

Attachment F

El Dorado County Findings for Five-year Review for Oak Woodland Conservation Fees Community Development Agency - Development Services Division As required by Government Code Section 66001(d)(1)

Section 66001(d)(1)(A): Identify the purpose to which the fee is to be put.

Finding for Section 66001(d)(1)(A): Oak Woodland Conservation fees have been collected since establishment in 2008 through Ordinance 4771 for the purpose of protection of oak woodlands and establishment of development project mitigation standards for oak tree removal. The fee is collected at time of issuance of building permits or grading permits and is used to acquire, monitor and maintain designated oak woodlands. The fees are only collected on permits that remove oak woodland, with certain exceptions in the Ordinance for: Affordable Housing, Defensible Space, Agricultural Cultivation, Public road and utility projects, lots less than an acre with less than 10 percent canopy cover, and lots greater than one acre with more than 1 percent canopy cover.

Section 66001(d)(1)(B): Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

Finding Section 66001(d)(1)(B): The reasonable relationship for the fee is based on the analysis conducted for the adoption of Ordinance 4771. In general, the fee is based on a 1:1 ratio of oak tree canopy removed, or a 2:1 ratio for oak woodland that exceeds the standards contained in the Ordinance and General Plan Policy 7.4.4.4. The fee is based on an estimate of land values, both easement and in fee title, acquisitions for oak woodland, management of the acquisitions, and monitoring. The fee is based on a land price of \$4,700 per acre. Although land prices were estimated for the 2006 time frame, due to the recession of 2007 through 2011, land values are still in the same range. An appraisal prepared by Gregory L. Bach, MAI for the acquisition of 1,080 acres for the El Dorado Ranch Wildlife Area, was approved by the State Department of General Services on July 15, 2014, supported the purchase price of \$4,995,000 or \$4,625 per acre.

Section 66001(d)(1)(C): Identify all sources and amounts of funding anticipated to complete financing incomplete improvements identified in paragraph (2) of subdivision (a) (of Section 66001).

Finding 66001(d)(1)(C): The County Oak Woodland Conservation fee is no longer collected on new development because the Ordinance was rescinded on September 4, 2012, through Resolution 123-2012. The Ordinance was rescinded in response to litigation and court direction to complete a tiered EIR, rather than a negative declaration for the program (Third Appellate District, Superior Court No PC20080336, Center for Sierra Nevada Conservation et al., v County of El Dorado). However, General Plan Policy 7.4.4.4 contains direction to establish an in lieu fee program (Option B) and the County has initiated the process to review a number of the Biological Policies of the General Plan and establish a new in lieu fee program, now labeled the Oak Resources Management Plan. The remaining funds in the County Oak Woodland Conservation fee program (approximately \$29,000) is intended to either be used

for oak woodland acquisition, as originally intended under Ordinance 4771, or be rolled into the new fee program, as may be authorized by the Board.

Section 66001(d)(1)(D): Designate the approximate dates on which the funding referred to in subparagraph (C) is expected to be deposited into the appropriate account or fund.

Finding 66001(d)(1)(D): Since no new funds are anticipated until the establishment of the proposed Oak Resources Management Plan, there is no anticipated schedule for new funds. The proposed Oak Resources Management Plan is currently in a draft format dated November 2015 and an Environmental Impact Report is being prepared. The Notice of Preparation was released July 17, 2015 and a revised Notice of Preparation Released November 23, 2015 (State Clearinghouse Number 2015072031).