

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Planning Commission Agenda of: October 14, 2010
FROM: Peter N. Maurer, Principal Planner Item No.: 4.b
DATE: September 17, 2010
RE: GOV10-0009, Finding of General Plan Consistency pursuant to Government Code Section 65401; Acquisition of Land for Gabbro Soil Rare Plant Mitigation

Recommendation:

Planning Services recommends that the Planning Commission find that the acquisition of real property by the County for the purposes of protection of and mitigation for impacts to gabbro soils rare plants is consistent with the El Dorado County General Plan.

Location:

The subject property is located immediately north of U.S. Highway 50, at the east end of Palmer Drive, in the Cameron Park area.

APN: 070-261-82
Acreage: 8.932 acres
Zoning: RE-5, Estate Residential 5-Acre
General Plan: C, Commercial
Supervisory District: District IV

Analysis of General Plan Consistency:

Pursuant to Government Code 65402, the acquisition or sale of a property by a public agency must be reviewed by the planning agency for consistency with the General Plan. The planning agency for El Dorado County is the Planning Commission. The Commission must make a determination whether the proposed purchase of the 9-acre property is consistent with the General Plan.

The site is located in the Gabbro Soils Rare Plant Mitigation Area 1, the area of rare plant soils, but outside of the designated Ecological Preserves. It is within the US Fish and Wildlife Service's Recovery Plan boundary. Although no on-site biological survey has been performed for the site, it is adjacent to existing preserve land with high populations of several of the listed plant species, and

the general consensus of wildlife agency personnel is that it is prime habitat and likely to contain similar high populations. The money used to acquire the land would be the Ecological Preserve Mitigation In-Lieu Fee fund.

Although the site has a general plan land use designation of C, Commercial, because of access and other infrastructure constraints plus the regulatory constraints of the rare plant habitat, the owners have offered the land for sale as rare plant habitat rather than attempt to develop it commercially. Open Space zoning, and use of the site as dedicated open space, is consistent with the land use designation pursuant to Table 2-4 of the General Plan.

Acquisition of this property promotes and is consistent with the following General Plan objectives and policies:

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 17.71 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.

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]

The site is recognized as rare plant habitat, use of the rare plant mitigation fund for acquisition is consistent with Chapter 17.71 of the County Code, and the owners are willing sellers. In conclusion, the proposed acquisition of the property would be consistent with the applicable policies of the 2004 General Plan.

ATTACHMENTS:

- Exhibit ALocation Map
- Exhibit BGeneral Plan Land Use Map
- Exhibit CZone Map
- Exhibit DExisting Preserves Lands and Recovery Plan Boundary