



**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

Submitted on:
(COB Stamp)

Department Name: General Services/Community Services
Department No.: 063/057
Agenda Date: February 4, 2025
Placement: Administrative Agenda
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Directors: Kirk Lagerquist, Director, General Services; ^{DS} 
Jesús Armas, Director, Community Services ^{DS} 

Contact Info: Ted Teyber, Assistant Director, General Services (805) 568-3083;
Jeff Lindgren, Deputy Director, Community Services (805) 568-2075

SUBJECT: San Marcos Foothills Preserve – Conditional Agreement to Record Restrictive Covenant, Second Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, accept and authorize the Chair to execute the Conditional Agreement to Record a Restriction on Use of 200-acres of County-owned Property within the San Marcos Foothills Preserve that will exclude the use of motorcycles, bicycles, equestrian uses and dogs off leash in exchange for \$2 million in endowments for operations and restoration; and
- b) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above action is a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

Summary Text:

The County is the owner of the San Marcos Foothills Preserve ("Preserve") which consists of a 6-acre Open Space Area, 10-acre County Park, and 200-acre, Foothill Properties. Foothills Forever, Inc., a California non-profit public benefit corporation, has requested that the County record a Declaration of Restrictive Covenant on a 200-acre portion of the Preserve, referred to as the 'Foothill Properties'. The proposed Restrictive Covenant mirrors the existing Deed Restriction on another portion of the Preserve, referred to as the 'West Mesa Properties':

- A. Use of the Property shall be limited to open space and passive recreational uses, such as hiking trails, as well as use for wildlife, native plants and habitat preservation, and ecological restoration and protection of native species and their habitats.
- B. Recreational and open space use of the Property shall exclude the use of motorcycles, bicycles, equestrian uses and dogs off leash.

The recommended Agreement provides that if Foothills Forever, Inc. meets certain conditions, the County will record a Restrictive Covenant on the Foothill Properties. Said conditions include that Foothills Forever, Inc. would fund a \$1 million operational endowment, a \$1 million restoration endowment, prepare Conceptual ADA Improvements and Trails Master Plans, and adopt by-laws providing for County representation on the Foothills Forever Board of Directors.

Upon Foothills Forever, Inc.'s satisfaction of its obligations under the recommended Agreement, staff will return to the Board for approval and execution of the Restrictive Covenant to be recorded against the property. If Foothills Forever, Inc. fails to satisfy its obligations within three-years, the Agreement will expire by its own terms and no Restrictive Covenant would be recorded. The restrictive covenant would restrict the use of the Preserve in perpetuity.

Background:

The San Marcos Foothill Preserve is owned by the County and consists of 6-acre Open Space Area, 10-acre County Park, and 200-acre, Foothill Properties ("Preserve"). Currently, the Open Space Area (6-acres), County Park (10-acres) and Foothill Properties (200-acres) are part of the San Marcos Foothills Preserve Open Space Management Plan ("Plan") totaling approximately 216-acres.

The 200 acres were donated to the County by the Trust for Public Lands ("TPL") with the stipulation that the County ensures the preservation of the 200 acres as open space, specifically for its biological, scenic, and archaeological resources. Consequently, the Plan continues to uphold this intent. Now that the County is the fee owner of both the West Mesa Properties and Foothill Properties, Foothills Forever has requested that a similar restriction be recorded on the Foothill Properties. In exchange, Foothills Forever, Inc. would fund a \$1 million operational endowment, a \$1 million restoration endowment, prepare Conceptual ADA Improvements and Trails Master Plans, and adopt by-laws providing for County representation on the Foothills Forever Board of Directors. Should Foothills Forever fail to complete their obligation under the agreement, no restrictive covenant would be recorded.

The request for the restriction of use is being requested by Foothills Forever, Inc., a California non-profit public benefit corporation. Foothills Forever was a signatory of the June 6, 2023 Agreements with the responsibility and capacity to receive, hold, and disburse funds for the Santa Barbara Foundation. Foothills Forever is also a member of the Foothills Forever Campaign. The Foothills Forever Campaign is an unincorporated association that acquired the rights to purchase the lands involved in the West Mesa Properties acquisition, and which subjected those properties to the existing deed restriction.

Performance Measure:

Once Foothills Forever has fully and completely performed all of its endowment, plans and obligations of the Conditional Agreement, staff will return to the Board for approval and execution of the Restrictive Covenant to be recorded against the property.

Fiscal and Facilities Impacts:

The \$1 million operations endowment is expected to fund an estimated \$40,000 of operations annually. This approximates 4% of the initial endowment per year, which is expected to be replenished by interest and therefore continue in perpetuity for the term of the restrictive covenant.

The \$1 million restoration endowment is expected to fund an estimated \$40,000 of restoration projects per year to be selected and approved by Foothills Forever, Inc., and the County. The annual distribution from the restoration endowment approximates 4% of the initial endowment per year, which is expected to be replenished by interest and therefore continue in perpetuity for the term of the restrictive covenant.

Staffing Impacts:

The County already owns, operates and maintains the Preserve. The recommended Conditional Agreement to Record a Restriction of Use on Property will not impact status quo Parks Division staffing needs.

Special Instructions:

Please email one fully executed Conditional Agreement to Record a Restriction of Use of Property to tedteyber@countyofsb.org and jlindgren@countyofsb.org.

Note that the Declaration of Restrictive Covenant, Exhibit A to the Conditional Agreement to Record a Restriction of Use of Property, is not to be executed at this time and will be brought back to the Board for approval at a future meeting.

Attachments:

Attachment A – Conditional Agreement to Record a Restriction on Use of Property