# **D**EVELOPMENT SERVICES DEPARTMENT

County of EL DORADO

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PLANNING SERVICES



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## **MEMORANDUM**

DATE:	March 12, 2008	Agenda of:	March 13, 2008
TO:	Planning Commission	Item #:	9.
FROM:	Monique Wilber, Senior Planner		
SUBJECT:	Oak Woodland Management Plan (Final Draft), Initial Study/Negative Declaration Environmental Document Summary of Comments Received March 12, 2008		

#### BACKGROUND

Planning staff has received eight comment letters to date regarding the OWMP (Final Draft) and the Initial Study and Negative Declaration. The comments are being provided to you the date of the meeting, but are summarized below, and will be summarized by staff during the item hearing.

### DISCUSSION

- 1. Letter from CAL FIRE Amador El Dorado Unit Chief, Bill Holmes:
  - CAL FIRE's comments remain as submitted on December 12, 2007.
  - CAL FIRE is concerned over Policy 7.4.4.4 Option A and B and the possible confusion and conflicts it will create with PRC 4290 (Fire Safe Regulations) and PRC 4291 (Defensible Space).
  - Replacement and retention (Option A), on smaller parcels, will conflict with PRC 4291 defensible clearance requirements. Option A and Option b mitigation will discourage landowners from doing clearance to the full extent of the law. Recommendation is to exempt the area surrounding a new or existing building or structure pursuant to PRC 4291, Defensible Space.
  - The exemption for "Fire Safe Plans" as stated in Policy 7.4.4.4 for existing structures in incorrect. Fire Safe Plans are created for new development. Recommendation is to remove reference to Fire Safe Plans for existing structures.
  - Supports the exemption of Defensible Space clearing around existing structures and does not understand why the same importance (exemption) can not be placed on new structures.

- Public road safety projects are exempt from Policy 7.4.4.4; fire safety around new developments and structures should be given the same exemption as public road safety projects.
- CAL FIRE does not support replacement planting in any of the Defensible Space Zones. When replacement planting is not an option as on small lots, landowners will be required to pay the mitigation fee. Landowners should not have to pay a fee for meeting State Law.
- 2. Email from K. Kinsch, Cameron Park resident:
  - For new commercial and residential developments, developers should be required to plant native oak trees instead of non-native landscaping trees.
- 3. Letter from El Dorado Hills Area Planning Advisory Committee:
  - APAC has made the decision that a mitigated negative declaration should be prepared in consideration of the impact on the El Dorado Hills area.
- 4. Email from Alice Cantelow, Placerville resident:
  - Ms. Cantelow's comments remain as submitted on the draft revised OWMP.
  - Oaks have economic, ecosystem, and aesthetic values.
  - The "protection" for oaks is not protection. The Priority Conservation Areas cover too little of the existing oak woodlands, are in areas where development pressure is small, and should not be limited to 500 acre parcels as even 40 acre parcels provide habitat.
  - The proposed price per acre for mitigation is too low and is not realistic. Conservation easements should be closer to 80 percent or 90 percent of property values.
  - PCAs do not provide connectivity and isolated stands of oaks many miles apart will not have genetic diversity.
  - Do not lump all oaks together. Live oaks regenerate well and could be replaced by new plantings, but blue oaks are poorly regenerating species. The plan should not leave out the Leather Oak of Pine Hill Reserve.
  - The Management Plan should be prepared by science consultants, not by nonscientists. Don't let developers pressure you to lose sight of true oak woodland protection. Developers need a stronger incentive to work around existing expanses of oaks on their land.
- 5. Letter from William J. Fisher, President of Pacific States Development Corporation:
  - The assumption of 20 percent of tree canopy being retained in the defensible space zone is too low; it should be revised to 70 or 80 percent. The assumption of 20% is erroneous based on State and local policies to achieve defensible space without necessarily cutting native trees.
  - An applicant should have the option of being allowed to do a site analysis to determine more accurately how much retention will actually occur.
- 6. Letter from Susan Durham, Placerville resident:
  - The OWMP does not fulfill the intent of County General Plan policies. The plan is not an oak **woodland** management plan but rather an oak tree plan. Proposed mitigation will degrade and potentially eliminate the biological and ecosystem functions of oak woodland. The PCAs are isolated and do not maintain connectivity.

- The IBC layer is not based on science. Presenting the use of the IBC layer as an oak woodland connectivity element or as a wildlife corridor has not been validated.
- It is unclear that implementation of the OWMP will meet its stated goals.
- The OWMP is not consistent with State law as the OWMP conserves oak trees rather than oak woodland.
- There will be significant adverse effects to oak woodlands, in particular valley oak woodland, a sensitive natural community.
- The statement of no impact on the movement of wildlife or fish is not validated by the OWMP and supporting documentation. The OWMP does not maintain connectivity.
- The OWMP is not consistent with the General Plan.
- Cumulative impacts to the environment from the OWMP activities would generally be adverse.
- 7. Letter authored by Susan Britting, on behalf of the El Dorado Chapter of the California Native Plant Society, Center for Sierra Nevada Conservation, Sierra Club, and El Dorado County Taxpayers for Quality Growth:
  - The OWMP does not meet the direction to preserve existing woodlands of equal or greater biological value as those lost and does not fully compensate for the impact to oak woodland habitat.
  - The OWMP does not comply with the direction for the development of the INRMP and as such can not satisfy the Settlement Agreement to allow the use of Option B.
  - The Negative Declaration is inadequate in a number of ways, in violation of CEQA.
  - The extent of oak woodlands affected by a project is improperly defined in the OWMP (definition of oak woodland, oak trees or oak canopy vs. oak woodland).
  - The OWMP fails to mitigate the increased fragmentation of oak woodlands that would result from development (failure to address connectivity now rather than wait for the INRMP will result in contribute to additional fragmentation of oak woodland habitat).
  - The proposed mitigation does not compensate for oak woodland habitat value lost (characterization of oak woodland habitat lost, off-site mitigation ratio of 1:1 for Option A, mitigation is not concurrent with development, the proposed mitigation fee is too low, restrictions for the conservation easements are undefined).
  - The OWMP does not comply with General Plan Policy 7.4.2.8.
  - The OWMP does not comply with General Plan Policy 7.4.2.9.
  - The OWMP does not mitigate impacts to the degree described in the FEIR for the General Plan.
  - The OWMP is not an effective mitigation program.
  - An EIR is required to address significant impacts.
  - Substantial evidence of significant impacts requires the preparation of an EIR.
  - Additional alternatives should be analyzed in the environmental analysis.
- 8. Letter from Christopher Huitt, California Department of Water Resources:
  - The limited project description suggests the project may be an encroachment on the State Adopted Plan of Flood Control. If it is your assessment that your project

is not within the authority of the Central Valley Flood Protection Board, you may disregard this notice.

- 9. Letter from Cynthia L. Shaffer, on behalf of the Community Coalition:
  - The proposed Option B fee is set substantially higher than necessary to support the OWMP objectives. The assumption that a Conservation Easement is equal to 80% of the underlying fee title is unreasonable and unsupported by substantial, verifiable evidence. The fuels management fee of \$950 per acre is too high and should be \$425 per acre.
  - References to General Plan Policy 7.4.4.5 should be deleted from the final OWMP.
  - The language in the OWMP assuming 20% of oak canopy within the defensible space area should be changed to 80%.
  - Miscellaneous recommended revisions.