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March 18, 2008

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: Oak Woodland Management Plan

Dear Board Members:

Background

On January 29, 2008 your Board provided specific direction on several outstanding issues relating to the Oak Woodlands Management Plan (OWMP). Planning Services incorporated those motions into the Final Draft OWMP and released the Final Draft OWMP and the Initial Study and Negative Declaration on February 8, 2008 for public comment. Planning Services has received 12 comment letters, and held a public hearing at the Planning Commission on March 13, 2008. The purpose of this report is to provide the Board with the Planning Commission's recommendations, and to recommend adoption of the OWMP and its accompanying ordinance. Board members were provided a copy of the Final Draft OWMP during the week of February 4, 2008. This version of the plan shows in strikeout and underlined format the changes from the version of the plan released for public comment in December 2007.

Public Comment

Planning Services received 12 public comment letters (summarized in a memo to the Planning Commission, and also attached) and the Planning Commission also received verbal comments at its March 13, 2008 hearing (minutes attached).

Written and verbal comments included the following topics:

- Fire defensible space;
- The OWMP does not protect oak woodlands;
- Environmental document should be a mitigated Negative Declaration;
- Mitigation fee is too low;
- Mitigation fee is too high;
- Conservation easement value (percentage) is too high;
- The OWMP fails to mitigate fragmentation and connectivity;
- There should be a phased approach to mitigation for development project maps;

- An annual review process is wise;
- Remove references to Policy 7.4.4.5;
- Appreciation for incorporating agricultural community comments;
- OWMP is punitive and not incentive-based;
- Concern that General Plan Policy 10.1.2.5 not analyzed;
- The Negative Declaration is inadequate and in violation of CEQA – an EIR is required to address significant impacts; and
- The OWMP does not consider air quality effects associated with CO₂ biological emissions from the conversion of oak woodlands to non-forest use. Carbon dioxide biological emissions due to oak woodland impacts are a significant air quality effect that must be analyzed under CEQA review.

While opinions of various interest groups and individuals vary greatly, staff is confident that the plan reflects the prior direction of your Board, is consistent with the policies and implementation measures of the General Plan, is consistent with state law PRC 21083.4, and the impacts have been adequately analyzed in the initial study and disclosed in the negative declaration.

Planning Commission Recommendations

Written comments were presented to the Planning Commission and summarized by staff. The Commission heard public testimony on the draft plan, then provided recommended changes to the OWMP and a recommendation to the Board.

Most significant of the changes recommended by the Planning Commission was the modification of the in-lieu fee. The Planning Commission recommended that the Board of Supervisors change the conservation easement percentage from 80 percent to 40 percent of fee title value. The resultant fee, after recalculating the formula used to develop the fee at 40 percent of fee title value would be \$4,700 per acre.

Additionally, the Planning Commission made the following recommendations:

Page 10-11, Section 2.G: Delete entire paragraph as shown:

~~Policy 7.4.4.5 of the 2004 General Plan states, “where existing individual or group of oak trees are lost within a stand, a corridor of oak trees shall be retained that maintains continuity between all portions of the stand. The retained corridor shall have a tree density that is equal to the density of the stand.” A qualified professional shall make this determination, which is subject to County approval.~~

Page 14, Section 5.2.c: Split this into two sections with section 2d as follows:

- c. Other disturbed areas resulting in tree removal including septic system leach fields and fire safety defensible space vegetation removal for new construction.

d. _____ Fire Safe Plans allow for some retention of oak canopy. To simplify the calculation of oak canopy retention in this zone, the OWMP assumes 20% retention. A site specific analysis of tree removal may be utilized instead of the 20% retention assumption.

Page 15, Section 5.6: Add the text as shown:

6. Payment of applicable fees and granting of any required easements shall be required as a condition of approval of all discretionary permits for which these provisions apply, and shall be completed prior to issuance of a grading or building permit, filing of a parcel or final map, or otherwise commencing with the project. The payment of the fee may be phased to reflect the timing of the tree canopy removal.

Finally, as noted in the public testimony, the Planning Commission directed staff to prepare an economic analysis of the effect of the plan on private property. This will be provided to the Board and available for public review prior to the hearing scheduled for April 1, 2008.

Recommendation

The Planning Commission recommends that the Board of Supervisors take the following actions based on the Initial Study and the findings contained in Attachment 1:

1. Adopt the Negative Declaration;
2. Adopt the Oak Woodland Management Plan as amended by the Planning Commission on March 13, 2008; and
3. Adopt the Oak Woodland Management Plan Implementing Ordinance (including fees).

Sincerely,

Lawrence W. Appel, Deputy Director
Development Services - Planning

Attachments:

- Attachment 1: CEQA Findings
- Attachment 2: Planning Commission hearing minutes of March 13, 2008
- Attachment 3: Implementing Ordinance
- Attachment 4: In-lieu fee recalculation
- Attachment 5: Summary of written comments received on the Initial Study/Negative Declaration during the public comment period
- Attachment 6: Written comments received on the Initial Study/Negative Declaration during the public comment period