

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
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Agenda Number:

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Department Name: P&D

Department No.: 053

Agenda Date: September 16, 2003

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Continued Item: NO

If Yes, date from:

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TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Jackie Campbell, Supervising Planner (568-2076)
Lisa Hosale, Planner (568-2007)
Development Review Division

SUBJECT: Accept offer of a Grant of Open Space Easement from Gary Paudler ("Grantor") for a portion of Assessor's Parcel Number 005-080-005, located at 201 Olive Street in the Summerland Area, First Supervisorial District

Recommendations:

That the Board of Supervisors:

- a. Adopt the resolution of findings (Attachment A) accepting and approving the Grant of an Open Space Easement.
- b. Sign the Grant of Open Space Easement (Exhibit 1) and direct its recordation.

Alignment with Board Strategic Plan:

Goal 5- The recommendations are primarily aligned with Goal No.5. Maintain and Enhance the Quality of Life for all Residents.

Executive Summary and Discussion:

On September 27, 2000, the Planning Commission approved a Tentative Parcel Map, TPM 14,494, for the Paudler Lot Split. This project consists of the division of an existing 16.15 gross acre parcel into two lots of 6.29 gross acres [Parcel 1] and 9.86 gross acres [Parcel 2] in the RR-5 Zone District of Article II. Environmentally Sensitive Habitat (ESH) is located in the northern area of the parcel consisting of Coastal Sage Scrub, Coast Live Oak woodland, and Willow Riparian woodland. The segment of Greenwell creek that runs along the northern property boundary has been identified as a wetland with riparian vegetation present. The Development Envelope for Parcel 1 is located almost entirely within a Coastal Sage Scrub area that has been

cleared in the past for fire suppression purposes. The primary mitigation for the direct loss of Coastal Sage Scrub habitat on Parcel 1 and for the other effects that this project will have on biological resources is the dedication of an Open Space Easement which will encompass all of remaining Environmentally Sensitive Habitat areas on the property which are outside of the Development Envelopes.

As part of project mitigation, the following condition (#12 of TPM 14,494) was required:

12. In order to mitigate for the loss of Coastal Sage Scrub habitat, an open space easement reviewed and approved by P&D and County Counsel shall be dedicated to the County for conservation purposes. This easement shall encompass all of the Environmentally Sensitive Habitat areas on the property as outlined in the Summerland Community Plan which are outside of the proposed development envelopes. In addition, this easement shall include the portion of the disturbed non-ESH area extending from the northern terminus of Olive Street which is outside of the proposed Development Envelope. This easement shall specify that no development activities, other than minor disturbances for necessary utility installation and public trail construction as may be required under the conditions of approval of the proposed Tentative Parcel Map, shall occur within the easement boundary. Signs to limit encroachment and/or disallowed uses shall be installed. Final Map Clearance shall not be approved until the easement is recorded on the property title and signs are installed. A subordination agreement and an endowment to provide for long-term monitoring shall be provided. **Plan Requirements and Timing:** Prior to Final Map Clearance, an offer to dedicate and subordination agreement shall be submitted for review and approval by P&D and County Counsel and shall be docketed with the Board of Supervisors, the endowment shall be established, and the signs installed.

Monitoring: P&D staff shall monitor the action of the Board of Supervisors to assure the establishment of the easement prior to final map clearance.

The following findings are required to accept the Open Space Easement per Section 51084 of the Government Code:

No grant of an Open Space Easement shall be accepted or approved by a county or city, unless the governing body, by resolution finds:

- (a) *That the preservation of the land as open space is consistent with the general plan of the county or city; and*
- (b) *That the preservation of the land as open space is in the best interest of the county or city and specifically because one or more of the following reasons exist:*
 - (1) *That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.*

- (2) *It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.*
- (3) *The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this Tentative Parcel Map and Section 8 of Article XIII of the constitution of the State of California.*

The resolution of the governing body shall establish a conclusive presumption that the conditions set forth in subdivision (a) and (b) have been satisfied.

There are numerous adopted policies that support preservation and protection of the Environmentally Sensitive Habitat areas located on the site, including Coastal Plan Policies 2-11, 9-9, 9-35, and 9-37, Coastal Act Policy 30231, and Summerland Community Plan Policies BIO-S-1, BIO-S-2, and BIO-S-7, which collectively encourage the protection of Environmentally Sensitive Habitat areas. The preservation of a portion of the site as open space is in the best interest of the County because of its biological value and because it serves to ensure consistency with the County's Coastal and Comprehensive Plans (Planning Commission Staff Report dated July 20, 2000, as amended at the August 24, 2000 hearing and included in the staff memos dated September 14, 2000 and September 26, 2000, and Planning Commission Action letter dated October 13, 2000).

Procedure:

Section 51057 of the Government Code states:

The governing body of the city or county shall not accept any grant of open-space easement until the matter has first been referred to the city or county planning department or Planning Commission. Within 30 days after receiving the proposal to accept a grant of open-space easement, the planning department or Planning Commission shall submit its report to the governing body. The governing body may extend the time for submitting such a report of an additional period not exceeding 30 days. The report shall contain a statement that the proposal is or, is not, consistent with the General Plan of the jurisdiction.

Through the imposition of the condition requiring the open space easement, the Planning Commission recommended that the Board of Supervisors accept the Grant of Open Space Easement pursuant to the findings in Attachment A and the Conditions in Attachment B (Planning Commission Action letter of October 13, 2000). The proposed Grant of Open Space Easement was received by Planning and Development on August 14, 2003 and is forwarded to the Board of Supervisors as part of this Board Agenda letter (Exhibit 1 to Attachment A). The attached resolution indicates that Planning and Development has found the proposed Open Space Easement consistent with the County's Coastal and Comprehensive Plans.

Mandates and Service Levels:

The Tentative Parcel Map TPM 14,494 was approved with a condition requiring that the applicant enter and record a Grant of Open Space Easement. The acceptance and recordation of these documents will satisfy the requirements of the condition. The acceptance of these documents will not affect County levels of service.

Fiscal and Facilities Impacts:

The County of Santa Barbara is not obliged to maintain, improve, or otherwise expend funds in connection with the Grant of Open Space Easement. All costs will be borne by the property owner.

Approximately two (2) hours every year would be required to monitor and report on the preservation of the Open Space Easement. An endowment of \$4,400 has been provided by the applicant and will generate interest income to cover the cost of the monitoring program to be implemented by P&D staff.

Special Instructions:

Clerk of the Board will forward executed document to the County Clerk for recordation.

Clerk of the Board shall send a copy of the Minute Order and the recorded document to P&D Hearing Support Section, Attn: Cintia Mendoza; P&D; and to the applicant, Gary Paudler, PO Box 70, Summerland, CA 93067

Concurrence: County Counsel

ATTACHMENTS:

- A) Board Resolution
 - Exhibit 1: Grant of Open Space Easement
 - Exhibit A: Legal Descriptions
 - Map of Easement Area