

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

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**Planning Commission, April 27, 2017  
Agricultural Commission, May 10, 2017**

# Agenda

- **Open Public Hearing**
- **Presentation**
- **Questions from Planning Commission**
- **Receive Public Comment**
- **Close Public Hearing**
- **Planning Commission Discussion**
- **Planning Commission Recommendation**

# Presentation Overview

- **Purpose of Today's Hearing** (Anne Novotny)
- **Project Description and Objectives** (Anne Novotny)
- **Background and History** (Anne Novotny)
- **General Plan Biological Resources Policy Update Project**  
(Dudek – Cathy Spence-Wells, Scott Eckhardt, Katherine Waugh)
- **Environmental Review Process** (Dudek)
- **Public Involvement** (Anne Novotny)
- **Staff Recommendation** (Anne Novotny)

# Purpose of Today's Hearing

- **Planning Commission review and recommendation to Board of Supervisors regarding:**
  - 1. Certification of Final Environmental Impact Report**
  - 2. Adoption of Amendments to General Plan Biological Resources Policies, Objectives and Implementation Measures**
  - 3. Adoption of Oak Resources Management Plan**
  - 4. Adoption of Oak Resources Conservation Ordinance**

# Why Is This Project Important

- Existing biological policies difficult and costly to implement
- Limited options and overlapping requirements for oak mitigation
- Current policies, such as requiring onsite preservation, constrain economic development opportunities in County's key growth areas such as Hwy 50 Corridor
- Oak woodland and oak canopy language unclear in current policies
- Lack of consensus by stakeholders and public on adequacy of data collected to date, and polarized views on approach to implement the policies
- Hwy 50 and surrounding development form substantial barrier to wildlife movement

# PROJECT DESCRIPTION AND OBJECTIVES

# 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 OBJECTIVES





# Project Objectives

- **General Plan Policy Revisions**
  - 1. Develop self-implementing biological resource policies**
  - 2. Clearly define resources covered and development activities affected**
  - 3. Streamline environmental review process**
  - 4. Establish policies that comply with State and federal law**

**(Draft EIR, Chapter 3, Project Objectives, Section 3.3)**

# Project Objectives

- **Oak Resources Management Plan**
  - 1. Define mitigation requirements for impacts to oak resources for oak resource management and conservation**
  - 2. Comply with Implementation Measure CO-P**
  - 3. Establish plan for voluntary conservation to use by landowners, County and others to seek grants/cost-sharing from state and federal funding for oak woodland conservation**

**(Draft EIR, Chapter 3, Project Objectives, Section 3.3)**

# BACKGROUND AND HISTORY

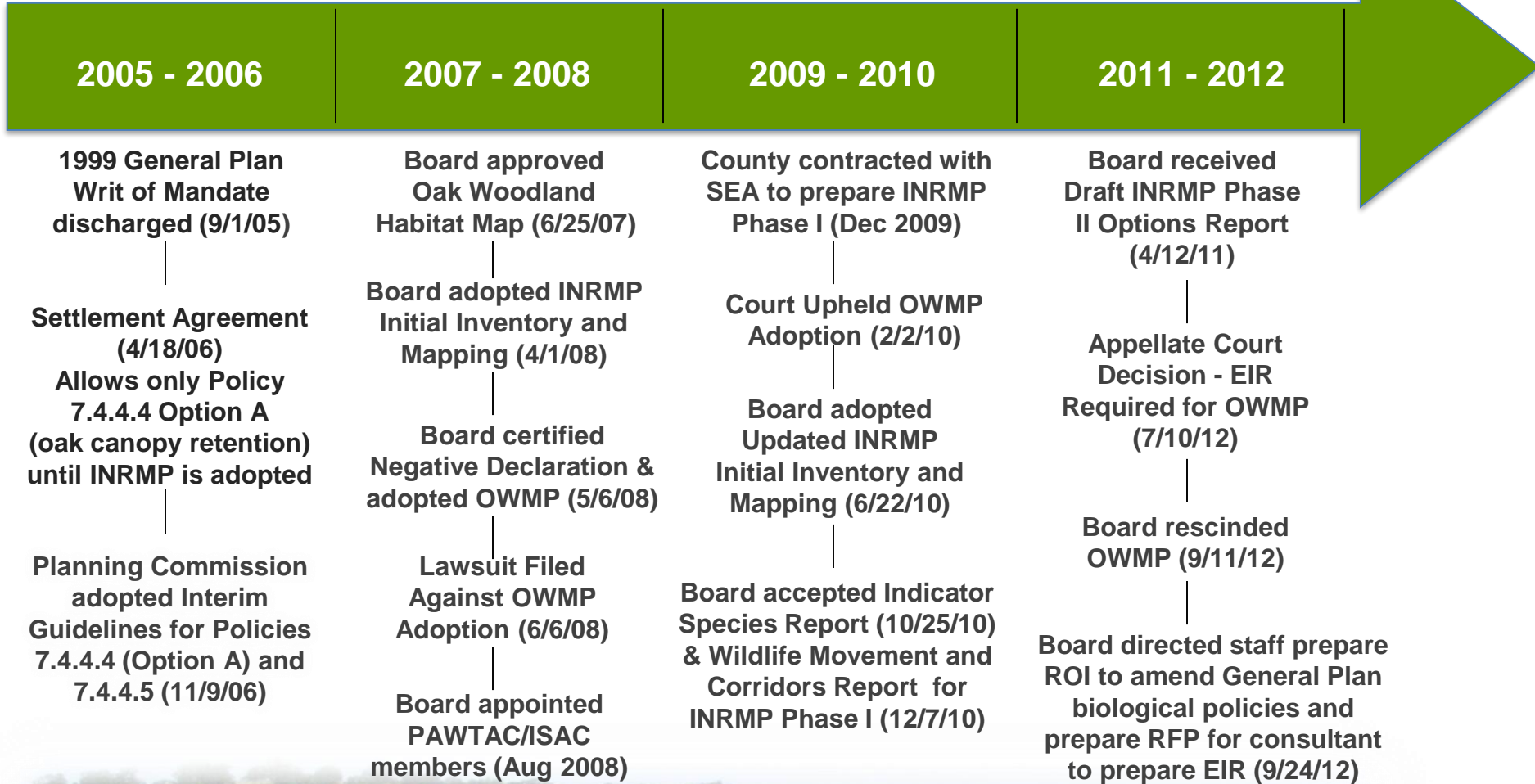


# Background and History

- **County engaged in ongoing efforts to implement the biological resources policies in 2004 General Plan for over a decade**
- **Substantial resources (time and money) invested in this process which has not been completed**
- **Roadblocks to developing an Integrated Natural Resources Management Plan (INRMP) as required by Policy 7.4.2.8**
- **2006 Settlement Agreement (GP lawsuit) limits Policy 7.4.4.4 to Option A (oak canopy retention) until INRMP is adopted**
- **Delay in adopting in-lieu fee (Policy 7.4.4.4 Option B) impacting development**

