



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: 11/18/2008
Placement: Administrative
Estimated Tme:
Continued Item: Yes
If Yes, date from: 9/23/08
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Bob Nisbet, Director (560-1011)
Director(s) General Services Department
Contact Info: Paddy Langlands, Assistant Director (568-3096)
Support Services Division

SUBJECT: **Creation and Acceptance of Conservation Easement for Lompoc Fire Station
Property APN: 097-380-043 (003491) (Re-submitted from 9/23/08 Board Hearing)**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Accept and file the Memorandum from the County's Planning and Development Department regarding permitted uses of the proposed Conservation Easement Area on the Fire Station 51 property in Lompoc (APN: 097-380-043); and
- b) Adopt the Resolution making certain findings required by California Government Code Section 51056 to create and accept a 4.6 acre Conservation Easement on the 15.35 acre Fire Station 51 property, and approving and accepting the creation of the Conservation Easement; and
- c) Execute the Declaration of Covenants, Conditions and Environmental Restrictions (Conservation Easement) creating a Conservation Easement on a 4.6 acre portion of the County-owned Fire Station 51 property located at the intersection of Burton Mesa and Harris Grade Roads in the unincorporated area of Lompoc Valley; and
- d) Accept title to the Conservation Easement by authorizing the Clerk of the Board to execute the Certificate of Acceptance attached to the Conservation Easement.

Summary Text:

The County recently acquired a 15.35 acre parcel of property from the State of California for the purpose of constructing a new Fire and Sheriff Substation at Burton Mesa and Harris Grade Roads in the Lompoc Valley, upon the condition that a portion of the property be preserved, in perpetuity, as open

Conservation Easement

Burton Mesa (003491)

11/18/2008

Page 2 of 3

space to facilitate the protection of Burton Mesa Chaparral, which provides critical habitat to many endemic endangered and rare plant species. The Conservation Easement, which is created by means of a Declaration of Covenants, Conditions and Environmental Restrictions, will be recorded against the property, and will preserve, in perpetuity, a 4.6 acre portion of the Burton Mesa Chaparral.

This item was originally docketed for the Administrative Agenda for the September 23, 2008 Board of Supervisors meeting. The item was pulled from the Agenda at the request of Supervisor Gray so that Planning and Development could evaluate the uses that would be permitted within the proposed Easement Area. It was determined that passive recreational uses such as interpretive walking trails and picnic benches would be permissible. A memorandum describing the CEQA process that was applied to the property, the County's policy in regard to Burton Mesa Chaparral, and possible future uses of the proposed Easement Area was prepared by Planning and Development, and is attached hereto.

Background:

In 2006, the County purchased 15.35 acres of excess undeveloped Cal-Trans road right-of-way from the State of California. The purpose of the acquisition was to create a parcel upon which to construct a new Fire and Sheriff Station to replace the old Station 51, located at 749 Burton Mesa Boulevard, in the unincorporated area of Lompoc Valley. Station 51, in use since 1964, had become dilapidated and did not meet current essential services facility requirements.

The 15.35 acre parcel is located in a rural wildlife area adjacent to the Burton Mesa Ecological Preserve. The County's Planning and Development Department studied the project area and produced the "Initial Study and Final Mitigated Negative Declaration for the Relocation of Fire Station 51" (06NGD-00000-00002) that was approved by the Board of Supervisors. The document recognized the unique environmental characteristics of the property and determined that 4.6 acres of the property would have to be set aside for permanent protection by means of a deed restriction or conservation easement; or, by deeding the 4.6 acres to the California Department of Fish and Game.

The Declaration of Covenants, Conditions and Environmental Restrictions is defined under the California Civil Code as a Conservation Easement; and, as such, can be transferred to a third party land trust or similar non-profit at some time in the future, if the County so desires. The document strictly limits the uses and activities that are permitted in the Easement Area, and establishes the Conservation Values that are to be protected. The document will be recorded against the property and will be binding on any future owners of the property or the Conservation Easement Area.

The California Government Code requires the County, prior to acceptance of an open-space easement, to determine by Resolution that preservation of the easement area is consistent with the applicable General Plan, and that such preservation is in the best interest of the County and is important to the public. The Negative Declaration specifically determined its consistency with the General Plan, and gave numerous reasons for its importance and preservation. The Certificate of Acceptance memorializes the County's approval and acceptance of the Conservation Easement.

Fiscal and Facilities Impacts:

None

Conservation Easement

Burton Mesa (003491)

11/18/2008

Page 3 of 3

Special Instructions:

After Board action, distribute as follows:

1. Original Resolution, copy of Declaration,
Copy of Certificate of Acceptance,
Memorandum
2. Copy of Resolution, Original Declaration
with original Certificate of Acceptance
& Minute Order

Clerk of the Board Files

Office of Real Estate Services
Attn: Don Grady

NOTE: The Office of Real Estate Services will record the Declaration and Certificate of Acceptance. Once certified copies of the documents have been returned by the Recorder's Office, Real Estate Services will deliver those documents to the Clerk of the Board for its file and reference.

Attachments: - Memorandum

- Resolution
- Declaration of Covenants, Conditions and Environmental Restrictions
- Certificate of Acceptance

Authored by: Don Grady, Office of Real Estate Services