



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

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February 3, 2015

TO: Board of Supervisors

FROM: Shawna Purvines, Principal Planner

Subject: Biological Policy Update Project: Provide Direction on Ten Project Decision Points Identified to Update the General Plan Biological Resource Policies

Recommendation

Community Development Agency, Long Range Planning Division, recommending the Board provide direction to staff regarding Decision Points 4-7 per the analysis, concepts and recommendations presented in Dudek's memo dated February 17, 2015 (Attachment 11B) and summarized as follows:

1. Decision Point 4: Update General Plan policies and Oak Woodlands Management Plan language to:
 - a. Revise the minimum parcel criteria for projects that are exempt from oak woodland mitigation;
 - b. Update the oak woodland retention standards and mitigation ratios; and
 - c. Clarify mitigation requirements for individual native oak trees outside of oak woodlands and for heritage trees.
2. Decision Point 5:
 - a. Retain exemptions for oak woodlands consistent with the Kuehl Bill (for affordable housing, agricultural production) and exemptions in compliance with state-level fire safe (PRC 4291), utility line clearance requirements (General Order 95) or specific County policies related to oak woodland and oak tree mitigation;
 - b. Clarify individual oak tree exemptions; and,
 - c. Examine options for exempting public schools, parks and government buildings as requested by the Board.
3. Decision Point 6: Retain the Priority Conservation Areas shown in the 2008 Oak Woodlands Management Plan and establish criteria for identifying additional conservation areas.
4. Decision Point 7: Use mitigation ratios for special-status biological resources, including vegetation communities, plants and wildlife, as a component of the County's conservation strategy.

Fiscal Impact/Change to Net County Cost

There is no change to Net County Cost associated with this agenda item.

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Background

The 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.

On March 11, 2014 the Board approved and authorized the Chair to sign Agreement 425-S1411 with an outside consulting firm, Dudek, for a term of three (3) years to proceed with a program to review and potentially amend several General Plan policies related to biological resources.

On July 28, 2014, the Board received information on the historical work completed to date on the Integrated Natural Resource Management Plan (INRMP) and OWMP in the Background Memo (Attachment 5B) and a set of draft options in the Policy Options Memo (Attachment 5C) for Board consideration to determine next steps. The Policy Options Memo outlined four (4) 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. In addition to Attachments 5B and 5C, the Background Memo and Policy Option Memo can be found on the projects dedicated webpage at:

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

On October 7, 2014, the Board conducted a workshop and directed staff to proceed with Policy Option 3 (mitigation/conservation option), and the timely implementation of the OWMP, specifically related to Option B of General Plan Policy 7.4.4.4 (oak woodland in-lieu fee option), with direction given to include a methodology within the OWMP for re-establishment of the In-Lieu Fee program. Under Policy Option 3, the intent is to amend the General Plan policies to redefine the County's program for management of and mitigation for biological resource impacts.

On November 21, 2014, the Board selected Approach A and directed staff to bring back a schedule outlining decision points, critical steps and key milestones for the project.

On January 13, 2015, the Board approved the project schedule, determined that the oak woodland in-lieu fee adopted in 2008 should be re-analyzed to ensure consistency with existing state laws, and authorized Amendment I to Agreement for Services 425-S1411 with Dudek, expanding the scope of work to include the re-analysis of the oak woodland mitigation in-lieu fee adopted in the 2008 OWMP.

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On January 26, 2015, the Board discussed Decision Points #2 and #3 in the Decision Points Memo dated December 31, 2014 and located on the Project's dedicated web page at:

<http://edc.gov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>

Decision Point #2 discussed two options for calculating oak woodland area. The Board identified "oak woodland" as the preferred method of measurement for determining oak resource impacts and quantifying mitigation requirements. Decision Point #3 discussed the requirement for undercrossing for future four (4) lanes or larger roadway projects to provide for wildlife movement. The Board decided to require, when necessary, undercrossings for future four (4)-, six (6)- and eight (8)- lane roadway projects to provide for wildlife movement. General Plan policy will require wildlife movement studies to evaluate project-specific impacts on public safety and wildlife for projects that include new roads of four (4) or more lanes or the widening of roads to four (4) or more lanes.

The Board will not make any final decisions regarding the proposed policy changes outlined in this document until environmental review is completed.

