

El Dorado County General Plan Biological Policies

July 28, 2014



Purpose of Workshop

- Review biological resource policy history and status
- Discuss options and approaches for policy update
- Receive public comment

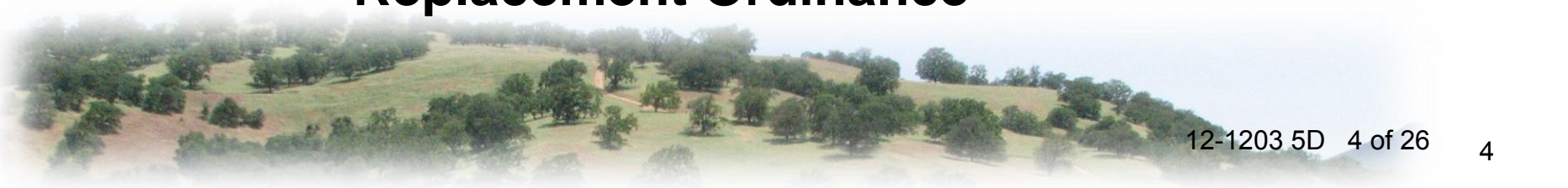


2012 Board Direction

- **“1) Direct staff to prepare a Resolution of Intention to Amend General Plan Policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1 and 7.4.5.2 and their related Implementation Measures to clarify and refine the County's policies regarding oak tree protection and habitat preservation and**
- **2) Direct the Chief Administrative Officer to prepare a Request for Proposal to hire a consultant to assist the County to prepare the policies and Environmental Impact Report (EIR)”**

General Plan Biological Policies

- **7.4.2.8** Develop and Implement the Integrated Natural Resources Management Plan (INRMP)
- **7.4.2.9** Important Biological Corridor (IBC) Overlay
- **7.4.4.4** Options A and B for Mitigating Impacts to Oak Woodland Habitat
- **7.4.4.5** Maintaining Continuity within Retained Portion of Oak Stands
- **7.4.5.1** Tree Survey, Preservation and Replacement Plan
- **7.4.5.2** Develop and Implement an Oak Tree Replacement Ordinance



Historic Timeline

- **1992 - 1993**
 - **Adoption of four rare plant preserve sites**
- **1996**
 - **General Plan and EIR**
- **1997**
 - **Ecological preserve funding ordinance**



Historic Timeline

- **1999**
 - **Writ of Mandate finding CEQA violation in adoption of 1996 General Plan**
- **2001**
 - **New Draft General Plan alternative developed and EIR process initiated**
- **2004**
 - **New General Plan adopted and EIR certified**



Historic Timeline

■ 2005

- 1999 Writ of Mandate discharged

■ 2006

- Settlement agreement, interim guidelines adopted

■ 2008

- **NRMP Initial Inventory and Mapping, Oak Woodland Management Plan (OWMP) adopted; lawsuit filed challenging OWMP adoption**



Historic Timeline

■ 2010

- **Appellate Court directs EIR must be prepared for OWMP**
- **BOS adopted Updated INRMP Initial Inventory and Mapping**

■ 2012

- **BOS direction to amend policies and prepare EIR**



Current Status

- **Policy 7.4.4.4 – only Option A available**
- **Adopted oak-related policies have been controversial and difficult to uniformly apply**
- **Are policies intended to protect oak trees or oak woodland?**
- **Various interpretations of policy language**
- **Phase II of INRMP is on hold**
- **Objective of Important Biological Corridors (IBC)**
- **Consider use of Policy 8.3.1.4 to incentivize conservation of agricultural land**
- **Gabbro soils conservation strategy – parallel process**



General Plan Objectives

- **Strong, diversified, and sustainable local economy**
- **Rural quality of life**
- **Quality environment**
- **Accommodate affordable housing**
- **Oversupply residential and non-residential land use designations**
- **Concentrate urban growth near infrastructure**
- **Infrastructure funding affects levels of service**
- **Conserve, protect, and manage natural resources**
- **Encourage infill development**
- **Retain permanent open space/natural areas**
- **Minimize down planning and/or down zoning**
- **Improve jobs-to-housing ratio**



General Plan 5-Year Review (2011) Objectives

Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU) - Resolution of Intent (ROI) to correct policies constraining:

- **Development of moderate housing**
- **Creation of jobs and tax revenue generating businesses**
- **Policies affecting the agriculture and natural resource industries**



Local Issues

- **Development focused along Highway 50 corridor**
- **Highway 50 corridor – habitat connectivity value**
- **Stakeholder/public perceptions regarding data**
- **INRMP and associated mitigation program difficult and costly to implement**
- **Oak woodland and oak canopy language unclear in current policies**
- **Limited options and overlapping requirements for oak mitigation**



