



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: September 1, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority and 4/5ths

TO: Board of Supervisors
FROM: General Services Janette D. Pell, Director (805) 560-1011
Contact Info: Skip Grey, Assistant Director, General Services (805) 568-3083
SUBJECT: Acquisition of 96-acre parcel in Orcutt, Assessor Parcel Number 101-020-076 (003956); Third District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Planning & Development and
Community Services Departments

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached original and duplicate original Purchase Agreement and Escrow Instructions (Attachment 1) between the County of Santa Barbara (COUNTY), as Buyer, and Timothy D Bonney and Beverly L. Bonney (OWNERS), as Sellers, to purchase the property consisting of approximately 96 acres in Orcutt, known as Assessor Parcel Number 101-020-076, (the "Property");
- b) Authorize the Director of General Services, or designee, to execute any and all escrow documents and complete the due diligence required to facilitate the terms and conditions of the proposed acquisition;
- c) Approve and authorize the Director of General Services, or designee, to expend funds in a total amount not to exceed the purchase price \$909,000, plus title and escrow fees,

including staff costs, processing fees and any other costs required to facilitate the transaction pursuant to the Purchase Agreement and Escrow Instructions;

- d) Approve and authorize the Clerk, upon satisfaction of the terms and conditions of the Purchase Agreement and Escrow Instructions, to execute the attached Certificate of Acceptance (Attachment 2) consummating the purchase and accepting title to the Property;
- e) Approve Budget Journal Entry Request No. 0007199 (Attachment 3), for the acquisition funds deposited in agency fund 0934 "Guadalupe Dunes Mitigation" (4/5ths); and
- f) Find that the proposed project is exempt from the California Environmental Quality Act ("CEQA") per: CEQA Guidelines Section 15316 as it consists of the acquisition of land in order to establish a park where the land is in a natural condition and a management plan for the park has not been prepared; CEQA Guidelines Section 15325 as it consists of acquisition of land to preserve open space; and CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and direct staff to file a Notice of Exemption on that basis (Attachment 4).

Summary Text:

This item is on the agenda for the approval of the proposed purchase of real property consisting of approximately 96 acres in Orcutt, an unincorporated town located in the Santa Maria Valley in the County of Santa Barbara, State of California, known as Assessor Parcel Number 101-020-076. The recommended actions include authority to execute the Real Property Purchase Agreement and Escrow Instructions, pursuant to which the County of Santa Barbara would pay the purchase price of \$909,000.00 plus escrow costs. The Property would be used for public open space and recreational purposes, including hiking trails, in the County of Santa Barbara.

The acquisition is proposed to satisfy mitigation measure MM REC-1 of a CDP (14CDP-0000000072) that was issued to SWEPI, LP (SWEPI) on October 13, 2017. MM REC-1 requires the County or another public agency or qualified non-profit to enter into a contract to acquire at least 56.7 acres of property for public recreational or open space purposes. MM REC-1 would need to be satisfied in order for a zoning clearance effectuating the CDP to issue before the CDP expires on October 13, 2020. Further background is available here:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=3154338&GUID=4F5AEA30-1AA1-4948-84EC-B88537A33426&Options=&Search=>

Issuance of the CDP was conditioned on SWEPI's providing an in-lieu fee to the County to fund the acquisition. An in-lieu fee in the amount of \$3 million was provided to the County pursuant to a Lease Termination Agreement that the Board of Supervisors approved on September 19, 2017. The Lease Termination Agreement provides that the entire in-lieu fee must be returned to SWEPI in the event that a zoning clearance effectuating the CDP does not issue as described above. The County's obligation to return funds will be extinguished if a zoning clearance does issue.

Background:

The Property proposed for purchase totals 96 acres in Orcutt and is identified as Assessor Parcel Number 101-020-076. The land use designation for the Property is A-II-100. In accordance with Government Code Section 65402(a), the request was sent to the Planning Commission on June 24, 2020, for the

determination that the proposed fee acquisition of the Property is consistent with County’s General Plan. The Planning Commission deemed the proposed acquisition is in conformity with its General Plan and Government Code Section 65402(a) and that future use of the Property for public access and passive public recreation would be consistent with the agriculture land use designation.

