

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Planning Commission Agenda of: January 14, 2010

FROM: Peter N. Maurer, Principal Planner Item #: 4.d

DATE: January 6, 2010

RE: **GOV09-0006: Finding of General Plan Consistency pursuant to Government Code Section 65401; Acquisition of Land for Gabbro Soil Rare Plant Mitigation**

## Recommendation:

Planning Services recommends that the Planning Commission find that the acquisition of real property by the County for the purposes of protection of and mitigation for impacts to gabbro soils rare plants is consistent with the El Dorado County General Plan.

## Location:

The subject property is located at the east end of Palmer Drive, at its intersection with Loma Drive, in the Cameron Park area. The property is the site of a former development project application known as Carriage Hills.

APN: 070-261-77, 070-261-79, 070-261-80, & 070-261-81

Acreage: 20.098 acres

Zoning: RE-5, Estate Residential 5-Acre

General Plan: MFR, Multifamily Residential

Supervisory District: District IV

## Analysis of General Plan Consistency:

Pursuant to Government Code 65402, the acquisition or sale of a property by a public agency must be reviewed by the planning agency for consistency with the General Plan. The planning agency for El Dorado County is the Planning Commission. The Commission must make a determination whether the proposed purchase of the 20 acre Carriage Hills property is consistent with the General Plan.

The subject site is currently designated multi family and zoned residential. The property is located in Mitigation Area 1 on the rare plant preserve maps; and is located adjacent to the existing Cameron Park rare plant preserve. The property has been the subject of several plant surveys showing that five of the eight pine hill endemics are present on the site and a sixth sensitive plant was determined to have a high potential to occur on site. (Michael Brandman Associates, *Biological Resources Assessment 20-Acre Carriage Hills Project*, June 7, 2007) The U.S. Fish and Wildlife Service (FWS) and the California Department of Fish and Game (DFG) have both indicated that properties in this general vicinity are particularly important for the ongoing success of several of the gabbro soil plants. The American River Conservancy had an option to purchase this property, at a price more than double than the current agreed price, for inclusion in the plant preserve last year. In May, 2008 FWS sent a letter to the American River Conservancy indicating that this site was one of two identified as “the Service’s highest priority level” for protection of the gabbro soil plants. FWS identified six reasons for this priority: 1) willing sellers; 2) 5 Of 8 species occurring on site; 3) sizes and densities of plant populations; 4) under-represented populations of bedstraw and morning glory in the existing preserves; 5) location in proximity to Cameron Park preserve; and 6) improvement of management options.

DOT has several road projects in the Cameron Park and Salmon Falls areas that could have an impact on gabbro soil plants. These include the Ponderosa 50 Interchange project with it’s associated relocation of Durock Road and North Shingle Road, the widening and realignment of Green Valley Road in the Cameron Park/Rescue area, the Cameron Park Interchange project depending on it’s ultimate configuration, the potential Wild Chaparral/Palmer Drive connection, and a number of other smaller projects. DOT has committed to using Road Fund revenues to acquire the Carriage Hills property and to make use of all, or a portion, of the Carriage Hills property to mitigate for direct and indirect impacts future DOT road projects may have on these plants. Acquisition of the property does not constitute approval of any road project, or the approval of the use of any portion of the Carriage Hills property for road purposes. Any use of the property for purposes other than mitigation will require full CEQA review.

Acquisition of this property from a willing seller promotes and is consistent with the following General Plan objectives and policies:

Objective 7.4.1

The County shall protect State and Federally recognized rare, threatened, or endangered species and their habitats consistent with Federal and State laws.

Policy 7.4.1.1

The County shall continue to provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 17.71 and the USFWS’s Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002).

Policy 7.4.1.2

Private land for preserve sites will be purchased only from willing sellers.

Policy 7.4.1.5

Species, habitat, and natural community preservation/conservation strategies shall be prepared to protect special status plant and animal species and natural communities and habitats when

discretionary development is proposed on lands with such resources unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.

Policy 7.4.1.6

All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the County and in the creation and implementation of the INRMP.

Policy 7.4.2.1

To the extent feasible in light of other General Plan policies and to the extent permitted by State law, the County of El Dorado will protect identified critical fish and wildlife habitat, as identified on the Important Biological Resources Map maintained at the Planning Department, through any of the following techniques: utilization of open space, Natural Resource land use designation, clustering, large lot design, setbacks, etc.

Implementation Measure CO-K

Work cooperatively with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and Bureau of Land Management to implement the gabbro soils rare plant ecological preserve and recovery program and to develop a long-term preserve strategy. Develop implementation measures to incorporate in County development standards for ministerial and discretionary projects, which may include:

- Identification of compatible land uses within preserve sites, which may include passive recreation, research and scientific study, and interpretive education; and
- Fuels management and fire protection plans to reduce fire hazards at the interface between rare plant preserve sites and residential land uses; and

[Policies 7.4.1.1, 7.4.1.2, and 7.4.1.3 and Objective 7.4.3]

Goal TC-1

To plan for and provide a unified, coordinated, and cost-efficient countywide road and highway system that ensures the safe, orderly, and efficient movement of people and goods.

Policy TC1-k

The County shall continue to work with the El Dorado County Transportation Commission, Sacramento Area Council of Governments, California Department of Transportation, Tahoe Regional Planning Agency, and other agencies to maintain a current Regional Transportation Plan, to identify funding priorities, and to develop expenditure plans for available regional transportation funds in accordance with regional, state, and federal transportation planning and programming procedures. Such regional programming may include improvements to state highways, city streets, and county road.

Policy TC 1-q

The County shall utilize road construction methods that seek to reduce air, water, and noise pollution associated with road and highway development.

Policy HO-1.2

To ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services.

The acquisition of this property clearly is consistent with the objectives and policies in the Conservation and Open Space Element related to protection of rare and endangered species. The current owners are willing sellers, the site is biologically important for plant protection, and the acquisition of the site would be consistent with FWS and DFG protection strategies and goals. The need to provide sufficient circulation infrastructure is also clear in the General Plan. Acquisition of this site will assist in the development of transportation capital improvement projects by providing potential mitigation lands where avoidance of impacts to gabbro soils plants cannot occur.

The site is designated as Multifamily Residential and several development projects have been submitted or discussed on this site, but due to the environmental and infrastructure constraints, none have been able to move forward. It would appear that despite its proximity to Highway 50 and Cameron Park, the site will be difficult to develop. This property was not included in the Housing Element affordable housing inventory of vacant land because of the RE-5 zoning, therefore, it will have no effect on that inventory.

Table 2-4 in the Land Use Element shows that both the OS, Open Space and TC, Transportation Corridor zoning is compatible with the MFR land use designation. Rare plant habitat management and transportation uses would be compatible with the land use designation.

In conclusion, the proposed acquisition of the Carriage Hill property would be consistent with the applicable policies of the 2004 General Plan.