

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: 1/17/02
Department Name: P&D
Department No.: 4390
Agenda Date: 1/22/02
Placement: Administrative
Estimate Time: N/A
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: John Patton, Director
Planning and Development

STAFF CONTACT: Jackie Campbell, Supervising Planner (568-2076)
Anne Almy, Planner III (568-2053)

SUBJECT: Acknowledge Irrevocable Offer to Dedicate an Open Space Easement

Recommendation:

That the Board of Supervisors acknowledge the Irrevocable Offer To Dedicate An Open Space Easement from Oly Chadmar Sandpiper, General Partnership ("Grantors") to the County of Santa Barbara ("Grantee") for a Portion of Assessor Parcel No. 079-210-049, Residences at Sandpiper.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with ensuring a high quality of life for all residents.

Executive Summary and Discussion: During the January 15, 2002, Board of Supervisors' hearing, your Board approved Tentative Tract Map 14,541 and Development Plan 99-DP-051 for The Residences at Sandpiper. The following condition was included in the project's approval as mitigation for biological impacts. The condition must be satisfied prior to final map clearance:

13. *An open space easement including the protected area and creek corridor of Devereux Creek as well as the protected isolated wetland on the western portion of the site shall be offered to and approved by the Board of Supervisors, so that the restoration area would remain in perpetuity. Within the approximately 3.07 acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, according to a plan developed by a P&D-approved biologist and approved by P&D. **Plan Requirements:** The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public access shall be approved by P&D. The Homeowners association will be the party responsible for ongoing restoration and providing maintenance costs. **Timing:** These components shall be*

addressed with the Final Development Plan and Tract Map prior to recordation of final map and prior to approval of a Coastal Development Permit for grading or construction. The applicant shall receive approval of the Board of Supervisors and shall record the easement.

Monitoring: *The terms and conditions of the easement shall provide for P&D or third-party evaluation by a P&D-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.*

The Residences at Sandpiper has a 20% affordability component and, thus, is deserved of fast track processing under provisions of the County's Housing Element. Additionally, and specifically because it includes affordable housing, the project is also considered a high priority project under P&D's case processing priority system. The project site is located within the boundaries of the City of Goleta. The city is scheduled to assume municipal authority on February 1, 2002. This item is submitted for your Board's consideration now, despite the ongoing public appeal period of the County's January 15, 2002 action to approve the project, because your Board's acknowledgement of the irrevocable offer would facilitate an orderly exchange of governmental authority and contribute toward a seamless continuation of planning services to pipeline projects as they are transferred from the County's to the City's jurisdiction.

Given the likelihood of an appeal of the County's approval, the applicant has chosen to make an irrevocable offer of the easement to the County, conditioned for acceptance prior to or concurrent with final map clearance, rather than an outright grant to obviate any assumption of responsibility for the restoration, maintenance and upkeep of the open space easement area in perpetuity, as required by the County, in the event the County's approval is overturned on appeal.

Mandates and Service Levels: No change in programs or service levels.

Fiscal and Facilities Impacts: The County of Santa Barbara is not obligated to maintain, improve, or otherwise expend funds in connection with the Irrevocable Offer. All costs, including County compliance monitoring costs, will be borne by the property owner.

Special Instructions: Clerk of the Board to 1) forward executed originals of the attached agreements, received under separate cover, to the Board Chair for signature, 2) forward executed document to the County Clerk for recordation, and 3) send a copy of the Minute Order and the recorded document to P&D Hearing Support Section, Attn: Cintia Mendoza.

Concurrence: County Counsel.

Attachment:

A. Irrevocable Offer to Dedicate an Open Space Easement