

**Attachment D**

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RESCINDING AN EXISTING LAND CONSERVATION  
CONTRACT AND APPROVING AND ACCEPTING A SOLAR-USE  
EASEMENT AGREEMENT GRANTING A SOLAR-USE EASEMENT TO  
THE COUNTY OF SAN LUIS OBISPO BY THE FINLEY FAMILY TRUSTS,  
AND AUTHORIZING THE DIRECTOR OF PLANNING AND BUILDING TO  
ENTER INTO A PERFORMANCE AGREEMENT WITH FINANCIAL  
ASSURANCES TO SECURE DECOMMISSIONING, RECLAMATION, AND  
RESTORATION OF THE PROPERTY AS REQUIRED BY MINOR USE  
PERMIT DRC2011-00062

The following resolution is hereby offered and read:

WHEREAS, pursuant to Title 5, Division 1, Part 1, Chapter 6.9 (commencing with section 51190) of the Government Code (the "Chapter") and Government Code section 51255.1, a county and an owner of land in that county that is subject to a Land Conservation Contract under the California Land Conservation Act of 1965 may mutually agree to simultaneously rescind that contract and enter into a Solar-Use Easement as defined in the Chapter; and

WHEREAS, Bret M. Finley, Trustee of the Finley Family Trust of March 22, 1982 - Survivor's Trust, Robert Lee Finley, Trustee of the Finley Family Trust dated March 22, 1982 - Exemption Trust, and Robert Lee Finley, Trustee of the Finley Family Trust of March 22, 1982 - Qualified Terminable Interest Trust (collectively "The Finley Family Trusts") own one or more parcels of land (the

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“Property”) in the County of San Luis Obispo subject to a Land Conservation Contract restricting the use of the Property to agricultural production and compatible uses (the “Contract”); and

WHEREAS, Owner has applied to County requesting County to simultaneously rescind the Contract and in its place enter into a Solar-Use Easement Agreement Granting a Solar-Use Easement to the County of San Luis Obispo (the “Solar-Use Easement Agreement”) over a 14.8 acre portion of the Property and enter into a Replacement Land Conservation Contract on the remaining 82.41 acre portion of the Property; and

WHEREAS, pursuant to Government Code section 51255.1, subdivision (c)(1), the County Assessor determined the current fair market value of the land as though it were free of the Contract restrictions for purposes of calculating the rescission fee required by the Chapter; and

WHEREAS, pursuant to Government Code section 51255.1, subdivision (c)(2), the County Board of Supervisors has determined and certified to the County Auditor by the adoption of this resolution that the amount of the rescission fee that Owner shall pay the County Treasurer upon rescission is Eighteen Thousand Seven Hundred Fifty and No/100 Dollars (\$18,750.00); and

WHEREAS, at the request of the County, the California Department of Conservation, in consultation with the California Department of Food and Agriculture, by letter dated June 3, 2013, determined the Contract is eligible for rescission under Government Code sections 51191 and 51255.1 and placement of the 14.8 acre portion of Property into a Solar-Use Easement and the remaining 82.41 acre portion of the Property into a Replacement Land Conservation Contract.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The Board of Supervisors finds that the previously-adopted Negative Declaration for Minor Use permit DRC2011-00062 (ED13-009) is adequate for the purposes of compliance with the

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California Environmental Quality Act because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted. (ED13-038)

2. That the Board of Supervisors has reviewed and considered the information contained in the previously-approved Negative Declaration together with all comments received during the public review process prior to approving the project.

3. The Board of Supervisors makes all of the findings of fact and determinations set forth in Findings A through H [on pages 10 and 11] in the Director of Planning and Building staff report dated September 10, 2013, a copy of which is on file with the Clerk of the Board of Supervisors and is incorporated by reference herein as though set forth in full.

4. The Solar-Use Easement Agreement Granting a Solar-Use Easement to the County of San Luis Obispo submitted by Bret M. Finley, Trustee of the Finley Family Trust of March 22, 1982 - Survivor's Trust, Robert Lee Finley, Trustee of the Finley Family Trust dated March 22, 1982 - Exemption Trust, and Robert Lee Finley, Trustee of the Finley Family Trust of March 22, 1982 - Qualified Terminable Interest Trust, a copy of which is attached hereto and incorporated by reference herein as though set forth in full, is hereby approved and the grant of a Solar-Use Easement contain therein is hereby accepted by the County of San Luis Obispo and the Chairperson of the Board of Supervisors is authorized and directed to execute said Solar-Use Easement Agreement on behalf of the County of San Luis Obispo.

5. The original Land Conservation Contract, which was approved by the Board of Supervisors in Resolution No. 75-332 and recorded as Document No. 14174, on May 8, 1975, is hereby

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rescinded and replaced by this by the Solar-Use Easement Agreement Granting a Solar-Use Easement to the County of San Luis Obispo and the Replacement Land Conservation Contract approved concurrently herewith.

6. The Clerk of the Board of Supervisors is authorized and directed to send a copy of this resolution to the County Auditor of the County of San Luis Obispo.

7. The Clerk of the Board of Supervisors is authorized and directed to record the above Solar-Use Easement Agreement in the Office of the County Recorder of the County of San Luis Obispo upon written notice from the Director of Planning and Building to the Clerk of the fulfillment of all the conditions set forth in paragraph 2 at which time the Solar-Use Easement Agreement shall constitute the instrument granting a Solar-Use Easement to the County pursuant to the Solar-Use Easement Chapter referred to above.

8. The Board of Supervisors authorizes the Director of Planning and Building to enter into a Performance Agreement with financial assurances, in a form approved by County Counsel, to secure decommissioning, reclamation, and restoration of the property once the Solar-Use Easement is terminated so that the land is restored to its general condition as it existed at the time of project approval of Minor Use Permit DRC2011-00062 by the time the Solar-Use Easement terminates.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_,  
and on the following roll call votes, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

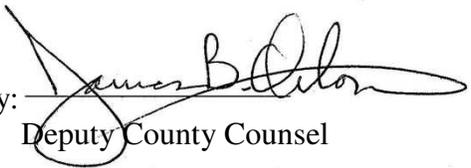
ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: August 27, 2013

