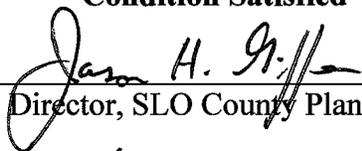


Condition 60	Broderson Mitigation
	<p>Prior to project construction, land containing coastal dune scrub and maritime chaparral habitat shall be acquired on the Broderson property that is sufficient to compensate the loss of habitat for the Morro shoulderband snail and other sensitive species on the Broderson and Mid-town properties, and sensitive areas in the collection system. Seventy-three acres of the Broderson property not used for the proposed leachfields shall be preserved in perpetuity and granted to an appropriate agency or conservation organization with the responsibility of management and monitoring the preserve as determined during agreements with USFWS, CDFG, and the County. A long-term management and monitoring program shall be prepared for the area to be preserved. The County shall be responsible for the allocation of appropriate funding for the long-term management and monitoring of the mitigation land. Such funding expense may be recouped through fees imposed upon wastewater system users and others.</p>
	<p>Evidence of compliance:</p> <p>The Broderson property is currently owned by the County. Approximately 73 acres of the site will be preserved in perpetuity. The County has been pursuing transfer of the 73 acres to an appropriate agency or conservation organization, but this transfer has not yet been completed. The attached letter to Dr. Charles Lester, Executive Director of the California Coastal Commission explains that the County will temporarily retain ownership of the property. Meanwhile, the County will continue to work with appropriate agencies and conservation organizations for long term management. The attached electronic mail correspondence documents the Coastal Commission's concurrence.</p> <p>Please reference the Habitat Management Plan for the Los Osos Wastewater Project, November 2011. The plan addresses habitat restoration and enhancement at the Broderson site, Giacomazzi site, Midtown site, and three pump station sites. Comments by the US Fish and Wildlife Service on the draft plan were incorporated into the final plan.</p>

Condition Satisfied


 Director, SLO County Planning

MAY 10, 2012
 Date



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

May 2, 2012

Dr. Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Subject: Coastal Permit A-3-SLO-09-055/069; Los Osos Wastewater Project
Ownership of the Broderson Site

Dear Dr. Lester:

Condition 3 of the above referenced Coastal Development permit requires, in part, for the Broderson site (an approximate 80 acre parcel to be utilized for the Los Osos Wastewater Project) "to be acquired prior to construction and granted by June 10, 2012 to an appropriate agency or conservation organization approved by the Executive Director, where such grant shall include funding adequate to implement the Habitat Management Plan over time." This letter documents compliance with this portion of condition 3.

The enclosed quitclaim deed, recorded on December 1, 2011, documents that the Broderson property (#2 in the quitclaim) was acquired by the County from the Los Osos Community Services District, a necessary step in ensuring that all those portions of the property not approved for the use of the wastewater project will be restored to natural conditions and preserved in perpetuity.

In order to ensure timely restoration of the site as detailed in the Habitat Management Plan, the County will temporarily retain ownership of the site with implementation of the Habitat Management Plan and management of the site to be accomplished through the Environmental Division of the Department of Public Works. Our Environmental Division is uniquely qualified to oversee the implementation of the Habitat Management Plan. The Division has been operating for nearly ten years and has accomplished the restoration and management of numerous sites related to County road, utility, and flood control projects. The Division is currently staffed with a Division Manager, six Environmental Resource Specialists and a Grounds Restoration Specialist. Together this staff has over 125 years of experience in environmental management, including the development and implementation of site restoration plans. We operate our own native

plant nursery to ensure that all plant materials used on restoration sites are of the correct species and subspecies, we own and operate the necessary field equipment including water trucks, a trailer mounted hydroseeder and a fully equipped restoration site crew truck. Our grounds restoration specialist has twenty-five years of experience including ten years focused on the restoration of native habitats using techniques developed to ensure the greatest amount of success over the long term. We also employ a crew of approximately 60 Public Works Workers, including certified arborists, to support our environmental specialists when needed.

