

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for Public Works Disposition by Quitclaim of the San Roque Canyon Road Right-of-Way and Acceptance of a Dedicated Trail Easement**

**Hearing Date:** April 26, 2006  
**Staff Report Date:** April 14, 2006  
**Case No.:** 06GOV-00000-00002  
**Environmental Document:** N/A

**Deputy Director:** Steve Chase  
**Division:** Development Review South  
**Staff Contact:** Mark Walter, Ph.D. (568-2852)  
**Supervising Planner:** Anne Almy (568-2053)

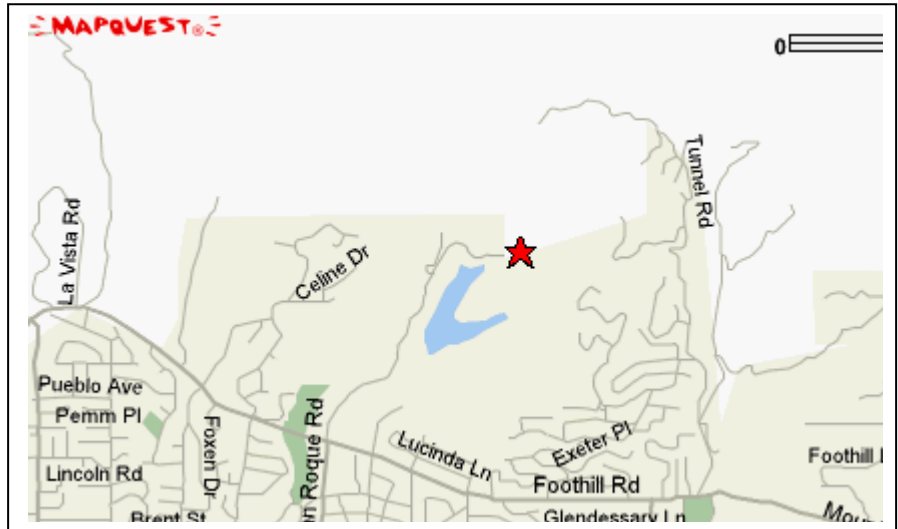
**OWNER:**

Michael Klein/Pacificor, Inc.  
1575 N. North Ontare Road  
Santa Barbara, CA 93105  
805-729-5709

**APPLICANT:**

Jeff Havlik  
County of Santa Barbara  
Real Property  
Public Works Department  
123 East Anapamu Street  
Santa Barbara, CA 93010  
(805) 568-3073

(INSERT VICINITY MAP)



This site is identified as Assessor Parcel Numbers 055-030-069, -070 and -077 located north of Foothill Road (Hwy 192), off San Roque and N. Ontare Roads, Santa Barbara, Second Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Jeff Havlik, Real Property, Public Works Department, to consider case number 06GOV-00000-00002, for a determination as to whether the disposition by quitclaim of the San Roque Canyon Road right-of-way, which is the general location of the Jesusita Trail, and the acceptance of a new 15 foot wide Jesusita Trail easement, are in conformity with the County Comprehensive Plan.

Application Filed: March 23, 2006  
Application Complete: N/A  
Processing Deadline: 40 days from application submittal (May 2, 2006)

## **2.0 RECOMMENDATION AND PROCEDURES**

Pursuant to Government Code §65402(a), and based upon the discussion in Section 6.2 of this report, staff recommends that the Planning Commission take the following actions:

1. Determine that the proposed Quitclaim of the San Roque Canyon Road Right-of-Way and the acceptance of a 15 foot wide trail easement for the Jesusita Trail are in conformity with the Comprehensive Plan.
2. Transmit the consistency report required by Government Code Section 65402(a) to the County Public Works Department and the Board of Supervisors. This staff report and the letter reflecting the Planning Commission's action shall constitute the required report.

## **3.0 JURISDICTION**

This request is being considered by the Planning Commission based upon California Government Code §65402(a), which states:

“(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.”

## **4.0 ISSUE SUMMARY**

The proposed action is to abandon (i.e. quitclaim) an existing 50-foot wide County road right-of-way (ROW) in response to a request by the property owner (Michael Klein, Pacificor Inc.) upon whose property the ROW is located (see Attachments A, B). The specific ROW, San Roque Canyon Road, was granted to the County via deed in 1878. The existence of this County ROW provides the public the right to traverse the subject parcel via the historic, well-used Jesusita Trail. There is no dedicated trail easement for the Jesusita Trail, hence the County has relied on the ROW, which is the only public access generally consistent with the trail location, to perpetuate the public right of use of the trail. The proposed road abandonment would result in the abandonment of any public right-of-way, and consequently public trail access and use, across the subject property. Therefore, the location, dedication and recordation of a 15-foot wide trail easement for the Jesusita Trail, prior to quitclaim of the ROW, has been proposed by the applicant (County of Santa Barbara, Department of Public Works, Transportation/Real Property) as part of the requested action (Attachment B). The property owner would pay to the County the difference

