



## Legislation Text

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**File #:** 18-1151, **Version:** 1

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Community Development Services, Department of Transportation and Planning and Building Department, recommending the Board:

- 1) Find that the proposed property acquisition of APN 109-230-12, 51.12 acre property containing rare plant species, in Cameron Park is categorically exempt from review pursuant to California Environmental Quality Act (CEQA) Guideline Section 15313 (Acquisition of Lands for Wildlife Conservation Purposes);
- 2) Direct and authorize staff to determine that the contingencies are satisfied and authorize the close of escrow to occur no earlier than 35 days after the filing of the CEQA Notice of Exemption;
- 3) Authorize the Director of Transportation, or designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees, which are estimated to be \$998; and
- 4) Authorize the Director of Transportation, or designee, to extend the date of closure of escrow upon mutual agreement of both parties, if necessary.

**FUNDING:** Ecological Preserve Special Revenue Fund. (No Federal Funds)

### **DEPARTMENT RECOMMENDATION**

Community Development Services, Department of Transportation and Planning and Building Department, recommending the Board consider satisfied the Inspection and Studies contingency of the Purchase and Sale Agreement for Scariot/DeWolf parcel, Assessor's Parcel Number 109-230-12, in Cameron Park for rare plant habitat conservation.

### **DISCUSSION / BACKGROUND**

On July 17, 2018 (Item 19), the Board approved the purchase of a 51.12 acre parcel (Property) in Cameron Park from the Scariot Family Limited Partnership/DeWolf Family Investment Limited Partnership. The Property is located within the designated Recovery Area for the Pine Hill Preserve, which was established in 2001 to protect eight rare plant species and their gabbro soils habitat in western El Dorado County. The Property contains six of the eight Pine Hill Endemic rare plant species. This acquisition will contribute significantly to the conservation goals outlined in the 2002 U.S. Fish and Wildlife Service Recovery Plan.

The Purchase and Sale Agreement contains a Contingency to Close of Escrow which states that the County (Buyer) shall have the right to conduct any and all inspection and evaluations of the Property to Buyer's satisfaction; and that the Buyer shall have determined that the Property is clean of contamination, toxic and/or hazardous materials, to Buyer's satisfaction. (Contingency 6.1.b. of the Purchase and Sale Agreement, "Inspections and Studies" [Contingency]). Contingency must be satisfied prior to Close of Escrow. The County has conducted an inspection and evaluation of the Property; and has determined that the Property is clean of contamination, toxic, and hazardous materials.

To satisfy the Contingency, the Board must sign a Contingency Removal Form. Close of Escrow Date is August 31, 2018.

**Environmental Review:**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15313 of the CEQA Guidelines stating that Class 13 exemptions consist “of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.” The subject parcel is being acquired by the County to protect the rare and endangered plants that grow in the gabbro soils of western El Dorado County. The parcel will be added to the Pine Hill Preserve system which contains a total of 4,746 acres with a high diversity of native plants, and 3,276 of these acres are included in an area designated for the recovery of five federally listed plants (listed as threatened or endangered under the Endangered Species Act). Three species are found nowhere else in the world. The property will be managed by the Bureau of Land Management consistent with the Pine Hill Preserve Management Plan cooperative agreement.

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

**ALTERNATIVES**

Inspections and studies must be satisfied prior to the Close of Escrow. If the inspection and study contingency is not satisfied by the Close of Escrow, the sale of the property may not be completed. The County would lose rare plant mitigation property that would meet the County’s conservation requirements.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

**CAO RECOMMENDATION**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT**

Funding will be from the Ecological Preserve Special Revenue Fund. (100%)

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain Chair's signature on the Contingency Removal Form.
- 2) Clerk of the Board to return one (1) signed copy of the Contingency Removal Form to Transportation, Right of Way.

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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