



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

RECEIVED

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

2021 MAY 18 A 9:48

LATE
DIST

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: General Services
Department No.: 6031
For Agenda Of: May 18, 2021
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

REPLACEMENT # 1
DATE 5/18 TIME 10 AM

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning & Development
Director(s) (805) 568-2086
Janette Pell, Director, General Services
(805) 560-1011
Contact Info: Skip Grey, Assistant Director, General Services
(805) 568-3083
Jeff Wilson, Deputy Director, Planning & Development
(805) 568-2085

SUBJECT: **Amendment and Transfer of Conservation Easements at the Scolari Ranch from County to the Land Trust for Santa Barbara County; Third and Fourth Supervisorial Districts**

County Counsel Concurrence

As to form: Yes

Risk Management Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair of the Board to execute an Amended and Restated Conservation Easement in a form substantially similar to the attached (Attachment 1), and subject to final approval by County Counsel and the Directors of Planning & Development and General Services, amending and restating a conservation easement previously accepted by the County on April 21, 2020, granted by LeRoy Scolari, Gerald E. Scolari and Sandra K. Scolari, and Rosebel V. Cameron, as trustees of the owners, on real property containing approximately 233 acres of land, located in the County of Santa Barbara, on Assessor Parcel Number 083-090-001;
- b) Approve and authorize the Chair of the Board to execute an Amended and Restated Conservation Easement in a form substantially similar to the attached (Attachment 2), and subject to final approval by County Counsel and the Directors of Planning & Development and General Services, amending and restating a conservation easement previously accepted by the County on

April 21, 2020, granted by LeRoy Scolari, Gerald E. Scolari and Sandra K. Scolari, and Rosebel V. Cameron, as trustees of the owners, on real property containing approximately 271 acres of land, located in the County of Santa Barbara, on Assessor Parcel Number 083-090-002;

- c) Approve and authorize the Chair of the Board to execute an Amended and Restated Conservation Easement in a form substantially similar to the attached (Attachment 3), and subject to final approval by County Counsel and the Directors of Planning & Development and General Services, amending and restating a conservation easement previously accepted by the County on April 21, 2020, granted by LeRoy Scolari, as trustee of the owner, on real property containing approximately 467.87 acres of land, located in the County of Santa Barbara, on Assessor Parcel Number 083-080-004;
- d) Authorize and direct the Clerk of the Board to execute Certificates of Acceptance in a form substantially similar to those attached to the Amended and Restated Conservation Easements, thereby affirming the County's acceptance of the Conservation Easements as amended and restated, and direct staff to subsequently record the Amended and Restated Conservation Easements;
- e) Approve and authorize the Chair of the Board to execute the Amendment to Funding Agreement (Attachment 4) in a form substantially similar to that attached hereto, following execution by all the parties of the Amended and Restated Conservation Easements;
- f) Authorize the Director of General Services, or designee, following the termination of the Funding Agreement becoming effective, to execute any additional related documents required to release the financial security for the Funding Agreement;
- g) Approve and authorize the Chair of the Board to execute the Assignment and Assumption Agreements with The Land Trust for Santa Barbara County (Attachments 5, 6 and 7), effective upon recordation, in a form substantially similar to that attached hereto, following execution by all the parties of the Amendment to Funding Agreement
- h) Authorize the Director of General Services, or designee, to execute any additional related documents required to facilitate the County's acceptance and assignment of the Amended and Restated Conservation Easements; and
- i) Find that the proposed actions are within the scope of the environmental document prepared and adopted for the Strauss Wind Energy Project (Certified Final Supplemental Environmental Impact Report 18EIR-00000-00001/SCH No. 2018071002), including the Final Supplemental Environmental Impact Report (SEIR) Revision Letter dated November 12, 2019 (Attachment 8), that no substantial changes are proposed, there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives and, therefore, that no additional environmental review is required pursuant to State CEQA Guidelines Section 15162.

The proposed project involves parcels 083-080-004, 083-090-001, 083-090-002, comprising the Scolari Ranch in the Lompoc area, Third Supervisorial District:

Summary Text:

This item is on the agenda in order to consider the amendment and transfer of two conservation easements currently held by the County to the Land Trust for Santa Barbara County ("Land Trust"). The conservation easements cover an approximately 958-acre portion of the Scolari Ranch and are currently held by the County for habitat conservation and restoration purposes associated with the Strauss Wind Energy Project conditions of approval. The two existing conservation easements currently cover a total of three parcels.

