



PLANNING & BUILDING DEPARTMENT

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Date: August 12, 2019

To: Planning Commission (for Agenda: September 12, 2019)

From: Anne Novotny, Deputy Director of Planning

Subject: Proposed Weber Creek Canyon Important Biological Corridor (IBC)

STAFF RECOMMENDATION

Planning and Building Department, Planning Services Division-Long Range Planning recommends the Planning Commission forward a recommendation to the Board of Supervisors (Board) to:

- 1) Adopt Resolution (Attachment A) approving the boundaries of the Weber Creek Canyon Important Biological Corridor (IBC) as shown on the attached map (Resolution Exhibit A); and
- 2) Approve amending the Zoning Map to delineate the parcels located in the Weber Creek Canyon IBC (as listed on Resolution Exhibit B) and to add the Weber Creek Canyon IBC to the IBC Overlay; and
- 3) Determine that pursuant to the California Environmental Quality Act Guidelines Section 15168, there is no substantial evidence requiring the preparation of a subsequent Negative Declaration or an Addendum to the Program Environmental Impact Report (EIR) for the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance per Resolution 127-2017 adopted by the Board on October 24, 2017 (Attachment C); and

DISCUSSION / BACKGROUND

On October 24, 2017, the Board of Supervisors approved the General Plan Biological Resources Policy Update project (Agenda Item 34, Legistar File 12-1203). This project included a comprehensive update of the biological resources policies, objectives, and implementation measures in the General Plan. General Plan Policy 7.4.2.9 in the Conservation and Open Space Element was one of the updated policies (Attachment B). This policy pertains to the Important Biological Corridor (-IBC) overlay.

Policy 7.4.2.9 states that the “Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.” This policy also includes a new requirement for development projects within the Weber Creek Canyon IBC as follows:

“In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek Canyon IBC) shall be required to provide to the County a biological resources technical report (meeting the requirements identified in Section A of Policy 7.4.2.8 above). The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species (as defined in Section B of Policy 7.4.2.8 above) that may be affected by a proposed project as well as the presence of wildlife corridors particularly those used by large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Properties within the -IBC overlay that are found to support wildlife movement shall provide mitigation to ensure there is no net loss of wildlife movement function and value for special-status species, as well as large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Mitigation measures may include land use siting and design tools.”

While Policy 7.4.2.9 identifies the Weber Creek Canyon IBC, it does not specify the boundaries. For clarification, a map which delineates the parcels contained within the Weber Creek Canyon IBC was presented to the Board on July 18, 2017 (Legistar File 12-1203, Attachment 24E). During the Board’s discussion of this item, some Board members expressed concern that the property owners of the parcels within the Weber Creek Canyon IBC had not been notified of the revision to Policy 7.4.2.9 that requires applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek Canyon IBC) to provide to the County a biological resources technical report. The Board directed staff to return to the Board with a separate item regarding the Weber Creek Canyon IBC (7/18/2017 Board agenda Minutes, Item 44, Legistar File 12-1203).

The original revision to General Plan Policy 7.4.2.9 dates back to 2015. On March 30, 2015, the Board held a special meeting and discussed the proposed revisions to General Plan Policy 7.4.2.9 regarding Decision Points 8-10 on the Biological Policy update project. Decision Point 8 was to use IBC overlay standards for lands that occur within the IBCs to address wildlife habitat value, function, and connectivity. On the PowerPoint presentation (Attachment 12C, Legistar File 12-1203), slide 22 proposed to revise General Plan Policy 7.4.2.9 to require a site-specific biological resources technical report to determine the presence of special-status species or habitat, and wildlife corridors, and to establish standards for a north-south corridor between

Shingle Springs and Placerville, in the Weber Creek Canyon area. The Board moved staff's recommendation on Decision Point 8 as summarized on page 22 (Attachment 12C, Legistar File 12-1203) and as it applies to discretionary projects (3/30/2015 Board Agenda Minutes, Item 1, Legistar File 12-1203).

ENVIRONMENTAL CONSIDERATIONS

On October 24, 2017, the Board of Supervisors certified a Program Environmental Impact Report (EIR), adopted Findings of Fact and a Statement of Overriding Considerations, and approved a Mitigation Monitoring and Reporting Program for the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance per Resolution 127-2017 (Attachment C). The EIR is a program-level document. Program EIRs generally analyze broad environmental effects of the program, with the acknowledgement that site-specific environmental review may be required for particular aspects or portions of the program when those aspects are proposed for implementation (14 CCR 15168(a)).

The Weber Creek Canyon IBC is addressed in the EIR in Master Response 2 which notes that at least one north-south connection should be provided for the retention of wildlife movement, thus ensuring the best feasible protection for biodiversity throughout the County. Policy 7.4.2.8 requires that development within the County's IBCs achieve a "no net loss" of wildlife movement standard. While this requirement generally applies to projects that require a discretionary County approval, Policy 7.4.2.9 requires this standard within the Weber Creek Canyon IBC even for projects that require only ministerial approvals (such as a project that requires only a grading permit or a building permit). The Weber Creek Canyon IBC was selected for this additional level of protection because it currently provides a viable wildlife movement corridor crossing below U.S. Highway 50, the placement of lot lines within this IBC generally facilitate use of buffers and other design measures to ensure that the no net loss standard can be achieved, and the existing topography limits development opportunities nearest to Weber Creek, further facilitating achievement of the no net loss standard.

