



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  
Department No.: 063  
For Agenda Of: April 5, 2011  
Placement: Administrative  
Estimated Time:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** General Services Bob Nisbet, Director (560-1011)  
Contact Info: Paddy Langlands, (568-3096)  
Assistant Director, Support Services Division  
**SUBJECT: Ballard Canyon Water System – Agreements to Provide Water for 950, 952 and 954 Ballard Canyon Rd., Solvang, Third Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

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

- (a) Approve and execute the original and duplicate original Agreement to Provide Water with Larry M. Robertson and Colleen Robertson for 950 Ballard Canyon Road, Solvang (APN 137-710-013); and
- (b) Approve and execute the original and duplicate original Agreement to Provide Water with Laurence J. Finkle and Hope N. Fidziura, Trustees, U/D/T dated August 11, 2003, F/B/O The Finkle-Fidziura Family Trust; and Hazel May Finkle, Trustee of the Finkle Family Decedent's Trust dated 1/31/91; and Hazel May Finkle, Trustee of the Finkle Family Survivor's Trust; for 952 Ballard Canyon Road, Solvang (APN 137-710-012); and
- (c) Approve and execute the original and duplicate original Agreement to Provide Water with Larry M. Robertson and Colleen Robertson, and David Pollack, for 954 Ballard Canyon Road, Solvang (APN 137-710-011).

**Summary Text:**

The attached Agreements to Provide Water arrange for the County to supply water to the properties at 950, 952 and 954 Ballard Canyon Road, Solvang, in connection with the County's Ballard Canyon Water System. The Board's action on this item is in compliance with a Settlement Agreement with these property owners, who claimed their water wells were affected by a former County landfill in the area.

**Background:**

Between approximately 1950 and 1969, the County operated a landfill on a portion of the parcels currently known as 940 and 942 Ballard Canyon Road (APNs 137-710-017 and 137-710-016). In 1999, the County was sued by the then-current owners of those properties, and by the owners of certain surrounding properties (herein the “Impacted Properties”) who claimed their water wells were contaminated by materials leaching out of the closed landfill. After much research and negotiation, the County entered into a Settlement Agreement with the owners of the Impacted Properties on September 21, 2001.

The Settlement Agreement required the County to provide water to the Impacted Properties on an interim basis until the County could install a new water well, storage and pumping system to *permanently* serve the Impacted Properties.

The County has complied with this interim requirement of the Settlement Agreement while working on a permanent solution to design, permit and install a water well, storage and pumping system on private property at 716 Ballard Canyon Road, as well as an underground pipeline system to deliver water to the Impacted Properties.

The new water well has been installed on the property at 716 Ballard Canyon Road, and the water pipeline for transporting water from the well site to the Impacted Properties has been installed within the County’s right-of-way along Ballard Canyon Road, over the County-owned properties at 940 and 942 Ballard Canyon Road, and in existing utility easements to the Impacted Properties.

The County has begun operating the Water System, and upon recordation of the attached documents, the Environmental Health Services Division of the Public Health Department has indicated that it will issue the permits necessary to begin providing water to the properties that are the subject of this Board letter located at 950, 952 and 954 Ballard Canyon Road.

The Installation of the Water System was found to be in compliance with CEQA guidelines via the Notice of Exemption executed on May 22, 2001.

**Fiscal and Facilities Impacts:**

There are no additional Fiscal or Facilities Impacts associated with execution of the Agreement to Provide Water. The Fiscal and Facilities components of this project have been addressed by Public Works, Resource Recovery and Waste Management in previous Board actions.

**Special Instructions:** After Board action, distribute as follows:

- |   |                                     |
|---|-------------------------------------|
| 1) Original and duplicate original Agreements | GS/Real Estate Svcs., Attn: H. Heyl |
| 2) Copies of Agreements                       | Clerk of the Board File             |
| 4) Minute Order                               | GS/Real Estate Svcs., Attn: H. Heyl |
| 5) Minute Order                               | Chris Wilson, Resource Recovery     |

**NOTE:** The Office of Real Estate Services (ORES) will deliver the original Agreements to Provide Water to the County Recorder's office for recordation and the duplicate original Agreements to Provide Water to the property owners. After recordation, a copy of the recorded document will be returned to the Clerk of the Board, and ORES will keep the original recorded document in its files.

**Attachments:**

Two (2) Agreements to Provide Water for 950 Ballard Canyon Road  
Two (2) Agreements to Provide Water for 952 Ballard Canyon Road  
Two (2) Agreements to Provide Water for 954 Ballard Canyon Road

**Authored by:**

Harrison Heyl, Office of Real Estate Services

**cc:**

Chris Wilson, Resource Recovery and Waste Management  
Imelda Cragin, Resource Recovery and Waste Management