



# COMMUNITY DEVELOPMENT SERVICES

## PLANNING AND BUILDING DEPARTMENT

<http://www.edcgov.us/DevServices/>

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**PLACERVILLE OFFICE:**

2850 Fairlane Court, Placerville, CA 95667

**BUILDING**

(530) 621-5315 / (530) 622-1708 Fax

[bldgdept@edcgov.us](mailto:bldgdept@edcgov.us)

**PLANNING**

(530) 621-5355 / (530) 642-0508 Fax

[planning@edcgov.us](mailto:planning@edcgov.us)

**LAKE TAHOE OFFICE:**

924 B Emerald Bay Rd

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

TO: Board of Supervisors Agenda of: August 28, 2018

FROM: Aaron Mount, Senior Planner

DATE: July 23, 2018

RE: Oak Woodland Conservation Land Acquisition – Allocation of Funds;  
El Dorado Ranch Phase 3 (Assessor's Parcel Numbers: 091-030-12, -23, -24, -28,  
-29, -30, -33, -39, -40, -41, and -58)

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### REQUEST

Community Development Services, Planning and Building Department, recommends the Board approve the use of \$63,250 of Oak Woodland Conservation Funds to help acquire 1,018 acres of land for the protection and preservation of riparian and woodland habitat, that includes native fisheries and oak woodlands, and to provide for the potential future wildlife oriented public use opportunities on land fronting the Cosumnes River, to be owned and managed in the future by the California Department of Fish and Wildlife.

### BACKGROUND

On October 24, 2017, the El Dorado County Board of Supervisors adopted a General Plan Amendment that revised the biological resources policies and related objectives and implementation measures in the Conservation and Open Space Element of the General Plan. Specifically, this amendment made changes to the County's Oak Resources Management Plan (ORMP) and the Oak Resources Conservation Ordinance which are more stringent than State law prescribes.

The ORMP requires mitigation for permitted oak tree removal under the ORMP including: on-site retention; replacement planting on-site and off-site; and in-lieu fees that will be used to acquire land and/or conservation easements to conserve oak woodlands, and to plant and maintain native oak trees.

The ORMP in-lieu fee for removal of oak woodlands is calculated based on total cost per acre which is currently set at \$8,285. The in-lieu fee for removal of individual oak trees is calculated on a total cost per inch which is currently set at \$153 for a non-Heritage Tree and \$459 per inch for a Heritage Tree at a 3-to-1 ratio. The per-inch fee shall be multiplied by the total number of

trunk diameter inches removed. The in-lieu fees collected will be deposited in the County’s Oak Woodland Conservation Fund, which will be used to acquire land and/or conservation easements to conserve oak woodlands, provide for native oak tree planting, and for ongoing conservation area monitoring and management activities.

As of June 26, 2018, the Oak Woodland Conservation Fund has a total of \$63,250.23. Approximately half of the funds have been acquired through fees paid under the prior Oak Woodland Management Plan adopted in 2008 and the rest through fees paid under the current Oak Resources Management Plan. This request will allocate all available funds from the County’s Oak Woodland Conservation Fund in-lieu fee account.

**DISCUSSION**

**Proposal**

Angelo K. Tsakopoulos Holdings LP, a California Limited Partnership, owns a total of 63 parcels measuring approximately 6,808 acres within El Dorado and Amador County and is willing to sell 1,018 acres of this property to the American River Conservancy (ARC) as oak woodland conservation land. Once the property is obtained by the ARC, it will then be transferred to the State Department of Fish and Wildlife, who will manage and maintain the oak woodland conservation land in perpetuity. A Purchase and Sale Agreement between Tsakopoulos (seller) and ARC (buyer) is attached (Exhibit 2).

The property has been appraised at \$4,680,000. The appraisal was reviewed by the Department of General Services - Real Estate Services Division (DGS) (Exhibit 1) to be in compliance with applicable DGS standards and requirements. The agreed-to sale price for the 1,018 acres of oak woodland is \$4,180,000, or \$3,870 per acre. The share of purchase of each party to the sale is as follows:

|  |                    |
|--|--------------------|
| State Wildlife Conservation Board                    | \$2,500,000        |
| County of El Dorado, Oak Woodland Conservation Funds | \$63,250           |
| California Wildlife Foundation                       | \$500,000          |
| Resources Agency (EEM Grant)                         | \$850,000          |
| American River Conservancy                           | \$270,000          |
| <b>Total:</b>  | <b>\$4,180,000</b> |

**Project Site**

The project site is located in the southwest portion of the County approximately 6.5 miles south of El Dorado on the west side of Hwy 49 and approximately two miles north of the Cosumnes River. The property is comprised of 11 contiguous properties containing 1,018 acres (Exhibit 3). A legal description of the 11 parcels is attached (Exhibit 4). These properties are collectively referred to as El Dorado Ranch Phase 3, as named by the American River Conservancy. The site and surrounding properties have historically been known as El Dorado Ranch and previously a tentative map application called Cinnabar and Cook Ranch.

The property consists of slightly sloping to rolling topography. The vegetation consists of chaparral, mature oak woodlands, sage grasslands, and riparian vegetation. Photos of the property are included in Exhibit 11.

