

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

|  |   |  |                      |
|--|---|--|----------------------|
| (1) DEPARTMENT<br>General Services   | (2) MEETING DATE<br>8/21/2012               | (3) CONTACT/PHONE<br>Katie Perez (805) 781-5200<br><br>iw  |                      |
| (4) SUBJECT<br>Request to adopt a resolution for a Conservation Easement in Nipomo, approve a Deed of Conservation Easement to the Land Conservancy of San Luis Obispo County on 28.9 acres for purpose of mitigation for the Willow Road Extension Project and preservation of riparian habitat, and approve a Lease Amendment with Dana Adobe Nipomo Amigos, Inc.  |   |  |                      |
| (5) RECOMMENDED ACTION General Services recommends your Board: 1) adopt a Resolution authorizing the execution of a Deed of Conservation Easement, 2) approve a Deed of Conservation Easement on County owned real property in Nipomo to the Land Conservancy of San Luis Obispo County, and 3) approve the First Amendment to the Lease between the County of San Luis Obispo and Dana Adobe Nipomo Amigos, Inc., 4) instruct the Chairperson to execute the documents and instruct the Clerk of the Board to record the Deed of Conservation Easement. |   |  |                      |
| (6) FUNDING SOURCE(S)<br>N/A   | (7) CURRENT YEAR FINANCIAL IMPACT<br>\$0.00 | (8) ANNUAL FINANCIAL IMPACT<br>\$0.00  | (9) BUDGETED?<br>N/A |
| (10) AGENDA PLACEMENT<br><input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)  |   |  |                      |
| (11) EXECUTED DOCUMENTS<br><input checked="" type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A  |   |  |                      |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)<br><br>N/A   |   | (13) BUDGET ADJUSTMENT REQUIRED?<br>BAR ID Number: N/A<br><input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A     |                      |
| (14) LOCATION MAP<br><br>Attached  | (15) BUSINESS IMPACT STATEMENT?<br><br>No   | (16) AGENDA ITEM HISTORY<br><br><input type="checkbox"/> N/A    Date: <u>5/9/2006</u> item C-4; <u>6/3/2008</u> item A-8; <u>8/11/2009</u> item A-10 |                      |
| (17) ADMINISTRATIVE OFFICE REVIEW<br><br>Vincent Morici  |   |  |                      |
| (18) SUPERVISOR DISTRICT(S)<br>District 4 -  |   |  |                      |

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services / Katie Perez (805) 781-5200

DATE: 8/21/2012

SUBJECT: Request to adopt a resolution for a Conservation Easement in Nipomo, approve a Deed of Conservation Easement to the Land Conservancy of San Luis Obispo County on 28.9 acres for purpose of mitigation for the Willow Road Extension Project and preservation of riparian habitat, and approve a Lease Amendment with Dana Adobe Nipomo Amigos, Inc

## **RECOMMENDATION**

General Services recommends your Board: 1) adopt a Resolution authorizing the execution of a Deed of Conservation Easement, 2) approve a Deed of Conservation Easement on County owned real property in Nipomo to the Land Conservancy of San Luis Obispo County, and 3) approve the First Amendment to the Lease between the County of San Luis Obispo and Dana Adobe Nipomo Amigos, Inc., 4) instruct the Chairperson to execute the documents and instruct the Clerk of the Board to record the Deed of Conservation Easement.

## **DISCUSSION**

The Dana Adobe Amigos (DANA) is a nonprofit organization whose primary purpose is to restore and maintain the Dana Adobe, the county's most historically significant rancho adobe on the central coast. In 2004 DANA approached the County proposing the surrounding Rancho lands be purchased by the County for park use and preservation, thus providing the Dana Adobe with the appropriate historical landscape.

