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TO: Board of Supervisors Agenda of: July 21, 2015

FROM: Roger Trout, Development Services Division Director

DATE: July 1, 2015

RE: Rare Plant Mitigation Land Acquisition
Allocation of Ecological Preserve Special Revenue Funds
Cameron Meadows Phase 2 – APN: 070-011-48 (POR)

REQUEST

Community Development Agency, Development Services Division, recommends the Board approve the use of \$166,525 of Ecological Preserve Special Revenue Fund monies to acquire 22.165 acres of land to be owned by El Dorado County and monitored and managed by the Bureau of Land Management.

BACKGROUND

The County has listed eight special status rare plants by El Dorado County Ordinance, Section 130.71 Ecological Preserves. Of these eight plants, there are five federally listed species that include four endangered plants (Stebbins' morning glory, Pine Hill Ceanothus, Pine Hill flannelbush and El Dorado bedstraw), and one threatened plant (Laynes butterweed). The sixth plant, El Dorado mule-ears, is a species of concern to the Bureau of Land Management. In 1992, the El Dorado County Rare Plant Advisory Committee was established. This Committee added the Bisbee Peak rush rose and Red Hills soaproot to the special status rare plants list, which are listed as rare by the California Native Plant Society. Together these eight special status rare plants are collectively known as the Pine Hill Endemics.

The Ecological Preserve Section 130.71 of the Zoning Ordinance established an Ecological Preserve Mitigation requirement comprised of on- and off-site mitigation standards and an ecological preserve fee in lieu of such mitigation. In lieu fees are collected at time of building permit on a per dwelling unit equivalent basis, where one single-family unit equals one dwelling unit equivalent, one multi-family unit equals .75 dwelling unit equivalent, and 1,500 square feet of commercial space equals one dwelling unit equivalent. The collected fees are restricted to two activities: land acquisition and an endowment for ongoing maintenance and monitoring.

Currently, approximately \$850,000 is available for land acquisition. The balance of the endowment fund is approximately \$3.5 million.

DISCUSSION

The Street Family Trust, Wendy Susan Wythe Revocable Trust, Douglas and Marchelle Phimister, and David and Melode Weiner, collectively referred to as the Sellers, own parcel 070-011-48. The parcel measures 126.157 acres and the Sellers are willing to sell 22.165 acres of this property to the American River Conservancy (ARC) as rare plant mitigation land. Once the property is obtained by the ARC (Buyer), it will then be transferred to El Dorado County. The Bureau of Land Management will manage the land. A Purchase and Sale Agreement between the Sellers and Buyer is attached (Exhibit A).

The property has been appraised at \$499,000 or roughly \$22,500 per acre. The appraisal was reviewed by the Department of General Services - Real Estate Services Division (DGS) and determined to be in compliance with applicable DGS standards and requirements (Exhibit B). If the County funds \$166,525 of Ecological Preserve Special Revenue Fund monies to acquire this property, matching funds in the amount of \$332,475 will be provided by an already approved Section 6 grant administered by the State Wildlife Conservation Board. The purchase share of each party is as follows:

State Wildlife Conservation Board	\$332,475	66.6%
El Dorado County, Rare Plant Fund	\$166,525	33.4%
<hr/> Total:	<hr/> \$499,000	<hr/> 100%

Project Site

The project site is located in the Cameron Park community of El Dorado County and is a portion of parcel 070-011-48, containing 126.157 acres, also known as Cameron Meadows (Exhibit C). The project site is bordered by high density residential to the south, larger rural residential lots to the east and north, and vacant grassland and a pond to the west (Exhibit D). The 22.165 acre project site consists of gentle rolling to moderately steep terrain. Vegetation consists of scattered oak trees, brush, and rare plants, with very little grassland. The project site is heavily wooded. There are no structures at the project site.

The project site contains six of the eight Pine Hill rare plant species including; Stebbins' morning glory, Pine Hill ceonothus, El Dorado bedstraw, Laynes butterweed, El Dorado mule-ears, and Red Hills soaproot. This property is listed as a "Tier 1 Acquisition Priority" within the California Department of Fish and Wildlife support letter (Exhibit E).