Conservation vs. Mitigation

Policy options address the differences between:

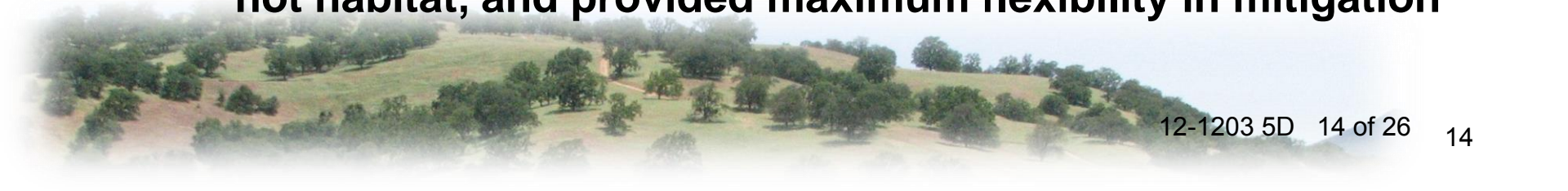
- ***Resource Conservation***
 - Generally a comprehensive plan that identifies areas or habitats to be preserved

- ***Mitigation***
 - Involving strategies to reduce impacts, restore habitat, offsite preservation

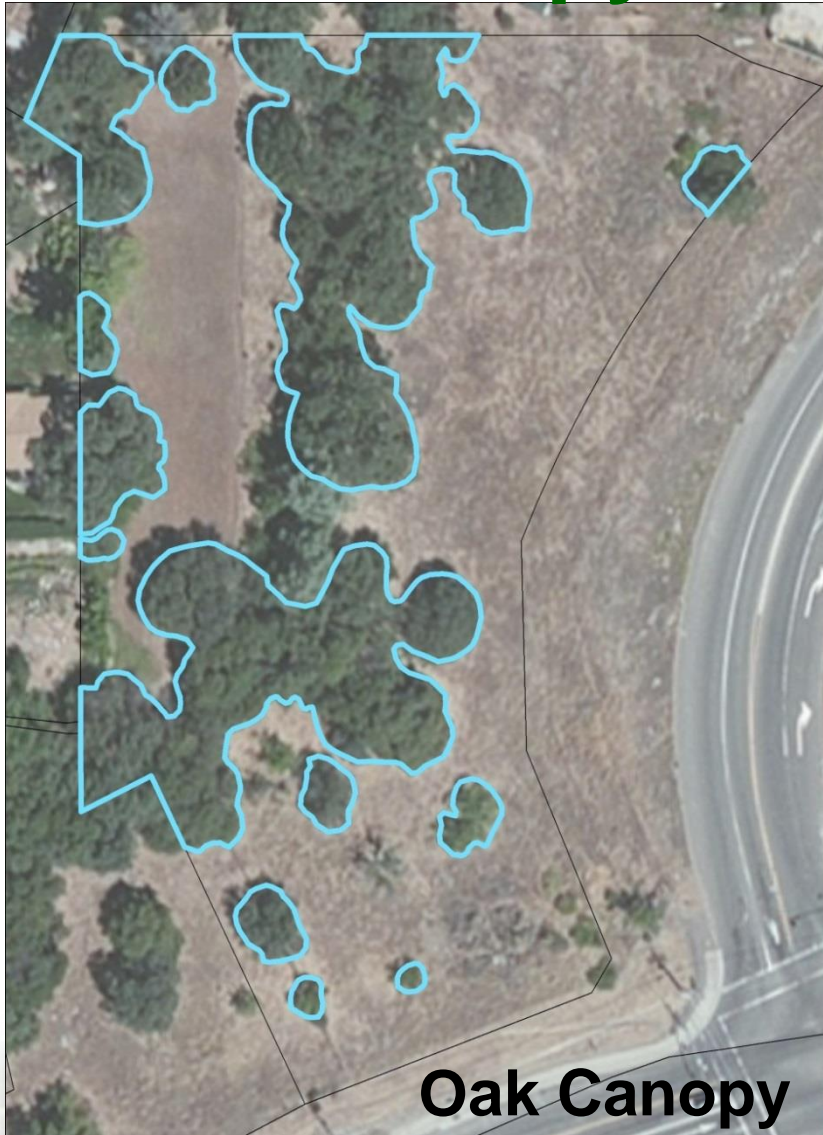


Oak Canopy vs. Oak Woodland

- **Oak Canopy:** the ground area directly beneath the dripline of an oak tree
- **Oak Woodlands:** an oak stand with a greater than 10 percent canopy cover (California Fish and Game Code, Section 1361 (h))
- **Issues for Consideration:**
 - **Consistency between Policies**
 - **Does oak canopy accurately measure oak woodlands**
 - **10%+ canopy coverage on a parcel does not mean the parcel is entirely oak woodland**
 - **Previous BOS stated its intent to mitigate for oak trees only, not habitat, and provided maximum flexibility in mitigation**



Oak Canopy vs. Oak Woodland



Options to Consider

Consider four broad policy options that propose differing approaches to changing the General Plan Policies:

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



Option 1: Compliance with State and Federal Regulations

This option would replace all six General Plan Policies and their related Implementation Measures with policies requiring compliance with state and federal law.