Examples of more recent and larger restoration projects undertaken by the Environmental Division include:

- Lopez dam seismic remediation project: Ten acres of riparian, oak woodland and mixed chaparral restoration.
- Nacimiento Water project: Thirteen acres of oak woodland creation/restoration including planting and establishment of 650-700 oak trees
- Santa Margarita Low Impact Development Project: Four acres of seasonal wetland creation
- Riparian restoration at bridge replacement sites, including:
 - Turri Road at Warden Creek
 - Las Pilitas Road at the Salinas River
 - Picachio Road at Little Cayucos Creek
 - River Road at the Salinas River
 - Los Berros Road at Los Berros Creek
 - San Simeon Creek Road at San Simeon Creek (2)
 - Ferrasci Road at Santa Rosa Creek
 - Moonstone Drive at Leffingwell Creek

Even with our experience and capabilities, the County nevertheless intends that the site would be transferred to another appropriate agency or conservation organization, approved by the Executive Director, to accomplish long term management. We have been successful in developing partnering arrangements with resource agencies and organizations in several situations and recognize that these other organizations can be very const effective in long term resource rehabilitation and protection. Our expectation is that once restoration work demonstrates success and the overall project construction comes to a close, successful arrangements with the appropriate resource organization can be accomplished. We are also cognizant of the need to coordinate management of this site with the overall management of the greenbelt that is proposed in the Habitat Conservation Plan.

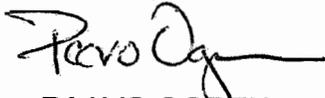
Regardless, the County will remain responsible for the long term funding necessary to accomplish the Habitat Management Plan, including implementation over time. We anticipate that funding commitments will be a key component of any future ownership

transfer agreements and understand that long-term funding is the responsibility of the wastewater project. Therefore, these costs are a component of the rate structure for the long-term operation of the project, although County, as a whole, is the guarantor of adequate funding as the holder of the Coastal Development Permit.

To date, the County has discussed the transfer of the Broderson site with the Land Conservancy of San Luis Obispo County and the California Department of Fish and Game. The Land Conservancy owns and manages numerous open space lands throughout San Luis Obispo County; however, given a variety of factors, they are not interested in pursuing ownership of the Broderson Site at this time. The California Department of Fish and Game owns the approximate 200 acre ecological preserve that is adjacent to the east side of the Broderson Site. Although talks with Fish and Game have been productive, it is evident that the process of transferring land to the State will be long and potentially laborious, including the need to iron out conditions on the transfer that initially appear to be contrary to both the requirements of the project's Coastal Development Permit and the County's Local Coastal Plan. Consequently, the County will continue to work with the Land Conservancy and Fish and Game as well as other appropriate agencies and conservation organizations for long term management as we move forward with the immediate restoration efforts. We will provide annual reports to the Commission on our progress.

If you have any questions or need more information regarding this letter, please feel free to contact Mark Hutchinson, Environmental Programs Manager, of my staff at (805) 781-5252.

Sincerely,



PAAVO OGREN
Director of Public Works

Enclosure: Quitclaim Deed

c: Mark Hutchinson, Environmental Programs Manager
Dan Carl, California Coastal Commission
Daniel Robinson, California Coastal Commission (with enclosure)

File: CF 300448.03

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JULIE RODEWALD
San Luis Obispo County – Clerk/Recorder

KT
12/01/2011
4:24 PM

Recorded at the request of
Public

Recording requested by:
Public Works Department
County of San Luis Obispo
County Government Center, Room 207
San Luis Obispo, CA 93408

DOC#: **2011060986**

Titles: 1 Pages: 6



Fees	0.00
Taxes	0.00
Others	0.00
PAID	\$0.00

When recorded return to:
County Clerk
County of San Luis Obispo
1055 Monterey Street, Room D120
San Luis Obispo, CA 93408 (2007-42)

APNs: 038-172-(028, 029, 030, 031), 074-022-(073, 074),
074-224-021, 074-229-017, 074-141-003,
074-025-017, 074-263-038 ("Quitclaim")

No recording fee per Government Code § 6103
No Documentary Transfer Tax per Revenue and
Taxation Code § 11922

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, and pursuant to Government Code Section 61105(b)(2)(C),

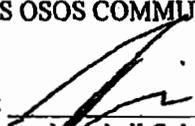
THE LOS OSOS COMMUNITY SERVICES DISTRICT, a Community Services District of the State of California (Grantor), for the purposes identified in Government Code Sections 25825.5(h) and (l), which purposes are to be considered to be both covenants and conditions of this transfer of interest, does hereby remise, release and quitclaim to **THE COUNTY OF SAN LUIS OBISPO**, a political subdivision of the State of California, its successors or assigns, (Grantee) the following described real property, in the County of San Luis Obispo, State of California, to wit:

All that real property described in Exhibit A attached hereto

The provisions hereof shall inure to the benefit of the Grantee and Grantor, their successors and assigns, and shall bind the heirs, executors, administrators, assigns and successors in interest of the respective parties hereto, and the above-described covenants shall apply to and run with the above-described property(s).

