

Attachment E

El Dorado County Findings for Five-year Review for Ecological Preserve 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): The Ecological Preserve Fee (aka Rare Plant Fee) has been collected since establishment in 1998 through Ordinance 4500 and Resolution 205-98 for the purpose of protection of certain rare plants through property acquisition and management in five designated preserves. The Rare Plant Fee is collected at time of issuance of building permits for new dwelling units and new commercial square footage. The fees are only collected on permits within designated Mitigation Areas 0, 1, and 2, with certain exceptions.

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 between the fee and purpose for which it is charged is set forth in Resolution 205-98 and the Economic and Planning Systems Memorandum of March 16, 1998, in the section titled "Fee Assumptions and Calculations." The resolution and the memorandum also demonstrate the nexus between the fee and the three Mitigation Areas. Mitigation Area 0 is the General Plan designated Ecological Preserves where on-site preservation of land is the preferred mitigation strategy. Mitigation Area 1 (gabbro soils area) and 2 (EID sphere of influence) are each assigned 50 percent of the total land cost of the Rare Plant Mitigation Program including ongoing operations and maintenance costs. The fees are calculated by spreading the cost over the projected new development in Mitigation Area 1 and 2 (reference Table 5 and Table 6 of the March 16, 1998 EPS report). The fees are collected at time of building permit issuance, with a fixed fee per dwelling unit for new residential development and a per square foot fee for new commercial development.

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 Rare Plant Fee is the local component of a multi-agency and multi-organization effort to protect the rare plants. Additional funding sources include federal sources, such as United States Fish and Wildlife Service, Bureau of Land Management, and Bureau of Reclamation; State sources, such as Department of Fish and Wildlife; and other sources including the El Dorado Irrigation District, El Dorado County Water Agency, National Fish and Wildlife Foundation, American River Conservancy, California Native Plant Society, and the California State Wildlife Conservation Board. These alternative funding sources are complimentary to the County Rare Plant fee program and the agencies coordinate funding opportunities to purchase land. However, the County Rare Plant Fee program is defined as its own standalone program and does not rely upon alternative funding sources to implement the planned acquisition, management and maintenance of rare plant lands.

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): The Ecological Preserve Fee is designed to acquire land for mitigation and does not include construction of public improvements. Therefore, there is no approximate date by which construction of a public improvement would commence and no information to disclose. However, revenues are continuously being collected at the time building permits are issued within the designated Mitigation Areas.

The Rare Plant fee has one annual commitment of \$25,000 to fund the BLM Pine Hill Manager (Cooperative Agreement effective July 30, 2015, Legistar Reference 15-0754). Expenditures for acquisition of land, associated costs, or additional management costs are authorized by separate Board of Supervisors Actions. In 2015, the Board authorized the purchase of the Cameron Meadows Phase 2 property with \$166,525 of the Rare Plant funds and \$75,000 for the BLM Pine Hill Manager (for FY 2013, 2014 and 2015). Additional land acquisition is a potential over the next five years because there are approximately eight remaining properties that meet the criteria for acquisition: within the designated Preserve sites; have identified rare plant species on site; contain a minimum of 10 acres in size; have potentially willing sellers; and have support for acquisition from the United States Fish and Wildlife Service and California Department of Fish and Wildlife. The Rare Plant Fee will continue to be collected on applicable building permits and held in 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. The funds are collected throughout the year, as building permits are issued, deposited a minimum of weekly, and distributed quarterly to the endowment fund and operating account.

Additional Findings:

1. Full reconciliation of the account was completed in 2015, with budget transfer to be approved by the Board on February 23, 2016 to make adjustments identified in the reconciliation.
2. Rare Plant funds are separated into two accounts: One is to establish an endowment to provide perpetual funding for management of lands acquired for rare plant habitat and the other fund is used for rare plant habitat acquisition purposes.
3. The Rare Plant Fees have been spent within the past five-year period for the purpose for which they were collected as required by law:
 - a. In FY 15/16 \$166,525 was spent for acquisition of the Cameron Meadows Phase 2 property; a 22 acre site with six of the eight rare plants (Legistar reference 15-0868).
 - b. In FY 15/16 \$75,000 was spent for management of rare plants through an agreement with the Bureau of Land Management to partially fund the Pine Hill Preserve Manager position, an employee of the BLM (Legistar reference 15-0754).
 - c. Additional expenditures identified in Exhibit C "Cash Statement" of the Annual Report for prior years through FY14/15.

General Plan Finding: The Rare Plant fee program is consistent with the General Plan (e.g. Objectives 7.4.1 and 7.4.3, Land Use Diagram LU-1, Implementation Measure CO-K).