in value between the 15-foot wide trail easement and the 50-foot wide ROW as part of this action. Further, the property owner has agreed in writing, as shown in the attached Agreement Letter (Attachment C), to provide a new 15-foot trail easement and pay the County the difference in value between the new trail easement and the 50-foot wide ROW.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<b>Site Information</b>	
Comprehensive Plan Designation	Urban, A-I-40 (APN 055-030-069, -070, -077)
Ordinance, Zone District	Article III, Ag-I-40
Site Size	6.72 acres (APN 055-030-069) 18.67 acres (APN 055-030-070) 1.27 acres (APN 055-030-077)
Present Use & Development	vacant/unused
Surrounding Uses/Zoning	<i>North:</i> vacant/unused, residential/40-E-1 <i>South:</i> vacant/unused, residential (City)/40-E-1 <i>East:</i> agriculture, residential/40-E-1 <i>West:</i> residential/AG-1-40
Access	North Ontare Road from Foothill Road
Public Services	Water Supply: N//A Sewage: N/A Fire: Santa Barbara County

### 5.2 Background Information

The existing 50-foot wide San Roque Canyon Road ROW provides the public the right to cross the property described as APN Nos. 055-030-069, -070, -077, and has done so since 1878. Similarly, the Jesusita Trail provides the public with a historic, well-used recreational trail that accommodates pedestrian, bicycle and equestrian users. There is no dedicated trail easement for the Jesusita Trail. However, the County ROW gives the public the right to cross the subject property, including for public trail purposes, and the County has relied on this ROW to perpetuate the public trail use. Although portions of the physical trail used by the public do not coincide with the County ROW, the trail is in the general location of the County ROW and has existed in its current location for many years. In addition, the County ROW is the only existing public access consistent with the trail location. Both the County ROW, and the Jesusita Trail in its current location, existed prior to the current property owners' purchase of the subject parcels.

The current property owner has requested that the full, 50-foot wide San Roque Canyon Road ROW be abandoned. As a result of this request, Public Works made application on February 7, 2006 for a Government Code Consistency Finding (65402) as required by state law. The application was temporarily withdrawn and re-submitted on March 23, 2006. The project description submitted as part of the March 23, 2006 application was revised to call for location, acceptance and recordation of a new trail easement prior to quitclaim of the existing ROW. Further, Attachment B submitted as part of the March 23, 2006 application describes a new 15-foot wide trail easement, and the letter agreement signed by the property owner (Attachment C) calls for an easement deed to the County for a 15-foot wide trail.

The Santa Barbara County Parks Department has been involved in negotiations with the current property owner over the abandonment of the existing ROW and relocation of the existing Jesusita Trail. The property owner requested Parks and the County Riding and Hiking Trails Advisory Committee, to consider relocating both the current public trail route and the legal rights for that public trail use to a different location. County Parks agreed to embark on a process to address the ROW/Jesusita Trail, in conjunction with City actions in this regard and the dedication of other trail resources on Klein/Pacificor property. The current application is proceeding in concert with the trail issue/s being addressed by the Parks Department; with the intent and requirement that a reciprocal trail is obtained prior to quitclaim of the ROW.

### 5.3 Description

The request from the Public Works Department is to dispose of an unimproved County road right-of-way by vacating the County’s right to use the right-of-way and transferring ownership of the abandoned portion to the underlying land owner. The request, formed by the Memorandum and Attachments, also calls for the location, acceptance and dedication of a new 15-foot wide trail easement prior to quitclaim of the ROW. The Public Works Department has asked for this Comprehensive Plan consistency determination prior to taking the matter to the Board of Supervisors for their action.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The Government Code Section 65402(a) determination is not a project under the California Environmental Quality Act (CEQA). Therefore, the proposed abandonment of the road ROW has not yet been reviewed by staff for environmental impacts. However, any future proposal to the Board of Supervisors to abandon the existing road ROW would constitute a project under CEQA. Therefore, CEQA analysis would be performed in connection with the review of any proposed action to abandon the ROW.

