



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: June 15, 2010  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Scott D. McGolpin, Director Public Works: 568-3010  
Director(s)  
Contact Info: Dacé Morgan, Deputy Director, Transportation; 568-3064  
Michael Emmons, County Surveyor: 568-3020  
**SUBJECT: Proposed Vacation and Sale of a Portion of Orcutt Road Right-of-Way, Santa Barbara; Fourth Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: NA

**Other Concurrence:** NA

As to form:

**Recommended Actions:** That the Board of Supervisors:

- A) Approve the filing of a Notice of Exemption pursuant to California Environmental Quality Act (CEQA) guidelines Section 15301(c), pertaining to minor alteration of existing facilities; (POST) in regards to the vacation and sale of a portion of the Orcutt Road right-of-way which is located adjacent to APNs 109-200-010, -037, & -038 in the unincorporated area of the County of Santa Barbara; and
- B) Adopt the related Resolution; Summary Order to Vacate; and
- C) Execute the related Grant Deed Agreement with Reservations; and
- D) Direct the removal of the portion of Orcutt Road being vacated from the County's maintained road system.

**Summary Text:**

The area proposed for vacation is a portion of the Orcutt Road right-of-way adjacent to Santa Barbara County Assessor Parcel numbers 109-200-010, -037, & -038. The subject area (herein referred to as the "Portion") is shown on Exhibit "A" of the Summary Order to Vacate and on the Grant Deed Agreement with Reservations. Public Works Transportation, Flood Control and Real Property representatives visited the Portion and have no objection to the proposed vacation and sale.

Public Works is taking direction on the abandonment of Orcutt Road in this area from the Orcutt Community Plan (OCP), specifically DevStd EVG-4. This Development Standard states "If the

owner/developer submits a development application for demolition and/or redevelopment of the center, the County shall consider abandonment of the segment of Orcutt Road fronting the site....” In Public Works consideration of the request for abandonment, staff has reviewed the existing traffic conditions at the intersection of Lakeview and Orcutt Road. Given the proximity of this intersection to the Caltrans maintained Lakeview and Hwy 135 intersection, staff has determined that abandoning the northern segment of Orcutt Road and allowing the current developer to reconfigure this area would result in an improvement to the intersection. The Lakeview and Orcutt Road intersection would become a three legged intersection which would reduce the conflicting traffic movements and the confusion for the drivers on how to approach this intersection.

Public Works Transportation believes the proposed vacation and sale is in the public interest for the following reasons:

- The County has no plans to expand its infrastructure in the vicinity of the Portion;
- If the vacation is consummated the right-of-way within the Portion will be removed from the County’s maintained road system;
- The rights of existing public utility providers to access and maintain their facilities within the Portion will be protected;
- No Parcels will be “landlocked” if the vacation and sale is consummated;
- The proposed vacation and potential closure of this section of Orcutt Road is in compliance with the Orcutt Community Plan (the “OCP”);
- The proposed vacation was found to be in conformity with the County's adopted General Plan by the Planning Commission at its regular meeting of October 26, 2009;
- The proposed right-of-way vacation and sale was found to be in conformity with applicable CEQA guidelines;
- If consummated, the Vacation and Grant Deed will remove the County’s liabilities associated with ownership of the ROW;

Public Works Transportation supports the proposed transfer of the entire Portion to P.R. Investments LLC (owners of APNs 109-200-037, & -038) for the following reasons:

- The DevStd EVG-4 of the OCP directs the County to consider the abandonment of the ROW fronting the Evergreen Village site to the developer;
- Directing the sale of Orcutt Road to the Evergreen Village developers provides the best opportunity to improve public safety at the Highway 135 and Lakeview Road intersection as acknowledged in the Orcutt Community Plan because:
  1. The Evergreen Village owners are currently redeveloping their property on Orcutt Road; and
  2. Have committed to purchasing the ROW; and
  3. Have committed to funding the required future improvements; and
  4. Have committed to obtaining all required permits prior to the reconfiguration; and
  5. Have committed to coordinating the ROW work with Public Works Transportation to help ensure public safety; and
  6. They are bonded and insured.
- All access rights currently enjoyed by the Spencer’s Market property will remain;
- The Evergreen owners have agreed to coordinate with the Spenser’s property owner on drainage, access, parking, and landscaping when the road is reconfigured;

- The Evergreen owners have agreed to add the subject ROW to their parcels via a Voluntary Merger;
- The Evergreen owners have agreed to maintain the ROW to standards acceptable to the County;
- The Evergreen owners have agreed to purchase the ROW for \$60,000.00.