# Timeline 2004 - 2012

## 2004 General Plan Adopted / EIR Certified (7/19/04)



# Background and History

- **In July 2006, policy issues requiring clarification presented to the Planning Commission**
  - 1. Clarify intent/applicability of Policy 7.4.4.4**
  - 2. Determine qualifications needed to prepare oak woodland inventory/impact assessment and mitigation/replacement program**
  - 3. Define oak woodlands and related key terms**
  - 4. Clarify exemptions to retention requirements of Policy 7.4.4.4**
  - 5. Clarify 1:1 replacement requirements/options under Option A of Policy 7.4.4.4**
  - 6. Establish process to consider minor modifications to retention/replacement requirements if determined necessary to ensure reasonable use of property**
  - 7. Clarify application of Policy 7.4.4.5 (Corridor Retention)**



# Background and History

- **In November 2006, Planning Commission adopted Interim Interpretive Guidelines for Policy 7.4.4.4 Option A and Biological Resources Study and Important Habitat Mitigation Program**
- **Policy 7.4.2.8 - Integrated Natural Resources Management Plan (INRMP) process divided into two phases:**
  - Phase 1 – fact-finding (data collection, baseline conditions)
  - Phase 2 – INRMP development and environmental review
- **Two Board appointed committees were convened:**
  - Plant and Wildlife Technical Advisory Committee (PAWTAC)
  - INRMP Stakeholders Advisory Committee (ISAC)

# Background and History

- **May 2008 – Board adopted Oak Woodland Management Plan (OWMP) - oak portion of the INRMP (Policies 7.4.4.4 and 7.4.5.2)**
- **June 2008 – lawsuit filed asserting impacts from implementing OWMP not analyzed in General Plan EIR**
- **February 2010 – Trial Court upheld the OWMP**
- **July 2012 – Appellate Court held that County had not adequately evaluated environmental effects of the OWMP and required an EIR for the OWMP**
- **September 2012 – County rescinded the OWMP and its implementing ordinance**

# Background and History

- **INRMP Phase 1 Completed in 2011**
  - **Oak Woodland Habitat Map (Board approved June 2007)**
  - **Initial Inventory & Mapping (Board adopted April 2008; Update adopted June 2010)**
  - **Indicator Species Report (Board accepted Oct 2010)**
  - **Wildlife Movement and Corridors Report (Board accepted Dec 2010)**
  
- **INRMP Phase II initiated in 2011**
  - **Draft RFP provided to the Board (June 2011)**
  - **Staff also presented list of 11 policy issues for Board direction to further refine the RFP**

# Background and History

- **INRMP Phase 2 Policies Issues presented to Board June 2011**
  - 1. Mitigation Plan**
  - 2. County ownership of fee title lands**
  - 3. Land or easement acquisition from willing sellers**
  - 4. Mitigation Plan funding mechanism**
  - 5. Operational Costs**
  - 6. General Plan Policies**
  - 7. Williamson Act lands**
  - 8. Agricultural lands**
  - 9. Highway 50 (Caltrans facility) wildlife movement/safety**
  - 10. Fire Prevention**
  - 11. Oak Woodland Management Plan and Ecological Preserves**

**(See Legistar File 11-0330, Attachment 3E, Staff Memo dated 6/21/11)**

# Background and History

- Options Memo presented to Board in September 2012
    - Report analyzed six different approaches to implementing the General Plan biological policies
    - Options 1 – 3: Implement Existing Policies (as written in the 2004 General Plan)
    - Options 4 – 6: Amend the biological policies for clarification
    - Staff recommended Option 6: Adopt a Resolution of Intention (ROI) to amend General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, 7.4.2.9 and related Implementation Measures
  - Board accepted staff's recommendation and directed staff to prepare the ROI and RFP to hire consultant to assist County with policy amendments and to prepare an EIR
- (See Legistar File 12-1203, Attachment A, Staff Memo dated 6/20/12)

# Background and History

- **Implementation of policies addressing protection of oak trees and oak woodlands has been difficult due to:**
  - **Policies controversial and difficult to apply uniformly due to different interpretations of policy language by various groups**
  - **Policy 7.4.4.4 open to interpretation over its intent, specifically whether to protect individual trees or oak woodland habitat (inclusive of area surrounding the trees)**
  - **Policy 7.4.4.4 Option B (in-lieu fee payment for impacts to oaks woodlands) is currently not available; limited to Option A only (oak canopy retention)**



## **Proposed Development Potentially Projects Constrained by Policy 7.4.4.4 Option A (On-Site Retention)**

- **Proposed development projects that support the County's General Plan goals and objectives (such as economic development, creation of jobs, development of affordable housing, directing growth to areas with infrastructure) are:**
  - **Delaying or phasing projects – can't meet on-site oak canopy retention requirements, or costs for monitoring plantings for 10 years**
  - **Design Modifications – to accommodate on-site retention requirements, resulting in increased project costs and extended project completion dates**
  - **Potentially pushing development outside of Community Regions and into Rural Areas**

# **County Transportation CIP Projects Constrained by Policies 7.4.4.4 and 7.4.5.2**

- **In-lieu fee option would help facilitate County's bridge replacement program and trail projects**
  - **Mitigation is inefficient – each project must manage its own mitigation**
  - **Contract administration costs for planting and 10-year monitoring for each individual project – substantial costs**
  - **Projects with oak mitigation must remain active in CIP for 5 years – additional administrative/budget expenses**
  - **Grant-funded projects typically only cover monitoring costs for first 5 years – County has to fund for years 6-10**
  - **Grant-funded projects must remain open for 5 years – grants not closed out in a timely manner**

# **GENERAL PLAN BIOLOGICAL RESOURCES POLICY UPDATE PROJECT**

**See Staff Report Exhibits B, B-1, and E  
(Legistar File 12-1203, Attachments 22F, 22G, and 22J)**

# Timeline 2014 - 2017



# Dudek Memos July 2014

In July 2014, Dudek presented the Board with two memos:

