



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: September 20, 2016
Placement: Set Hearing
Estimated Tme: 60 minutes
Departmental Hearing
November 15, 2016
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Scott D. McGolpin, Public Works Department, 568-3010
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064
SUBJECT: **Sandyland Seawall Maintenance District No. 1 Proposed Benefit Assessment for Rock Revetment Repair in Fiscal Year 2017-18, County Project No. 720548; First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a Hearing for November 15, 2016 (60 minutes) to:

- a) Consider recommendations regarding the Sandyland Seawall Maintenance District Number 1 Proposed Benefit Assessment for Rock Revetment Repair in Fiscal Year 2017-18;
- b) Receive oral and written testimony and written protests that have been filed, if any;
- c) Tabulate written property owner ballots;
- d) Adopt, at the conclusion of the public hearing, the attached resolution entitled "Resolution of the Board of Supervisors of the County of Santa Barbara, State of California Imposing a 2017-18 Benefit Assessment within Sandyland Seawall Maintenance District No. 1", if there is not a "majority protest" as defined in this Board Letter;
- e) Approve and file, upon approval of the assessment, the attached Report entitled "Engineer's Report on Proposed 2017-18 Assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair" with the Clerk of the Board; and

- f) Find that the proposed action is for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses; that the proposed action is therefore exempt from California Environmental Quality Act pursuant to 14 CCR 15273(a) (1); approve the attached Notice of Exemption, adopting the findings contained therein, and direct staff to file the Notice of Exemption.

Summary Text:

This item is on the agenda in order to consider a benefit assessment for Sandyland Seawall Maintenance District Number 1. The District includes properties protected by a seawall (rock revetment) along Sand Point Lane, immediately east of the end of Santa Claus Lane in the unincorporated County (Figure 1). Property owners along this road are members of the Sandyland Protective Association (SPA), which votes on expenditures for maintenance of the seawall through the District. The District is responsible for funding any needed work on the rock revetment. The purpose of the proposed assessment is to begin the process of Coastal Commission permitting and improvements to the existing rock revetment.

The SPA asked the County to pursue a benefit assessment for the Sand Point Road Rock Revetment Repair project. If approved, the assessment of \$751,000 would pay for the engineering, environmental, and Coastal Commission permitting work for the rock revetment. Any remaining funds after this scope is completed could be applied toward future work such as right of way or construction.

The process and recommendations in this action would establish a benefit assessment based on Proposition 218 “The Taxpayers’ Right to Vote on Taxes”, which was passed in 1996, and the 2003 Omnibus Implementation Act. A benefit assessment is a levy or charge by an agency on real property based upon the special benefit conferred upon the real property by an improvement or service, or by the maintenance and operation of the improvement. The Board of Supervisors must adopt the benefit assessment rates in order to assess them on the tax roll.

The attached “Engineer’s Report” describes the proposed assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair. The proposed assessment would total \$751,000 from the 26 parcel owners within the District, in Fiscal Year 2017-18. Individual properties are assessed by the ratio of linear feet of seawall on their property relative to the total seawall length in the District, and range from about \$20,000 to \$109,000 per parcel.

If there is a “majority protest” against the imposition of a new assessment, or the extension of an existing assessment, or an increase in an existing assessment, the County cannot impose the assessment. A “majority protest” exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor. Individual property owner’s votes are weighted by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. In the absence of a “majority protest” the assessment may be imposed at the conclusion of the public hearing.

If the vote to approve the assessment is not successful, the Department will return to your Board to discuss the County’s role and responsibilities with respect to this seawall in the future.

The homeowners have considered the County’s engineering analysis of the rock revetment condition, recommendations, project costs, and the proposed assessment.

At the July 2016 meeting of the SPA, members concluded they want the County to implement an assessment and sent a letter dated August 16, 2016 requesting the County proceed with the formal assessment process needed for the engineering, environmental, permitting and repair work as soon as possible. The SPA request letter has been included as Attachment H.