- **Identification and implementation of biological mitigation measures would occur on a project-by-project basis**
- **The County would evaluate the adequacy of mitigation measures identified for each project and verify mitigation measure compliance**



Option 1: Compliance with State and Federal Regulations (cont.)

- The policies would rely primarily on state (Kuehl) and federal regulations identifying special-status resources and mitigation requirements
- Evaluation and mitigation of cumulative impacts (such as from habitat loss and fragmentation) would tier from the analysis of General Plan build-out
- ✓ Surrounding rural counties with comparable policies: Alpine, Amador, Plumas, and Sierra

Option 2: Mitigation Approach

This option would change the General Plan Policies to establish a mitigation strategy for the County by:

- **Omitting the Oak Woodland Management Plan (OWMP) requirement from policies**
- **Updating policies to create clear instructions for mitigating impacts**
- **Creating an ordinance to outline mitigation requirements**
- **Clarifying policies to define the method of oak woodland measurement and creating a mitigation fee to be spent on oak-related projects**

Option 2: Mitigation Approach (cont.)

- **Placing requirement for planting/monitoring/reporting on developers with County staff responsible for verification of mitigation compliance**
- **Similar to Option 1, evaluation and mitigation of cumulative impacts would tier from the analysis of General Plan build-out**
- ✓ **Surrounding rural counties with comparable policies: Alpine, Amador, Butte, Calaveras, Nevada, Plumas, and Tehama**



Option 3: Mitigation/Conservation Approach

This option would combine the mitigation approach with components of a conservation approach. Policies would be updated or revised to:

- Distinguish between projects subject to oak tree impact mitigation and oak woodland mitigation
- Define the method of oak woodland measurement
- Provide mitigation options for oak tree impacts including on or off site tree planting, on site protection, or fee payments to the County
- Allow developer planting/monitoring/reporting



Option 3: Mitigation/Conservation Approach (cont.)

- Retain and clarify requirements related to the OWMP Priority Conservation Areas (PCAs), and IBCs
- Define mitigation requirements for special-status resources
- Establish standards for IBCs, such as minimum parcel size, contiguous areas, and minimum corridor width
- Require County to manage OWMP, PCA, and IBC implementation and updates
- ✓ Surrounding rural counties with comparable policies: Butte, Nevada, Placer, Tehama, and Tuolumne

Option 4: Conservation Approach

- Updates to the County's OWMP (refining the Priority Conservation Areas)
- Keep oak woodland canopy retention standards and replacement provisions
- Keep corridor retention provisions (Policy 7.4.4.5)
- Implement Phase II of the INRMP and refine the PCAs
- Revise and update the IBCs
- ✓ No surrounding rural counties with comparable policies



Comparison of Biological Policy Options

| | Option 1 | Option 2 | Option 3 | Option 4 |
|---|--------------------------------|--|---|-----------------|
| Oak Woodland Management Plan | No | No | Yes | Yes |
| Priority Conservation Areas | No | No | Yes | Yes |
| Important Biological Corridors | No | No | Yes | Yes |
| Integrated Natural Resources Management Plan | No | No | No | Yes |
| Self-Implementing Policies | No | Yes | Yes | Yes |
| Initial Relative Costs | Low | Medium | Medium-High | High |
| Timeframe for Implementing | 15 months | 18 months | 20-24 months | 36 months |
| Long-term Relative Staff Time/Cost | High | Medium-High | Low | Medium-High |
| Comparable Counties | Alpine, Amador, Plumas, Sierra | Alpine, Amador, Butte, Calaveras, Nevada, Plumas, Tehama | Butte, Nevada, Placer, Tehama, Tuolumne | None Identified |

Policy Option Considerations

- Resources regulated
- Development activities are covered
- Mitigation options
- Streamlining CEQA review
- Oak canopy vs. oak woodland
- Conservation vs. mitigation



Next Steps

- **Questions to consider in reviewing material**
- **Time at August 26th Board meeting to ask questions and allow public comments**
- **Follow up workshop to select primary option on September 29th**

