

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 3/2/04
Department Name: P&D
Department No.: 053
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TO: Board of Supervisors

FROM: Val Alexeeff, Director
Planning & Development

STAFF CONTACT: Adrienne Domas, Planner (568-2002)
Kim Schizas, Supervising Planner (967-6040)
Development Review Division

SUBJECT: Amendment to Damron Conservation Easement
1076 The Fairway Road, APN 009-282-032
First Supervisorial District

Recommendation:

That the Board of Supervisors approve and direct the Clerk of the Board to execute and record an amendment to a Grant of Conservation Easement (on Assessor's Parcel No. 009-282-032 from James and Bonnie Damron to the County), to supercede Exhibit A of the Grant of Conservation Easement approved by the Board of Supervisors on November 20, 1990.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On November 20, 1990, the Board of Supervisors approved a Grant of Conservation Easement for the preservation of monarch butterfly habitat on Assessor's Parcel No. 009-282-032. Due to changes in the butterfly habitat since this time, the property owners have requested that the boundaries to the Conservation Easement be amended. The revised conservation easement boundary and a legal description are included in this report as Attachments A and B.

A portion of the subject property is designated as Environmentally Sensitive Habitat for the presence of monarch butterflies. This designation was based on butterfly aggregation patterns that were in existence in the early 1980s. At that time, the subject property and the Music Academy of the West (the adjacent property to the north) supported large aggregations of monarch butterflies. However, the location of aggregation sites has shifted since then as a result of 1) loss of trees to disease and wind, 2) habitat alterations in Montecito and the shoreline on nearby Channel Drive, and 3) reduction in the size of the monarch butterfly population overwintering in California. Dan Meade, a county-approved biologist specializing in monarch butterflies, has inspected trees in the area of the subject property and the Music Academy annually since 1992, and has not found monarch butterfly aggregations in the trees on the subject property in that time. In addition, his report to the County, "Monarch Butterfly Abundance at the Music Academy of the West, 1998 through 1999" (1999) concluded that, "The survey of Monarch butterflies from October through March that is presented here and in the previous report present a clear picture that the Music Academy of the West aggregation sites no longer provide habitat suitable for aggregations of monarch butterflies." The butterfly protection zone currently mapped on the subject property therefore does not correspond to existing habitat.

The property owners currently have a zoning violation on the property for unpermitted structures (patio, fireplace, and see-saw) in the existing butterfly protection zone; these structures also violate the terms of the existing conservation easement. Because this area is no longer a site for Monarch butterfly aggregations, it is difficult to justify the need for their removal, as would ordinarily be required for zoning violation cases. However, conservation easements are "perpetual in duration," according to Chapter 4, Section 815.2 of the Civil Code. Therefore, staff and the property owner determined that amending conservation easement's boundary (so that the existing structures are outside of the easement), and planting additional trees to enhance the habitat would be the best solution to this problem. Attachment C shows the existing and proposed easement boundaries.

The habitat enhancement plan would include the planting of nine Catalina ironwood trees (*Lyanothamnus floribundus asplenifolius*) to provide additional biomass to the site, as well as providing nectar for butterflies in the winter. These trees are native to California, and according to Dan Meade, they provide a better mid-story canopy than eucalyptus trees and they are resistant to the diseases that are currently affecting eucalyptus trees. Eight olive trees are also proposed to be planted near the driveway on this parcel. Although the olive trees are outside the conservation easement, they would also provide additional biomass to the property and would benefit patrolling and basking butterflies. The additional vegetative cover on the site provided by the ironwood and olive trees would provide habitat to allow for potential future aggregation of butterflies on the site and in the surrounding area. See Dan Meade's December 18, 2003 letter (Attachment D) for a description of the habitat enhancement plan; a map of the plan is included as Attachment E.

All restrictions of the types of uses described in the original Conservation Easement would remain unchanged, and the revised easement would remain consistent with the purpose of

conservation easements as outlined in Chapter 4, Section 815.1 of the Civil Code. The revised easement area is 4% smaller than the original easement.

Mandates and Service Levels:

Pursuant to Section 815.3 of Chapter 4 of the Civil Code, a county has the authority to acquire and hold conservation easements, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. As the County of Santa Barbara Board of Supervisors approved and accepted the original conservation easement on November 20, 1990, the current Board of Supervisors may accept changes to the conservation easement boundaries.

Fiscal and Facilities Impacts:

Costs are charged to the applicant as part of case processing for Coastal Development Permit Case No. 02CDH-00000-00015.

Special Instructions:

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice of the project at least ten days prior to the hearing (mailing labels attached.)

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attn: Cintia Mendoza, Hearing Support.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence:

None.

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Attachments:

- A. Revised Butterfly Easement Map
- B. Legal Description
- C. Map of Previous and Revised Easement Boundaries
- D. December 18, 2003 Letter from Biologist Dan Meade
- E. Landscape/Habitat Enhancement Plan