- 1. Background Memo – reviewed historical background and status of key General Plan biological policies and related implementation measures**
- 2. Policy Options Memo – outlined four broad policy options for the Board to consider**

**(See Legistar File 12-1203, Attachment 5B for Background Memo and Attachment 5C for Policy Options Memo)**

# Options Considered

The four broad policy options proposed differing approaches to amending the General Plan Policies:

- Option 1: Compliance with State/Federal Regulations
- Option 2: Mitigation Approach
- ✓ Option 3: Mitigation/Conservation Approach
- Option 4: Conservation Approach

**On October 7, 2014, the Board selected Option 3**

**(See Legistar File 12-1203, Attachment 5C and 6A)**



# 10 Key Decision Points

1. ORMP In-Lieu Fee Study
2. Oak Resources Measurement Methodology
3. Roadway Undercrossing Requirements
4. Two-tiered Mitigation and Threshold
5. Priority Conservation Area (PCA) Update
6. Oak Mitigation Exemptions
7. Special Status Resource Mitigation
8. Important Biological Corridor (IBC) Standards
9. Whether to include Important Ecological Areas with PCAs & IBCs in Conservation Strategy
10. Database of Willing Sellers

**(See Legistar File 12-1203, Attachments 9B, 10A, 10B, 11A, 11B, 12A, 12B)**

# Draft Policy Revisions & Draft ORMP

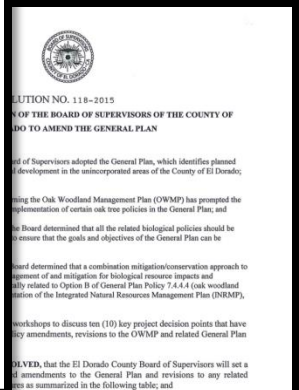
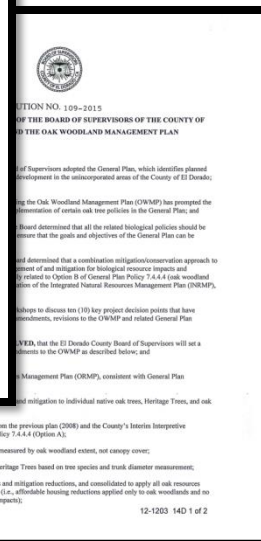
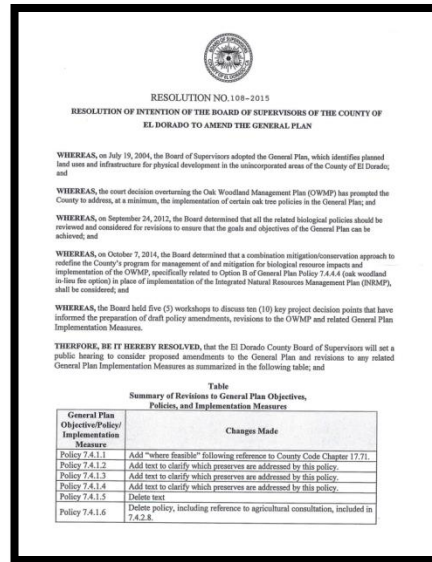
- On May 18, 2015, Board Workshop to present Draft policy revisions and Draft Oak Resources Management Plan (ORMP)
- On June 22, 2015, Board Workshop to present Draft Oak Resources In-Lieu Fee Study and revised Draft Policies and revised Draft ORMP, and Draft Resolutions of Intention

(See Legistar File 12-1203, Attachments 13A – 13G)

# Board Direction June 22, 2015

## Resolutions of Intention (ROI)

- No. 108-2015 – Amend General Plan Biological Policies
- No. 109-2015 – Amend Oak Woodland Management Plan (Retitled to Oak Resources Management Plan)
- No. 118-2015 – Amend General Plan Biological Policies (adopted 7/14/15; supersedes ROI 108-2015)



(See Legistar File 12-1203, Attachments 14C, 14D, 15A, 15B)

# Proposed General Plan Amendments

<b>Revised Policies</b>	<b>7.4.1.1, 7.4.1.2, 7.4.1.3, 7.4.1.4, 7.4.2.1, 7.4.2.4, 7.4.2.8, 7.4.2.9, 7.4.4.2, 7.4.4.3, 7.4.4.4</b>
<b>Deleted Policies*</b>	<b>7.4.1.5, 7.4.1.6, 7.4.1.7, 7.4.2.2, 7.4.2.6, 7.4.2.7, 7.4.4.5, 7.4.5.1, 7.4.5.2 (merge with Policy 7.4.4.4)</b>
<b>Revised Objectives</b>	<b>7.4.1, 7.4.4, 7.4.3 (incorporated in Policy 7.4.2.1), 7.4.5 (merged with Objective 7.4.4)</b>
<b>Revised Implementation Measures</b>	<b>CO-L, CO-P</b>
<b>Deleted Implementation Measures</b>	<b>CO-M &amp; CO-U (per changes to Policy 7.4.2.8) CO-N (per changes to Policy 7.4.2.9)</b>

**For details, see Table 3-1 in Staff Report Exhibit B (Legistar File 12-1203, Attachment 22F)**

**\*Deleted for purposes of clarification and/or consolidation**

# Key Policy Amendments

- **Proposed Policy 7.4.2.8 – Biological Resources Mitigation Program**
  - **Restructure current INRMP requirements into the mitigation/conservation approach**
  - **Establish mitigation ratios to be applied uniformly county-wide**
  - **Conserves contiguous blocks of important habitat**

**(See Staff Report Exhibit E for Draft Conservation and Open Space Element with Track Changes, Legistar File 12-1203, Attachment 22J)**



# Key Policy Amendments

- **Proposed Policy 7.4.2.8 – Discretionary development projects required to:**
  - **Prepare biological resources technical report that determines area of impact to each habitat type supported at project site**
  - **Mitigate impacts through preservation and/or creation to ensure current range and distribution of special-status species within the County are maintained**
  - **Provide for mitigation monitoring**

**(See Staff Report Exhibit E for Draft Conservation and Open Space Element with Track Changes, Legistar File 12-1203, Attachment 22J)**



# Key Policy Amendments

- **Proposed Policy 7.4.2.8 – Self-implementing**
  - Establishes standards for biological resources technical reports
  - Defines categories of plant and wildlife special-status species
  - Sets minimum ratios for mitigating impacts to all vegetation communities
  - Provides criteria for identifying mitigation sites

