



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

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** March 1, 2022  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Scott D. McGolpin, Public Works Director, (805) 568-3010  
Director(s)  
Contact Info: Leslie Wells, Deputy Public Works Director, (805) 882-3605

**SUBJECT:** **Recordation of a Restrictive Covenant on a 31-Acre Portion of the Baron Ranch  
– 3<sup>rd</sup> Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: None

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize the Chair of the Board of Supervisors to execute the attached Restrictive Covenant (Attachment A) for a 31-acre portion of APN 081-150-032 on the Baron Ranch and direct staff to record the Restrictive Covenant; and
- b) Find that pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162 , no substantial changes are proposed or have occurred, and no new information of substantial importance has come to light regarding environmental effects of the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project or the sufficiency or feasibility of mitigation measures, and therefore execution and recordation of the Restrictive Covenant is within the scope of the Project covered by 08EIR-00000-00007 (State Clearinghouse No. 2008021052) that was certified by the Board of Supervisors on the May 5, 2009 together with the 15162 Determination dated September 25, 2014 and that therefore no new environmental documentation is required.

**Summary Text:**

This item is on the agenda in order to consider the recordation of a restrictive covenant on a 31-acre area of the 1,083-acre County-owned Baron Ranch. The Baron Ranch was purchased by Public Works

Department Resource Recovery and Waste Management Division (RRWMD) (previously the Solid Waste and Utilities Division) in 1991 using enterprise funds as buffer for Tajiguas Landfill operations. Although currently inactive, portions of the Ranch have been used for agriculture with the sale of avocados and cherimoyas offsetting Baron Ranch costs. The Ranch is currently used as a mitigation site for biological impacts associated with Tajiguas Landfill operations. Use of the Ranch for native plant restoration, and permanent protection of restored riparian/aquatic habitat with known populations of the Federally threatened California red-legged frog, was included as a part of the Tajiguas Landfill Reconfiguration Project and Baron Ranch Restoration Project approved by the Board of Supervisors on May 5, 2009. The restoration and permanent protection is also a condition of federal and state regulatory permits issued for construction of the Reconfiguration Project. A majority of the Baron Ranch, including all of the proposed restrictive covenant area, is within land designated by the U.S. Fish and Wildlife Service as “critical habitat” for the California red-legged frog. RRWMD coordinated with County Counsel, Real Properties and Risk Management on review of the restrictive covenant.

**Background:**

In May 2009, the Board of Supervisors approved the Tajiguas Landfill Reconfiguration Project and Baron Ranch Restoration Project. The Tajiguas Landfill Reconfiguration Project involved a reconfiguration of the waste footprint at the Landfill that allowed for improved sediment management, reduced grading and grading related impacts, improved operational design and reduced construction costs. The reconfiguration was constructed by RRWMD and waste filling is currently occurring in the reconfigured area. To compensate for biological impacts, and with the intent of constructing and implementing a project with a net environmental benefit, RRWMD concurrently proposed to undertake habitat restoration activities (Baron Ranch Restoration Project). A total of ~50 acres of riparian and upland habitat were restored on the Baron Ranch.

The Tajiguas Landfill Reconfiguration Project required the removal of two in-channel sedimentation basins, and the realignment and concrete lining of a portion of Pila Creek; a drainage under the permit jurisdiction of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife and the California Regional Water Quality Control Board. The in-channel sedimentation basins supported a breeding population of the federally threatened California red-legged frog and other important native riparian and upland habitats were impacted by the Tajiguas Landfill Reconfiguration Project. Removal of the in-channel sedimentation basin required the relocation of the California red-legged frog population at the Tajiguas Landfill to Arroyo Quemado Creek, habitat restoration and permanent protection of the habitat. The restoration and permanent protection were also made conditions of approval of the regulatory permits (and in particular the U.S. Army Corps of Engineers Section 404 Clean Water Act permit) issued for the reconfiguration.

The restoration activities have been completed and RRWMD is now moving forward with the required permanent protection through execution and recordation of a Restrictive Covenant on the Baron Ranch. A total of 31 acres are being placed within the Restrictive Covenant including portions of the main channel of Arroyo Quemado Creek and adjacent riparian corridor. The Restrictive Covenant has been reviewed and accepted by the U.S. Army Corps of Engineers. The Restrictive Covenant prohibits future uses of the 31-acre area that are inconsistent with the conservation values, such as residential, commercial, agricultural, or new recreational development although access to existing water infrastructure, storm water infrastructure, and electrical infrastructure and fences as well as the existing Baron Ranch Arroyo Quemado public trail has been included as allowed uses. Approval and recordation

of the Restrictive Covenant will allow RRWMD to complete its regulatory permit requirements for existing Landfill operations.

**Performance Measure:**

This action is required to complete compliance with regulatory permit requirements, which authorized modifications to jurisdictional wetlands and waters of the U.S. and State and relocation of California red-legged frogs needed to implement the Tajiguas Landfill Reconfiguration Project.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

Narrative: Initial installation of Restrictive Covenant boundary signage \$10,000 (one-time cost) and \$5,000/year for annual compliance monitoring and reporting, and replacement of signs/fencing or cleanup activities if needed, will be fully funded from the Resource Recovery and Waste Management Division's Enterprise Fund.

The Baron Ranch was purchased by Public Works Department Resource Recovery and Waste Management Division (RRWMD) (previously the Solid Waste and Utilities Division) in 1991 using enterprise funds as buffer for Tajiguas Landfill operations.

**Staffing Impacts:**

There are no staffing impacts with this action.

**Special Instructions:**

Upon Board action, please distribute as follows to Joddi Leipner, Public Works RRWMD:

1. Return two original covenant documents.
2. Forward a certified minute order of these actions.

**Attachments:**

Attachment A: Restrictive Covenant - 3 originals

**Authored by:**

Joddi Leipner, Senior Engineering Environmental Planner, (805) 882-3614

**cc:** Julie Lawrence, Real Property Manager, General Services, Real Properties