



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/
Community Services
Department No.: 063/052
For Agenda Of: April 2, 2019
Placement: Administrative
Estimated Tme: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services/ Janette D. Pell, Director (805) 560-1011
Community Services George Chapjian, Director (805) 568-2467
Contact Info: Skip Grey, Assistant Director (805) 568-3083
Jeff Lindgren, Parks Division Superintendent (805) 686-5076
SUBJECT: County Acceptance of Offer to Dedicate 35-acre Portion of Dangermond
Preserve from The Nature Conservancy to the County, Third District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

Risk Management

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair of the Board to execute the original and duplicate original Dedication Agreement and Escrow Instructions (“Dedication Agreement”) between The Nature Conservancy (“TNC”) and the County of Santa Barbara (“County”) (Attachment 1), for the County’s acceptance of a dedication of the approximately 35-acre portion of the Dangermond Preserve property, located adjacent to Jalama Beach County Park, and described in Exhibit A of the Dedication Agreement;
- b) Authorize the Director of General Services, or designee, to execute any additional escrow instructions or related documents required to facilitate the County’s acceptance of Assessor Parcel Number 083-510-064, and portions of 083-510-063 and 065 (the “OTD Parcels”);
- c) In accordance with Cal. Gov. Code §51292, find that the location of the land to be acquired by the County was not based primarily on the lower cost of acquiring Williamson Act property, and that there is no other land within or outside the agricultural preserve that is reasonably feasible to acquire;

- d) Adopt a Resolution (Attachment 2) authorizing the Director of the Community Services Department to execute a Certificate of Acceptance for the OTD, and, if required, a Certificate of Acceptance for a quitclaim deed, in form substantially similar to Attachment 3, effectuating the County's acceptance of the OTD Parcels;
- e) Direct the County Surveyor to record Certificates of Compliance for the remainder of Assessor Parcel Numbers 083-510-063 and 065, which will remain under the ownership of TNC; and
- f) Find that the proposed actions are exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to 14 CCR Section 15316 of the CEQA Guidelines (Transfer of Ownership in Land to Create Parks), which provides a Class 16 exemption for projects that consist of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archeological resources and either a) The management plan for the park has not been prepared, or b) The management plan proposes to keep the area in a natural condition or preserve the historic or archeological resources; and direct staff to file and post the attached Notice of Exemption (Attachment 4).

Summary Text:

This item is on the agenda in order to consider approval and execution of the Dedication Agreement and Escrow Instructions between the County and TNC, for the County's acceptance of an approximately 35-acre portion of the Dangermond Preserve property, to be used for habitat conservation, restoration, public access, and passive public recreation.

Background:

The Jack and Laura Dangermond Preserve property ("Preserve"), formerly the Bixby Ranch and then the Cojo and Jalama Ranches, is a 24,364-acre property located in the northwestern portion of the County. The property occupies the stretch of coastline on either side of Point Conception, between Hollister Ranch and Jalama Beach County Park. Jack and Laura Dangermond purchased the property from Cojo Jalama Ranches and donated it to the Nature Conservancy for preservation.

Prior to the transfer from the Cojo and Jalama Ranches to the Dangermonds, the Cojo and Jalama Ranches recorded the Irrevocable Offer to Dedicate Fee Title for Conservation and Public Access and Declaration of Restrictions (the "OTD") as Instrument No. 2017-0062026, re-recorded as Instrument No. 2018-0000093, and amended by Instrument No. 2018-00013447, all in the Santa Barbara County Records. The OTD was recorded in order to satisfy the requirements of the Consent Cease and Desist Order No. CCC-17-CD-03 and Restoration Order No. CCC-17-RO-01 (the "Consent Orders"). The California Coastal Commission issued those orders to the owners of Cojo and Jalama Ranches on November 9, 2017, to address a variety of violations of the Coastal Act and the Santa Barbara County Local Coastal Program.

