



**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: Flood Control and Water
Department Name: Conservation District
General Services/
Public Works
Department No.: 063/054
For Agenda Of: April 2, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5 Vote

TO: Board of Directors, Flood Control and Water Conservation District
FROM: General Services Kirk Lagerquist, Director of General Services, (805) 560-1011
Public Works Chris Sneddon, Director of Public Works, (805) 568-3010

Contact Info: Skip Grey, Assistant Director, General Services, 805-568-3083
Walter Rubalcava, Deputy Director, Flood Control, 805-568-3436

SUBJECT: Grant of Easements from Peter and Deborah Moore and Ronald I. Schnur for the Buena Vista Debris Basin Project, (Assessor Parcel No's. 007-020-052 and 007-020-057); First Supervisorial District (RP File #004053)

County Counsel Concurrence

As to form: Yes

Other Concurrence: **Risk Manager and CEO**

Budget

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute original Real Property Purchase Agreements between the Santa Barbara County Flood Control and Water Conservation District (District), and Peter and Deborah Moore, who acquired title as Deborah DuBois, husband and wife as community property with the right of survivorship (Owners), and Ronald I. Schnur, Trustee of the Ronald I. Schnur Revocable Trust III U/A DTD 2/11/04 (Owner), for the purchase of permanent easements, non-exclusive subsurface easements, and temporary construction easements, on portions of real property located at 915 Park Lane, Santa Barbara (County Assessor Parcel Number: 007-020-052), for a total cost not to exceed \$1,400,000.00, and at 935 Park Lane, Santa Barbara (County Assessor Parcel Number: 007-02-057), for a total cost not to exceed \$62,000.00, in connection with the Buena Vista Debris Basin Project (First District); and
- b) Authorize the Chair to accept the attached permanent and temporary easements and Certificates of Acceptance conveying easement interests in the real property located at 915

Agenda Date: April 2, 2024

Page 2

Park Lane and 935 Park Lane respectively, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance attached thereto; and

- c) Authorize the Director of Public Works, or his designee, to sign escrow instructions and execute any other supporting documents to complete this transaction; and
- d) Approve Budget Revision Request (BJE No. 0009592) to increase appropriations of \$450,000 in Public Works South Coast Flood Zone Fund for Capital Assets funded by the release of Restricted Purpose of Fund Balance for the Buena Vista Debris Basin Project; and
- e) After considering the Mitigated Negative Declaration (MND) and Findings for the Buena Vista Debris Basin Project, adopted by the Board of Directors as Lead Agency on February 28, 2023, and the discussion included herein, find that pursuant to California Environmental Quality Act (CEQA) 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 the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required. The MND and CEQA Findings and associated information can be found at: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6038727&GUID=CA3888C8-3083-4190-8A44-B3E93D8BDED2>

Summary Text:

Acquisition from Peter and Deborah Moore (Owners), for the purchase of a permanent easement and temporary easement (Easements) on a portion of real property located at 915 Park Lane, Santa Barbara (County Assessor Parcel Number: 007-020-052), for a total cost not to exceed \$1,400,000.00, and acquisition from Ronald I. Schnur (Owner), for the purchase of a permanent easement and temporary easement (Easements) on a portion of real property located at 935 Park Lane, Santa Barbara (County Assessor Parcel Number: 007-02-057), for a total cost not to exceed \$62,000.00 in connection with the Buena Vista Debris Basin Project.

The recommended actions include approval and authority to execute original Real Property Purchase Agreements, Certificate of Acceptance and Escrow Instructions.

Background:

As early as 2018 the District considered construction and operation of a new debris basin facility located on Buena Vista Creek at Park Lane in Montecito. Buena Vista Creek originates in the Los Padres National Forest and runs through the foothills of the Santa Ynez Mountains along residential neighborhoods of Montecito. The watershed was severely burned during the 2017/2018 Thomas Fire. The following debris flow in January 2018 resulted in damage and destruction of property, public infrastructure, and natural habitats in the watershed and nearby. The creek crossing at Park Lane over Buena Vista Creek was affected by severe damage with the volume and speed of the debris flow overwhelming the capacity of the existing culvert under Park Lane. This resulted in debris accumulation and damage to adjacent properties, prompting the District to consider a new debris basin immediately upstream of Park Lane. The debris basin would increase the debris retention capability and help protect Park Lane and downstream infrastructure and properties.

