



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

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June 9, 2015

TO: Board of Supervisors

FROM: Shawna Purvines, Principal Planner

Subject: Biological Policy Update Project: Adopt Resolutions of Intention and Authorize Staff to Initiate an Environmental Review

Recommendation

Community Development Agency, Long Range Planning Division, recommending the Board:

1. Review and provide feedback on draft proposed General Plan amendments, draft Oak Resource Management Plan, and draft Oak Resource In-lieu Fee Program and Nexus Study (Attachment 14B).
2. Adopt a Resolution of Intention to amend the General Plan (Attachment 14C) and a Resolution of Intention to revise the Oak Woodland Management Plan, now known as the Oak Resource Management Plan (Attachment 14D),
3. Authorize staff to proceed with the preparation of all necessary documentation and environmental review pursuant to the requirements of the California Environmental Quality Act for the following:
 - a. Draft General Plan Amendment
 - b. Draft Oak Resource Management Plan
 - c. Draft Oak Resource In-lieu Fee Program and Nexus Study, a component of the County's oak woodland mitigation program outlined in the Oak Resources Management Plan (Attachment 14B)

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 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. This option includes reviewing and updating the OWMP while eliminating the INRMP. The revised General Plan policies, OWMP, Priority Conservation Areas (PCAs), and Important Biological Corridors (IBCs) would comprise the County's resource management strategy. Under this option, the revised policies and implementation measures would lay out the requirements for analysis and mitigation of impacts, define the roles of project developers and the County in implementing mitigation, and prioritize mitigation opportunities.

On November 21, 2014, the Board reviewed three approaches to completing a project description and environmental review of the existing OWMP. 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, staff provided the Board with a memo outlining ten (10) key Decision Points to be discussed in early 2015 that would inform preparation of the draft policies, OWMP and implementation measures. 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 (Decision Point #1), 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 from the Decision Points Memo dated December 31, 2014 and located on the Project's dedicated web page identified above:

- Decision Point #2: Board identified “oak woodland” as the preferred method of measurement for determining oak resource impacts and quantifying mitigation requirements.
- Decision Point #3: 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:

- Decision Point #4: Board provided direction to proceed with developing a two-tiered mitigation approach where oak woodland and individual oak trees outside of woodlands are addressed separately and to update the oak woodland retention standards and mitigation ratios.
- Decision Point #5: 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.
- Decision Point #6: Board provided direction to retain the PCAs shown in the 2008 OWMP and establish criteria for identifying additional conservation areas.
- Decision Point #7: 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.

On March 30, 2015, the Board discussed Decision Points #8, #9, #10 from the Decision Points Memo dated December 31, 2014 and located on the Project’s dedicated web page identified above:

- Decision Point #8: Board provided direction to require a site-specific biological resources technical report within IBCs to determine the presence of special-status species or habitat, as well as the presence of wildlife corridors, for such species that may be affected by a proposed project. Further, to identify and establish specific standards for a north-south connection between the two modeled contiguous patches of wildlife habitat north and south of US 50. The Board also provided direction to analyze the possibility of establishing standards for a north-south corridor between Shingle Springs and Placerville.
- Decision Point #9: Board provided direction to allow developers to identify conservation opportunities outside of the PCAs and IBCs, within or outside of important ecological areas. Specific criteria that must be met by these additional conservation lands, including criteria that prioritize use of the important ecological areas would be defined in the policies.
- Decision Point #10: Board provided direction that policies should require establishment of a database of willing sellers within the PCAs, IBCs, and other important biological areas and the County manage the database as a voluntary program (landowners must opt-in to being included in the database by contacting the County).

Based on Board direction received during these workshops, staff and Dudek prepared a draft project description for the Board's consideration and presented it on May 18, 2015. The draft project description includes proposed amendments to General Plan Policies and the OWMP (now known as the ORMP). The Board and public reviewed and provided feedback on the draft project description and the Board directed staff to return on June 22, 2015 to discuss the draft in-lieu fee for oak resources mitigation, finalize a draft project description, and to adopt the necessary Resolutions of Intention to amend the General Plan and OWMP, thereby authorizing staff to proceed with environmental review for the project. The draft project description may be revised based on this date's discussion as needed, before staff proceeds with the environmental review process. 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

Nine (9) Board workshops in total were held over the last year to discuss this project. In October 2014, the Board directed staff to proceed with Policy Option 3 (mitigation/conservation option); based on this direction, a series of four (4) workshops were held in 2015 to discuss and receive Board direction regarding ten Decision Points that would inform preparation of the draft policies, OWMP, implementation measures, and an in-lieu fee program for oak woodland mitigation. Based on Board direction received during these workshops, staff and Dudek prepared a draft project description for the Board's consideration. See the attached memo (Attachment 14B) from Dudek outlining the draft project description and responses to comments received to date on the project. Staff is recommending that the Board review the draft project description and authorize staff to proceed with environmental review for the project.

Next Steps

Upon adoption of the Resolutions of Intention, staff will proceed with environmental review for the project that will analyze, under a program level Environmental Impact Report (EIR), the following items (included in Attachment 14B):

- a. Draft General Plan Amendment
- b. Draft ORMP
- c. Draft Oak Resource In-lieu Fee Program and Nexus Study, a component of the County's oak woodland mitigation program outlined in the ORMP

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 including staff reports and attachments for February 23, 2015 and March 30, 2015, May 18, 2015 and today's meeting items 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 1,300 subscribers). In addition, the notification was emailed to the County "News and Hot Topics" notification list (over 1,400 subscribers).

Clerk of the Board Follow Up Actions

None.

Contact

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