



# COMMUNITY DEVELOPMENT AGENCY

## LONG RANGE PLANNING

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October 7, 2014

To: El Dorado County Planning Commission

From: David Defanti, Assistant Director

**Subject: General Plan Biological Policy Review Workshop**

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### **PURPOSE**

The purpose of today's workshop is to follow up on what was discussed on July 28, 2014 in regards to the history and status of the County biological policies as outlined in the Background Memo (Attachment 5B, 7-28-14); and to continue discussing the broad policy approaches presented in the Policy Options Memo (Attachment 5C, 7-28-14). In addition, this workshop would allow an opportunity for the Board and public to ask additional questions, and for staff to provide the Board with information requested on July 28, 2014.

### **BACKGROUND**

The recent court decision overturning the Oak Woodland Management Plan (OWMP) has prompted the County to address, at a minimum, the implementation of certain oak tree policies in the General Plan. These policies are interrelated with several other biological policies. After reviewing options presented on September 24, 2012, the Board determined that all the related biological policies should be reviewed and considered for revisions to ensure that the goals and objectives of the General Plan can be achieved. An initial workshop was held by the Board to review the above mentioned documents on July 28, 2014.

The Background Memo reviewed the historical background and current status of key General Plan biological policies and related Implementation Measures. It documented previous planning efforts, constraints, and issues that led to the current effort to review the policies. The Background Memo has been kept in draft form to allow the public an opportunity to review and provide feedback on the content of the memo. The memo will remain in draft form and may be updated as needed to ensure that the appropriate information has been captured and recorded, by the end of the project.

The Policy Options Memo outlined four broad policy approaches available to the County moving forward. The Policy Options Memo included an analysis of each potential option, including the pros and cons, public involvement opportunities and approaches, rough timelines for completing the process, and examples of how policies would be implemented for several hypothetical development scenarios.

## DISCUSSION

Following is the additional information requested by the Board on July 28, 2014.

**Public and Private Open Space** – The amount of public and private lands protected through federal or state ownership or other private trusts, easements, etc. in the County is approximately 560,000 acres, roughly 51% of the land area of the County (Attachment 6B).

**Development Scenario Example** – The Board requested further explanation of the four policy options presented in the Options Memo through a development scenario. As discussed in the Options Memo, Development Scenario 1 – Infill/Moderate Income Housing was selected, and was evaluated using full development and woodland avoidance development scenarios (Attachment 6C).

In addition to the above requested information, the Board inquired about projects on hold due to current biological policy uncertainty. There are some that are clearly affected, such as Rancho Dorado Retail Center (approved) and the Winn commercial project near Green Valley Road and Francisco Drive (not approved). Neither one of these projects can move forward due to oak tree issues. Some proposed projects can move forward, but only with a proposed development, and only by using a highly clustered development style to avoid trees, such as La Cresta Woods, and Piedmont Oaks.

Development Services does not maintain a list of such projects, but in general any commercial project with oak trees will be seriously constrained if it can move forward at all. For many years, projects in the southern and eastern area of the Barnett Business Park have been limited by oak trees. Residential and commercial parcels in Diamond Springs and El Dorado have had issues meeting the County's available oak policy requirements, including sites identified to meet the County's affordable housing requirements for moderate and below income households.

Dudek and staff are presenting this information for your review and will be available to answer additional questions. This workshop also provides an opportunity for the Board to identify any additional information and clarification needed prior to providing staff direction on a preferred option. If the Board is prepared to select a preferred option, staff would return in October or November with a draft Resolution of Intent for Board approval. However, if the Board requires additional information or clarification staff will schedule a third workshop for further discussion and Board direction on a preferred policy approach.

### **Relationship of the Biological Policy Review and Other Land Use Projects**

The County has received questions regarding the relationship between a number of County-initiated projects currently in process, including the Biological Policy Update project. The County is currently working on a number of land use development standards and regulations that are proceeding independently, including but not limited to: The Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU); Sign Ordinance Update; portions of the Land Development Manual (LDM); (note that one aspect of the LDM; the mixed use development guide has been completed, and is being considered as part of the TGPA-ZOU); the Capital Improvement Program (CIP) update; Missouri Flat Master Circulation and Funding Plan (MC&FP), etc. Each of these efforts is subject to the California Environmental Quality Act (CEQA) and to the preparation of its own CEQA analysis.

CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283–284 [118 Cal.Rptr. 249, 529 P.2d 1017].) It was determined that this is not the case in respect to the Biological Policy Update project as it is found to have independent utility under CEQA..

Although related by the fact that the projects are part of the County’s overall planning and regulatory system, neither the biological policy review nor the other land use policy updates, standards, and regulations are dependent on the adoption of the other. They are independent projects with independent outcomes. Completion and approval of any of these initiatives is not necessary to approval of the TGPA-ZOU. Similarly, none of the aforementioned is dependent upon approval of the TGPA-ZOU.

The El Dorado County General Plan’s Implementation Plan sets out an ambitious list of regulations and standards that will need to be prepared in order to fully implement the General Plan. The County has been diligently progressing toward completing the list since adoption of the General Plan in 2004, as described in the June 2014 “2013

General Plan Annual Progress Report" presented to the Board by the Community Development Agency.

Both budget and staff limitations preclude the County from preparing and adopting all of the items identified in the Implementation Plan at the same time.

**NEXT STEPS**

Following this meeting, staff will return to the Board within four to six weeks with a draft Resolution of Intent outlining the Board's preferred policy option, or to provide more information as requested.