On June 3, 2008, your Board approved the purchase of 100 acres of vacant real property adjacent to the Dana Adobe with the intention of allowing DANA to provide future management of the site at no cost to the County. The purchase was funded with \$1,700,000 from Public Facility Fees and \$1,000,000 from Quimby funds. At the time of the purchase of the 100 acres, Public Works requested that a portion of the property be considered for oak tree mitigation for the Willow Road Extension project. The 99-year lease with DANA, approved by your Board on August 11, 2009, contained language allowing the County to use a portion of the 100 acres for mitigation purposes consistent with DANA's use of the property and to enter into other agreements with third parties upon mutual agreement. The oak tree mitigation required by the Willow Road Extension project is consistent with DANA's master plan for the property. By way of the Lease Amendment and DANA's signature on the Deed of Conservation Easement, DANA has given its consent to the mitigation and Conservation Easement.

On May 9, 2006 your Board approved the Willow Road Extension project. This project extends Willow Road and adds an interchange at Highway 101 in the Nipomo area in order to adequately handle traffic. Traffic modeling had shown that the existing interchanges at Tefft Street and Los Berros were inadequate to handle expected development. It was also found that the current road system did not have sufficient capacity to handle the expected traffic. The County proposed the construction of the new interchange and with the oversight by the California Department of Transportation, prepared a Draft Environmental Assessment in compliance with the National Environmental Policy Act to address project impacts associated with the interchange. For the California Environmental Quality Act, a Supplemental Environmental Impact Report was prepared by LSA Associates on behalf of the County, and certified by your Board on May 9, 2006.

The Sierra Club and members of the public expressed concern about the level of oak tree impact during the environmental review. The Environmental Impact Report for the project required that the oak woodland habitat lost be

replaced and preserved by placing the replacement oak woodland habitat under a conservation easement. The easement before your Board today accomplishes that requirement. It restricts approximately 28.9 acres (“Easement Area”) of oak woodland habitat in perpetuity. The Easement Area will be used for education, passive recreation, riparian restoration as well as wildlife habitat, historic and cultural landscape preservation. The oak woodland habitat will be established by the County Public Works Department as a part of the Willow Road Extension. Public Works, or their contractor, will maintain the Easement Area until such time as the oak tree habitat is established and sustainable. The Lease Amendment requires DANA to resume maintenance of the full 100 acres once the Oak Woodland Habitat is established and sustainable, which is consistent with the terms of the lease. In addition, the Lease Amendment allows the County to use the existing water well and tank to provide water for the establishment of the oak woodland habitat. The Land Conservancy of San Luis Obispo County has accepted the grant of conservation easement to monitor and ensure the Easement Area remains preserved in perpetuity.

The mitigation measure in the adopted Supplemental Environmental Impact Report states that a conservation easement shall be established and relinquished to another entity that has a primary purpose for the preservation, protection, or enhancement of land in its natural condition or use. As the Land Conservancy is required to prepare annual monitoring and reports on the status of the conservation area, the County is working with them to establish an endowment fund to cover the future costs involved with performing this work.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed the Resolution, Deed of Conservation Easement, and the Amendment as to form and legal effect. The Willow Road Extension project is a Public Works project. County Planning and Building, California Department of Transportation, and California Department of Fish and Game approved the mitigation measures for the Willow Road Extension project. County Parks and Recreation approved the Deed of Conservation Easement.

### **FINANCIAL CONSIDERATIONS**

There is no financial consideration being exchanged for the Deed of Conservation Easement or the Lease Amendment. Expenses for the Oak Woodland Habitat creation and maintenance are a part of the Willow Road Extension project budget. A separate agreement is being brought to your Board concurrently by Public Works to cover the cost of annual monitoring and reporting of the conservation area.

### **RESULTS**

Approval of the Resolution, Deed of Conservation Easement and Lease Amendment will allow the oak woodland habitat to be created and preserved in perpetuity. This action contributes to the Community-wide result of “A Livable Community” by protecting our natural resources.

### **ATTACHMENTS**

1. Vicinity Map
2. Resolution Authorizing Execution of the Deed of Conservation Easement
3. Deed of Conservation Easement
4. First Amendment To The Lease Between the County of San Luis Obispo and Dana Adobe Nipomo Amigos, Inc.