Discussion and Reason for Recommendation

The February 23, 2015 Board meeting is part of a continuing discussion on the ten (10) project decision points identified to update the General Plan biological resources policies. An overview of the ten (10) project decision points was presented on January 13, 2015, and can be found in Attachment 9B of this agenda item. Additional analysis and exhibits specific to Decision Points #4, #5, #6 and #7 are provided as Attachment 11B. A summary of these four (4) decision points and staff recommendations are provided below.

- **Decision Point #4:** Board determines if a two-tiered oak mitigation approach, (where smaller projects mitigate for tree impacts and larger projects mitigate for oak woodland impacts), is necessary, and if so, determine the appropriate threshold. The intent of this decision-point is to consider a framework that would clearly identify project mitigation requirements for impacts to oak woodlands (e.g., acreage) and oak trees (e.g., based on diameter-inches of trees removed) and eliminate the potential requirement to mitigate oak woodland impacts twice (once for oak woodland acreage and once for individual trees within an oak woodland).
- **Decision Point #5:** Determine whether exemptions to oak woodland impact mitigation requirements included in the current OWMP and General Plan biological resource policies shall remain and/or be revised.

Options for this decision point include providing exemptions to oak resource specific project types/actions consistent with what is currently provided, revise/refine the list of project types/actions that are exempt, or eliminate exemptions. Exemptions for oak woodland mitigation requirements are currently provided for agricultural activities, fire safety, affordable housing, and public road and public utility projects. This item will

discuss additional descriptions of the exempt activities and any recommendations regarding refinement or revisions of those exemptions.

- **Decision Point #6:** Determine whether Priority Conservation Areas (PCAs) will be updated for oak woodlands.

Options for this decision include updating the PCAs, leaving them as delineated in the 2008 Oak Woodland Management Plan (OWMP), or leaving them as delineated in the 2008 OWMP but adding language to the OWMP that would also allow for conservation of lands outside of the PCAs. An important consideration in refining the PCAs should the Board decide to update them, will be to ensure that sufficient acreage is available in the PCAs for mitigation of oak woodland impacts expected based on the General Plan projections. To assist in decision-making, a comparison of anticipated oak woodland impacts under the General Plan and those identified under the current PCAs will be presented at the February 23, 2015 Board meeting.

- **Decision Point #7:** Determine appropriate mitigation requirements specific to each category of special-status resources (e.g., vegetation communities, plants, wildlife) for inclusion in policies.

The initial assumption is that the categories of special-status resources will be the same as those defined in the County's General Plan EIR. Recommendations for the mitigation requirements for each category of special-status resources will be reviewed and discussed. Based on Board direction, General Plan policies that define County mitigation requirements specific to each category will be developed.

Next Steps

The Board provided direction on decision point #1 on January 13, 2015 and decision points #2 and #3 on January 26, 2015. The Board will have the opportunity to provide direction at this workshop on decision points # 4, 5, 6, and 7. Following the next workshop scheduled for March 30, 2015, all outcomes will inform the preparation of a project description which may include revisions of the identified policies and the OWMP. The next workshops will discuss the following:

- **March 30, 2015 (Decision Points 8, 9, 10)**
 8. Determine specific standards for the establishment of Important Biological Corridors (IBCs), such as minimum parcel size, contiguous areas, and minimum corridor widths.
 9. Determine which important ecological areas identified by the Plant and Wildlife Technical Advisory Committee (e.g., aquatic environments, important habitat for migratory deer herds, Pine Hill areas, valley oak woodland, etc.) to include with the PCAs and IBCs as the County develops a conservation strategy.

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10. Define the County's requirements for maintaining a database of willing sellers within PCAs and IBCs and/or other important biological areas.

- ***May 18, 2015***

Present to the Board a draft project description for review and comment. The draft project description will include draft policies proposed for amendment and revised OWMP. Upon approval of a draft project description, staff will begin the environmental review process.

Public Outreach

Public notification of the project timeline and workshops, key milestones, and the ten (10) project decision points was released on January 15, 2015 to the County's media contact list. Notification and all documents prepared to date were posted on the County's dedicated project web page. The webpage update notification was emailed to Long Range Planning's email subscription list (over 700 subscribers). In addition, the notification was emailed to the County "News and Hot Topics" notification list (over 1,400 subscribers). The staff report and attachments for February 23, 2015 meeting were also posted on the webpage and email notifications sent to both subscription lists.

Clerk of the Board Follow Up Actions

None.

Contact

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