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**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:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** 4/5

**TO:** Board of Supervisors

**FROM:** Department Kirk Lagerquist General Services Director (805) 560-1011  
Director(s) Scott D. McGolpin, Public Works Director (805) 568-3010  
Contact Info: Matt Young, Interim Deputy Director, Water Resources (805) 568-3546  
Skip Grey, Asst Director, General Services (805) 568-3083

**SUBJECT: Real Property Agreement and Grant of Easements for Toro Canyon Oil Water Separator, First Supervisorial District**

**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors by 4/5 vote:

- a) Approve and authorize the Chair to execute a Real Property Agreement with Mary McEwen and Dan Bellaart, Trustees of The McEwen-Bellaart Family 2015 Revocable Living Trust Dated July 22, 2015 (Attachment A) for acquisition of a permanent easement over APN 155-020-041 in exchange for a portion of APN 155-020-015 in connection with the Toro Canyon Oil Water Separator;
- b) Accept the Easement Deed from Mary McEwen and Dan Bellaart for an easement on APN 155-020-041 (Attachment B) and authorize the Clerk of the Board to execute the Certificate of Acceptance;
- c) Authorize the Chair to execute a Grant Deed to Mary McEwen and Dan Bellaart, Trustees of The McEwen-Bellaart Family 2015 Revocable Living Trust Dated July 22, over a portion of APN 155-020-015, while reserving a permanent non-exclusive easement therefrom not required for County use, pursuant to Government Code section 25365 (Attachment C);
- d) Authorize the Public Works Director, or their designee, to execute any supporting documents to complete this transaction; and

- e) Find that pursuant to the California Environmental Quality Act Guidelines Section 15378(b)(5) the proposed actions do not constitute a “Project,” in that they are government administrative activities that will not result in direct or indirect changes in the environment.

**Summary Text:**

This item is on the agenda in order to acquire easements needed for the County to provide oversight of the Toro Canyon Oil Water Separator system. The County is currently fee owner of APN 155-020-015, a 40-foot-wide landlocked parcel adjacent to APN 155-020-041. In exchange for granting a portion of the County’s fee interest to this landowner while reserving a permanent non-exclusive easement, the County will obtain a new permanent easement over portions of APN 155-020-041. These two actions will provide the County the necessary access for the construction, oversight, and maintenance of the Toro Canyon Oil Water Separator System.

In summary, the recommended actions include approval and authority to execute a Real Property Agreement, accept an Easement Deed, execute the Certificate of Acceptance for the easement, and execute the Grant Deed.

**Background:**

In 1882 Occidental Mining and Petroleum Corporation began construction on a horizontal tunnel at the site of a well-known oil seep in Toro Canyon. Such wells were commonly used to enhance oil flow. During construction, a large volume of water was inadvertently tapped. Further development of the oil resource was abandoned for the important water supply that was needed for the growing community of Summerland.

As Summerland switched to other water supplies, the onsite separator fell into disrepair and numerous spills occurred into the creek. Significant spills in the 1990s resulted in oil flow to the ocean. Initially the California Department of Fish and Wildlife (CDFW) then Fish and Game responded. By 1997 a Unified Command was established with the U.S. Environmental Protection Agency (EPA) and CDFW serving jointly as Incident Commanders.

In 1998, the Toro Canyon Oil Water Separator was subsequently installed under direction of the EPA. It was operated by EPA until December of 2008; the County of Santa Barbara has provided oversight of the Toro Canyon Oil Water Separator since January 2009.

The Toro Canyon Oil Water Separator system includes three primary components: 1) an oil/water separator, 2) a pipeline, and 3) an oil containment tank. These systems were constructed on and within several private properties. One of those properties is a narrow, land-locked 40-foot wide parcel that includes portions of the pipeline. The County purchased this property on August 10, 2010. However, that property does not include the oil water separator, the oil containment tank, most of the pipeline, nor does it provide easements on any of the adjoining properties. Accordingly, staff is seeking to exchange this property, with the reservation of an easement, for the necessary easements over the adjacent private parcel which include use of a private road that connects the system and access to the system components. Permission to access the facilities on private property has been an ongoing issue for the County.

The Thomas Fire (December 2017) and subsequent heavy rain and debris flows (January 2018, January 2023) have required numerous emergency repairs to the system. Additional maintenance and repair for the EPA-installed system is needed. This action will provide the County with those rights needed to access, monitor, operate, inspect, construct, repair, replace and maintain the systems and continue its oversight role at the Toro Canyon Oil Water Separator.

**Fiscal and Facilities Impacts:**

No costs other than those associated with processing and completion of this transaction are anticipated.

**Staffing Impacts:**

None.

**Special Instructions:**

After Board action, Chair will execute and Clerk will sign the Real Property Agreement.

Chair and Clerk will sign the attached Certificate of Acceptance for the Easement (Attachment B) and chair will sign the Grant Deed (Attachment C) and distribute as follows:

1. Original Real Property Agreement, Original Easement Deed, Original Certificate of Acceptance, Original Grant Deed and Minute Order -  

Public Works  
Project Clean Water  
Attn: Cathleen Garnand
  
2. Copies of documents and Minute Order -  

Public Works  
Water Resources Division  
Attn: Christina Lopez

Note: Upon full execution and recordation of the Easement and Grant Deeds, the originals will be presented to the Clerk of the Board for County’s retention in the record.

**Attachments:**

- Attachment A - Real Property Agreement
- Attachment B - Easement Deed to County from Mary McEwen and Dan Bellaart
- Attachment C - Grant Deed to Mary McEwen and Dan Bellaart from County

**Authored by:**

Cathleen Garnand, Project Clean Water Manager, 805-568-3561