



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/Public Works
Department No.: 063/054
For Agenda Of: February 9, 2016
Placement: Administrative
Estimated Time:
Continued Item:
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Matthew P. Pontes, General Services 560-1011
Directors: Scott McGolpin, Public Works 568-3010
Contact Info: Janette Pell, Interim Assistant Director of General Services 568-3096
Mark Schleich, Deputy Director of Resource Recovery & Waste Management, 882-3603
SUBJECT: Right of First Refusal to Purchase 14440 Terra Vista Drive by Resource Recovery and Waste Management Division – Pavelka Property; Third Supervisorial District (RP File #3795)

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form:

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions: That the Board of Supervisors:

- a) Adopt the attached Resolution of Intent to Purchase Real Property, declaring the County's intent to purchase the property located at 14440 Terra Vista Drive, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 081-150-033 ("Property");
- b) Approve and authorize the Chair to execute the attached original and duplicate original Purchase Agreement and Escrow Instructions ("Agreement") between the County, as Buyer, and Marco Pavelka and Monica Pavelka, as Seller, for the County's acquisition of 14440 Terra Vista Drive, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 081-150-033, for a purchase price of \$975,000;
- c) Authorize the Director of General Services, or designee, to execute any and all escrow documents required to facilitate the terms and conditions of the proposed acquisition;
- d) Determine that these activities are exempt from the California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment and direct staff to file the attached notice of exemption on that basis; and

- e) Set a hearing for the date of March 1, 2016, on the Board’s Administrative Agenda for final Board action to consummate the purchase of the Property by authorizing the Clerk to execute a Certificate of Acceptance for the Property.

Summary Text:

Approval of the Resolution of Intent to Purchase Real Property and the Purchase Agreement will allow the County to enter into escrow for the purchase of the Property located at 14440 Terra Vista Drive, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 081-150-033. The Property will be used for the purpose of preserving these lands for long-term agricultural use, and providing a vacant land buffer to the Tajiguas Landfill and the proposed Tajiguas Resource Recovery Project. Approval of the Budget Revision will allow the Resource Recovery and Waste Management Division to pay the purchase price of \$975,000.00 plus escrow costs from currently budgeted funds of \$2,550,000.

Background:

On December 3, 2015, the Director of Public Works received Notice of the County’s Right of First Refusal to purchase the 20-acre property located at 14440 Terra Vista Drive, located in the Gaviota Coast Rural Region. The property is located near the Tajiguas Landfill, and directly below another property the County is also proposing to purchase. The owners of the Property, Marco and Monica Pavelka (“Sellers”) received an offer to purchase the property for \$975,000. According to the Lease Agreement, dated March 25, 2003, originally executed by the County and the Sellers’ predecessors, Section 3 provides the County an option to purchase the property on the same terms and conditions contained in any offer to purchase received by the Sellers.

The Director of Public Works submitted a response letter, dated December 10, 2015, stating the County’s interest in purchasing the property, contingent upon approval by the Board of Supervisors. The Lease Agreement is set to expire September 30, 2017, where the option to purchase will continue to be valid as to any subsequent offers that may be received by the Sellers, or their successors, until expiration of the agreement.

The purpose of purchasing this property is to preserve the land for long-term agricultural use, and to provide a buffer of vacant land to the Tajiguas Landfill and the proposed Tajiguas Resource Recovery Project (“TRRP”). Staff believes it is in the best interest of the public to provide a buffer from the Tajiguas landfill and the TRRP project. The County Planning and Development Department will complete a California Government Code Section 65402 determination as to the conformity of the acquisition with the County’s General Plan. Approval of the Purchase Agreement and Escrow Instructions will allow escrow to be opened. The 65402 determination will be completed prior to close of escrow, and staff will return to the Board for approval of a Certificate of Acceptance on March 1, 2016, that will also be required as a condition to the close of escrow.

CEQA Guideline Section 15061 (b) (3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. “Significant effect on the environment is defined in the CEQA Guidelines as “...a substantial, or potentially substantial, adverse change in the environment.” In this case, there will be no physical changes to the environment associated with the purchase of the property. The purchase of this property

is therefore exempt from further CEQA review in accordance with CEQA Guidelines Section 15061 (b) (3).

Fiscal and Facilities Impacts:

The purchase of the land is funded by Public Works Resource Recovery Fund retained earnings and will included as part of bond financing to be completed in fall 2016.

Special Instructions:

Clerk of the Board, please distribute as follows:

1. Clerk of the Board to retain the original Resolution of Intent to Purchase; and set the date of March 1, 2016, on the Board's Administrative Agenda for consummation of the purchase by requesting the Board to execute a Certificate of Acceptance for the Property.
2. Clerk of the Board to retain the original Purchase Agreement for the Clerk of the Board's files, and return the duplicate original Purchase Agreement to General Services, Attn: A. Kinsella.
3. Post the attached Notice of Resolution of Intent to Purchase and the CEQA Notice of Exemption; and publish the Notice of Resolution of Intent to Purchase once a week for three successive weeks in the Santa Maria Times, in accordance with California Government Code Sections 25350 and 6063.

Attachments:

1. Resolution of Intent to Purchase
2. Purchase Agreement and Escrow Instructions; original and duplicate original
3. Budget Revision Request
4. CEQA Notice of Exemption
5. Notice of Resolution of Intent to Purchase

Authored by:

- A. Kinsella, General Services Department, Real Property Division