

**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:** 3/20/03  
**Department Name:** Flood Control/Public Works  
**Department No.:** 054  
**Agenda Date:** April 15, 2003  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Directors  
Santa Barbara County Flood Control and Water Conservation District

**AND**

Santa Barbara County Board of Supervisors

**FROM:** Phillip M. Demery, Director  
Public Works Department

**STAFF CONTACT:** Tom Fayram, Deputy Director, 568-3436  
Flood Control and Water Conservation District

**SUBJECT:** Cold Springs Debris Basin Restricted Use Area  
County Project Number SC8306 (Real Property Folio No. YB 3380)  
First Supervisorial District

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**Recommendation(s):**

That the Board of Directors and the Board of Supervisors:

Approve the attached original Resolution Restricting the Use of Real Property on a portion of certain property owned jointly by the District and County, and authorize execution thereof by the Chairs of the Boards.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

**Executive Summary and Discussion:**

As part of the Montecito Creek Debris Basin Project, the Flood Control District prepared Environmental Impact Report 99-EIR-001 (hereinafter "99-EIR-001"). 99-EIR-001 contains mitigation measures LU-5 and BIO-11, which states, "Within one year of construction [of the Montecito Creek Debris Basin], the

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District will establish an open space easement over approximately four acres of County-owned land at the Cold Springs Debris Basin. Implementation of this measure will be documented by District.”

A portion of the Cold Springs Debris Basin (APN 013-221-001) is approximately four acres in size is available for use as the open space easement as required by 99-EIR-001.

The District cannot legally grant an open space easement to itself per se. However, if it is the intention of the District Board of Directors and of the County Board of Supervisors to create the effect of an open space easement, the attached resolution can be recorded and have the same effect of an open space easement on restricting the use of the open space area. This resolution is the functional equivalent of an “open space easement” and meets the intent of mitigation measures LU-5 and Bio-11 in 99-EIR-001.

This four-acre portion of property shall be used for the purposes of the open space easement required by 99-EIR-001. Said four-acre portion shall hereinafter be referred to as the “Open Space,” which is legally described and shown as Exhibit “A” attached hereto and incorporated herein by this reference.

1. The use of the Open Space is permitted and limited in accordance with mitigation measures LU-5 and BIO-11:
  - a. No commercial, industrial, agricultural, or residential development, structures, or buildings shall be erected on the Open Space, nor shall any billboards, advertising material, or fences.
  - b. There shall be no dumping of soil, trash, ashes, garbage, waste, or other unsightly or offensive material.
  - c. There shall be no excavation, dredging or removal of gravel, soil, rock, sand or other material nor any building of roads or other change in the general topography of the land, excepting that which is necessary for the mitigation.
  - d. There shall be no removal, destruction, or cutting of trees, shrubs, or other vegetation except as may be necessary for the mitigation effort, fire suppression and/or vector control.
  - e. There shall be no activities, actions, or uses detrimental or adverse to water conservation, erosion control, soil conservation, and fish and wildlife or habitat preservation, including lumbering, mowing, drainage, burning, plowing, filling, or grazing of domestic cattle, horses, sheep, or other livestock.
  - f. These terms, conditions, and restrictions shall run with the land and shall be inserted by District and County in any subsequent deed, or other legal instrument, by which it divests itself of either the fee simple title to or of its possessory interest in APN 013-221-001.

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The District and County expressly reserve for themselves, their successors and assigns, the right to continue use of the Open Space for all purposes not inconsistent with this resolution.

This resolution and the restrictions on use of the Open Space may be changed, modified, or revoked only upon written approval of the District Board of Directors and the County Board of Supervisors.

**Mandates and Service Levels:**

No change in programs or service levels.

**Fiscal and Facilities Impacts:**

No fiscal or facilities impacts.

**Special Instructions:**

After Board action, distribute as follows:

- |    |                                              |                                                |
|----|----------------------------------------------|------------------------------------------------|
| 1. | One (1) original Resolution,<br>Minute Order | Facilities Services, Attn:<br>Harrison Heyl    |
| 2. | One (1) copy of Resolution                   | Clerk of the Board Files                       |
| 3. | One (1) copy of Resolution,<br>Minute Order  | Flood Control District, Attn:<br>Karl Treiberg |

The Real Property Section of the Public Works Department will record the original Resolution Restricting the Use of Real Property with the Office of the County Recorder. Upon recordation, Real Property will deliver the original, recorded document to the Clerk of the Board. The Flood Control District and Real Property Section will receive copies for their files.

**Concurrence:**

Flood Control District  
Real Property Section-Public Works