



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: Planning and  
Development  
Department No.: 053  
For Agenda Of: April 21, 2020  
Placement: Administrative  
Estimated Time: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**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: John Zorovich, Deputy Director, Energy & Minerals Division  
(805) 568-2519  
**SUBJECT: County Acceptance of Offer to Dedicate 958-acre Portion of the Scolari Ranch to  
the County; Third and Fourth Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Receive and consider comments provided by the California Department of Conservation (Attachment 5) regarding County acquisition of Conservation Easements (Attachments 1 and 2) on property subject to a Williamson Act contract, in connection with the Strauss Wind Energy Project;
- b) Approve and authorize County acceptance of the Conservation Easement (Attachment 1) 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 489.84 acres of land, located in the County of Santa Barbara, on Assessor Parcel Numbers 083-090-001 and 083-090-002, subject to County execution of the Funding Agreement (Attachment 3), and completion of title clearance, as determined by the Director of General Services, or designee, and County Counsel;
- c) Approve and authorize County acceptance of the Conservation Easement (Attachment 2) 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, subject to County execution of the Funding Agreement (Attachment 3), and completion of title clearance, as determined by the Director of General Services or designee, and County Counsel;

- d) Approve and authorize the Chair of the Board to execute the Funding Agreement in a form substantially similar to the Draft Funding Agreement (Attachment 3), subject to the provision of final documents required by the Funding Agreement, and approval by County Counsel;
- e) Authorize and direct the Clerk of the Board, following County execution of the Funding Agreement (Attachment 3), and completion of title clearance, to be approved by the Director of General Services, or designee, and County Counsel, to execute Certificates of Acceptance in a form substantially similar to those attached to the Conservation Easements (Attachments 1 and 2), thereby effectuating the County's acceptance of the Conservation Easements, and direct staff to subsequently record the Conservation Easements;
- f) Authorize the Director of General Services, or designee, to execute any additional related documents required to facilitate the County's acceptance of the Conservation Easements (Attachment 1 and 2);
- g) 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 4), 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 County's acceptance from the Scolari family of a conservation easement covering an approximately 958-acre portion of the Scolari Ranch, for habitat conservation and restoration purposes associated with the Strauss Wind Energy Project (SWEP).

**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, subject to numerous Conditions of Approval. Conditions of Approval #11 and #13 of the CUP require the applicant to record conservation easement(s) prior to the issuance of Zoning Clearance. Condition of Approval #13 further specifies that the required conservation easement 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.

Additionally, County CUP Condition of Approval #16 requires the preparation of a Gaviota Tarplant Mitigation Plan which describes how impacts to the species will be mitigated. This Plan calls for a perpetual conservation easement. Additionally, this plant is threatened and endangered and therefore this condition requires the applicant to obtain an Incidental Take Permit (ITP) from the California Department of Fish & Wildlife and a Biological Opinion from the US Fish & Wildlife. Section 9 of the ITP issued for

the Project requires the applicant to record a conservation easement within six months of the effective date of the ITP. The applicant intends to record a larger comprehensive conservation easement “package” that would encumber a portion of the larger Project site, including but not limited to, the three parcels covered by the Scolari Conservation Easements, which would satisfy both the County CUP Conditions of Approval and the ITP issued for the Project.

At this time, it is intended that the subject easements covering the Scolari Ranch be held by the County (a qualified conservation organization) until such time that a long-term easement holder be identified, such as the Land Trust for Santa Barbara County or other qualified conservation organization. The easements could be either transferred or vacated following recordation of the larger comprehensive conservation easement “package”.

To satisfy these requirements, the applicant has delivered two conservation easement Grant Deeds benefitting the County, one encumbering APN 083-080-004 and the other encumbering APN 083-090-001 and 080-090-002 (Scolari Conservation Easements) effectively protecting the entirety of the Scolari Ranch. The conservation easement totals approximately 957.71 acres.

The Scolari Ranch parcels are currently subject to Williamson Act Contracts (71-AP-077 & 73-AP-026), which restrict 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 interests located within a preserve, before acquiring the property interests. The required notice was sent to the DOC on April 16, 2020. The DOC’s comments are included in this Board Letter as Attachment 5. The conservation easement will allow for the current agricultural operations (i.e., cattle grazing) to continue on the properties within the easement area.

To ensure that the County will be reimbursed for any costs that will be incurred in holding and potentially transferring the Scolari Conservation Easements, the Applicant for the Strauss Wind Energy Project has agreed to a Funding Agreement, secured by a performance bond, under which the Applicant will reimburse the County for its costs to perform monitoring and maintenance of the easement, as well as the costs to transfer the easement to a third party conservation organization (Attachment 3).

**Fiscal Impacts:**

As consideration, in part, for the County’s acceptance of the Scolari Conservation Easements, the applicant has agreed to reimburse the County for costs related to holding, managing, enforcing, and maintaining the easements in perpetuity (Funding Agreement, Attachment C), as well as for costs related to the potential future transfer of the Scolari Conservation Easements to a third-party qualified conservation organization. The reimbursement obligation is secured by a performance bond pursuant to the terms and conditions of the Agreement.

**Special Instructions:**

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

**Attachments:**

1. Conservation Easement granted by LeRoy Scolari, Gerald E. Scolari and Sandra K. Scolari, and Rosebel V. Cameron
2. Conservation Easement granted by LeRoy Scolari
3. Draft Funding Agreement

4. Final Supplemental Environmental Impact Report 18EIR-00000-00001/SCH No. 2018071002, including the SEIR Revision Letter dated November 12, 2019

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

5. Department of Conservation Comments

**Authored by:**

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Energy, Minerals & Compliance Division, Planning and Development Department