

Butte County Planning Commission

DECEMBER 14, 2017
PUBLIC WORKSHOP

DRAFT

OAK WOODLAND MITIGATION ORDINANCE



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

General Plan 2030

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

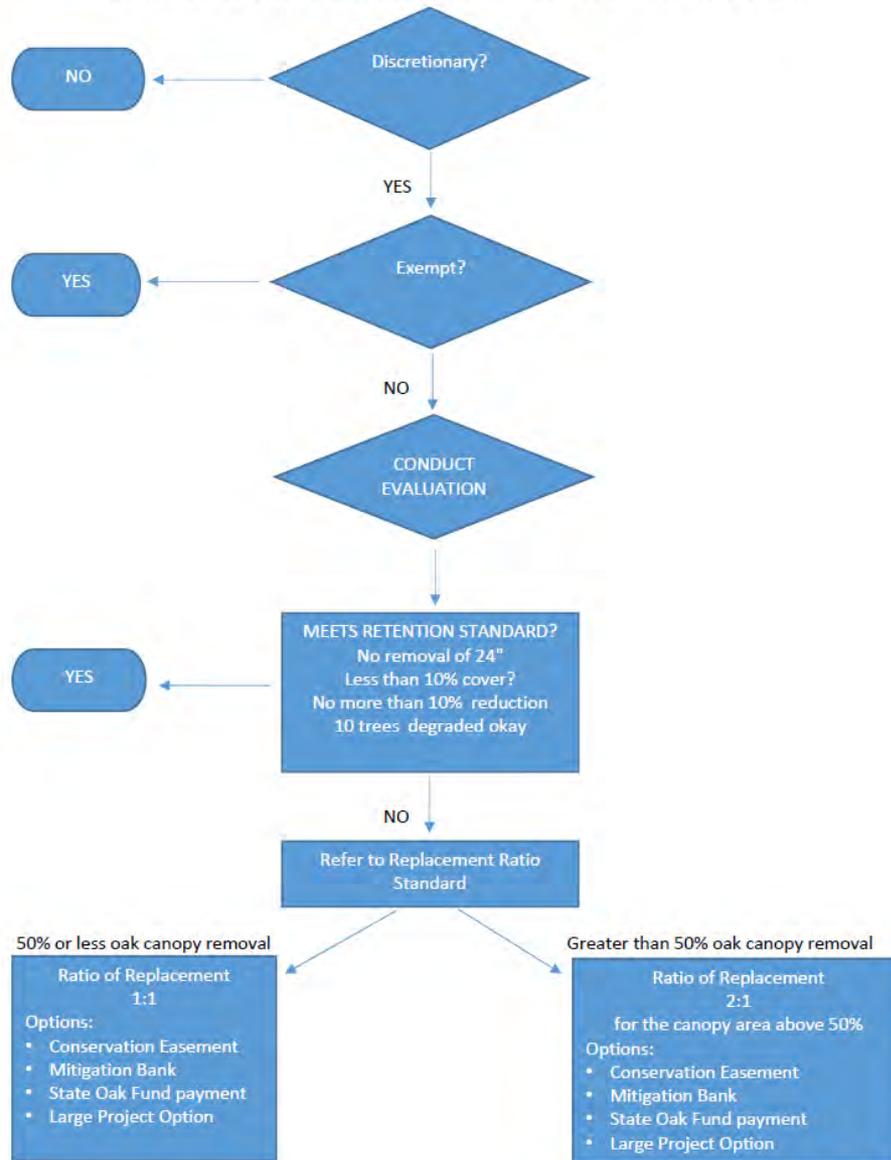
Examples – Subdivision Maps, Parcel Maps, Use Permits

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



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.

