



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 and  
Flood Control  
**Department No.:** 063 and 054  
**For Agenda Of:** July 13, 2021  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Directors, Flood Control and Water Conservation District

**FROM:** General Services: Janette D. Pell, (805) 560-1011  
Contact Info: Skip Grey, Assistant Director of General Services (805) 568-3083  
Flood Control: Scott McGolpin, (805) 568-2010  
Contact Info: Thomas D. Fayram, Deputy Director, Water Resources (805) 568-3435

**SUBJECT:** Ocean Meadows, Resolution and Summary Order to Vacate Unused Portion of Flood Control Easement; Third District (R/P File No.: 003917)

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Directors of the Flood Control and Water Conservation District:

- a) Approve and adopt the attached Resolution and Summary Order to Vacate (Attachment 1), which (i) finds that the Flood Control and Water Conservation District (“District”) no longer needs for its purposes, the unused Portion of the Flood Control Easement described in the Easement Deed granted to the Santa Barbara County Flood Control and Water Conservation District, a special district, its successors or assigns, in the document recorded August 2, 2005 as Instrument Number 2005-0073374 (“Flood Control Easement”), on the property owned by OCEAN MEADOWS INVESTORS, LLC (“Ocean Meadows”), located on a portion of Assessor Parcel Number 073-090-072, in the County of Santa Barbara, Third Supervisorial District; and (ii) vacates the Portion of the Flood Control Easement more particularly described in Exhibit “A” Legal Description, and depicted as Exhibit “B” (hereinafter, the “Portion”), together included together as part of Attachment 1; and
- b) Consider that the environmental effects of the project as shown in the Final Mitigated Negative Declaration (SCH2020070159), unanimously certified and adopted by the Santa Barbara County

Planning Commission, with no appeals, on December 9, 2020, and find that pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore approval of the Recommended Actions are within the scope of the unanimously certified Final Mitigated Negative Declaration (SCH2020070159). [Final Mitigated Negative Declaration](#)

**Summary and Background:**

This item is on the agenda after the Santa Barbara County Planning Commission's approval on December 9, 2020 of the Vesting Tentative Map 14,838, referencing Lot 2, which subdivides an existing 5.87 acres gross/5.45 acres net lot into 32 residential lots plus one common lot, known as the Ocean Meadows Residential Project ("Project").

The Flood Control Easement falls largely within common Lot 33 of the Project which Ocean Meadows will dedicate to the Project Home Owner's Association, and the northerly most portion of the Flood Control Easement falls within proposed private/residential Lots 31 and 32.

When the Flood Control Easement was granted to the District in 2005 it terminated at an existing unnamed dirt road. More recently, the development of the Sierra Madre student housing project in the vicinity has cut off physical access to the northerly termination of the Flood Control Easement through construction of the Sierra Madre student housing parking lot, associated slopes, and retaining walls, posing no problem to the District.

To access Devereaux Creek at this time, the existing unnamed private road is accessed at the intersection of Sierra Madre Court and Elkus Walk, bypassing the northerly inaccessible portion of the Flood Control Easement. The intersection of Sierra Madre Court and Elkus Walk is the primary entrance to the Project and will provide a gated entry and vehicular turnaround. To avoid conflicts with the Project's new gated entry, future residents, the Project constructs a new driveway to provide more direct access to the paved unnamed access road and Devereaux Creek. The new access is adequate and the unused portion of the Flood Control Easement can be summarily vacated to provide clear title to future buyers of the Project's Lots 31 and 32.

The summary vacation process applies because the Portion has not been used for the purpose for which it was granted for a period of at least five (5) consecutive years preceding the proposed vacation; it has been determined that there are no in-place public utility facilities in the Portion that will be affected by the vacation; and the Portion is excess and does not need to be retained for flood control uses and purposes.

The approved Vesting Tentative Map 14,838 accounts for the District vacating the Portion of the Flood Control Easement, and is referenced in the Project's conditions of approval by virtue of it being shown on the approved Vesting Tentative Map 14,838. As fee owner of the above referenced APN 073-090-072 which contains the Flood Control Easement, Ocean Meadows already owns in fee the real property underlying the Flood Control Easement; therefore, a quitclaim is not required and instead, the summary vacation applies.

Because the proposed vacation of this public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity is required to consider the general plan prior to vacating the public service easement. Accordingly, on December 9, 2020, the Santa Barbara

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County Planning Commission unanimously found the Project, which includes the subject summary vacation, to be consistent with applicable provisions of the County's Comprehensive Plan, including the Coastal Land Use Plan and Goleta Community Plan, as well as with the Article II Coastal Zoning Ordinance. Further, on December 9, 2020, the Santa Barbara County Planning Commission also unanimously certified the Final Mitigated Negative Declaration (SCH2020070159) for the Project and there were no subsequent appeals to either the Santa Barbara County Board of Supervisors nor the California Coastal Commission.

As fee owner of the referenced APN 073-090-072 which contains the Flood Control Easement, Ocean Meadows petitioned the District by way of the Real Estate Services Division, to vacate the Portion.

The Board of Directors of the District shall consider the final Resolution and Summary Order to Vacate an Unused Portion of a Flood Control Easement at its meeting on July 13, 2021, which, if approved and adopted, shall be recorded and permanently remove the District's interest in the easement over the Portion.

Since the restoration of the Ocean Meadows Golf Course into an extension of the Deveraux Slough by UCSB, the District will not need to maintain the historic Deveraux Creek. Other vacations of Flood Control Easements in this area will follow in the coming months. UCSB now owns the expanded slough and is responsible for maintenance of the restored slough.

**Fiscal and Facilities Impacts:**

The Board of Directors of the District's approval and adoption of the Resolution and Summary Order to Vacate will have no direct fiscal or facilities impacts. The applicant paid for the County's staff time needed to facilitate this transaction. There are no facilities nor impacts associated with the proposed actions. Other than paying for staff time, there is no compensation received by the District (nor the County) in exchange for the easement summarily vacated, as the applicant owns the underlying real property in fee.

**Key Risks:**

There is little to no risk to the District by adopting the Resolution and Summary Order to Vacate.

**Staffing Impacts:** N/A

**Special Instructions:**

Clerk of the Board, after action by the Board of Directors, please distribute as follows:

1. Original Resolution and Summary Order to Vacate:      General Services Department  
Real Estate Services Division  
Attn: Shauna Dragomir, for recordation.
2. Minute Order:      General Services Department, Real Estate Services, Attn: Shauna Dragomir.

**Attachments:**

1. Resolution and Summary Order to Vacate

**Authored by:**

Shauna Dragomir, Real Property Agent III, General Services Department, (805) 448.0680