



P.O. Box 935, San Andreas, CA 95249 • (209) 772-1463 • www.calaverascap.com

***Protecting our rural environment by promoting citizen participation
in sustainable land use planning since 2006***

To: The Calaveras County Hardwood Advisory Committee
From: The Calaveras Planning Coalition
Regarding: The Draft Oak Woodland Mitigation Ordinance
Date: October 11, 2022

Via email

Dear Harwood Advisory Committee Members,

The Calaveras Planning Coalition (CPC) is a federation of regional and local organizations, community groups, and concerned individuals who promote public participation in land use and resource planning to ensure a healthy human, natural, and economic environment now and in the future. The CPC is administered by the Community Action Project (CAP) whose mission is to protect and improve the natural and built environments in Calaveras County by empowering people to claim their rights and participate in local government. CAP and the CPC thank you for the opportunity to comment on the draft Oak Woodland Mitigation Ordinance that will be under discussion at your meeting on October 13.

1.

Please consider including "Preservation" in the Chapter name so that it reads: Oak Woodland *Preservation and* Mitigation Ordinance.

2.

Under 17.XX.010 Purpose C, please consider removing the subjective adjective "reasonable," so the text will read, "Calaveras County General Plan Policy COS 3.9 is to (p)reserve and enhance healthy woodlands consistent with state law, ~~reasonable~~ county development policies, and fire safety considerations."

3.

Please consider inserting the following under 17.XX.020 as C: *“Individual Native Oak Tree” shall mean any oak tree of the genus Quercus including blue oak (Quercus douglasii), valley oak (Quercus /obata), interior live oak (Quercus wislizeni), and canyon live oak (Quercus chrysolepis).* We have removed California black oak, because it is a commercial oak species that is extremely widespread across Calaveras County and adjacent counties. It is also an oak that the timber industry opposes being protected due to its commercial designation. Oregon oak and oracle oak are likely to be very minimal within the County.

4.

We suggest under I. (Definition of Heritage Trees) that this sentence be added: *It will be the intent of the County for Heritage Trees to be retained to the greatest extent feasible due to their uniqueness and special character as historic legacies and scenic resources in the County.*

5.

Under 17.XX.030 Mitigation Options, please specify how the Planning Department will determine whether a proposed discretionary project will or will not result in a “potentially significant conversion of oak woodlands.” The General Plan is fairly specific on how this determination should be made. Until local mitigation measures are developed, COS-4D Oak Woodlands requires (in part) “development that is subject to a discretionary entitlement and subject to CEQA review to enlist the services of a qualified professional (meaning a qualified biologist, botanist, arborist, or Registered Professional Forester) to survey the property in question for oak woodlands and to recommend options for avoidance and/or mitigation consistent with the provisions of RPC 21083.4 if potentially significant impacts to oak woodlands are identified. If a potentially significant impact to oak woodlands is identified, the following shall apply:

- The oak woodland on the project site shall be mapped and the extent of woodland canopy proposed to be removed as a result of the proposed project shall be identified.
- If avoidance is utilized for all or part of the mitigation, the oak woodland to be avoided by the project shall be protected by identifying the dripline of the oak woodland canopy to be preserved on all construction plans and by implementation of best management practices or other measures recommended by the qualified professional to prevent damage to the woodland to be preserved.” Etc.

6.

Please include oak tree “avoidance” as a Project Mitigation Option under 17.XX.030. Avoidance as a preservation and mitigation strategy might seem obvious, but often projects are designed on paper in a remote office before any on-site oak surveys would be completed, and avoidance is only addressed in later stages of project review. This can lead to project delays and additional costs for project re-design and additional environmental review. Encouraging oak tree and oak woodland avoidance up-front in the oak ordinance could set the tone for smoother project review and fewer negative impacts to oaks. For example, here is a mitigation strategy from

2003-154 TSTM Project Revised IS/Neg Dec (2006), “The building envelopes are being located to mitigate the impact to oak trees by avoiding the oak trees to the greatest extent possible.”

Consider the following wording for an oak avoidance mitigation option:

17.XX.030 Mitigation Options

B.1a. Oak Woodlands and Heritage Oak Avoidance

Maximize retention of oaks and oak woodlands through accurate site survey and proactive planning to avoid oaks. Modify project design to avoid and minimize impacts wherever possible by adjusting locations of roadways, driveways, septic systems, lot lines, and other means, such as using designated building envelopes to avoid impacts to existing oaks.

7.

We recommend the following paragraph be deleted: ~~e. If oak resources are identified for on-site retention as part of a discretionary or ministerial project, a bond or other security instrument in an amount not less than ten thousand dollars (\$10,000.00) shall be required as a condition of issuance of the discretionary permit and/or authorization to protect any Individual Native Oak Trees and/or Oak Woodlands identified for preservation during the construction period. The form and amount of the security instrument shall be specified by the permit issuing body and approved by County Counsel. No grading or other on-site work shall be permitted until the security is posted.~~

8.

The CPC recommends that Heritage Tree Removal be distinct from Native Oak Tree Removal. Heritage Trees are exceptional and should absolutely be retained whenever feasible. Native oak trees are much more abundant. We recommend that the following be deleted: ~~Individual Native Oak Tree/Heritage Tree Removal. If Individual Native Oak Trees, including Heritage Trees, will be impacted as part of the permit, the applicant shall mitigate for loss of individual tree(s) by one or more of the following options as specified in the ORMP:~~

We recommend that the above deleted language be replaced with the following: *Individual Heritage Tree Removal. If individual Heritage Trees may be impacted by a permitted project, the project applicant shall justify why it is essential to remove the legacy tree rather than avoidance. It is the intent of the County for Heritage Trees to be retained to the greatest extent feasible due to their uniqueness and special character as historic legacies and outstanding scenic resources in the County. If the County agrees that removal of a Heritage Tree is justified, the in-lieu fee payment for removal of the Heritage Tree shall be set at a rate 10 times the rate of payment for affecting an individual Native Oak Tree.*

Finally, we encourage the county to adopt a no-net-loss standard for oak woodlands. If that were in place, it would require a 2:1 replacement ratio as a starting point. Thank you for your consideration of our comments.

Sincerely,
Muriel Zeller, CAP Governing Committee

Cc: Assistant County Counsel Julie Moss-Lewis