The sale of the section of the frontage road along the side of Spencer's Market to the owner of that property was considered, but since that property owner is not currently re-developing that property and has no known plans to do so, Staff's recommendation is that the entire frontage road be sold to the Evergreen Village owners. This helps ensure a timely re-configuration of the road in a manner consistent with the Orcutt Community Plan goals.

Public Works staff has heard from the Marvin Street residents regarding concerns of an increase in the amount of cut through traffic that would use Marvin Street as a result of the reconfiguration of Orcutt Road. Traffic counts indicate that approximately 40 vehicles are using Orcutt Road to access eastbound Winter Road and may use Marvin Street instead when Orcutt Road is reconfigured. Staff has reviewed the current conditions on Marvin Street and has received a request from the residents of Marvin Street for traffic calming. If the transfer of Orcutt Road is approved, Public Works will install speed humps along Marvin Street with the funds generated from the sale of the property.

**Background:**

P.R. Investments, LLC as the fee owner of APNs 109-200-037, & -038 has received approval from the Santa Barbara County Planning Commission and the Santa Barbara County Planning Department to construct a multi tenant commercial development known as "Evergreen Village" thereon. As part of their long range plans for the Evergreen Village project the owners thereof requested the vacation of the Portion.

Based upon the Evergreen Village development plans reviewed and approved by the Santa Barbara County Planning Department, the potential to improve public safety at the Highway 135 and Lakeview Road intersection as acknowledged in the Orcutt Community Plan, and the Evergreen Village owner's agreement to coordinate with Transportation in order to maintain traffic safety on the Portion and surrounding public streets prior to making any changes thereto, the County's Public Works Department, Transportation Division has determined it is in the public interest to vacate the public right-of-way referred to herein as the Portion.

The County has no plans to expand its infrastructure in the area of the Portion. No County departments objected to the proposed vacation and it was found to be in conformity with the County's adopted General Plan by the Planning Commission at its regular meeting of October 26, 2009. The proposed right-of-way vacation and sale was found to be in conformity with applicable CEQA guidelines. All public utility providers were informed of the proposed vacation and asked if they maintain facilities in the Portion. Southern California Gas Company has facilities within the Portion, their rights to access and maintain those utilities will be reserved from the right-of-way vacation and from the Grant Deed.

After it was determined that the County owns the Portion in fee, the applicant obtained an appraisal of the value thereof based upon recent sales in the area. The applicant and Public Works have agreed to the

value set by the appraisal, and the purchase price of \$60,000.00 has been deposited with the Public Works Department by the applicant.

**Fiscal and Facilities Impacts:**

Budgeted: Yes.

Narrative: The applicant paid for the County staff time needed to facilitate this transaction. The purchase price of the Portion is \$60,000.00, which will be deposited into Road Fund 0015. There are no Facilities impacts associated with the proposed actions.

**Staffing Impacts:**

**Legal Positions**

None

**FTEs:**

None

**Special Instructions:**

Clerk of the Board, please distribute as follows:

- |    |  |                                 |
|----|--|---------------------------------|
| 1. | Original Order to Vacate               | Public Works, Attn: Jeff Havlik |
| 2. | Copy of the Order to Vacate            | Clerk of the Board              |
| 3. | Grant Deed Agreement with Reservations | Public Works, Attn: Jeff Havlik |
| 4. | Copy of the Grant Deed                 | Clerk of the Board              |
| 5. | Copy of the stamped CEQA               | Public Works, Attn: Jeff Havlik |
| 6. | Minute Order                           | Public Works, Attn: Jeff Havlik |

**NOTE:** After execution by the Board, Real Property will hold the original, executed Order to Vacate and the Grant Deed until the Evergreen Village owners have completed the voluntary merger process to combine the Portion with their existing parcels- at which point they will be recorded. After recordation the original of those documents will be filed with the Clerk of the Board. A copy will be delivered to the owners and the utility providers impacted by said action. Copies will be retained by the Transportation and Real Property Divisions of the Public Works Department.

**Attachments:**

CEQA: Notice of Exemption  
Summary Order to Vacate  
Grant Deed Agreement with Reservations

**Authored by:**

Jeff Havlik, Real Property Agent, Public Works - Surveyors Division, 568-3073  
Bret Stewart, Senior Development Engineering Manager, Public Works Administration, 568-3041

**cc:**