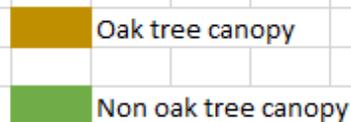
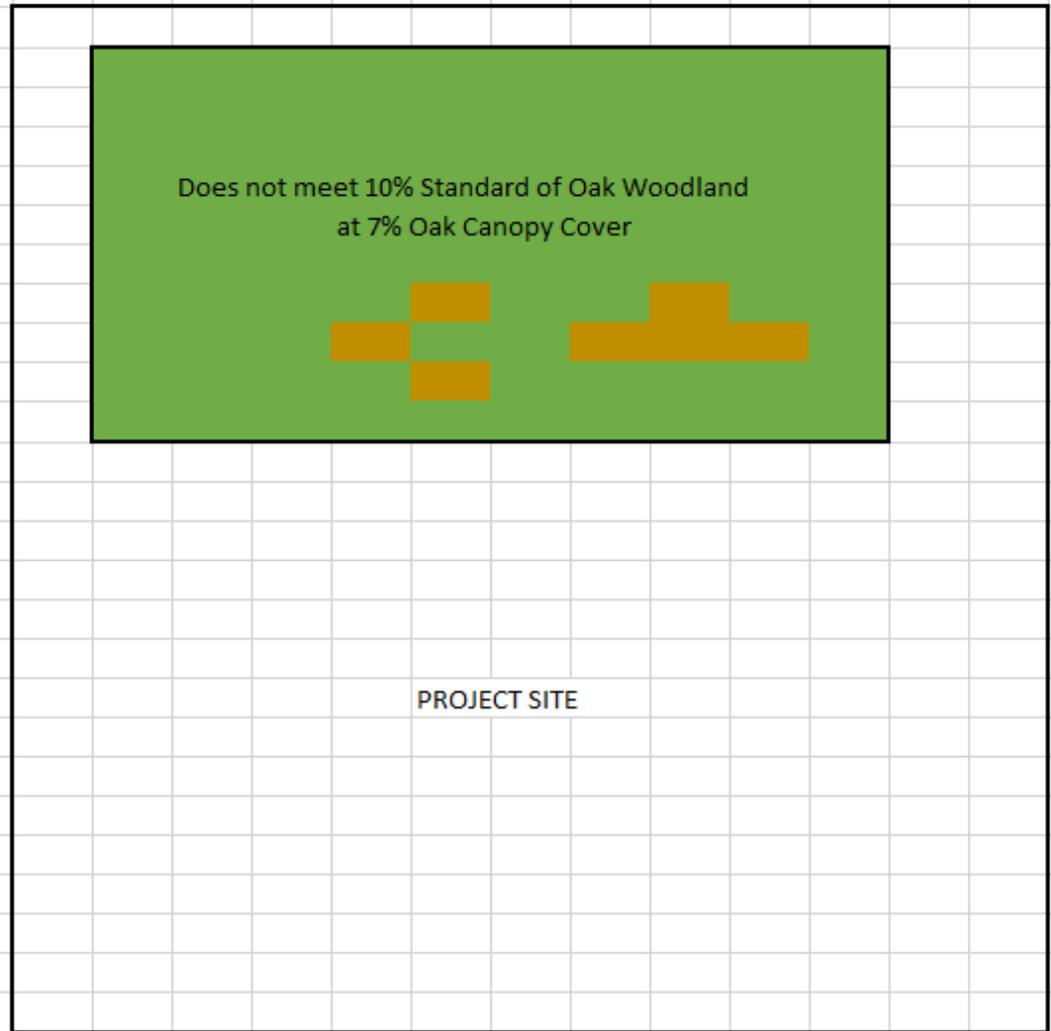
This manual will be drafted by staff and circulated with the revised Draft Ordinance.

Users' Group comments show a need to review the manual to fully understand the Draft Ordinance – staff agrees.

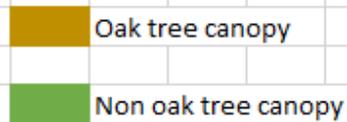
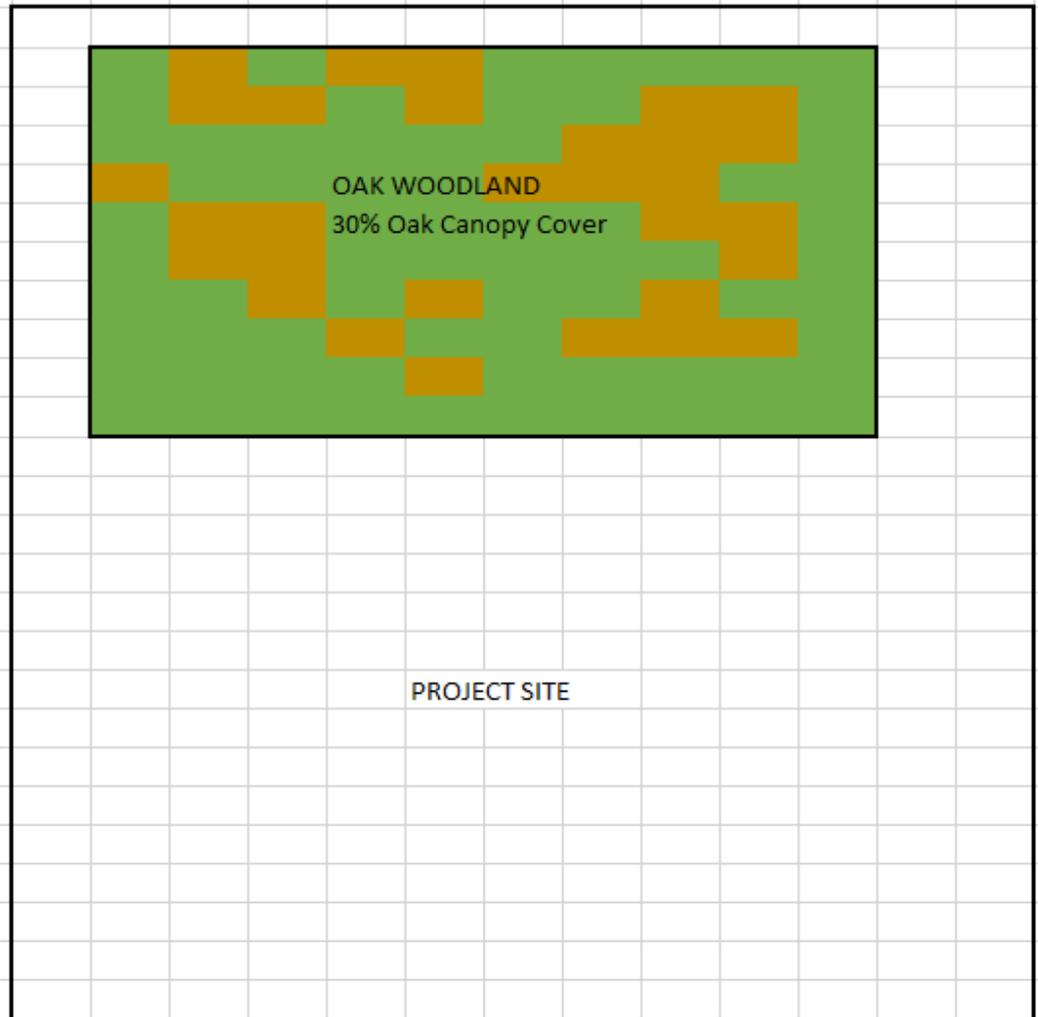
Oak Woodland & Canopy Cover

