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TO: Board of Supervisors Agenda of: September 23, 2014

FROM: Lillian MacLeod, Principal Planner

DATE: August 1, 2014

RE: Oak Woodland Conservation Land Acquisition – Allocation of Option B Funds;
El Dorado Ranch Phase 1B (Assessor's Parcel Numbers: 091-030, 27, 32, 34, 37,
38, 42, and 45; 092-040-70 and 71; and 092-050-08 and 10)

REQUEST

Community Development Agency, Development Services Division, recommends the Board approve the use of \$120,000 of Oak Woodland Conservation Funds to help acquire 1,080 acres of land to be owned and managed in the future by the California Department of Fish and Wildlife.

BACKGROUND

On May 6, 2008, the Board of Supervisors adopted the Oak Woodland Management Plan (OWMP) and its implementing ordinance, to be codified as Chapter 17.73 of the County Code (Ord. 4771. May 6, 2008). The primary purpose of this plan was to implement the Option B provisions of Policy 7.4.4.4 and Measure CO-P. These provisions established an Oak Conservation In-Lieu Fee for the purchase of conservation easements for oak woodland in areas identified as Priority Conservation Areas.

A lawsuit was filed in El Dorado Superior Court on June 6, 2008 against the Oak Woodland Management Plan. On February 2, 2010, the Court ruled to uphold the Board's action to adopt the Plan. However, on appeal, the Appellate Court over-ruled that decision, remanding the case back to Superior Court, with the direction to require the County to prepare an Environmental Impact Report for the OWMP. The OWMP was rescinded on September 4, 2012 (Resolution 123-2012) and its implementing ordinance was rescinded on September 11, 2012 (Ord. No. 4892). Currently, only Option A of Policy 7.4.4.4 is available to mitigate impacts to oak woodlands. Option A sets forth limitations on the amount of oak canopy that may be removed with each project and requires that removed oak canopy be replaced at a 1:1 ratio.

Between the time the OWMP was adopted and later rescinded, oak conservation in-lieu fees were collected as mitigation to oak tree removal for projects. As of July 31, 2014, the Oak Woodland Conservation Fund has a total of \$149,624.73 (Exhibit 1).

DISCUSSION

Proposal

Angelo Tsakopoulos owns a total of 73 parcels measuring approximately 6,808 acres within El Dorado and Amador County and is willing to sell 1,080 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 \$5,940,000. The appraisal was reviewed by the Department of General Services - Real Estate Services Division (DGS) to be in compliance with applicable DGS standards and requirements. The agreed-to sale price for the 1,080 acres of oak woodland is \$4,995,000, or \$4,625 per acre. The share of purchase of each party to the sale is as follows:

State Wildlife Conservation Board	\$4,800,000	96.1%
County of El Dorado, Option B Funds	\$120,000	2.4%
California Wildlife Foundation	\$75,000	1.5%
Total:	\$4,995,000	100%

Project Site

The project site is located in the southwest portion of the County approximately 11 miles south of El Dorado on the west side of Hwy 49 and just north of the Cosumnes River. The property is comprised of two non-contiguous properties containing 1,080 acres, with 240 acres located along the Cosumnes River and 840 acres located approximately one mile north of the river (Exhibit 3). A legal description of the 11 parcels is attached (Exhibit 4). These properties are collectively referred to as El Dorado Ranch Phase 1B, 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, and grasslands, with riparian vegetation and riverine habitat areas adjacent to the Cosumnes River. The property also contains the Miller Homestead, a building dating back to the 1860’s. Photos of the property are included in Exhibit 16.