Additionally, the Planning Commission determined the proposed acquisition is in conformance with the Orcutt Community Plan Policy LU-O-8 in the preservation of the semi-rural character of Orcutt, protecting natural resources, and avoiding development in hazardous areas, providing for large useable areas of (public or private) open space within the community. The proposed acquisition also provides opportunities for hiking and equestrian trails that should be preserved, improved and expanded wherever compatible with surrounding use which is in conformance with Land Use Element Parks/Recreation Policy 4.

In accordance with California Government Code Sections 25350 and 6063, a Notice of Intent to Purchase the Property was published in the Santa Barbara News-Press once a week for three successive weeks. The publication dates were August 11th, 18th, and 25th of this year.

The recommended actions are exempt from California Environmental Quality Act (CEQA) review pursuant to: CEQA Guidelines Section 15316 as it consists of the acquisition of land in order to establish a park where the land is in a natural condition and a management plan for the park has not been prepared; CEQA Guidelines Section 15325 as it consists of acquisition of land to preserve open space; and CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Any future development that may occur on this parcel will be subject to the Development Review process and CEQA guidelines will be considered at that time in conjunction with any future proposed project.

Fiscal and Facilities Impacts:

Budget Adjustment Entry No. 0007199 is attached.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Funding Source- Agency Funds:</u>	<u>Revenue Recognition - General Fund</u>	<u>Total One-Time Transaction</u>
General Fund-Real Property Purchase	\$ -	\$ -	\$ 1,034,000.00
General Fund Balance-Committed	\$ -	\$ -	\$ 2,166,000.00
Agency Fund 0934 (includes interest)	\$ 3,200,000.00	\$ (3,200,000.00)	\$ -
Total	\$ 3,200,000.00	\$ (3,200,000.00)	\$ 3,200,000.00

Narrative: Approving Budget Adjustment Entry is a recommended action for the acquisition of the Property. The purchase of this Property is funded from the \$3M deposited and held in agency fund 0934 “Guadalupe Dunes Mitigation Fund”, including interest; there are no general funds being used for this transaction.

Because the agency fund 0934 is outside of the control of County funds, the full amount of the revenue held in the fund will be recognized in the General Fund. The portion of these funds required to execute

the purchase of the property will be recognized, budgeted and accounted for in the General Fund - Real Property program, The remaining funds will be recognized, budgeted and accounted for in the General Fund Committed Fund Balance department 990, line item account 9830, Accumulated Capital Outlay account, to be used at the discretion of the Board at a future date.

Key Contract Risks:

The Lease Termination Agreement approved by the Board on September 19, 2017 requires the County to return the entire in-lieu fee of \$3 Million to SWEPI in the event that a zoning clearance effectuating 14CDP-00000-00072 is not issued before the CDP expires on October 13, 2020. This acquisition is proposed to satisfy mitigation condition MM-REC-1 in the CDP, which is required prior to issuance of the zoning clearance. The purchase is not contingent on satisfaction of this CDP condition. However, appropriation of funding is an express condition precedent.

Staffing Impacts:

None

Special Instructions:

After Board action, distribute as follows:

- | | |
|---|---|
| 1. Duplicate Original Purchase Agreement and Escrow Instructions Agreement.
Copy Certificate of Acceptance. | Clerk of the Board Files |
| 2. Original Purchase Agreement and Escrow Instructions Agreement,
Original Certificate of Acceptance
and Minute Order | Real Property, Attn: James Cleary |
| 3. Copies of documents and Minute Order | Auditor-Controller,
Attn: Betsy Schaffer |

Attachments:

1. Purchase Agreement and Escrow Instructions
2. Certificate of Acceptance
3. Budget Journal Adjustment Entry Request No. 0007199
4. CEQA Notice of Exemption