**(See Staff Report Exhibit E for Draft Conservation and Open Space Element with Track Changes, Legistar File 12-1203, Attachment 22J)**

# Key Policy Amendments

- **Proposed Policy 7.4.2.9 – Important Biological Corridors (IBCs) Overlay Standards**
  - No net loss of wildlife movement function and value
  - Weber Creek Canyon
- **Proposed Oak Resources Policies**
  - Consolidated 7.4.4.4 and 7.4.5.2
  - Revised to refer to oak tree/woodland mitigation requirements in the ORMP

**(See Staff Report Exhibit E for Draft Conservation and Open Space Element with Track Changes, Legistar File 12-1203, Attachment 22J)**

# **OAK RESOURCES MANAGEMENT PLAN (ORMP)**

**See Staff Report Exhibits C, C-1, and F  
(Legistar File 12-1203, Attachments 22H, 22P, and 22G)**

# Oak Resources Management Plan

- County encompasses approx. 1,800 square-mile area
- Nearly half the land area of the County falls under other jurisdictions (e.g., National Forest Lands, Bureau of Land Management, Lake Tahoe Basin Management Unit)
- ORMP would apply to areas within the County at or below 4,000-foot elevation, which encompasses approx. 872 square miles (560,000 acres)
- Acreage of Oak Woodland in ORMP Planning Area is approx. 247,000 acres (2015 FRAP Data)
- Projected Land Cover Conversion (of all habitat types) by 2035 is approx. 13,000 acres (4,848 acres of oak woodland)

# Oak Resources Management Plan

- **Updates 2008 Oak Woodland Management Plan (OWMP)**
- **Defines mitigation requirements for impacts to oak woodlands, individual native oak trees and Heritage Trees**
- **Outlines County's strategy for oak resource management and conservation**
- **Functions as the oak resources component of County's Biological Resources Mitigation Program identified in proposed Policy 7.4.2.8.**
- **Complies with Implementation Measure CO-P**



# Oak Resources Management Plan

- Two-tiered mitigation approach
- Incorporates oak tree, heritage tree and oak woodland mitigation
- Incentive-based approach for oak woodland impact avoidance
- Identifies projects or actions exempt from oak woodland/oak tree mitigation requirements
- Criteria for identifying conservation lands outside of Priority Conservation Areas (PCAs)
- Technical report submittal requirements and minimum qualifications for report preparation
- Mitigation monitoring and reporting requirements



# Oak Resources Mitigation Options

- **Acquire Conservation Easement, Deed Restriction, and/or Property**
  - **On-site and off-site options**
- **Replacement Tree Planting**
  - **On-site and off-site options**
- **In-lieu Fee Payment**
- **Combination of options**

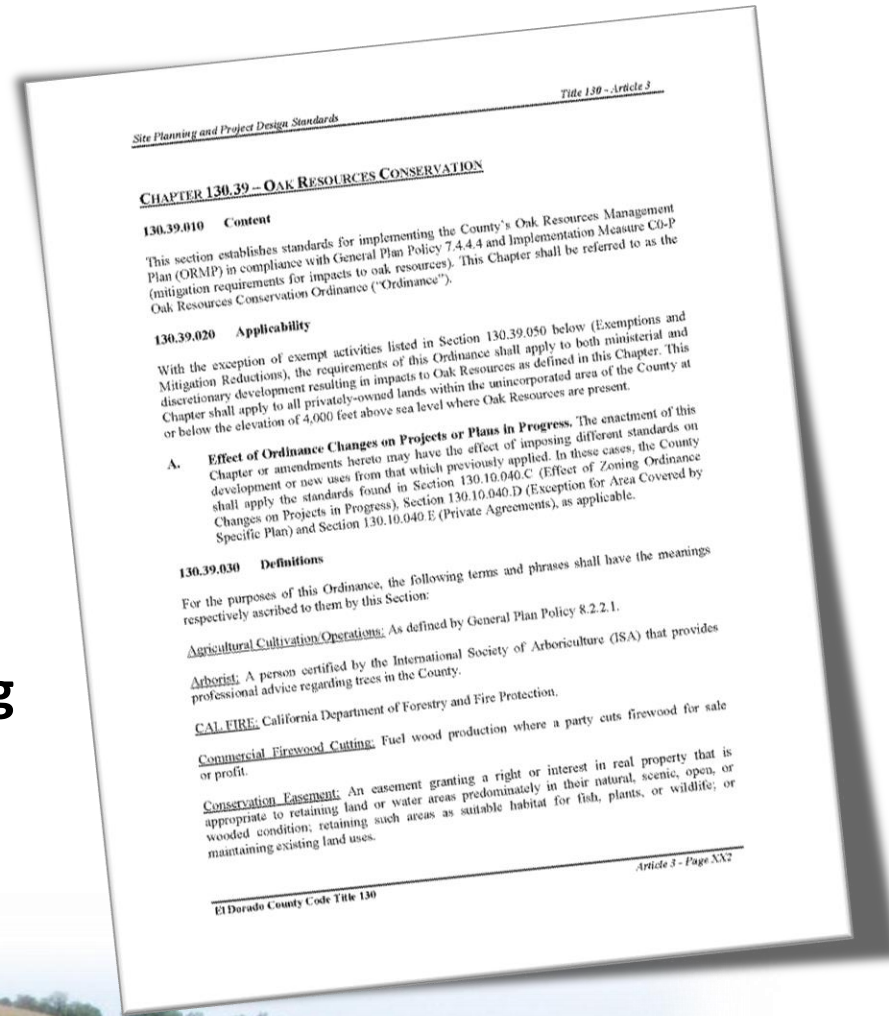


# **OAK RESOURCES CONSERVATION ORDINANCE**

**See Staff Report Exhibits D and G  
(Attachments 22I and 22L to Legistar File 12-1203)**

# Oak Resources Conservation Ordinance

- Implements ORMP
- Provides detailed standards regulating oak resources including:
  - Definitions of Terms
  - Mitigation requirements and exemptions
  - Oak tree/oak woodland removal permit and reporting requirements
  - Enforcement and monitoring



# **ENVIRONMENTAL REVIEW PROCESS**

# Environmental Review

- **The Program EIR evaluates range of potential impacts related to proposed policies and ORMP**
- **Adoption of GP policies and ORMP would not approve any construction or specific development projects**
- **Project-specific CEQA compliance required for any future discretionary actions**