Master Response 7 in the EIR also addresses the higher level of protection to the Weber Creek IBC as noted in General Plan Policy 7.4.2.9 by requiring that discretionary and ministerial projects within the Weber Creek IBC achieve the no-net-loss standard for wildlife movement function and values for each project site, providing a north-south wildlife movement corridor connecting large habitat blocks north and south of U.S. Highway 50.

The County selected the Weber Creek Canyon IBC for this additional protection because it was determined to be the location where the greatest opportunities for wildlife movement currently exist and could be best preserved in the long-term. This determination was made based on

existing topographical constraints and development patterns. Weber Creek passes under U.S. Highway 50 approximately 100 feet below the highway. On the east side of the highway, properties surrounding Weber Creek are generally developed with single-family residences with large setbacks between the creek and property improvements. The creek passes under Forni Road, continues to the east through areas that support large lot single-family residential land uses, and passes under State Route 49 just north of the community of Diamond Springs. On the west side of the highway, the creek traverses areas with similar land use conditions – typically large lot single-family residential properties – and passes under Green Valley Road. Although there are a few areas near the Weber Creek Canyon IBC where new development is projected to occur (as shown on Figure 4-1 of the Draft EIR), these areas are located adjacent to but outside the boundaries of the IBC.

As noted above, General Plan Policy 7.4.2.9 identifies the Weber Creek Canyon IBC but does not define its boundaries. The Weber Creek Canyon IBC project consists of the request for the Board to adopt the proposed boundaries of the Weber Creek Canyon IBC which contains 92 parcels.

The Weber Creek Canyon IBC project is consistent with the project reviewed in the Program EIR for the General Plan Biological Resources Policy Update. Further, the analysis of impacts and mitigation in the EIR is adequate for the Weber Creek Canyon IBC. The Resolution (Attachment A) confirms that the certified Final EIR, Findings of Fact and Statement of Overriding Considerations the Board adopted on October 24, 2017, and all oral and documentary evidence received during the Planning Commission hearing on September 12, 2019 on the Weber Creek Canyon IBC have been reviewed and comply with the requirements of the California Environmental Quality Act (CEQA).

Under CEQA Guidelines Sections 15162 and 15163, when an EIR has been certified for a project, no subsequent or supplemental EIR is required or permissible for further discretionary approvals unless based on substantial evidence in light of the whole record one or more of the conditions listed in Section 15162 is present. The EIR for the General Plan Biological Resources Policy Update project is available online at:

<https://edcgov.us/Government/longrangeplanning/environmental/Pages/biopolicyupdate.aspx>

PUBLIC NOTIFICATION

The proposed Weber Creek Canyon IBC consists of 92 parcels (Resolution Exhibit B). Seventy-seven (77) or 84 percent of the 92 parcels are currently developed. The other 15 parcels are currently either vacant or undeveloped. All property owners of parcels located within the proposed boundaries of the Weber Creek Canyon IBC were notified by mail. The mailing included the following:

- Letter addressed to each individual property owner identifying their particular parcel(s) as being located within the proposed boundaries of the Weber Creek Canyon IBC (see Attachment D for sample letter);
- Public notice for the Planning Commission public hearing on September 12, 2019
- Specific requirements of General Plan Policy 7.4.2.9, which requires applicants of discretionary and ministerial projects within the Weber Creek Canyon IBC to provide a biological resources technical report to the County;
- Map of the Weber Creek Canyon IBC with parcel numbers; and
- County planning staff contact information for any questions or concerns.

NEXT STEPS

Staff will forward the Planning Commission's recommendation to the Board for consideration. If the Board adopts the Resolution approving the boundaries of the Weber Creek Canyon IBC as shown on the attached map (Exhibit A) and approves this Zoning Map amendment to amend the IBC Overlay to delineate the parcels located in the Weber Creek Canyon IBC and add the Weber Creek Canyon IBC to the IBC Overlay, staff will take the following steps: 1) coordinate with the County's GIS Manager in the Assessor's Office to update the County's Zoning Map to add the Weber Creek Canyon IBC to the IBC Overlay; 2) coordinate with the County's website manager to facilitate ease of locating the IBC map on the County website; and 3) coordinate with the TRAKiT data manager to add an IBC-Weber Creek Canyon designation and a description of the General Plan Policy 7.4.2.9 requirement for parcels in the Weber Creek Canyon IBC to each of the parcels in the TRAKiT database.

Attachments

Attachment A	Draft Resolution Approving the Weber Creek Canyon IBC
Attachment B	General Plan Policy 7.4.2.9
Attachment C	General Plan Biological Resources Policy Update EIR Resolution No. 127-2017
Attachment D	Sample letter to property owners