



LATE DISTRIBUTION

DATE 7-13-15

EDC COB <edc.cob@edcgov.us>

Public comment, file no. 12-1203, BOS 7/14/15 item 30

1 message

Ellen Van Dyke <vandyke.5@sbcglobal.net>

Sat, Jul 11, 2015 at 9:16 AM

To: Brian Veerkamp <bosthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Jim Mitrinin <edc.cob@edcgov.us>

Cc: Shawna Purvines <shawna.purvines@edcgov.us>

Public comment, BOS 7/14/15 item 30, file no. 12-1203

Dear Supervisors:

On June 22 you adopted Resolution 108-2015 under protest from the public that it was being rushed. Resolution 118-2015 is now before you to replace 108-2015 because of inaccuracies, and yet *the revision still does not reflect the motion of the Board*.

The motion made June 22nd specifically included the consideration of adding tree retention requirements to the drafted policies, but the Board did not want to revise the ROI on-the-spot for fear of errors and delay, and opted instead to "capture the intention within the motion". The ROI is now being revised (version 118) and the County's institutional memory could not retain the motion that was made two weeks ago long enough to include it in this revision. The only way for the public to know about it is to look up the minutes of the June 22nd meeting, and while that may be legal, it is NOT how you, the Board, show your intention to follow through with this really important policy: it should be included in the ROI.

1) Do NOT adopt this ROI (118-2015), but send it back and direct staff to have the motion and your intentions accurately reflected in a revised ROI.

You have allowed this process to be rushed, and taken cover behind staff telling you the policies are just 'draft' and changes can be made. At least three of you know that once the ROI is adopted and NOP (Notice of Preparation) is released, the draft policies cannot be significantly changed without reinitiating the environmental review. That is not a small thing. The word "Draft" at this point in the process does not mean the policies can be changed – it only means you can adopt them or choose not to adopt them. They ARE "set", and to claim otherwise as Mr. Defanti did June 22nd, is giving false information to the public.

With these policies as drafted, you have eliminated PAWTAC (a public input mechanism), you are cutting out mitigations from the 2004 General Plan, and you are restricting the ability of the public to comment on the policies themselves through both the timeframes and the manner in which the policy changes have been obfuscated (examples below). CDA Director Pedretti blamed public comment for the latest delays on the General Plan update, but here you are following in the exact same path of forcing public comment to the end of the process, rather than utilizing it to formulate public-supported policy.

2) Utilize the time required to correct this ROI to simultaneously allow the public to

12-1203 PC BOS Rcvd 7-13-15

review the final drafted policies.

Thank you for your consideration.
Ellen Van Dyke, Rescue

Back up info:

- Current General Plan policy 7.4.2.2 was first said to be revised to address noxious weeds, but it is now shown as deleted and its verbiage "*...the County shall protect the resources from degradation...*" does not occur in the new drafts anywhere.
- Mitigation Measures CO-L thru U (...protections..) are being revised and deleted.

It has been difficult to track what protections have been relocated, reworded, or simply deleted, and the rushed schedule and staff typos have not helped with that. Get it right, then allow the public to look at it before launching the EIR.

From 6/22 ROI 108-2015:

Table
**Summary of Revisions to General Plan Objectives,
Policies, and Implementation Measures**

General Plan Objective/Policy/Implementation Measure	Changes Made
Policy 7.4.1.1	Add "where feasible" following reference to County Code Chapter 17.71.
Policy 7.4.1.2	Add text to clarify which preserves are addressed by this policy.
Policy 7.4.1.3	Add text to clarify which preserves are addressed by this policy.
Policy 7.4.1.4	Add text to clarify which preserves are addressed by this policy.
Policy 7.4.1.5	Delete text
Policy 7.4.1.6	Delete policy, including reference to agricultural consultation, included in 7.4.2.8.

12-1203 14C 1 of 3

Resolution _____
Page 2 of 3

Table
**Summary of Revisions to General Plan Objectives,
Policies, and Implementation Measures**

General Plan Objective/Policy/Implementation Measure	Changes Made
Policy 7.4.2.1	Revise language to address coordinating wildlife and vegetation protection programs with appropriate Federal and State agencies
Policy 7.4.2.2	Revise text to address noxious weed management

From Dudek memo 6/22, which didn't match the ROI:

Table 4
Summary of Changes to the Draft Biological Resources Policies

General Plan Policy/Objective/ Implementation Measure	Changes Made
Policy 7.4.1.6	<ul style="list-style-type: none"> Text revised and moved to Policy 7.4.1.1.
Policy 7.4.1.7	<ul style="list-style-type: none"> Text moved to Policy 7.4.2.2.
Policy 7.4.2.8	<ul style="list-style-type: none"> Text was added to clarify that the Habitat Mitigation Summary Table in Section D does not apply to Pine Hill rare plant species habitat

From ROI 118-2015, revised for 7/14:

Resolution _____
Page 2 of 4

Table
**Summary of Revisions to General Plan Objectives,
Policies, and Implementation Measures**

General Plan Objective/Policy/ Implementation Measure	Changes Made
Policy 7.4.1.6	Delete policy, including reference to agricultural consultation, included in 7.4.2.8.
<u>Policy 7.4.1.7</u>	<u>Policy moved to Policy 7.4.2.2</u>
Policy 7.4.2.1	Revise language to address coordinating wildlife and vegetation protection programs with appropriate Federal and State agencies
Policy 7.4.2.2	Delete policy; replace with prior policy 7.4.1.7 regarding Revise text to address noxious weeds management

Resolution _____
Page 3 of 4

Table
Summary of Revisions to General Plan Objectives,
Policies, and Implementation Measures

General Plan Objective/Policy/Implementation Measure	Changes Made
	<p>oak woodland mitigation (Policies 7.4.4.4) and oak tree mitigation (including heritage trees (Policy 7.4.5.2). Framework removes necessity for two oak woodland mitigation options (Option A and B) and removes retention standards by incorporating an incentive-based approach for oak woodland impact avoidance.</p> <ul style="list-style-type: none"> • Revisions to projects or actions exempt from oak woodland and oak tree mitigation requirements. • Addition of criteria for conservation area identification outside of Priority Conservation Areas (PCA).
Policy 7.4.4.5	Delete Policy- Draft ORMP provides requirements for mitigation. -to change to an incentive-based approach rather than a requirement to retain oak woodlands.
Objective 7.4.5	Merged Objective 7.4.5 with Objective 7.4.4 to address oak woodlands and individual oak trees (including Heritage Trees). Remove 'Vegetation' as non-tree vegetation is addressed in Policy 7.4.2.8.
Policy 7.4.5.1	Remove Policy 7.4.5.1 as it is redundant with Policy 7.4.5.2 <u>which has been merged with Policy 7.4.4.4.</u>
Policy 7.4.5.2	Merge Policy 7.4.5.2 with Policy 7.4.4.4 to comprehensively address oak woodlands and oak tree resources in a 2-tiered framework. This mitigation framework is as identified in will be moved to the ORMP.
Measure CO-L	Revise to reflect changes to Policy 7.4.2.8.
Measure CO-M	Revise Deleted to reflect changes to Policy 7.4.2.8.
Measure CO-N	Revise Deleted to reflect changes to Policy 7.4.2.9.
Measure CO-P	Revise to reflect changes to Policy 7.4.4.4 and the ORMP.
Measure CO-U	Revise Deleted to reflect changes to Policy 7.4.2.8.

Minutes from 6/22 BOS:

1. 12-1203

Community Development Agency, Long Range Planning Division, recommending the Board consider the following:

- 1) Review and provide feedback on draft proposed General Plan amendments, draft Oak Resource Management Plan, and draft Oak Resource In-lieu Fee Program and Nexus Study (Attachment 14B);
- 2) Adopt and authorize the Chair to sign Resolution of Intention **108-2015** to amend the General Plan (Attachment 14C) and a Resolution of Intention **109-2015** to revise the Oak Woodland Management Plan, now known as the Oak Resource Management Plan (Attachment 14D), pending review and approval by Risk Management and County Counsel; and
- 3) Authorize staff to proceed with the preparation of all necessary documentation and environmental review pursuant to the requirements of the California Environmental Quality Act for the following:
 - a) Draft General Plan Amendment;
 - b) Draft Oak Resource Management Plan; and
 - c) Draft Oak Resource In-lieu Fee Program and Nexus Study, a component of the County's oak woodland mitigation program outlined in the Oak Resources Management Plan (Attachment 14B). (Est. Time: 3 Hr.)

Funding: N/A

Public Comment: E. Vandyke, J. Buetler, K. Payne, R. Hargrove, L. Christensen, C. Louis, R. Louis, A. Cantwell, J. Davies

A motion was made by Supervisor Ranalli, seconded by Supervisor Veerkamp to Approve this matter, Adopt Resolution's 108-2015 and 109-2015 and direct staff to:

Consider project alternatives as part of the environmental review process including:

- 1) Adding oak resource retention standards;
- 2) Options for Individual Oak Tree (IOT) replacement mitigation (e.g. acorn to 15 gallon potted tree) and associated analysis of the implications for the In-lieu Fee Nexus study based on these options, and
- 3) Oak resource mitigation requirements related to discretionary and ministerial projects.

Yes: 4 - Mikulaco, Veerkamp, Frentzen and Ranalli

Absent: 1 - Novasel

Agenda item for 7/14:**30. 12-1203**

Community Development Agency, Long Range Planning Division, recommending the Board adopt and authorize the Chair to sign revised Resolution of Intention **118-2015** to more accurately reflect the proposed amendments to General Plan Chapter 7 - Conservation and Open Space Element presented and discussed on June 22, 2015 as part of the **Biological Policy Update** project.

FUNDING: N/A