In Witness Whereof, I have hereunto set my hand this 29th day of November, 2011.

LOS OSOS COMMUNITY SERVICES DISTRICT

By: 

Marshall Ochylski
President of the Los Osos Community
Services District Board of Directors pursuant to Resolution
2011-26

Attest:

Dan Gilmore
General Manager and Secretary to
the Board of Directors

NOTARY ACKNOWLEDGMENT

State of California

County of San Luis Obispo

On 11/29/11, before me, Vicki Ledford, Notary Public

Notary Public, personally appeared Marshall E. Ochylski, who

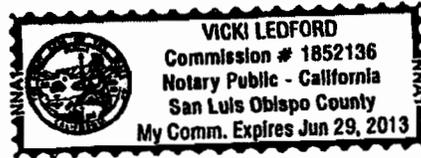
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature Vicki Ledford

(Seal)



CERTIFICATE OF ACCEPTANCE

This is to certify that the COUNTY OF SAN LUIS OBISPO, grantee herein, hereby accepts for public purposes the real property, or interests therein, described in the foregoing Quitclaim Deed dated November 29, 2011, from THE LOS OSOS COMMUNITY SERVICES DISTRICT, a Community Services District of the State of California, Grantor therein, and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this 1st day of December, 2011.

COUNTY OF SAN LUIS OBISPO
Department of Public Works
PAAVO OGREN
Public Works Director

By: [Signature]
(Pursuant to BOS Resolution 2009-42)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: [Signature]
Deputy County Counsel

T: PWA\zz Los Osos WWPLOCS D Quitclaim Final 11_18_2011 Excl'd Wlkr

ACKNOWLEDGMENT

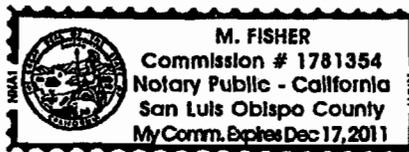
State of California
County of San Luis Obispo

On 12-1-11 before me, M. FISHER, Notary Public, personally
(insert name and title of the officer)

appeared Phil ACOSTA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]

(Seal)

EXHIBIT A

10/14/2011

Property #1: "Santa Ysabel Ave. Pump Station", APNs 038-172-(028, 029, 030, 031)

Parcel A (APN 038-172-031)

All that piece of real property in the County of San Luis Obispo, State of California, being a portion of Lots 1 and 2 in Block 48 as shown on the map of the Town of El Moro, surveyed by Victor H. Woods and recorded in Book A, Page 80 of Maps lying westerly of the following described line:

Commencing at the intersection of the West line of 18th Street and the South line of Santa Ysabel Avenue as shown on the aforementioned map thence North 87° 46' 25" West (East recorded) along the South line of said Santa Ysabel Avenue, 60 feet to the point of beginning;

Thence South 52° 22' 08" East, 23.13 feet;

Thence South 1° 53' 42" West, 106.39 feet;

Thence South 10° 54' 15" East, 159.34 feet to a point that bears North 6°12'53" East, 326.88 feet from a found 3 x 3 stake at the intersection of the West line of 18th Street and the North line of Santa Maria Avenue as shown on the aforementioned map, said point also bears South 79°37'09" West, 80.00 feet from Engineer's Station 197+00 P.O.C. in the centerline of South Bay Boulevard as established by the County Road Department for the alignment of County Road Number A3125 in 1973.

Parcel B (APN 038-172-028,029 & 030)

That portion of Lots 3, 4 and 5 in Block 48 of the Town of El Moro, according to Wood's Revised Map of El Moro, filed for record February 11, 1901 in Book A, Page 80 of Maps, lying westerly of the following described line:

Commencing at the intersection of the West line of 18th Street and the South line of Santa Ysabel Avenue as shown on the aforementioned map;

Thence North 87° 46' 25" West (East recorded) along the South line of said Santa Ysabel Avenue, 60 feet to the point of beginning;

Thence South 52°22'08" East, 23.13 feet; Thence South 1°53'42" West, 106.39 feet; Thence South 10°54'15" East, 159.34 feet to a point that bears North 6°12'53" East, 326.88 feet from a found 3 x 3 stake at the intersection of the West line of 18th Street and the North line of Santa Maria Avenue as shown on the aforementioned map, said point also bears South 79° 37' 09" West, 80.00 feet from Engineer's Station 197+00 P.O.C. in the centerline of South Bay Boulevard as established by the County Road Department for the alignment of County Road Number A3125 in 1973.