Recently purchased oak woodland conservation land, El Dorado Ranch Phase 1A, is located between the two non-contiguous properties of proposed Phase 1B (Exhibit 5). Phase 1A consists of 1,059 acres that were purchased by the American River Conservancy from Mr. Tsakopoulos in August of 2013. Combined, these two phases will provide 2,139 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 conservation easements shall be acquired from willing sellers using the Oak Woodland Conservation Fund. Priority Conservation Areas within the county were determined using the following criteria: lands under the 4,000 foot elevation contour; lands containing 500 acres or more of five oak woodland habitat types; lands where oak woodland habitat would not undergo substantial fragmentation; and lands where oak woodland conservation would be consistent with the 2004 General Plan land use designations that are outside the Community Regions and Rural Centers. 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 85 percent of the 1,080 acres is within the PCA.

General Plan

Two-hundred forty acres of the property has a general plan designation of Natural Resource (NR) while the other 840 acres has a general plan designation of Rural Residential (RR) (Exhibit 8). The purpose of the NR designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources. The important natural resources of the County include forested areas, mineral resources, important watersheds, lakes and ponds, river corridors, grazing land, and areas where the encroachment of development would compromise these natural resource values.

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

The majority of the subject property is zoned Residential Agriculture Eighty-Acre (RA-80) while a small portion (approximately 10 acres) of an 80 acre lot fronting the Cosumnes River is zoned Open Space (OS) (Exhibit 9).

The RA-80 district is for the orderly and timely development of residential and agricultural uses consistent with natural conditions and desirable development patterns. The OS district provides a medium whereby the essential open space needs may be provided for citizens of the county.

Open space land means parcels or areas of land which are generally unimproved and devoted to and essential for such things as: preservation of recreational enjoyment areas and preservation of prime and critical wildlife and biotic habitat. When the acquisition is completed, the County shall amend the zoning and land use designations to reflect Open Space (OS).

Benefits

By allowing \$120,000 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 1,080 acres of oak woodland valued at just under \$6 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 \$75,000 grant toward the purchase of this oak woodland conservation area (Exhibit 10).

Letters of support for this acquisition came from various agencies, including: American River Conservancy (Exhibit 11); El Dorado County Fish & Game Commission (Exhibit 12); United States Department of the Interior, Bureau of Land Management (Exhibit 13); Department of Forestry and Fire Protection, Cal Fire (Exhibit 14); and Cosumnes River Preserve (Exhibit 15).

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 Woodland Management Plan (OWMP) states that the funds should be used to acquire 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 PCA are clustered with the majority in the south county and small patches in the northwest county.

RECOMMEDATION

Community Development Agency, Development Services Division, recommends that the Board of Supervisors support the purchase of these 1,080 acres, known as El Dorado Ranch Phase 1B, for the purpose of oak woodland conservation and direct the County Auditor to release \$120,000 from the Oak Woodland Conservation Fund, established under Option B, to be placed in escrow for the purchase of said property by the American River Conservancy.

SUPPORT INFORMATION

Attachments to Staff Memo:

- Exhibit 1.....Oak Woodland Conservation Fund Statement;
4-1-2014 to 6-30-2014
- Exhibit 2.....Purchase and Sale Agreement; El Dorado Ranch-
Phase 1B
- Exhibit 3.....Location Map
- Exhibit 4.....Legal Description
- Exhibit 5.....El Dorado Ranch Phases 1A and 1B Map
- Exhibit 6.....Priority Conservation Areas Map – County Wide
- Exhibit 7.....Priority Conservation Areas Map – Project Site
- Exhibit 8.....General Plan Map
- Exhibit 9.....Zoning Map
- Exhibit 10.....Letter of Support-California Wildlife Foundation;
March 17, 2014
- Exhibit 11.....Letter of Support-American River Conservancy;
July 17, 2014
- Exhibit 12.....Letter of Support-El Dorado County Fish & Game
Commission
- Exhibit 13.....Letter of Support-U.S. Department of the Interior,
Bureau of Land Management; August 8, 2014
- Exhibit 14.....Letter of Support-Department of Forestry and Fire
Protection (Cal Fire); August 20, 2014
- Exhibit 15.....Letter of Support-Cosumnes River Preserve; August
18, 2014
- Exhibit 16.....Photos of Site