



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

**2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-4650, Fax (530) 642-0508**

March 10, 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 regarding Decision Points 8-10 per the analysis and concepts presented in Dudek's memo dated March 16, 2015 (Attachment 12B). Staff's recommendations are summarized as follows:

1. Decision Point 8:
 - a. Use Important Biological Corridor (IBC) overlay standards for lands that occur within the IBCs to address wildlife habitat value, function, and connectivity.
2. Decision Point 9:
 - a. Retain existing Priority Conservation Areas (PCAs) and IBCs for conservation opportunities when mitigation is required;
 - b. Allow developers to identify conservation opportunities outside of the PCAs and IBCs, within or outside of identified important ecological areas identified by the Plant and Wildlife Technical Advisory Committee (PAWTAC) (e.g., aquatic environments, important habitat for migratory deer herds, Pine Hill areas, valley oak woodland, etc.); and
 - c. Define specific criteria that must be met by these additional conservation lands, including a criterion that prioritizes the use of PCAs, IBCs and other identified important ecological areas.
3. Decision Point 10:
 - a. Incorporate within General Plan policy requirements a passive solicitation program related to the County's maintenance of a database of willing sellers within the PCAs and IBCs and/or other important biological areas.

Fiscal Impact/Change to Net County Cost

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

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

March 30, 2015

Biological Policy Update Project Continuation of Discussion of the 10 Project Decision Points Identified to Update the General Plan Biological Resource Policies

Page 2 of 5

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.

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 identified above.

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

March 30, 2015

Biological Policy Update Project Continuation of Discussion of the 10 Project Decision Points Identified to Update the General Plan Biological Resource Policies

Page 3 of 5

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.

On February 23, 2015 the Board discussed Decision Points #4, #5, #6 and #7 from the Decision Points Memo dated December 31, 2014 and located on the Project's dedicated web page identified above.

For Decision Point #4, the Board provided direction to revise the minimum parcel size criteria for projects to be exempt from oak woodland mitigation and to update the oak woodland retention standards and mitigation ratios. For Decision Point #5, the Board provided direction to clarify the use of exemptions and the definition of a Heritage Tree, as well as to eliminate the requirement for a permit prior to the removal of an oak tree on private land for personal use. For Decision Point #6, the Board directed to retain the PCAs shown in the 2008 OWMP and establish criteria for identifying additional conservation areas. For Decision Point #7, the Board provided direction to use mitigation ratios for special-status biological resources, including vegetation communities, plants, and wildlife as a method of meeting the goal of the conservation strategy.

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

Discussion and Reason for Recommendation

The March 30, 2015 Board meeting is part of the 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 #8, #9 and #10 are provided as Attachment 12B. A summary of these four (4) decision points and staff recommendations are provided below.

- **Decision Point #8:** Board determine whether General Plan policy language should incorporate specific pre-determined standards applicable to development within the IBC overlay land use designation or determine that pre-determined standards for the IBC overlay are not necessary.

Staff's recommendation is to incorporate specific standards for lands that occur within the IBCs to address wildlife habitat value, function, and connectivity. This will contribute towards meeting the goal of the conservation strategy, and be further facilitated by evaluation of Decision Points 7: Special-Status Resource Mitigation

Requirements, 9: Ecological Areas in PCAs and IBCs, and 10: Database of Willing Sellers.

This recommendation is consistent with current General Plan Policies 7.4.1.1 through 7.4.1.5 and 7.4.1.7; 7.4.2.1 through 7.4.2.6, and 7.4.2.9; and would result in minor revisions to current General Plan Policies 7.4.1.6 (which relies on the INRMP to define mitigation for impacts to important habitats), 7.4.2.7 (which requires the formation of the Plant and Wildlife Technical Advisory Committee (PAWTAC)), and 7.4.2.8 (which requires the development of the INRMP).

- **Decision Point #9:** Board determine whether General Plan policy should incorporate other important ecological areas in addition to the PCAs and IBCs to form the basis for the County's conservation strategy or rely primarily on PCAs and IBCs.

Staff's Recommendation is to not expand existing PCAs and IBCs, but rather allow applicants to have the opportunity to identify conservation outside of the PCAs and IBCs that are within or outside of important ecological areas such as those areas identified by the Plant and Wildlife Technical Advisory Committee (PAWTAC) (e.g., aquatic environments, important habitat for migratory deer herds, Pine Hill areas, valley oak woodland, etc.) If this option is preferred, the project would define specific criteria that must be met by these additional conservation lands, including criteria that prioritizes the use of PCAs, IBCs and other identified important ecological areas. This will contribute towards meeting the goal of the conservation strategy, and be further facilitated by evaluation of Decision Points 7: Special-Status Resource Mitigation Requirements, 8: Specific standards for the IBC overlay, and 10: Database of Willing Sellers.

This recommendation is consistent with current General Plan Policies 7.4.1.1 through 7.4.1.5 and 7.4.1.7; 7.4.2.1 through 7.4.2.6, and 7.4.2.9; and would result in minor revisions to current General Plan Policies 7.4.1.6 (which relies on the INRMP to define mitigation for impacts to important habitats), 7.4.2.7 (which requires the formation of the Plant and Wildlife Technical Advisory Committee (PAWTAC)), and 7.4.2.8 (which requires the development of the INRMP).

- **Decision Point #10:** Board determine whether General Plan policy should incorporate specific requirements related to the County's creation and maintenance of a database of willing sellers within the PCAs and IBCs and/or other important biological areas as discussed in Decision Point #9, or determine that such a database is not necessary.

Staff's the recommendation is to incorporate within General Plan policy requirements a passive solicitation program related to the County's maintenance of a database of willing sellers within the PCAs and IBCs or other important biological areas.

March 30, 2015

Biological Policy Update Project Continuation of Discussion of the 10 Project Decision Points Identified to Update the General Plan Biological Resource Policies

Page 5 of 5

Next Steps

Following this workshop, 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:

- ***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

Shawna Purvines, Principal Planner
Community Development Agency, Long Range Planning Division