

Attachment A

El Dorado County Brief Description of Impact Fees charged by the Community Development Agency - Development Services Division As required by Government Code Section 66006(b)(1)(A) For Ecological Preserve Fees and Oak Woodland Conservation

Ecological Preserve Fee

The Ecological Preserve Fee addresses the need for mitigation of impacts of development on the existing rare plant habitat through the purchase of fee interests or conservation easements of land within a designated ecological preserve. Acquisition and restoration of rare plant habitat must be equal to 1.5 times the number of acres developed. The land or development rights purchased must be dedicated to a specified resource protection agency such as the Bureau of Land Management, California State Department of Fish and Game, or a designee of the agency.

The fee program is based on three areas shown on an attached map (figure 1) and described as follows:

- ✓ Mitigation Area 0 – Lands within an ecological preserve (Approximately 3,450 acres).
- ✓ Mitigation Area 1 – Lands outside of Mitigation Area 0, but within the area identified with the unique soils the rare plants inhabit (approximately 36,000 acres)
- ✓ Mitigation Area 2 – Lands outside of Mitigation Areas 0 and 1, but within the service area of the El Dorado Irrigation District, excluding parcels served by wells.

Development within Mitigation Area 0 would be encouraged to provide on-site mitigation for impacts to rare plants by either setting aside part of the property and dedicating a perpetual conservation easement for habitat protection, clustering development in the least environmentally sensitive portion of the property and dedication of a perpetual conservation easement over the remainder of the property (if greater than 5 acres), or purchasing and protecting an amount of habitat in the same ecological preserve in an amount equal to at least 1.5 times the developed acreage.

Development within Mitigation Area 1 would be encouraged to provide off-site mitigation through the payment of the Ecological Preserve Fee, but could opt to acquire and restore off-site rare plant habitat equal to 1.5 times the number of acres developed, pursuant to Section 130.71.220 of the County Code.

Development within Mitigation Area 2 is required to pay into the Ecological Preserve Fee program in order to mitigate the potential impacts of new development which requires public water, since the public water provided by the El Dorado Irrigation District is drawn from Folsom Lake, which is operated by the U.S. Bureau of Reclamation, which itself then needed to address impacts to endangered species as required by the US Fish and Wildlife Service. Development within Mitigation Area 2 is considered to have potentially direct or secondary impacts on rare plant habitat in Western El Dorado County through increased traffic congestion, reduced air quality, land use compatibility, and the increased populations' use of open spaces.

Fees are deposited into the Ecological Preserve Fee special revenue account (7729304), and partially distributed to the Rare Plant Preserve Endowment Fund (8959500), Building Services operating account (341000), and Planning Services operating account (345000) as specified in Resolution 205-98.

Oak Woodland Conservation Fee

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 is to implement the Option B provisions of General Plan Policy 7.4.4.4 and Measure CO-P. These provisions establish an oak conservation in-lieu fee for the purchase of

conservation easements for oak woodland in areas identified as Priority Conservation Areas (figure 2) and to monitor and maintain said lands.

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).

General Plan Policy 7.4.4.4 is still in effect and currently states: **“For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County’s Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.**

Option A: The County shall apply the following tree canopy retention standards:

| Percent Existing Canopy Cover | Canopy Cover to be Retained |
|--------------------------------------|------------------------------------|
| 80–100 | 60% of existing canopy |
| 60–79 | 70% of existing canopy |
| 40–59 | 80% of existing canopy |
| 20–39 | 85% of existing canopy |
| 10-19 | 90% of existing canopy |
| 1-9 for parcels > 1 acre | 90% of existing canopy |

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

Option B: The project applicant shall provide sufficient funding to the County's INRMP conservation fund, described in Policy 7.4.2.8, to fully compensate for the impact to oak woodland habitat. To compensate for fragmentation as well as habitat loss, the preservation mitigation ratio shall be 2:1 and based on the total woodland acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8.”

