



**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 2, 2013  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Glenn Russell, PhD., Director 568-2085  
Director Planning and Development  
Contact Info: Alice McCurdy, Deputy Director, 934-6559  
Development Review Division, North County  
**SUBJECT:** Approve and Execute Habitat Easement Agreement

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: No

**Auditor-Controller Concurrence**

As to form: No

**Recommended Actions:**

Hearing to consider approval and execution of a Habitat Easement Agreement for the protection of the Least Bells Vireo. The proposed Habitat Easement was approved by the Planning Commission as a Condition of Approval for a Lot Line Adjustment and would be for Assessor Parcel number 145-190-001, (reconfigured Lots 1 and 2), located at 161 Paradise Road, known as Rancho San Fernando Rey, in the Santa Ynez area, Third Supervisorial District.

1. Approve and authorize the Chair to execute Habitat Easement Agreement for the protection of the Least Bells Vireo (Attachment A, Grant of Habitat Easement); and
2. Determine the proposed action is within the scope of the project's previously adopted Mitigated Negative Declaration No. 05NGD-00000-00027, and that no additional environmental review is required.

**Summary Text:**

On November 29, 2010, 10MPC-00000-00010, Rancho San Fernando Rey Map clearance was submitted for 94LLA-00000-00001. As part of the recordation process for the Lot Line Adjustment, all conditions of approval must be satisfied. Condition 3 of the Rancho San Fernando Rey Lot Line

Adjustment requires that a Habitat Easement for the Least Bells Vireo be dedicated and approved by the Board of Supervisors.

In order to ensure that the Habitat Easement is adequately established and maintained, the Condition of Approval requires that the applicant provide financial assurance to Planning and Development to be used for staff time necessary for site inspections and follow-up reports. The Condition of Approval requires that an "endowment" be established, and the applicant will be providing a deposit to pay for these costs. Planning and Development has determined that the deposit is a secure form of financial assurance that fully satisfies the intent and purpose of the condition.

**Background:**

County Code Chapter 35, Article VII, enacted pursuant to California Government Code Section 65870, authorizes the County Planning Commission to require recordation of covenants of easement in order to assure compliance with conditions of approval imposed in connection with a land use or development permit. On August 8, 2007 the Planning Commission approved 94LLA-00000-00001 Rancho San Fernando Rey Lot Line Adjustment. As a condition of approval for the project, Condition 3 required a habitat easement for the Least Bells Vireo habitat protection to be dedicated along a 200 foot wide corridor, extending 100 feet outward from each side of Hampton Creek and Kelly Creek on Lots 1 and 2. The easement will be recorded on the property title.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

All costs of permit processing and permit compliance are reimbursed by the project applicant and are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-138 of the adopted 2012/2013 fiscal year budget book.

**Special Instructions:**

The Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Hearing Support Section, Attention: David Villalobos.

**Attachments:**

- A. Grant of Habitat Easement
- B. 94LLA-00000-00001 Action Letter

**Authored by:**

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