### 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><b>Parks/Recreation Policy 4:</b>                      Opportunities for hiking and equestrian trails should be preserved, improved, and expanded</p>	<p><b>Consistent:</b> The Jesusita Trail provides opportunities for hiking and equestrian use. This is an existing trail, depicted on the Parks</p>

<b>REQUIREMENT</b>	<b>DISCUSSION</b>
<p>wherever compatible with surrounding uses.</p>	<p>and Recreation Trail Map 3 (PRT-3) that was adopted as part of the Comprehensive Plan by the County Board of Supervisors on December 22, 1980. This historic, well used trail has provided recreational opportunities in the Santa Barbara “front country” for decades.</p> <p>The public’s right to access and use the Jesusita Trail, and to traverse the property upon which the trail is located, is dependent on the existing County right-of-way for San Roque Canyon Road. This unimproved road right-of-way was granted to the County via deed in 1878. The existing Jesusita Trail is, in portions, coincident with, and in other portions, in the general location of, the County right-of-way. This ROW provides the only public access generally consistent with the trail location. Abandonment of this right-of-way without dedication and improvement of a trail easement would result in loss of the long-standing public right to use the Jesusita Trail.</p> <p>In order for the requested quitclaim action to be found in conformity with the Comprehensive Plan of Santa Barbara County, the public right to use the Jesusita Trail must be preserved. To ensure this, the requested action requires that the property owner provide a new, 15-foot wide trail easement in the location depicted on Attachment B. The exact location of the new trail easement would be verified in the field and approved by the Parks Department, County Surveyor, Real Property Division, Transportation Division, and Planning and Development, Development Review Division, prior to recordation of the new easement. The existing road ROW would not be quitclaimed until the property owner had executed and delivered to the County the trail easement and signed legal description in acceptable and recordable form.</p>

REQUIREMENT	DISCUSSION
	<p>The property owner has agreed in writing, as shown in the attached Agreement Letter (Attachment C), to provide a new 15-foot wide trail easement and pay the County the difference in value between the new trail easement and the 50-foot wide ROW.</p> <p>There are currently no surrounding uses that would be incompatible with an existing or proposed trail. The existing trail is bordered on the east and west by open space, including meadows, San Roque Creek and heavily vegetated hillsides. The property is currently zoned AG-1-40, however the area surrounding the location of the existing and proposed trail is vacant and not used for agricultural production. Therefore, the surrounding use of the property is not incompatible with the existing trail, nor would it be incompatible with the proposed trail.</p> <p>Given that there are no surrounding uses incompatible with preservation of the existing trail, and that the current application requires acceptance and recordation of a dedicated trail easement prior to quitclaim of the ROW, the proposed action can be found consistent with this policy (Parks/Recreation Policy 4) and therefore in conformity with the Comprehensive Plan.</p>
<p><b>Santa Barbara County Comprehensive Plan            Parks, Recreation and Trails Map            Goleta – Santa Barbara Area            PRT-3:            Jesusita Tail</b></p>	<p><b><u>Consistent:</u></b> The existing Jesusita Trail is depicted on Parks, Recreation and Trails Map 3 (PRT-3) in the general location of the County ROW. This map is part of the Comprehensive Plan and was certified and adopted as such by the Planning Commission on July 16, 1980 and by the Board of Supervisors on December 22, 1980. This map and its adoption precede the current property owner’s purchase of the property. The proposed abandonment (quitclaim) of the County ROW would result in loss of the existing right of the public to pass on the property for trail purposes, which trail</p>

REQUIREMENT	DISCUSSION
	<p>was clearly certified and adopted by the Planning Commission and the Board in association with adoption of the 1980 Comprehensive Plan.</p> <p>However, acceptance, recordation and installation of the proposed 15-foot wide trail easement (Attachment B) would preserve the physical trail and the right of the public to pass on the property for trail purposes. With said acceptance, recordation and installation of the trail easement, the proposed abandonment (quitclaim) of the existing road ROW can be found consistent with the previous decision of the Board and the County adopted PRT map.</p>

**6.3 Ordinance Compliance**

A Government Code §65402 determination only requires review of consistency with the Comprehensive Plan and is not subject to the provisions of the County of Santa Barbara Inland Zoning Ordinance (Article III).

**6.4 Subdivision/Development Review Committee**

This request is not subject to review by the Subdivision/Development Review Committee.

**6.5 Board of Architectural Review**

This request is not subject to review by the Board of Architectural Review.

**6.6 Agricultural Preserve Advisory Committee**

The subject property is not under contract and therefore the request is not subject to review by the Agricultural Preserve Advisory Committee.

**7.0 APPEALS PROCEDURE**

The report of the Planning Commission pursuant to Government Code Section 65402(a) is not appealable to the Board of Supervisors. The Planning Commission’s determination will be forwarded to the County Board of Supervisors and the Public Works Department for information purposes only.

**ATTACHMENTS**

- A. Site plan: existing 50 foot San Roque Canyon Road/Jesusita Trail Right of Way (ROW)

San Roque/Jesusita Trail Abandonment

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- B. Site plan: 50 foot ROW to be abandoned and centerline of 15 foot trail to be dedicated
- C. Signed exchange agreement between the County and the property owner.

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