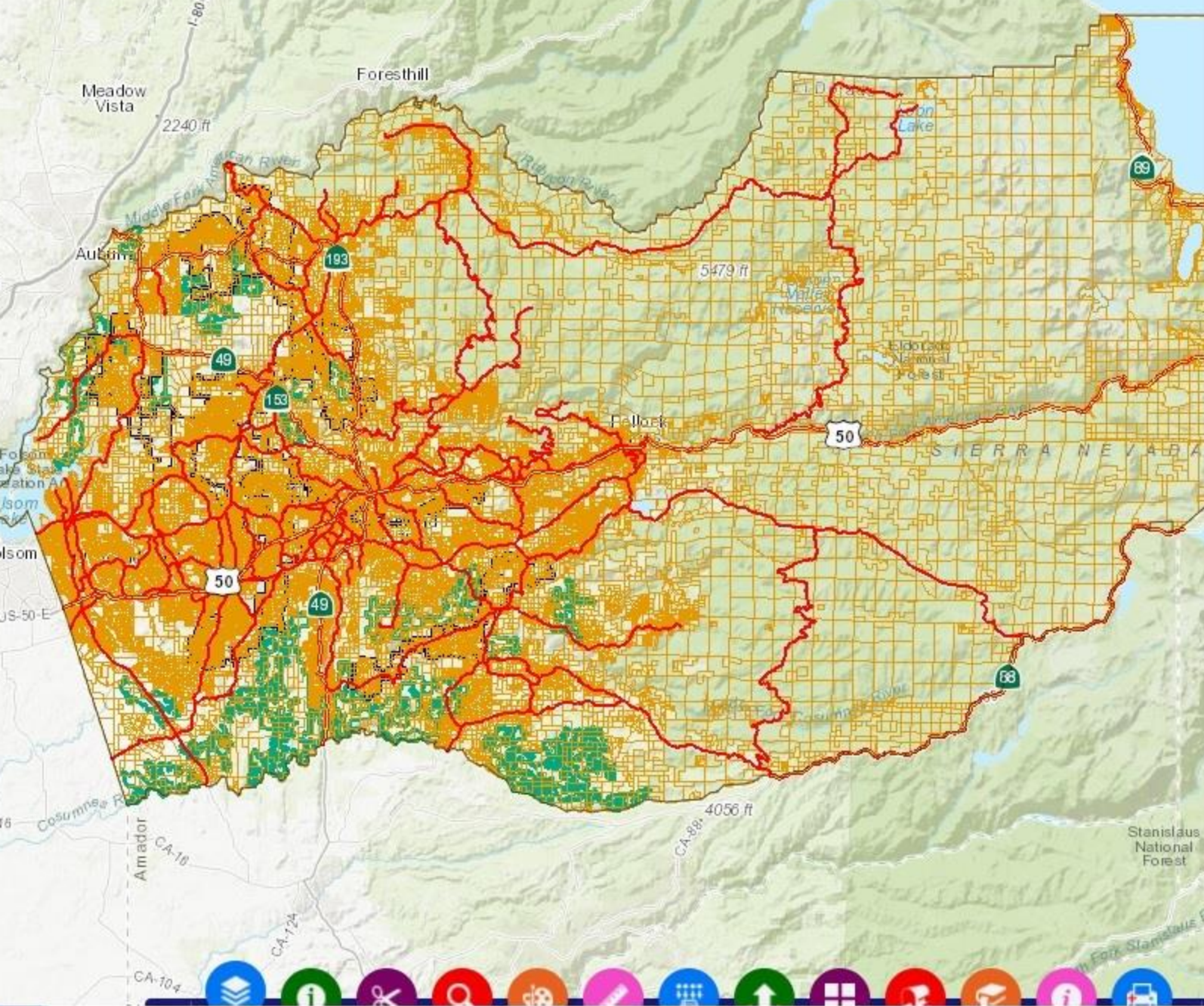




# PCAs and IBCs







- Parcels
- Labels - Asses
- Labels - Adresse
- Landuse
- Landuse
- Texas Hill R
- Adopted Pla
- Specific Pla
- Rural Center
- Community
- Platted Land
- Mineral Res
- Biological C
- IBC\_N: IBC
- Priority Con
- Ecological P