



BOARD OF SUPERVISORS  
AGENDA LETTER  
Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Agenda Number:

Department Name: Public Works  
Department No.: 054  
For Agenda Of: July 12, 2022  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: 4/5

---

**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Director, 568-3010  
Contact Info: Chris Sneddon, Deputy Director, Transportation 568-3064  
**SUBJECT:** **Black Oak Drive Undercrossing Reimbursement Agreement, Fourth Supervisorial District**

---

**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:

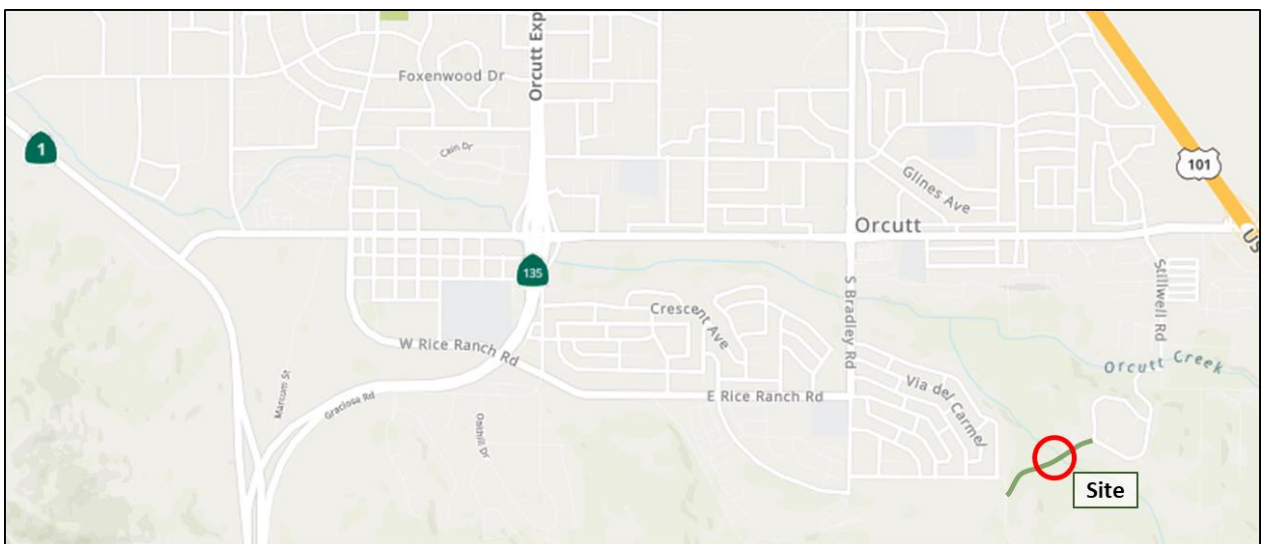
- a) Approve and authorize the Chair to execute the Reimbursement Agreement with Vintage Ranch Orcutt, LLC for construction of an undercrossing beneath Black Oak Drive in an amount not to exceed \$397,903;
- b) Approve and authorize the Director of Public Works, or designee, to approve change orders for a contingency amount up to \$32,395 for a total Reimbursement Agreement amount not to exceed \$430,298;
- c) Approve Budget Revision Request No. 0008252 to increase appropriations in the amount of \$152,800 in the Roads-Capital Infrastructure Fund for Services and Supplies funded by a transfer from the General Fund; and
- d) Find that no subsequent EIR is required for this project pursuant to 14 CCR section 15162(a) because Final Supplemental Environmental Impact Report (EIR) for the Orcutt Community Plan 2012 Amendments (09EIR-00000-00004) including the Revision document (RV-1), and Addendum of May 22, 2013 have been previously certified, and 1) No substantial changes are proposed in the project which require major revisions to the previously certified EIR due to new significant environmental effects; 2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**Summary Text:**

This item is on the agenda to approve a Reimbursement Agreement between the County and Vintage Ranch Orcutt, LLC regarding construction of, and payment for, a new undercrossing beneath Black Oak Drive in Orcutt to connect open space on either side of the new road to be constructed as part of the Key Site 7 development. The undercrossing is a requirement under the Orcutt Community Plan (OCP) and related Environmental Impact Report. The OCP requires the developer to construct undercrossing, and that the County fund its construction. The OCP states the County would pay for the project using funds generated by the Orcutt Transportation Improvement Program (OTIP). Subsequent adoption of the OTIP did not include this project, and thus no fees were collected for the work. In 2015, your Board approved a budget and plan that included accumulating General Fund annually in order to fund construction of the project. On November 17, 2020 your Board approved a reimbursement agreement with Mesa Verde Development Partners. At that time it was anticipated construction of the undercrossing would proceed within approximately 12 months. Since then, Mesa Verde Development Partners sold the project to Vintage Ranch Orcutt, LLC and the project design was modified. This agreement would replace the Mesa Verde Development Partners agreement with a new agreement with the current developer.

**Background:**

The OCP requires the work covered in this agreement at the time of development of Key Site 7. The developer is proceeding with approvals for this work. As part of the approval process, an agreement is needed to codify the scope of work and responsibilities of each party. The amount of funds set aside for this work were based on engineering estimates derived from preliminary design at the time of the 2020 agreement. Since then, the roadway design has been modified and will require a longer undercrossing and extension of the existing storm drain on the site. This, in addition to cost escalation due to the current construction environment, has resulted in a total project cost estimate of approximately \$700,000.



*Black Oak Drive Undercrossing Site Map*

**CEQA:**

These improvements were included in the Environmental Impact Report completed for the Orcutt Community Plan. There have been no subsequent changes to this project component or new information that requires preparation of additional environmental review at this time. The EIR and documents for the Orcutt Community Plan 2012 Amendments are available for viewing and download at:

<http://longrange.sbcountyplanning.org/planareas/orcutt/orcutt.php>

**Fiscal Analysis:**

<u>Source:</u>	<u>Actual Expenditures</u>	<u>FY22/23 Adopted Budget</u>	<u>Appropriation Needed</u>
General Fund	\$183,527	\$363,700	\$152,800

Your Board has set aside General Funds for the past several years in anticipation of this project. These project expenditures will occur in Fund 0017, Program 2830, Org Unit 0600, Project 862423 and will be reimbursed based on actual costs in accordance with the Agreement. \$152,800 additional set-aside is needed for the undercrossing, which serves the recreational open space. The County will furnish the undercrossing structure and its design. Costs in the agreement include construction of the facility.

**Special Instructions:**

Please forward the following items to Chris Sneddon in the Public Works Department, Transportation Division, 123 East Anapamu Street, x83094:

- A certified, stamped Minute Order approving these recommendations.
- One duplicate original executed Reimbursement Agreement Signature Page (1 page). One original executed Reimbursement Agreement to be filed with the Clerk of the Board.

**Attachments:**

Attachment A: Reimbursement Agreement with Vintage Ranch Orcutt, LLC for Black Oak Drive Undercrossing, with exhibits.

Attachment B: Budget Revision Request No. 008252

**Authored by:**

Chris Sneddon, Public Works Transportation, 805-568-3064