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.

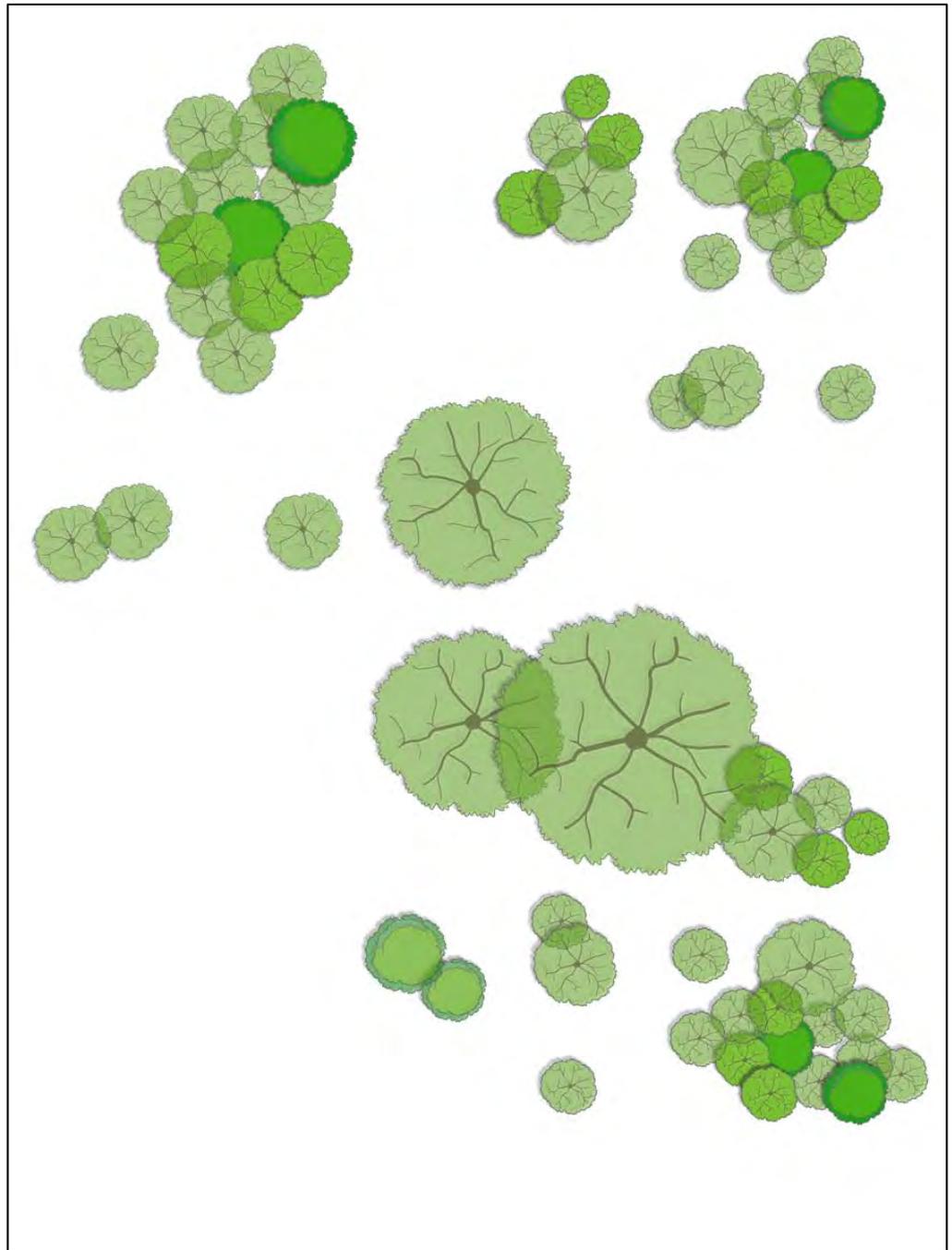


Oak Canopy Cover



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