# EIR Content

- **Draft Program EIR**
  - **Describes proposed project**
  - **Identifies impacts and levels of significance**
  - **Recommends mitigation measures to reduce significant impacts**
  - **Evaluates project alternatives that could reduce or avoid significant impacts**

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

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



# 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>

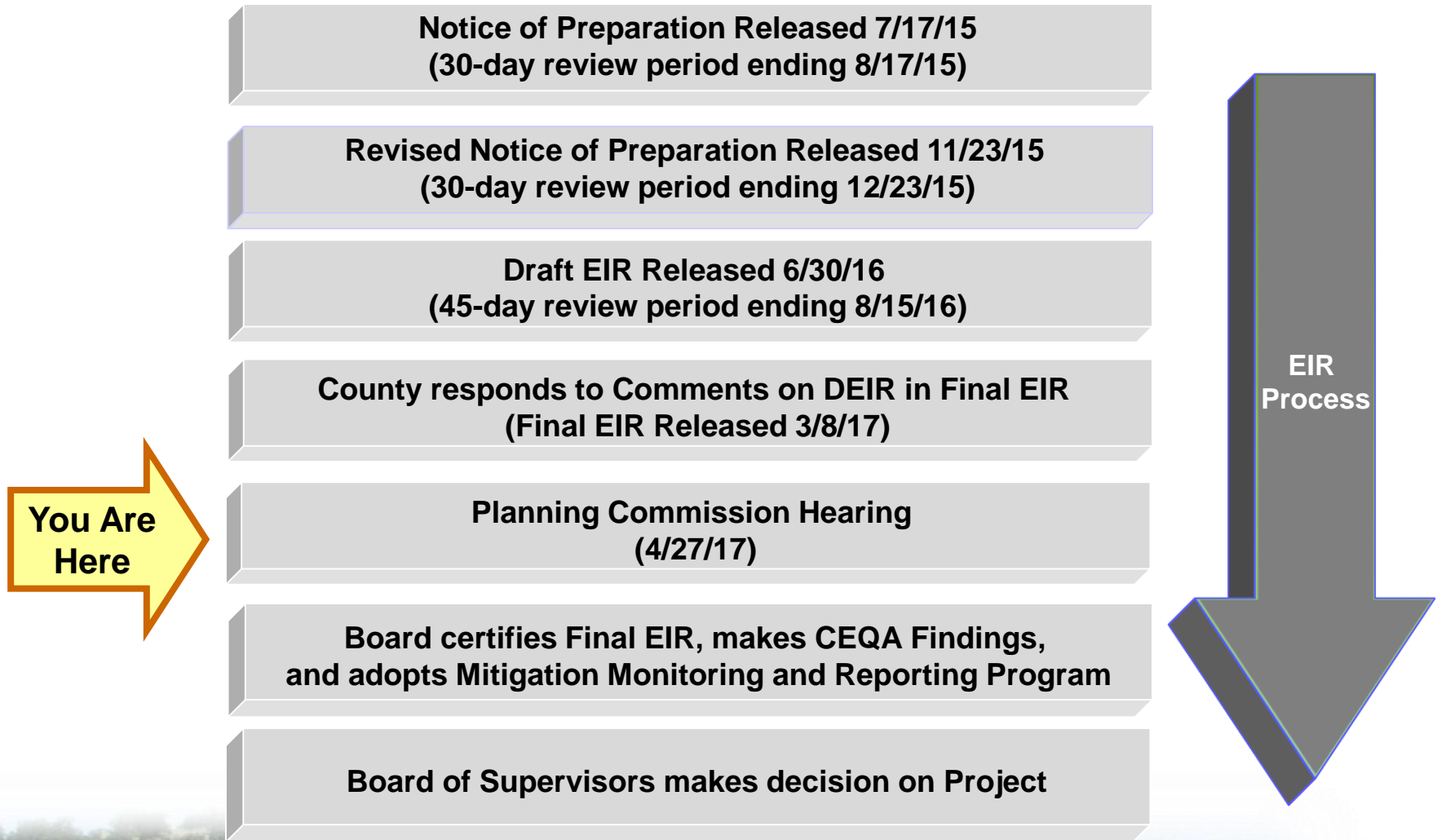
# Final EIR

- 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 (See Staff Report Exhibit A-3, Attachment 22E to 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>

# Environmental Review Timeline



CEQA Guidelines Sec. 15082, et seq.

# CEQA Public Noticing Requirements For EIRs

Required by CEQA		Completed by County
<b>Notice of Preparation (NOP) of an EIR (30-day public review period)</b>		<b>First NOP Released 7/17/15 and Second NOP Released 11/23/17 for 30-day review periods</b>
<b>1 Public Scoping Meeting during NOP to receive comment on Draft EIR content</b>		<b>Public Scoping Meeting at Planning Commission meeting 8/13/15</b>
<b>Notice of Availability (NOA) of Draft EIR published in one newspaper of general circulation in project area</b>		<b>Legal Notices published in Mt. Democrat &amp; Tahoe Tribune (6/29/16), and Georgetown Gazette (6/30/16)</b>
<b>Draft EIR (45-day public review period)</b>		<b>Draft EIR Released 6/30/16 for 45-day review period</b>
<b>Final EIR – Prepare written responses to comments on Draft EIR</b>		<b>Final EIR Released 3/8/16; Responses to comments included in Final EIR Chapter 3 (Master Responses in Chapter 2)</b>

# **SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

# Significant Impacts

- **LU-2: Substantially alter or degrade the existing land use character of the County**
- **BIO-1: Result in the loss and fragmentation of wildlife habitat**
- **BIO-2: Have a substantial adverse effect on special-status species**
- **BIO-3: Have a substantial adverse effect on wildlife movement**
- **BIO-4: Result in the removal, degradation and fragmentation of sensitive habitats**



# Significant Impacts (Con't)

- **FOR-1: Result in the loss of forest land or conversion of forest land to non-forest use**
- **FOR-2: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use**
- **GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment**
- **VIS-2: Substantially degrade the existing visual character or quality of the area or region**

# Mitigation Measures

- **MM BIO-1: Conservation Area Monitoring**
  - **Added language to proposed Policy 7.4.2.8 establishing requirements for mitigation monitoring**
- **MM BIO-2: Require Mitigation for Valley Oak Tree and Valley Oak Woodland Impacts**
  - **Added language to ORMP and Oak Resources Conservation Ordinance to exclude valley oak trees and woodlands from ORMP exemptions**