Approval of the Amended and Restated Conservation Easements would result in three conservation easements, each covering one of the three parcels.

Background:

On January 28, 2020, the County Board of Supervisors approved a Conditional Use Permit (CUP) and Variance (Case Nos. 16CUP-00000-00031 and 18VAR-00000-00002) for the Strauss Wind Energy Project (“SWEP”). Conditions of Approval #11 and #13 of the CUP required the recordation of conservation easement(s) prior to the issuance of Zoning Clearance. Condition of Approval #13 further specifies that the required conservation easements must “protect the proposed conservation area in perpetuity” and be “controlled by a qualified conservation organization” approved by the County. The conservation easements were required as feasible mitigation measures in the EIR to mitigate for project impacts to certain sensitive species and oak trees and to provide for the protection of said species in perpetuity.

The SWEP project applicant offered to dedicate to the County two conservation easements covering an approximately 958-acre portion of the Scolari Ranch. On April 21, 2020, following Planning and Development’s determination that the offered conservation easements satisfied the applicable project permit requirements, the Board of Supervisors accepted the dedication of the two conservation easements. At the time the County accepted the conservation easements, it was intended that the County would only hold the easements until such time that a long-term easement holder could be identified, such as the Land Trust or other qualified conservation organization.

The recommended actions will effectuate this intention by amending and transferring the existing conservation easements from the County to the Land Trust who will act as the long-term manager of the easement areas going forward. The Amended and Restated Conservation Easements encumber the same easement area, and they meet the identified conservation values. Accordingly, Planning and Development has determined that they continue to satisfy the applicable project permit requirements for which they were initially offered.

Following the assignment of the conservation easements, the County, along with the California Department of Fish and Wildlife and the U.S. Department of Fish and Wildlife be named as third-party beneficiaries. This will enable the County, at its discretion, to enforce the terms of the assigned conservation easements, as necessary.

At the time the County accepted the original conservation easements, the County also executed a Funding Agreement with the project applicant that requires the applicant to reimburse the County for any costs that are incurred holding and/or transferring the conservation easements. The Funding Agreement is currently secured by a performance bond. Upon the amendment and transfer of the easements to the Land Trust, the existing Funding Agreement between the applicant and the County will no longer be needed. The proposed actions include amending the Funding Agreement to authorize immediate assignment of the conservation easements, and to terminate the Funding Agreement following the County assignment of the conservation easements and the applicant’s fulfillment of its payment obligations under the Funding Agreement. Following termination of the Funding Agreement, the Director of General Services will be authorized to facilitate the release of the performance bond, as needed. The Land Trust has arranged a separate funding mechanism with the applicant for oversight and maintenance of the assigned conservation easements in perpetuity.

Fiscal Impacts:

The applicant has agreed to fully reimburse the County for all costs related to the transfer of the conservation easements to the Land Trust.

Special Instructions:

Clerk of the Board shall forward all original real property documents to the General Services Director, pending execution and recording.

Attachments:

1. Amended and Restated Conservation Easement granted by LeRoy Scolari, Gerald E. Scolari and Sandra K. Scolari, and Rosebel V. Cameron (Assessor Parcel Numbers 083-090-001)
2. Amended and Restated Conservation Easement granted by LeRoy Scolari, Gerald E. Scolari and Sandra K. Scolari, and Rosebel V. Cameron (Assessor Parcel Number 083-090-002)
3. Amended and Restated Conservation Easement granted by LeRoy Scolari (Assessor Parcel Number 083-080-004)
4. Amendment to Funding Agreement
5. Assignment and Assumption Agreement with The Land Trust for Santa Barbara County (Assessor Parcel Numbers 083-090-001)
6. Assignment and Assumption Agreement with The Land Trust for Santa Barbara County (Assessor Parcel Number 083-090-002)
7. Assignment and Assumption Agreement with The Land Trust for Santa Barbara County (Assessor Parcel Number 083-080-004)
8. Final Supplemental Environmental Impact Report 18EIR-00000-00001/SCH No. 2018071002, including the SEIR Revision Letter dated November 12, 2019

<https://www.countyofsb.org/pln/dev/projects/energy/Strauss.sbc>

<https://cosantabarbara.app.box.com/s/flqzilaqdx59r3ma0hykvuescl4ys6b>