Property #2: "South-end of Broderson Ave", APN 074-022-073 & 074

The East 1/2 of the Northeast Quarter of Section 24, Township 30 South, Range 10 East, Mount Diablo Meridian, according to the official plat of said land.

Property #3: "Sunny Oaks Pump Station", APN 074-224-021

Those portions of the Map of the Subdivisions of the Slack Tract, being part of Lot 79 of the Ranchos Canada de Los Osos and La Laguna, in the County of San Luis Obispo, State of California, according to the map filed in Book B, Page 87 of Maps in the Office of the County Recorder of said County and also described in the Grant Deed recorded in Book 1335, Page 722 of Official Records in said County Recorder's Office, said portions of land being more particularly described in following Parcels A and B:

Parcel A:

Commencing at a 2 inch punched brass disk stamped "Co. Surveyor", marking a centerline intersection of Los Osos Valley Road with Palomino Drive as shown in that Record of Survey filed in Book 75, Page 81 of Licensed Surveys

EXHIBIT A

10/14/2011

in said County Recorder's Office, having grid coordinates of (Northing) 2,309,653.7300 feet (Easting) 5,722,163.5076 feet of the California Coordinate System 1983, Zone 5, epoch date 1991.35 adjustment of the High Precision Geodetic Network;

Thence along said centerline North 71°42'37" West (North 73°14'20" West per said Record of Survey) 1309.09 feet to a 2 inch punched brass disk stamped "Co. Surveyor" having grid coordinates of (Northing) 2,310,064.5492 feet (Easting) 5,720,920.5512 feet of said California Coordinate System 1983, Zone 5;

Thence leaving said centerline South 65°53'09" East 492.71 feet to a point on the southerly right of way line of Los Osos Valley Road as described in Resolution No. 70-351 recorded in Book 1570, Page 351 of Official Records and shown on the Map of the Official Plan Line filed in Book 1, Page 10 of Plan Lines, in the Office of said County Recorder, said point being marked by a cotton spindle with super tag stamped L.S. 6192, said point also being the TRUE POINT OF BEGINNING;

Thence South 20°27'01" West 80.05 feet to a cotton spindle with super tag stamped L.S. 6192;

Thence North 71°42'37" West 59.43 feet to a 5/8 inch rebar capped L.S. 6192;

Thence North 18°17'23" East 80.00 feet to said southerly right of way line of Los Osos Valley Road, being marked by a 5/8 inch rebar capped L.S. 6192;

Thence along said southerly right of way line, South 71°42'37" East 62.35 feet to the said True Point of Beginning.

Containing 4,871 square feet more or less.

Together with a non-exclusive appurtenant utility and access easement, as described in the Grant Deed and Agreement Affecting Real Property recorded November 6, 2003 in Document 2003129407 in said County Recorder's Office, located on the following described property;

Parcel B

Beginning at the above described True Point of Beginning of Parcel A, thence along the easterly line of said Parcel A, South 20°27'01" West 80.05 feet to the southeast corner of said Parcel A being marked by a cotton spindle with super tag stamped L.S. 6192;

Thence South 71°42'37" East 22.48 feet;

Thence North 32°07'33" East 82.39 feet to the southerly right of way line of Los Osos Valley Road as described in the above said Parcel A;

Thence along said southerly right of way line of Los Osos Valley Road, North 71°42'37" West 39.26 feet to the True Point of Beginning.

Containing 2,470 square feet more or Less.

All bearings and distances used herein are based on said California Coordinate System 1983, Zone 5. Divide distances by .99997 to obtain ground level distances.

Property #4: "Midtown-Tri W Site", APN 074-229-017

Parcel 1 of Parcel Map CO 73-406, County of San Luis Obispo, State of California, according to the map recorded October 17, 1975 in Book 17 at Page 126 of Parcel Maps in the Office of the County Recorder of said County, excepting therefrom that portion of said land described in the deed to the County of San Luis Obispo recorded August 20, 1980 in Book 2262 at Page 732 of Official Records.