Recently purchased oak woodland conservation land, El Dorado Ranch Phase 1A and 1B (ARC Phase 2), are located south of the properties of proposed Phase 3 (Exhibit 3). Phase 1A consists of 1,059 acres and Phase 1B (ARC Phase 2) consists of 1,080 that were purchased by the American River Conservancy from Mr. Tsakopoulos in 2013 and 2014 respectively. Combined, these three phases will provide 3,157 acres of protected oak woodland conservation for passive use by the general public. Use of this land could include, but not be limited to, hiking trails, hunting, grazing, and camping, to be maintained by the State Department of Fish and Wildlife.

### **Priority Conservation Areas**

Priority Conservation Areas (PCA) are areas in which acquisition of land or conservation easements shall be acquired from willing sellers using the Oak Woodland Conservation Fund. These areas were identified using the Fire and Resource Assessment Program (FRAP) classification of oak woodland habitat in the county. After those areas were mapped, the areas were narrowed down to large expanses consisting of 500 acres or more. Those large expanses were further narrowed to lands where oak woodland habitat would not likely undergo substantial fragmentation and oak woodland conservation would be consistent with the 2004 General Plan land use designations. Areas specifically excluded were lands within Community Regions and Rural Centers and lands designated Low Density Residential. These resulting areas are classified as Priority Conservation Areas. The PCA maps are attached to show all PCA within the county (Exhibit 6) and the amount of this categorized land within the subject property (Exhibit 7). Approximately 74 percent of the 1,018 acres is within the PCA.

### **General Plan**

All eleven parcels have a general plan designation of Rural Residential (RR) (Exhibit 7). The RR designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. The category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as choice agricultural lands. Typical uses include a full range of agricultural production uses and recreation.

The proposal is consistent with the following Goals, Objectives, and Policies of the General Plan:

Goal 7.4: Wildlife and Vegetation Resources – Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

Objective 7.4.3 – Coordination of wildlife and vegetation protection programs with appropriate Federal and State agencies.

Objective 7.4.4 – Protect and conserve forest and woodland resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetics values.

Policy 7.4.4.3 – Utilize the clustering of development to retain the largest contiguous areas possible in wildland (undeveloped) status.

### **Zoning**

All eleven parcels are within the Rural Lands Zone district (Exhibit 8). The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use.

### **Benefits**

By allowing \$63,250 of the County's oak woodland conservation fund to be used for this purchase, the county would be leveraging a small amount of funds to participate in acquiring 1,018 acres of oak woodland valued at just over \$4 million. Further, the land will be turned over to the State Department of Fish and Wildlife for management and maintenance of the site in perpetuity. The County will have no long term costs associated with the management and maintenance of the site.

The California Wildlife Foundation also supports this purchase and has approved a \$500,000 grant toward the purchase of this oak woodland conservation area (Exhibit 9).

### **Issues**

The mitigation funds were collected from projects mostly in the El Dorado Hills and Cameron Park areas, where much of the development within the County has occurred over the last decade. Some believe the mitigation funds should be used to purchase land in these areas since that is where the majority of the funds came from. However, the Oak Resources Management Plan (ORMP) states that the funds should be used to acquire land or conservation easements from willing sellers in the PCA. When looking at a map of the PCA in El Dorado County, one can clearly see that there are no PCA in these developed areas. The majority of PCA lands are clustered in the south county, as well as some small patches in the northwest county.

### **Environmental Review**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 153313 of the CEQA Guidelines stating that Class 13 exemptions consist “of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.” This proposal is to consider the release of funds to The American River Conservancy to acquire in fee 1,018± acres of land for the protection and preservation of riparian and woodland habitat, that includes native fisheries and oak woodlands, and to provide for potential future wildlife oriented public use opportunities on land fronting the Cosumnes River.

**RECOMMEDATION**

Community Development Agency, Planning and Building Department, recommends that the Board of Supervisors take the following actions:

1. Support the purchase of these 1,018 acres, known as El Dorado Ranch Phase 3, for the purpose of oak woodland conservation and direct the County Auditor to release \$63,250 from the Oak Woodland Conservation Fund to be placed in escrow for the purchase of said property by the American River Conservancy.
2. Find the project is exempt from CEQA pursuant to Section 15313 of the CEQA Guidelines (Acquisition of Lands for Wildlife Conservation Purposes).

**SUPPORT INFORMATION**

**Attachments to Staff Memo:**

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|-----------------|--|
| Exhibit 1.....  | CADGS Appraisal Review June 27, 2018                             |
| Exhibit 2.....  | Purchase and Sale Agreement; El Dorado Ranch-Phase 1B            |
| Exhibit 3.....  | Location and Phase Map   |
| Exhibit 4.....  | Legal Description  |
| Exhibit 5.....  | Priority Conservation Areas Map – County Wide                    |
| Exhibit 6.....  | Priority Conservation Areas Map – Project Site                   |
| Exhibit 7.....  | General Plan Map   |
| Exhibit 8.....  | Zoning Map   |
| Exhibit 9.....  | Letter of Support-California Wildlife Foundation; March 22, 2017 |
| Exhibit 10..... | Letter of Support-American River Conservancy; June 27, 2018      |
| Exhibit 11..... | Photos of Site   |