Figure 1 – Project Vicinity



Background:

The proposed Sand Point Road Rock Revetment Repair project is located along the Pacific Ocean, about one mile northwest of the City of Carpinteria. In 1964, the County of Santa Barbara constructed a rock seawall to protect properties along Sand Point Road. In 1983, the wall was repaired and expanded. The newer portion of the wall requires a coastal permit, which could include conditions requiring major reconstruction of the wall. The rock seawall to be repaired is 3,300 feet long and goes from 539 Sand Point Road to 869 Sand Point Road.

At the time of the 1964 construction, the County Board of Supervisors established the Sandyland Seawall Maintenance District Number 1 pursuant to provisions of the Improvement Act of 1911, Division 7 of the Streets and Highways Code of the State of California.

The Maintenance District is administered by the County of Santa Barbara, with expenses for maintaining the rock revetment paid by the homeowners. The last assessment from this Maintenance District was collected in 2007 at the request of the SPA. Due to the passage of Proposition 218 and the 2003 Omnibus Implementation Act, the County is required to hold a public hearing and put this assessment to a vote of the homeowners. Staff will follow the procedures required by Proposition 218 to provide the homeowners with ballots and notice of public hearing. The assessment ballots mailed to property owners are to be signed and mailed to the Clerk of the Board, or delivered to the Clerk of the

Board or the site of the public testimony in order to be included in the tabulation. Ballots are to remain sealed until tabulation, however an assessment ballot may be submitted, or changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed assessment at the hearing. During and after the tabulation, the assessment ballots shall be treated as disclosable public records as defined in Section 6252 of the Streets and Highways Code and equally available for inspection by the proponents and the opponents of the proposed assessment. These procedures are being followed in order to comply with California Government Code Section 53753 and the California Streets and Highways Code Section 5101.6.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding Sources	Estimated Revenue FY 15/16-17/18
Maintenance District	\$751,000

Narrative:

This proposed benefit assessment will provide revenue for engineering, environmental, and permitting work for the proposed seawall repair. The Sandyland Maintenance District Number 1 is self-financed and there are no General Fund or Road Fund impacts.

Funds for 720548 have been budgeted for FY 2017/2018 in Dept. 054, Fund 3000, Program 9173, and Account 4876.

Special Instructions:

Please forward the following to Public Works, Transportation, and Attention: Blair Gilbertson, 568-3094:

1. Request the Clerk of the Board to publish the attached notice of the hearing in the Santa Barbara News Press once per week for two successive weeks not more than 30 nor less than 10 days prior to the hearing, in accordance with California Government Code Section 6066. Recommended publication dates are October 27 and November 3, 2016.
2. Request the Clerk of the Board to accept any ballots that are submitted prior to the conclusion of the public testimony scheduled for November 15, 2016, and to accept changed or withdrawn ballots by the person who submitted the ballot, if requested prior to the conclusion of the public testimony.
3. Request the Clerk of the Board to execute and file the “Engineer’s Report on Proposed 2017-18 Assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair”.
4. Request the Clerk of the Board to forward stamped certified copies of the Minute Order, and copies of the executed approved Engineer’s Report to:
 - a. Public Works Department, Transportation Division, Engineering Section, Attn: Blair Gilbertson
 - b. Public Works Department, Transportation Division, Accounting Section, Attn: Mark Paul
 - c. County Counsel Office, Attn: Steven Baugh
 - d. Auditor-Controller Office, Attn: Theodore Fallati
 - e. Treasurer – Tax Collector’s Office, Attn: Harry Hagen

Attachments:

Attachment A: Vicinity Map

Attachment B: CEQA Notice of Exemption – Statutory

Attachment C: Resolution imposing a 2017-18 Benefit Assessment within Sandyland Seawall Maintenance District Number 1

Attachment D: Notice of Proposed Assessment and Ballot Procedures and Notice of Public Hearing concerning Sandyland Seawall Maintenance District Number 1 Levy of Assessment (to be published by the Clerk of the Board, and to be posted at the site by Public Works Department)

Attachment E: Assessment Ballot (sample)

Attachment F: Engineer's Report on Proposed 2017-18 Assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair

Attachment G: Sandyland Protective Association request to proceed letter, dated August 16, 2016

Authored by:

Morgan Jones, Public Works Department, Engineering Environmental Planner, Senior, x3059

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