



**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:** General Services/Public Works  
**Department No.:** 063/054  
**For Agenda Of:** November 7, 2023  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Kirk Lagerquist, General Services (805) 560-1011  
Directors Scott McGolpin, Public Works (805) 568-3010  
Contact Info: Skip Grey, Assistant Director, General Services (805) 568-3083  
Chris Sneddon, Assistant Director, Public Works (805)568-3064  
**SUBJECT:** **Proposed Vacation of portions of Right-of-Way of Soria Drive, Avila Way, Alicante Drive, Malaga Way & Oporto Way, and Public Utility Easements within Tract Map No. 10,036, Santa Maria; Fourth District (R/P File No.: 004013)**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form:

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve, adopt, and authorize staff to record the attached Resolution and Summary Order to Vacate Public Utility Easements (Attachment 1) between Soria Drive and Alicante Drive, located within Tract Map No. 10,036; and
- b) Approve, adopt, and authorize staff to record the attached Resolution and Summary Order to Vacate County Roads (Attachment 2) vacating a portion of Soria Drive, Avila Way, Alicante Drive, Malaga Way & Oporto Way, located within Tract Map No. 10,036; and
- c) Determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15061(b)(3), No Possibility of an Environmental Impact, and approve and direct staff to file and post the attached Notice of Exemption (Attachment 3) on that basis.

**Summary Text:**

This item is being brought to the Board of Supervisors to request the Board's approval of the Resolution and Summary Order to Vacate a County Road of the portions of Right of Way and Public Utility Easements within the undeveloped Tract Map No. 10,036 (the "Property"). This item is being brought to the Board in accordance with California Streets and Highways Code Section 8300 et seq. The Board actions will relinquish portions of the unused and unimproved Right of Way and Public Utility Easements within the undeveloped Tract Map No. 10,036 ("Portions"), and help facilitate a future development project within such map wherein all the parcels are now controlled by a single ownership entity.

**Background:**

The Property is located in the unincorporated area of the County of Santa Barbara, adjacent to the City of Santa Maria. The Portions are located and shown on Exhibit "A" attachment to the Resolution and Summary Order to Vacate a County Road (the "Resolution"). The subject right-of-way and public utility easements are held in easement interest by the County. An application for the proposed road vacation was submitted on November 8, 2022 by Lundberg Investment Company, LLC, who acquired all of the parcels within Tract Map No. 10,036.

The proposed right-of-way vacation will dispose of County road right-of-way by removing the County's easement interest in the Portions. The Portions are approximately 124,000 square feet in size for the right of way and approximately 9,000 square feet in size for the public utility easements. The Portions have never been improved and are simply paper roads and public utility easements. It has been determined by the County's Public Works Department that the Portions are unnecessary for present or future public use as a county road and is not required by the traveling public or the County. The applicant has concurrently applied for a voluntary merger with the Office of County Surveyor under application 23VM04 to merge all the parcels. Once the voluntary merger, which has been approved by the Office of County Surveyor, is completed, no parcels will be landlocked if the vacation is consummated.

At its regular meeting on June 14, 2023, the County's Planning Commission heard Item 23GOV-00004 and found the abandonment of the Portions to be in conformity with the County's Comprehensive Plan pursuant to Government Code Section 65402(a). Additionally, pursuant to Streets and Highways Code 892(a), the Portions to be vacated have not been found to be useful as a non-motorized transportation facility such as a pedestrian trail or bike path. All public utility providers were informed of the proposed vacation and asked if they maintain facilities in the Portion. None of the utility providers replied that they have or maintain facilities in the Portion. Furthermore, the California Surplus Lands Act provides an exception from the requirement of making land available to affordable housing developers for former street, right-of-way, easements, and small sites (less than 10,000 SF) when relinquished to the owner of contiguous land.

If the Board approves the Resolution and Summary Order to Vacate, it will permanently remove the County's interest in the public right-of-way easements and public utility easements over the Portions.

Pursuant to the California Environmental Quality Act (CEQA) 14 CCR Section 15061(b)(3), the Portions should be considered exempt from CEQA review as there is no possibility that the proposed road vacation and public utility easement vacation will have a significant effect on the environment. The County's proposed vacation of the subject ROW easement and removal of this encumbrance from title to the property is a paper transaction that will not result in physical impacts or changes to the environment. The vacation of the County's ROW will not result in any changes to the land. Furthermore, any future

development that may occur on this parcel will be subject to the Development Review process and CEQA guidelines will be considered at that time in conjunction with any future proposed project.

**Fiscal and Facilities Impacts:**

Budgeted: N/A

The applicant paid for the County staff time needed to facilitate this transaction. There are no facilities impacts associated with the proposed actions. Other than paying for staff time, there is no compensation received by the County in exchange for the easements vacated.

**Special Instructions:**

After Board action, please distribute as follows:

1. Original Resolution and Summary Order to Vacate: Clerk of the Board Files
2. **Certified copy** of the Resolution and Summary Order to Vacate: General Services, Attn: James Cleary
3. Minute Order: General Services, Attn: James Cleary

**Attachments:**

1. Resolution and Summary Order to Vacate Public Utility Easements
2. Resolution and Summary Order to Vacate County Roads
3. Notice of Exemption