



**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
Department No.: 063
Agenda Date: January 13, 2026
Placement: Administrative Agenda
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Kirk Lagerquist, General Services Director
Contact: Ted Teyber, General Services Assistant Director
SUBJECT: San Marcos Foothills Preserve – First Amendment to Conditional Agreement to Record Restrictive Covenant, First Supervisorial District

DocuSigned by:
Kirk Lagerquist
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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 First Amendment to Conditional Agreement to Record a Restriction on Use of 200-acres of County-owned Property within the San Marcos Foothills Preserve; 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:

This item recommends approval of a First Amendment to the Conditional Agreement to Record a Restriction on Use of Property. The original Agreement was approved by the Board on February 4, 2025 and provided three years for Foothills Forever Inc., to perform certain actions, which if satisfied would result in the County recording a use restriction against the property. One of those actions for Foothills Forever Inc to complete was establishment of bylaws that provided for the County Supervisor whose district the preserve is in to be on the Board of Directors. At the request of the County Supervisor, the proposed First Amendment would revise this requirement to have the

County's voting Foothills Forever Inc board member be appointed by the Supervisor whose district the preserve is in, rather than being the direct County Supervisor.

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. 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 with the stipulation that the County ensures the preservation of the 200 acres as open space. Foothills Forever Inc requested that a deed restriction be recorded on the Foothill Properties. The County agreed to this through the Conditional Agreement to Record a Restriction on Use of Property which provides that Foothills Forever Inc 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 obligations under the agreement, no restrictive covenant would be recorded.

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:

There are no fiscal or facilities impacts implicated by the proposed First Amendment. The \$1 million operations endowment and \$1 million restoration endowment remain unchanged.

Special Instructions:

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

Attachments:

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

Attachment B – First Amendment to Conditional Agreement to Record a Restriction on Use of Property