# **DRAFT EIR PROJECT ALTERNATIVES**

# Draft EIR Project Alternatives

- **CEQA Requirements**
  - Reasonable range
  - Reduce or avoid the proposed project's significant impacts
  - Feasibly attain most of the basic project objectives



# Draft EIR Project Alternatives

- **Potential Alternatives Identified:**
  - **No Project**
  - **Minimum Oak Woodland Retention Requirement**
  - **No Net Loss of Oak Woodlands**
  - **Assessment District**
  - **Habitat Fragmentation/Wildlife Movement**
  - **No Development in Important Biological Corridors (IBC)**
  - **Replacement Tree Sizes**
  - **Conservation Alternative (smaller minimum habitat areas)**
  - **Increased Protection Within Community Regions**

# Project Alternatives Evaluated

- **Alternative #1: No Project**
  - Proposed General Plan amendments, ORMP and implementing ordinance would not be adopted
  - Future development would continue to be evaluated under existing General Plan policies
- **Alternative #2: Minimum Oak Woodland Retention Requirement**
  - Would require minimum 30% oak woodland retention for all future development at or below 4,000-foot elevation
  - Would require modification to ORMP and implementing ordinance



# **SUMMARY OF CHANGES TO DRAFT EIR**

# Changes to Proposed Project & Draft EIR

- Minor corrections, additions and revisions
- Changes represent minor corrections/clarifications to the DEIR analysis as a result of public and agency comments and additional review by staff/consultants
- Changes do not constitute significant new information that would require recirculation of the Draft EIR (CEQA Guidelines Section 15088.5)

*These changes do not affect the significance of identified environmental impacts, nor the effectiveness of proposed General Plan policies.*

(See Final EIR, Chapter 4 – Text Changes to the Draft EIR)

# Changes to Proposed Project

- 1. Changes to Policy 7.4.1.1 – Removed the proposed language “where feasible” from the draft policy**
- 2. Changes to proposed Policy 7.4.2.8 – Subsections C & F**
- 3. Revisions to land cover impact totals, including oak woodlands – resulting from a calculation error**
- 4. Agricultural Activities Exemption – Would not apply to activities that require a Conditional Use Permit**
- 5. Personal Use Exemption – Clarify tree removal limits**

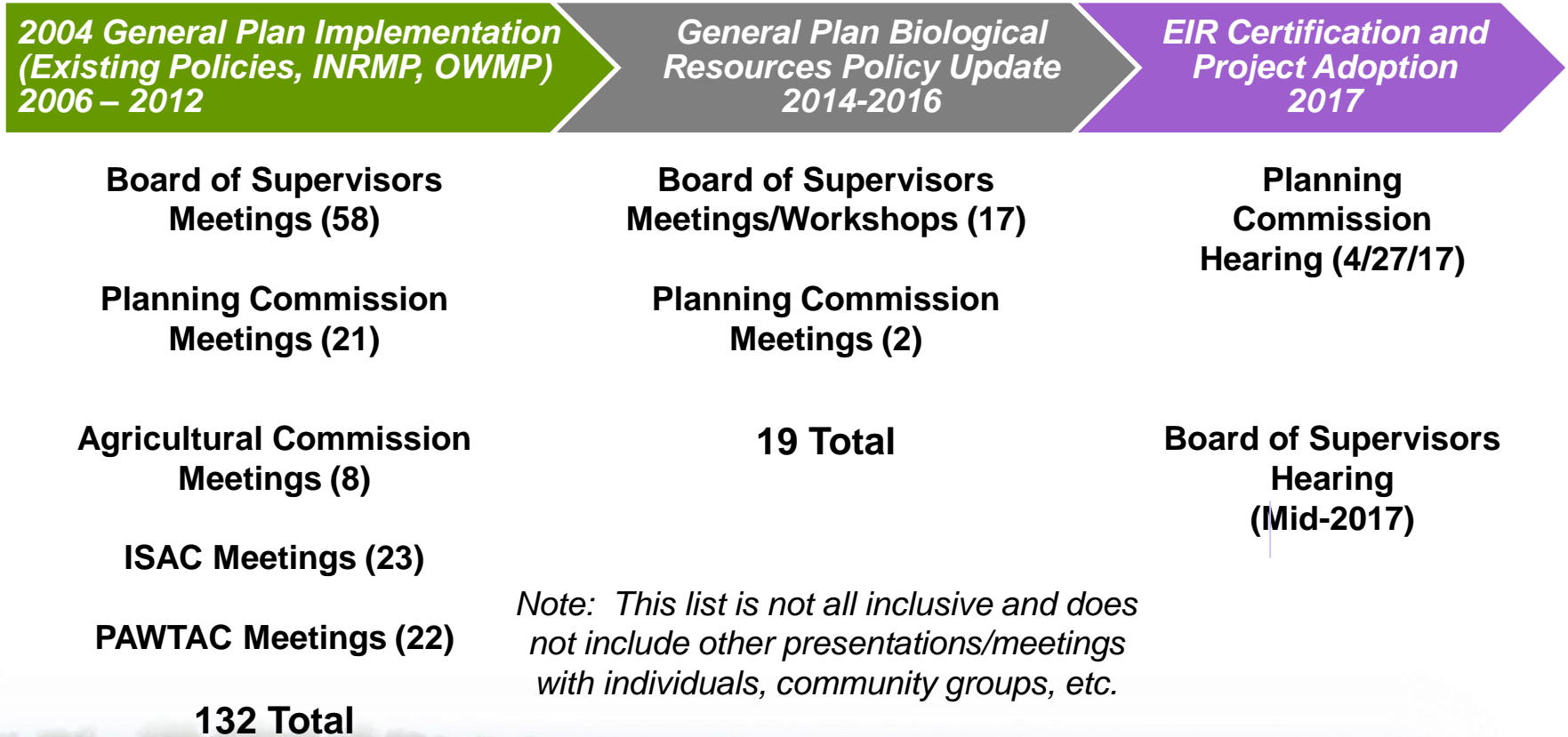
# Changes to Proposed Project & Draft EIR

- 6. Revise proposed ORMP mitigation exemptions for consistency with Draft EIR Mitigation Measure BIO-2**
- 7. Clarify scenic viewpoints on Hwy 50 near Bass Lake Road**
- 8. Greenhouse Gas Emissions – Additional technical explanation/clarification of previously identified impacts**

# PUBLIC INVOLVEMENT

# Public Involvement Process/Timeline

Over 10-year period (2006-2016), over **150** public meetings were held in which Project-related items were discussed.