Agenda Date: April 2, 2024

Page 3

In 2021 the District was awarded a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funding for the Phase I (design to 100% level) portion of this project. The same FEMA HMGP will fund the subsequent construction phase planned for 2025.

On December 12, 2023, the District Board of Directors, considering the owner's independent appraisal as a basis, approved increased negotiation parameters for acquisition of easements for 915 Park Lane (APN: 007-020-052), in order to move forward with a voluntary acquisition of such easements to meet the project timeline. The District and the owners of 915 Park Lane subsequently reached an agreement granting the District the required easements upon final Board approval. The District previously reached an agreement to acquire easement interests from the property owner of 935 Park Lane (APN: 007-020-057). The District requires easements over both properties in order to proceed with the Project.

On February 5, 2024 the District received confirmation from FEMA approving a scope of work (SOW) modification and additional funding for the Buena Vista Debris Basin Project (HMGP DR-4431-008-003). The modification to the SOW and budget was requested in order to include right-of-way appraisal and acquisition as Phase 1 deliverables, and move the additional funds into the current 23/2024 Fiscal Year.

The approval of the SOW and budget increase will allow the District to move forward in constructing a debris basin and appurtenant structures, including concrete retaining walls along Buena Vista Creek, a grouted rock grade control structure, and a steel debris reach constructed at the downstream reach of the debris basin. An access road will be constructed to allow for maintenance and removal of the debris.

The District prepared a Final Mitigated Negative Declaration (MND) (22NGD-00000-PWFC1, SCH #2022100177) pursuant to Section 15073 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of CEQA. The MND was adopted by the Board of Directors on February 28, 2023.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast FZ State	\$ 1,222,000.00		\$ 1,222,000.00
Federal (HMGP) Fees	\$ 240,000.00		\$ 240,000.00
Other:			
Total	\$ 1,462,000.00	\$ -	\$ 1,462,000.00

Agenda Date: April 2, 2024

Page 4

Narrative:

The attached Budget Revisions Request (**BJE No. 0009592**) increases FY 2023-24 appropriations for the Buena Vista Debris Basin Project (Project) by \$450,000.00 in the South Coast Flood Control fund for Capital Assets. The final easement acquisition cost was negotiated to a higher than anticipated amount and the additional funding is needed to cover the total acquisition and project management costs.

A portion of the easement acquisition costs are included in the project's capital asset budget on page D-331 in the FY 2023-24 budget book under the Water Resources Division of the Public Works Department. The majority of the acquisition costs will be funded through The South Coast Flood Zone (South Coast FZ) in the amount of \$1,222,000.00, with the remaining \$240,000.00 being funded by the project's FEMA Hazard Mitigation Grant Program (HMGP). The HMGP grant previously funded \$234,883.50 for the project's design phase. The Flood Control District is actively working on submitting a phase two HMGP application, which will be used to fund the construction costs for this project.

No General Fund monies will be utilized for this Project.

Staffing Impacts:

None

Special Instructions:

After Board action, Chair will execute both Real Property Purchase Agreements.

Before a notary public, Clerk will sign all Certificates of Acceptance, for the Grant of Easements (Deeds) being granted by Peter and Deborah Moore and Ronald I. Schnur, to the District and distribute as follows:

1. Original Real Property Purchase Agreement, Grant of Easement Deeds, Original Certificates of Acceptance and Minute Order

General Services
Real Estate Services Division
Attn: Carlo Achdjian

2. Copies of documents and Minute Order

Public Works,
Flood Control District Office
Attn: Christina Lopez

Note: Upon full execution of the Grant of Easements, one original will be presented to the Clerk of the Board for County's retention in the record.

Attachments:

1. Attachment A-Real Property Purchase Agreements
2. Attachment B-Easement Deed
3. Attachment C – BRR (BJE No. 0009592)

Agenda Date: April 2, 2024

Page 5

Authored by:

Carlo Achdjian, Real Estate Services Division of General Services