?

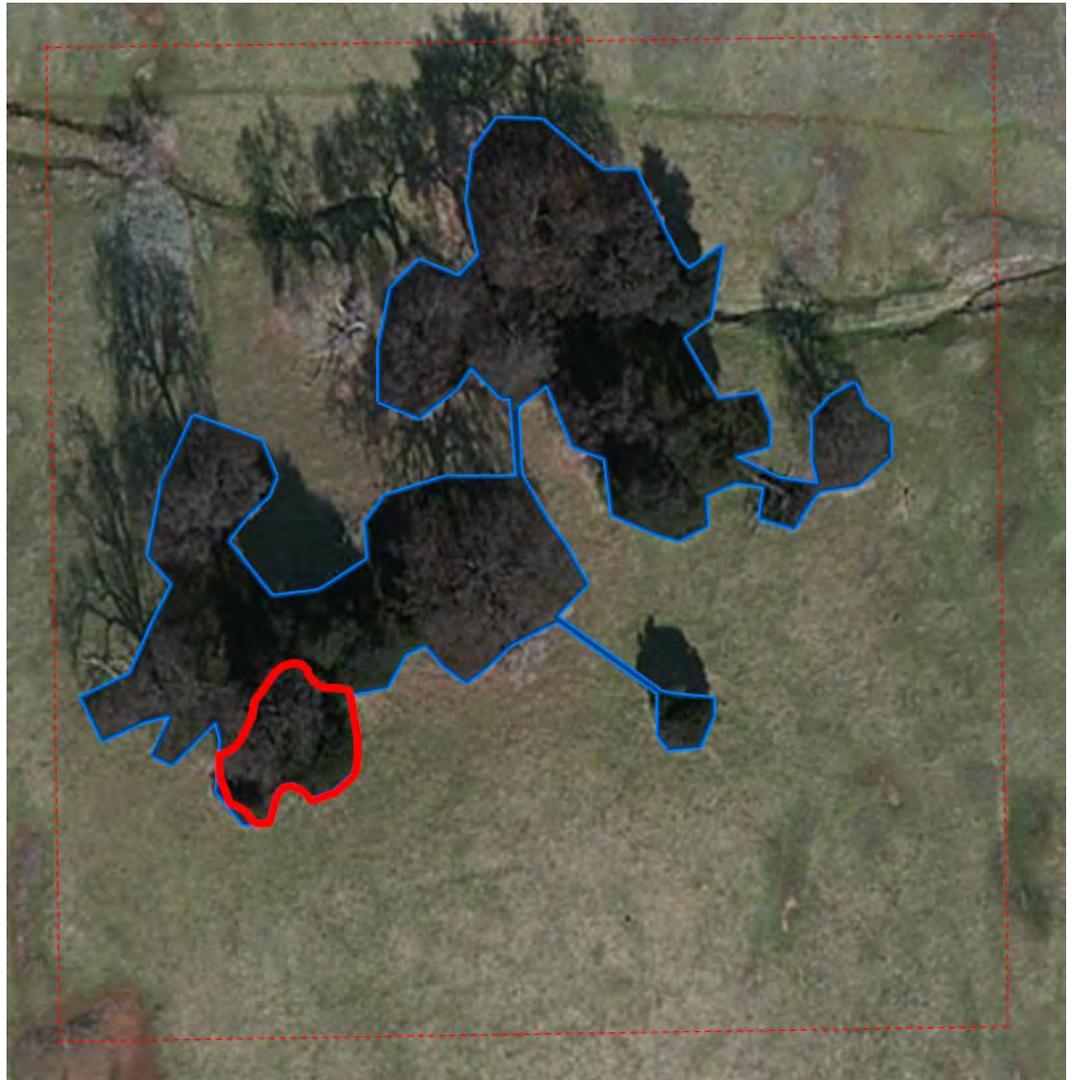


What might this look like?

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