EXHIBIT A

10/14/2011

Property #5: "Lupine St. Pump Station", APN 074-141-003,

Parcel 1 of Parcel Map COAL 94-097, in the County of San Luis Obispo, State of California, according to the Map recorded May 8, 1998 in Book 53, Page 18 of Parcel Maps.

Property #6: "Mar Vista Sewer Easement", APN 074-025-017

The 20 foot wide sewer easement dedicated to Los Osos Community Services District as described and depicted on Lot 1 of Tract 2161, recorded in Book 23 at Pages 46-48 of Maps, in the Office of the County Recorder, County of San Luis Obispo, State of California.

Property #7: "Knighton Easement and Temporary Construction Easement", APN 074-263-038

Parcel 1-Permanent Easement

The southerly 10 feet of Lot 9 in Block A of Tract No. 70, in the County of San Luis Obispo, State of California, as shown on the map filed in Book 5, Page 83 of Maps in the Office of the County Recorder of said County.

Excepting that portion deeded to the County of San Luis Obispo by Deed recorded in Book 1831, Page 53 of Official Records in the Office of the County Recorder of said County.

Parcel 2-Temporary Construction Easement

The southerly 25 feet of Lot 9 in Block A of Tract No. 70, in the County of San Luis Obispo, State of California, as shown on the map filed in Book 5, Page 83 of Maps in the Office of the County Recorder of said County.

Excepting that portion deeded to the County of San Luis Obispo by Deed recorded in Book 1831, Page 53 of Official Records in the Office of the County Recorder of said County. Also excepting Parcel 1-"Permanent Easement" described hereinabove.

From: "Robinson, Daniel@Coastal" <Daniel.Robinson@coastal.ca.gov>
To: <mhutchinson@co.slo.ca.us>
Date: 04/20/2012 04:46 PM
Subject: County as grantee for LLOWP

Thanks Mark.

CCC will approve of this.

However, please provide a letter which includes:

1. Stating that this approval is approved so long as County indicates that they will be granting to themselves (or is it from County in general to Parks or DPW or something?) ONLY with the expressed expectation of getting the restoration going and established and THEN finding a longer term management entity that best ensures this property is protected/preserved in relation to and coordinated with surrounding preservation/protection/greenbelt areas, and that that might mean State Parks, CDFG, USFWS, etc..
2. Stating that the County will report on status of such efforts yearly (beginning with info in this letter, e.g. including past overtures to SLLC and CDFG).
3. Indicating that any subsequent transfer would be subject to ED review and approval.
4. How the transfer is accompanied by adequate and sufficient funding for the restoration/preservation of the site/the implementation of the HMP over time (like an account set up, an earmark that can't be undone in general fund, a bond, a combo of all of that, etc.).
5. Previous examples of county ownership/management of similar properties such as this for reference and support.

All this is in an effort to provide us with the best scenario which meets the terms of the condition.

Let me know if you have questions,
Daniel

-----Original Message-----

From: mhutchinson@co.slo.ca.us [mailto:mhutchinson@co.slo.ca.us]
Sent: Thursday, April 19, 2012 2:52 PM
To: Robinson, Daniel@Coastal
Cc: jwaddell@co.slo.ca.us; kballantyne@co.slo.ca.us
Subject: Re: County as grantee for LLOWP - quick couple questions..

Daniel,

On the Broderson property, my survey of the green belt properties in Los Osos shows no USFWS-owned lands in the area, only County, State Parks, Wildlife Conservation Board (Fish and Game) and private. In the project meetings and in the HCP meetings USFWS hasn't expressed any interest in owning Broderson.

As the owner of Broderson I think we would continue to look for partnerships that not only strengthen the restoration effort but also best guarantee the long-term maintenance of the restored site. Also, as the HCP comes into focus I would expect that all of the greenbelt owners will want to collaborate on ownership and management issues so that we get the best possible on-going results.

My understanding of condition 3 is that it requires Coastal approval for any future ownership transfers or easement deeds that impact Broderson, so my expectation is that Coastal will also be a part of the ownership/management discussions?

Mark Hutchinson
Environmental Programs Manager
Department of Public Works