The Nature Conservancy, as successor in interest to the former owners of the property, is required to transfer fee title to approximately 36-acres of the property to Santa Barbara County within 18-months of issuance of the Consent Orders (by May 9, 2019), unless the Coastal Commission approves an extension. If the County rejects the land dedication, the property would be transferred to another government entity or non-profit organization approved by the Coastal Commission's Executive Director. Use of the dedicated property is limited to habitat conservation, restoration, public access, and passive public recreation. The property being offered to the County through the Offer to Dedicate consists of the three parcels described on Exhibits A-1, A-2, and A-3 of the attached Dedication Agreement (the OTD Parcels),

and is adjacent to the County's Jalama Beach County Park. Prior to the close of escrow, TNC will record an amendment to the OTD to revise the legal descriptions to match Exhibits A-1, A-2, and A-3.

Park staff has evaluated the 35 acres proposed to be transferred, which, if accepted by the Board, will extend the southern boundary of Jalama Beach Park to the southernmost boundary of the OTD Parcels, and the Park's eastern boundary to the easternmost boundary of the OTD Parcels (see Exhibit A of the Dedication Agreement). The acquisition would also provide expanded public access along the Jalama coast, augment County revenues at the Park, and provide additional recreational opportunities for North County residents and visitors. In addition to the dedication of the OTD Parcels, the Consent Orders issued by the Coastal Commission required a payment to the Coastal Commission of Five Hundred Thousand Dollars (\$500,000.00). The Coastal Commission has indicated that money could be available to the County for public improvements to the acquired land. Future improvements could generate additional interest in the area, increase tourism, and drive additional revenues for the Park.

The terms and conditions of the Dedication Agreement are consistent with the Consent Orders and the Irrevocable Offer to Dedicate Fee Title for Conservation and Public Access and Declaration of Restrictions, recorded on January 2, 2018, as Instrument No. 2018-0000093, in the Official Records of the County of Santa Barbara. In accordance with Cal. Gov. Code §65402(a), a request was submitted to the County's Planning Commission for a determination as to whether the proposed acceptance by the County of the OTD Parcels conforms to the County's Comprehensive Plan. On February 6, 2019, the Planning Commission unanimously determined the County's acceptance of the OTD Parcels conforms to the Comprehensive Plan, including the Coastal Land Use Plan and the Gaviota Coast Plan.

The OTD Parcels are currently subject to Williamson Act Contracts, which restricts the property to agricultural and compatible uses (Cal. Gov. Code §51200, et seq.) The Williamson Act requires the County to provide notice to the California Department of Conservation (DOC) of its intent to acquire property located within a preserve, and to make the findings set forth in Recommendation (c) above, before acquiring the property. The required notice was sent to the DOC on January 31, 2019.

In regard to the findings set forth in Recommendation (c) above, the County must find that that the location of the acquisition was not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (Cal. Gov. Code §51292(a)) and that there is no other land within or outside the agricultural preserve that is reasonably feasible to acquire (Cal. Gov. Code §51292(b)). These findings can be made because the location of the properties proposed for acquisition was determined solely by the terms of the Consent Orders, which required that this specific land be dedicated to the County. The Consent Orders did not require the dedication of other land within or outside the agricultural preserve. In addition, on January 11, 2019, staff went before the Agricultural Preserve Advisory Committee (APAC) to discuss the removal of the OTD Parcels from the agricultural preserve program through a non-renewal process. The APAC advised staff to request The Nature Conservancy submit an owner-initiated notice of nonrenewal of the Williamson Act Contracts that apply to the OTD Parcels prior to the transfer. That submittal by TNC has been included as a condition in the Dedication Agreement.

Recommendation (f) above sets forth the applicable CEQA exemption for the County's acceptance of the OTD Parcels. This project consist of the acquisition of land in order to establish a park where the land is in a natural condition and the management plan for the OTD Parcels has not been prepared; and, pursuant to 14 CCR Section 15316 of the CEQA Guidelines, is therefore exempt from further CEQA review. Any future improvements to the OTD Parcels would be subject to separate review and consideration of CEQA.

Fiscal and Facilities Impacts:

There will be no direct fiscal or facilities impacts due to the recommended actions

Staffing Impacts:

None

Attachments

1. Dedication Agreement and Escrow Instructions
2. Resolution
3. Certificate of Acceptance
4. Notice of Exemption

Special Instructions: After Board action, please distribute as follows:

1. Original Dedication Agreement to Clerk of the Board Files
2. Duplicate Original Dedication Agreement to General Services/Real Property
3. Copy of Resolution to General Services/Real Property
4. Notice of Exemption to be filed and posted