



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: Flood Control
Department No.: 054
For Agenda Of: March 2, 2010
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Scott McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: Lower Mission Creek Flood Control Project: Land Acquisition Issues,
1st and 2nd Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: NA

Other Concurrence: NA

As to form:

Recommended Actions:

- a) Authorize the Public Works Director to negotiate for easements and fee acquisitions associated with the Lower Mission Creek Flood Control Project; and
- b) Authorize the Public Works Director to execute temporary easements (i.e. Temporary Construction Easements) with a value of up to \$10,000; and
- c) Approve, in concept, the use of eminent domain to obtain land rights necessary for completion of the project; and
- d) Direct staff to return to the Board for any action that requires Eminent Domain proceedings for acquisition.

Summary Text:

The Lower Mission Creek Flood Control Project is nearing construction of the main channel elements of the project. It is estimated that 50-75 easements or fee acquisitions are needed for this project. While staff will work cooperatively with all affected property owners, a project of this size will no doubt encounter situations where an individual property owner either opposes the Project, is not interested in cooperating with the County, or will use the threat of holding up the entire project to leverage higher values for his or her property. If even one property owner refuses to cooperate, the project may not be able to move forward without the use of eminent domain.

Prior to making an offer, an appraisal is obtained to determine the value of the right(s) being acquired. The owner of the impacted property is always offered that appraised value and staff works diligently to

reach a negotiated settlement. However, in the event the County is unable to negotiate a fair compensation agreement, or should a property owner outright reject discussion of any kind on a needed acquisition, staff will return to the Board to initiate condemnation proceedings to ensure that the Project is not delayed or threatened. In addition, while the goal of all acquisitions is to be fair, the condemnation process ultimately ensures that the property owner and the tax payers of the County are treated fairly. Staff recommends that your Board approve, in concept, the use of eminent domain to obtain land rights necessary for completion of the Lower Mission Creek Flood Control project.

Background:

Mission Creek has been modified, encroached upon, realigned, and improved over the years as development has occurred. In its current configuration the creek can only contain the flow from a 5 to 8 year storm event. Consequently, during larger flood events the creek overflows and inundates many developed properties adjacent to the creek downstream of Canon Perdido Street. That area has suffered flood damage several times in the last 30 years, most recently during the 1995 and 1998 winter storms.

The project will widen the creek channel in order to increase flood flow capacity to 3,400 cubic feet per Second, (approximately a 20-year storm event) thus reducing flooding and property damage to the surrounding areas. In addition, widening the channel will allow for the replacement of old concrete walls. Non-native invasive plants will be replaced with native riparian species, and natural creek bed improvements will be made to enhance the endangered species habitat for the steelhead Trout and the Tidewater Goby.

The Lower Mission Creek Flood Control Project is a joint project among the U.S. Army Corps of Engineers, (Corps) the Flood Control District, and the City of Santa Barbara (City). The Corps secured American Recovery and Reinvestment Act Funds to work on completion of the design. While this work continues, staff continues to identify key land acquisitions that are required to construct the project. Concurrently, the City is continuing design of the many bridges which must be replaced as a part of the project. Many key acquisitions have been completed by the City through the Bridge work, and more will be acquired the same way.

The Flood Control District and the City have decided to move forward in phases with this Project as opportunities present themselves since costs for the Project have continued to increase dramatically over the past few years. Currently, a Prop 50 Grant is approved for funding a portion of the work at the downstream end. County staff will be requesting a Federal Construction start in 2010-2011 and will lobby for Federal Appropriations to begin, picking up where the Local construction left off.

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>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Costs for Lower Mission Creek Project were included and approved in the 2009-10 budget under the Design cost center of the Water Resources Division of the Public Works Department as shown on page D-344 in the budget book.

Staffing Impacts: None

Special Instructions:

Clerk of the Board, please distribute as follows:

1. Minute Order

Public Works, Attn: Jeff Havlik & Christina Lopez

Attachments:

None.

Authored by:

Tom Fayram, Deputy Director Public Works, 568-3436

Jeff Havlik, Real Property Agent, Public Works - Surveyors Division, 568-3073

cc:

Jon Frye; Public Works - Flood Control, 568-3444