



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: PW/Flood Control
Department No.: 054
For Agenda Of: March 15, 2016
Placement: Departmental
Estimated Time: 5 min on the Dept
Agenda on March 15,
2016 and on Admin
Agenda for April 5,
2016
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
Board of Supervisors

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: Approve Amendment No. 1 to the Agreement with Di-Mac Development Company, Inc. and Repeal Ordinance 4313 relating to Orcutt Area Regional Drainage Fees, 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:

Acting as the County of Santa Barbara and the Santa Barbara County Flood Control & Water Conservation District:

- a) Approve and authorize the Chair to execute Amendment No. 1 to the Reimbursement Agreement with Di-Mac Development, Inc. for Regional Retention Basin B;
- b) Consider introduction (first reading) of an Ordinance repealing Ordinance No. 4313, Orcutt Area Regional Drainage Fees, which rescinds Division 2 of Article II of Chapter 21 of the Santa Barbara County Code;
- c) Determine that the proposed actions are organizational, administrative, or other government fiscal activities that are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15378(b)(4) and (5), because they will not result in direct or indirect

physical changes to the environment and do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment; and

- d) Set a hearing on the Administrative Agenda on April 5, 2016 to consider the following recommendations:
- i. Consider adoption (second reading) of an Ordinance repealing Ordinance No. 4313, Orcutt Area Regional Drainage Fees, which rescinds Division 2 of Article II of Chapter 21 of the Santa Barbara County Code;
 - ii. Rescind Resolution 98-223 which established a regional drainage facility development impact fee pursuant to Ordinance 4313; and
 - iii. Determine that the proposed actions are organizational, administrative, or other government fiscal activities that are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15378(b)(4) and (5), because they will not result in direct or indirect physical changes to the environment and do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

Basin B is a regional retention basin that was built pursuant to conditions of approval for the Jensen's Crossing subdivision and in conformance with the Orcutt Community Plan (OCP). The basin was constructed by Di-Mac Development, Inc. to provide a regional drainage system to service multiple development projects in the area.

On May 27, 2008, your Board approved a Reimbursement Agreement with Di-Mac Development, Inc. as a mechanism for the Flood Control District (District) to provide reimbursement to Di-Mac from the area regional drainage fees that were collected and held in a Trust Fund from other developers that would utilize Basin B.

Since construction of Basin B, several changes have occurred in the Orcutt area. First, the Planning and Development Department, with the District's concurrence, has amended the Regional Basin Policy in the Orcutt Community Plan to now require on-site retention for future projects so no regional drainage fees are being collected from developers. This amendment to the OCP was approved at the Board of Supervisors on June 4, 2013. Second, development in Orcutt has not moved forward and as such there has been limited reimbursement to Di-Mac.

By approving Amendment No. 1, Di-Mac will receive \$171,736.36 of regional basin funding currently held by the District and in doing so this will close the accounting for the regional basin funding. Di-Mac will accept this amount as full payment of Basin B and waives all rights or claims to future payments.

Since regional drainage fees are no longer collected from developers, staff is recommending adoption of the Ordinance repealing Chapter 21, Article II, Division 2 of the Santa Barbara County Code, as adopted in Ordinance 4313, regarding Regional Drainage Facility Development Impacts Fees in the Orcutt

Planning Area and to rescind Resolution 98-223 which established a regional drainage facility development impact fee pursuant to Ordinance 4313.

Background:

In July 1997, the County of Santa Barbara first approved the OCP. The OCP was developed with several initiatives to allow the funding and implementation of services to the Orcutt area. One element was an alternative plan of providing retardation/retention basins on regional basis that would serve multiple projects. As Orcutt projects were in the planning process, it became clear that several hurdles would make full implementation of the regional basin approach problematic including: timing of projects, upfront funding of the basins, topographical issues, and costs of conveyance of developed runoff to a regional basin. Basin B was the exception to the topographical and conveyance issues, however DI-Mac was still required to fund and construct Basin B. As such there was a reimbursement agreement executed.

With the change back to on-site basins and the lack of certainty of future reimbursement funds, the District and Di-Mac agreed to pay out the remaining funds the District had on account and the financial terms of the agreement would be considered fulfilled.

Fiscal and Facilities Impacts:

Budgeted: NA

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
FC Trust Fund	\$ 171,737.36		
Total	\$ 171,737.36	\$ -	\$ -

Narrative:

Monies to Di-Mac will be paid out of Fund 2406 – Flood/AB 1600 Fees Orcutt.

Key Contract Risks:

N/A

Special Instructions:

After March 15, 2016 BOS Hearing:

1. Contact Christina Lopez at x3436 to pick up two (2) copies of executed Amendment No 1.
2. Send a copy of the minute order to the Flood Control District office, Attn: Christina Lopez

After April 5, 2016 BOS Hearing:

1. Submit a copy of adopted Ordinance to the Flood Control District, Attn: Christina Lopez.
2. Publish a copy of the amended ordinance or summary of with names of the members of the Board of Supervisors voting for or against the amendment in the Santa Barbara Newspress within 15 days of adoption of the ordinance.
3. Send a copy of the minute order of these actions to the Flood Control District office, Attn: Christina Lopez.

Attachments:

Attachment 1 - Reimbursement Agreement for Regional Retention Basin B

Attachment 2 - Amendment No. 1 to the Reimbursement Agreement for Regional Retention Basin B
w/Contract Summary

Attachment 3 - Ordinance No. 4313

Attachment 4 - Ordinance repealing Ordinance No. 4313, Orcutt Area Regional Drainage Fees, which rescinds Division 2 of Article II of Chapter 21 of the Santa Barbara County Code

Attachment 5 - PowerPoint Presentation

Authored by:

Thomas D. Fayram, Deputy Public Works Director, 568-3436