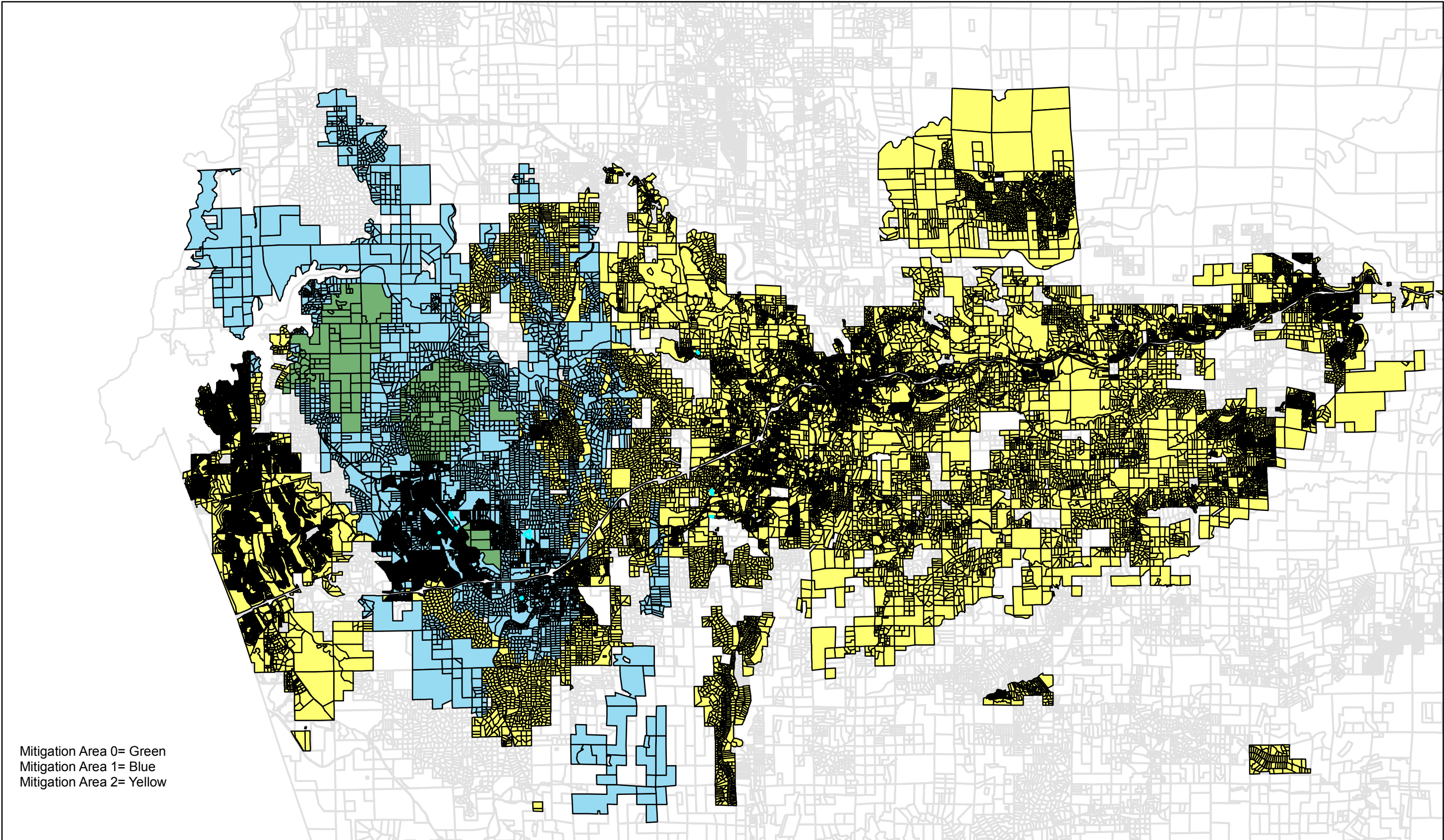
Since the Oak Woodland Conservation Fee has been rescinded, the result is that only Option A of General Plan Policy 7.4.4.4 is available to mitigate impacts to oak woodlands. The County is currently in the process of reviewing the General Plan Biological Policies, including General Plan Policy 7.4.4.4, and establishing a new Oak Resources Management Plan, that would include a mitigation fee program to implement General Plan Policy 7.4.4.4 Option B.

Fees are deposited into the Oak Woodland Conservation fund (7729305).

More information about the fee programs can be found in the enabling resolutions and ordinances for each program and the subsequent updates. Refer to Attachment B for a listing of the resolutions and ordinances.

Ecological Preserve Areas

FIGURE 1



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This depiction was compiled from unverified public and private sources and is illustrative only.

No representation is made as to the accuracy of this information.

Parcel boundaries are particularly unreliable.

Users make use of this depiction at their own risk.

Figure 2