Recently preserved rare plant mitigation land, Cameron Meadows Phase 1, is located southwest of the project site on Parcel 070-011-47 (see Exhibit C). Phase 1 consists of 40.52 acres that were purchased by the ARC in 2010 and are now owned and managed by the Bureau of Land Management. Other Ecological Preserves in the vicinity include Cameron Park Preserve to the south and Pine Hill Preserve to the north (Exhibit F).

General Plan

The project site has a general plan designation of High Density Residential (HDR). The purpose of the HDR designation is to identify areas suitable for intense single-family residential development at densities from one to five dwelling units per acre.

Pursuant to Government Code Section 65402 (Restrictions on acquisition and disposal of real property), the Planning Commission is required to determine consistency with the General Plan. The Planning Commission will make a determination of General Plan consistency at their July 23, 2015, meeting.

The acquisition of land does not require the County to amend the General Plan, or Zoning. However, after the property is acquired, the land may be re-designated to an Open Space designation and/or Ecological Preserve overlay, as part of the County's periodic General Plan review and update procedures.

The acquisition of Cameron Meadows Phase 2 is consistent with the General Plan because it is consistent with the Goals, Objectives, Policies, and Implementation Measures of the General Plan listed below.

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 130.71 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.

Objective 7.4.3

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

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]

Zoning

The project site is zoned Residential Estate Ten-Acre (RE-10). The RE-10 district allows for 1 dwelling unit per 10 acres.

Pursuant to Section 130.71.280 (Rare Plant Fee Program) of the Zoning Ordinance, the County Planning Department, in consultation with California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), shall make recommendation to the Board of Supervisors regarding the expenditures of funds from the rare plant ecological preserve account to acquire or maintain designated preserve land. The CDFW supports the American River Conservancy's efforts in acquiring this land for the long-term conservation of the endangered Stebbins' morning glory, Pine Hill ceonothus, El Dorado bedstraw, threatened Laynes butterweed, California rare species El Dorado mule-ears and Red Hills soaproot, all plants found on gabbro-derived soils (see Exhibit E). The acquisition of this property is consistent with the Zoning Ordinance because it is recommended for acquisition by the CDFW and USFWS (reference the support letter attached as Exhibit E).

The property is also consistent with the December 12, 2014 letter from USFWS and Cal DFW (Exhibit G), including the five criteria for property acquisition: 1) Located within designated conservation area; 2) Contains known populations of rare plants; 3) Has limited habitat disturbance; 4) Does not have hazardous materials; and 5) Is over 10 acres in size.

Benefits

By allowing \$166,525 of the County's Ecological Preserve Special Revenue Fund monies to be used for this purchase, the county would be leveraging a small amount of funds (1/3 of the purchase price) to participate in acquiring 22.165 acres of rare plant land valued at \$499,000. The County will own the land and the Bureau of Land Management will manage of the site.

RECOMMEDATION

Community Development Agency, Development Services Division, recommends that the Board of Supervisors support the purchase of these 22.165 acres, known as Cameron Meadows Phase 2, for the purpose of rare plant mitigation and direct the County Auditor to release \$166,525 from the Ecological Preserve Special Revenue Fund to be placed in escrow for the purchase of said property by the American River Conservancy.

SUPPORT INFORMATION

Attachments to Staff Memo:

- Exhibit A.....Agreement of Purchase and Sale (2015)
- Exhibit B.....DGS Appraisal Review Memo; March 27, 2015
- Exhibit C.....Location Map
- Exhibit D.....Cameron Meadows Map
- Exhibit E.....California Department of Fish and Wildlife Letter
of Support; September 27, 2013
- Exhibit F.....Ecological Preserves Map
- Exhibit G.....U.S Fish and Wildlife Services and California
Department of Fish and Wildlife Letter of Support;
December 30, 2014