# Planning Commission Meetings 2006 - 2017

## General Plan Biological Resources Policies discussed at 24 Planning Commission Meetings 2006 – 2017

Discussion	2006	2007	2008	2015 - 2017
Interim Oak Guidelines for Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2	7/27, 8/10, 8/24, 9/14, 9/28, 10/12, 11/9	5/10		
Oak Woodland Management Plan (Policies 7.4.4.4 and 7.4.5.2)	11/16, 12/14	1/25, 2/9, 2/22, 4/26, 5/10, 10/11, 10/25, 12/13	3/13/18	
Integrated Natural Resources Management Plan (Policy 7.4.2.8)			2/28, 3/27	
Biological Resources Policy Update/ORMP				8/13/15, 8/11/16, 4/27/17

# Board Public Workshops 2014 - 2015

12 public workshops held in 2014-15 as summarized below

Date	Discussion
7/28/14	Review History/Background and Policy Options memos
10/7/14	Public comments and Board selection of Mitigation/Conservation Approach
11/21/14	Discussion of Oak Woodland Management Plan (OWMP) and in-lieu fee
1/13/15, 1/26/15, 2/23/15, 3/30/15	Public comment and Board direction on Decision Points 1 through 10
5/18/15	Public comment and Board direction on proposed draft policies and draft Oak Resources Management Plan (ORMP)
6/22/15	Presentation of revised draft policies and draft ORMP and initial presentation of draft Oak Resources In-Lieu Fees Nexus Study
7/14/15	ROI 118-2015 (supersedes ROI 108-2015) to more accurately reflect proposed amendments to the General Plan biological polices
8/13/15	EIR Scoping Meeting during Planning Commission meeting
9/29/15	Discussion of key comments raised during Draft EIR NOP public comment period on Draft ORMP and Draft Oak Resources In-Lieu Fee Nexus Study

# Public Notification Methods

- **Legal Notices** – published in all major local newspapers
- **NOP/NOA Postings** – at County Recorder’s Office, by main public entrances to County Buildings A, B & C, and at all County public libraries
- **Direct Mailings** – to approx. 200 interested parties, agencies, Native American Tribal and Military contacts and including tribal contacts provided by the Native American Heritage Commission (AB 52 and SB 18)
- **County Website Postings** – on County website’s home page under News & Hot Topics and email notifications sent to News & Hot Topics subscriber list (over 1,400 subscribers)
- **Project Webpage** – frequent updates; NOPs and NOA posted on dedicated project web page
- **Email Blasts** – to over 1,300 subscribers to Long Range Planning News & Updates
- **Direct Emails** – to external agencies and other interested parties
- **Flyers** – Project Fact Sheets posted prior to many public meetings

News

## County updating General Plan’s biological policies

By Chris Daley | July 27, 2015

### Public hearings will be set

El Dorado County’s 2006 Oak Woodlands Management Plan, newly rechristened as the Oak Resources Management Plan, is once again getting a makeover.

Developed by the Long Range Planning Division of the Community Development Agency, the biological policy update project’s new resolution of intention was presented by Principal Planner Shawna Purvines at the Board of Supervisors’ July 14 meeting. Initially slated on the Consent Calendar, the items were moved off for discussion at the urging of local resident/activist Jamie Beutler and others.

As explained by Purvines, the new ROI was needed because an earlier version “didn’t accurately reflect the language of dealing with the ORMP and Rare Plants.” Both are part of the General Plan’s Chapter 7 – Conservation and Open Space Element – and the issue goes back nearly a decade. The original Oak Woodlands Management Plan was overturned by a court decision, in part, because the county did not adequately address mitigation methods regarding removal or disruption of oaks and oak woodlands in its environmental impact report.

## General Plan Biological Resources Policy Update Project Fact Sheet



<p><b>Public Scoping Meeting</b> 1:00 p.m. on Thursday, August 13, 2015 To seek input and comments from public agencies and interested persons on the scope and content of the environmental analyses to be included in the draft EIR. <b>Regular Meeting of the Planning Commission,</b> PC Hearing Room, Bldg. C 2850 Fairlane Ct., Placerville</p> <p><b>Public Workshops</b> A series of five public workshops were held with the Board of Supervisors in the Board Chambers January – June 2015: January 26, February 23, March 30, May 18, and June 22. These workshops were a continuing discussion of the 10 decision points presented to the Board on January 13, 2015. Workshop materials were available in advance on the project webpage (weblink at bottom of this sheet).</p> <p><b>Questions ?</b> • Email or Call: Shawna Purvines shawna.purvines@edcgov.us (530) 621-5362 Direct (530) 621-4550 Main</p>	<p><b>Project Overview</b> The County is updating the biological resources policies and implementation measures in the County’s General Plan and the Oak Resources Management Plan (ORMP). The project requires the completion of an Environmental Impact Report (EIR). On July 17, 2015, the County released a Notice of Preparation (NOP) of a draft EIR for a 30-day public review period. The deadline to submit comments is 5:00 p.m. on Monday, August 17, 2015. The draft EIR is anticipated to be released in November 2015 for a 45-day review period. The final EIR is anticipated to be released in April 2016 with Board adoption hearings in May 2016.</p> <p><b>Project Background</b> In May 2008, the Board of Supervisors adopted the Oak Woodland Management Plan (OWMP) to implement Option B provisions of General Plan Policy 7.4.4.4 and Measure C-9. These provisions would establish an Oak Conservation In-Lieu Fee for the purchase of conservation easements for oak woodland in areas identified as Priority Conservation Areas. In June 2008, a lawsuit was filed challenging the approval of the OWMP. In 2010, the Court ruled to uphold the Board’s action to adopt the Plan. However, on appeal, the Appellate Court over-ruled that decision, remanding the case back to Superior Court, with the direction to require the County to prepare an Environmental Impact Report for the OWMP. The OWMP was rescinded on September 4, 2012 (Resolution 12.3-2012) and its implementing ordinance was rescinded on September 11, 2012 (Ord. No. 4829), for the time being, only Option A of Policy 7.4.4.4 is available to mitigate impacts to oak woodlands.</p> <p>In September 2012, the Board of Supervisors directed staff to prepare a General Plan Amendment to amend the Conservation of Biological Resources section of the Conservation and Open Space Element of the General Plan and their related Implementation Measures. In March 2014, the Board approved a three-year contract with consulting firm Dudek to assist the County with this project. In July 2014, Dudek presented the Board with initial background, current status of the six General Plan biological policies and related implementation measures, and four approach options. In November 2014, the Board selected the Mitigation/Conservation Approach. In January 2015, Dudek presented the Board with ten decision points and a proposed project schedule which included a series of five public workshops with the Board (see Sidebar).</p> <p><b>Anticipated Project Schedule</b></p> <table border="1"> <tr> <td>Draft EIR Public Review Period (Public Meetings)</td> <td>Nov - Dec 2015</td> </tr> <tr> <td>Planning Commission Hearing on Final EIR</td> <td>April 2016</td> </tr> <tr> <td>Board of Supervisors Hearing/Adoption of Final EIR</td> <td>May 2016</td> </tr> </table>	Draft EIR Public Review Period (Public Meetings)	Nov - Dec 2015	Planning Commission Hearing on Final EIR	April 2016	Board of Supervisors Hearing/Adoption of Final EIR	May 2016
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Revised: 7/14/2015

