Agenda for Public Workshop

1. Development Services Presentation
2. Planning Commission Question and Answer Period
3. Public Comment
4. Planning Commission Discussion and Direction
Background

• CEQA – Public Resources Code section 21083.4 requires mitigation for oak woodlands where a project has a significant impact (2004)
• Butte County Oak Woodlands Management Plan adopted in 2007
• Butte County General Plan 2030 adopted in 2010
• Project processing, CEQA analysis and mitigation
Direct and indirect Goals (3), Policies (6) and Action Items (4) are attached to the staff report. These include:

**Policies**

**COS-P7.4** New development projects shall mitigate their impacts in habitat areas for protected species through on- or off-site habitat restoration, clustering of development, and/or project design and through the provisions of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) within the HCP/NCCP Planning Area, upon the future adoption of the HCP/NCCP.

**Action Items**

**COS-A7.2.** Develop a set of guidelines for evaluating development project impacts to habitat in locations outside of the approved Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan Planning Area, as well as for requiring specific mitigations for impacts that are identified.

**COS-A7.3.** Establish a mitigation bank program for impacts to habitats for protected species, such as oak woodlands, riparian woodlands and wetlands, in locations outside of the approved Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan Planning Area, using mitigation fees on new development projects as a funding mechanism.
Why have an ordinance?

• If case-by-case review under CEQA is sufficient – why propose an ordinance?
• Supported by General Plan 2030 Goals, Policies and Action Items
• An ordinance can serve as a single location* for outlining the requirements for analysis, determining significant impacts and mitigation measures for the public, applicants, staff and decision-making authority (Zoning Administrator, Planning Commission, Board of Supervisors).
• Process to pay into the State Oak Woodlands Conservation Fund
• Pro or Con? Generally - Ordinances set standards and are inherently inflexible
Discretionary Projects Only

Projects that are approved, denied or modified

Examples – Subdivision Maps, Parcel Maps, Use Permits

Discretionary projects do not include – building permits, maintenance, administrative permits, agricultural production
Finding the Right Match - Calibration

• We want flexibility / we want clear standards
• We want to exercise reasonable judgement / No judgement at all
• We want plain language / We want defensible language based on the best available technical information
• We want simple / We want something that applies in every possible situation
• We want our own ordinance / We want that other jurisdiction’s ordinance
• We want incentives / We want penalties
• Let’s try out the ordinance after approval / Let’s perfect the ordinance before approval
Butte County Draft Oak Woodland Mitigation Ordinance Flow Chart

Discretionary?

YES

Exempt?

NO

CONDUCT EVALUATION

MEETS RETENTION STANDARD?
  No removal of 24’
  Less than 10% cover?
  No more than 10% reduction
  10 trees degraded okay

YES

50% or less oak canopy removal
  Ratio of Replacement: 1:1
  Options:
  • Conservation Easement
  • Mitigation Bank
  • State Oak Fund payment
  • Large Project Option

NO

Refer to Replacement Ratio Standard

Greater than 50% oak canopy removal
  Ratio of Replacement: 2:1
  for the canopy area above 50%
  Options:
  • Conservation Easement
  • Mitigation Bank
  • State Oak Fund payment
  • Large Project Option

Replacement Density: 200 trees (saplings or one-gallon) per acre density
Acorn conversion: 3 acorns per 1 replacement tree = 600 acorns per acre density
Where’s the Manual?

Staff proposes a document separate from the ordinance to contain the detail of the Evaluation Plan and temporary impact mitigation requirements.

This manual will be drafted by staff and circulated with the revised Draft Ordinance.

Users’ Group comments show a need to review the manual to fully understand the Draft Ordinance – staff agrees.
Oak Woodland & Canopy Cover

Oak Woodland. Project site land where a majority of living trees are native oaks and with 10 percent or greater oak canopy cover.

Oak canopy cover. The area directly under the live branches of the oak trees as a percent of a given unit of land.
Oak Canopy Cover

OAK WOODLAND
30% Oak Canopy Cover

PROJECT SITE

- Oak tree canopy
- Non oak tree canopy
How to calculate?

Staff is recommending a manual be prepared and maintain with the detail of how the oak woodland is evaluated.
What might this look like?

Example assumes all oak canopy = 100%

What does 10% removal of 100% canopy look like?
What might this look like?

Example of tree canopy outlined in blue. Assume this is 100% canopy of oak woodland.

Ordinance proposes a 10% reduction as less than significant

The red area is 10%
Overview of Draft Ordinance

- Contained in Staff Report
- Section-by-section review of Draft Ordinance
Draft Oak Woodland Mitigation Ordinance

PLANNING COMMISSION
QUESTIONS AND COMMENTS
Draft Oak Woodland Mitigation Ordinance

PUBLIC COMMENT
Draft Oak Woodland Mitigation Ordinance

PLANNING COMMISSION DIRECTION
Next Steps

• Take direction from Planning Commission
• Compile input from Users’ Group, public, agencies, others
• Revise Draft Ordinance
• Draft Manual
• Prepare CEQA document circulate with Draft Ordinance and Manual
• Schedule Public hearing for Planning Commission for a recommendation to the Board of Supervisors