For more information, visit the project webpage on the County website:  
[www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx](http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx)

# Dedicated Project Webpage

## General Plan Biological Resources Policy Update

The County is updating the biological resources policies and implementation measures in the General Plan and the County's former Oak Woodland Management Plan (OWMP), now referred to as Oak Resources Management Plan (ORMP). The project requires the completion of an Environmental Impact Report (EIR).

On **March 8, 2017**, the County released a Final Environmental Impact Report (EIR) for this Project. The Environmental Impact Report (EIR) for this project consists of the Final EIR and the Draft EIR (incorporated by reference in accordance with State CEQA Guidelines Section 15132). The Final EIR contains the public and agency comments received on the Draft EIR. All written comments received during the public review period (June 30, 2016 through August 15, 2016), and responses to each of those comments, are included in the Final EIR. The Final EIR also includes those pages from the Draft EIR and its appendices that have been revised in response to comments.

On **Thursday, April 27, 2017 at 2:00 p.m.**, the Planning Commission will hold a public hearing to receive public comment and prepare recommendations to the Board of Supervisors regarding the Final EIR and the General Plan Biological Resources Policy Update, ORMP, and Oak Resources Conservation Ordinance Project. The hearing will be held in the Building C Hearing Room at 2850 Fairlane Court, Placerville, CA 95667. The Planning Commission Agenda is available online at: ([Meeting Details](#)).

The Final and Draft EIR documents are posted at the following [link](#).



Project webpage frequently updated and GovDelivery Notices sent to subscribers to Long Range Planning News and Updates (*approx. 1,400*)

- ▶ **Background Information**
- ▶ **Scope of Work**
- ▶ **General Plan Biological Policies**
- ▶ **Board of Supervisors/Planning Commission Agenda Items**
- ▶ **Board Workshop Attachments (Legistar File #: 12-1203)**
- ▶ **Supporting Documents**

Features detailed project information organized in “accordions”

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

# **STAFF AND PLANNING COMMISSION RECOMMENDATION**



# Preparing Recommendation for Board Consideration on Final EIR

- **County's environmental manual for CEQA implementation requires that when the Planning Commission is required to make a recommendation on a project, the Commission shall also review, consider, and make recommendations on the environmental document**
- **Board action of certifying the EIR does not approve or deny the project; it finds that the EIR adequately analyzed the project as described in the project description**
- **Board is ultimately responsible for certifying the EIR, making Findings of Fact and adopting Statement of Overriding Considerations**



# Staff Recommendation

- **Staff recommends Planning Commission forward a recommendation to Board of Supervisors to take the following actions:**
  - 1. Adopt Resolution to Certify Final EIR for General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance (Exhibit A)**
    - A. Make Environmental Findings of Fact (Exhibit A-1)**
    - B. Adopt Statement of Overriding Considerations (Exhibit A-2)**
    - C. Approve Mitigation Monitoring and Reporting Program (Exhibit A-3)**

# Staff Recommendation (Con't)

- 2. Adopt Resolution to Amend the Biological Resources Policies, Objectives and Implementation Measures in El Dorado County General Plan (Exhibit B);**
- 3. Adopt Resolution adopting Oak Resources Management Plan (Exhibit C); and**
- 4. Adopt Oak Resource Conservation Ordinance (Exhibit D) to be incorporated into County Code of Ordinances, Title 130 (Zoning Ordinance) as Chapter 130.39 (Oak Resources Conservation)**

# Draft Board Adoption Documents

	Document	Staff Report Exhibit	Legistar 12-1203 Attachment
1.	Resolution Certifying the EIR	A	22B
2.	CEQA Findings of Fact	A-1	22C
3.	Statement of Overriding Considerations	A-2	22D
4.	Mitigation Monitoring and Reporting Program	A-3	22E
5.	Resolution Adopting an Amendment to the Biological Resources Policies, Objectives and Implementation Measures in the General Plan	B	22F
6.	Resolution Adopting Oak Resources Management Plan	C	22H
7.	Resolution Adopting Oak Resources Conservation Ordinance	D	22I

# Draft Board Adoption Documents

	Document	Staff Report Exhibit	Legistar 12-1203 Attachment
8.	Conservation and Open Space Element	B-1	22G
9.	Conservation and Open Space Element (with Errata and underline/strikeout)	E	22J
10.	Oak Resources Management Plan	C-1	22P
11.	Oak Resources Management Plan (with Errata and underline/strikeout)	F	22K
12.	Oak Resources Conservation Ordinance	D	22I
13.	Oak Resources Conservation Ordinance (with Errata and underline/strikeout)	G	22L
14.	Final EIR (link to document on County website)	I	22N
15.	Draft EIR (link to document on County website)	J	22O

# Next Steps in this Hearing

- **Questions from Planning Commission**
- **Receive Public Comment**
- **Close Public Hearing**
- **Planning Commission Discussion**
- **Planning Commission Recommendation**

# Options for Preparing Final Recommendation to the Board

- ***Option 1 – Recommend adoption of the Project as Proposed (without modifications)***
  - Commission may choose to recommend adoption of the Project as proposed
- ***Option 2 – No Recommendation***
  - Commission may choose not to offer a recommendation to the Board on any or some of the project components, as the Commission deems appropriate
- ***Option 3 – Selective Recommendations***
  - Commission is not required to advise the Board on all of the policy changes and other components of the Project, and may choose to make selected recommendations only