



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: Public Works
Department No.: 054
For Agenda Of: August 21, 2012
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 D. McGolpin, Director Public Works: 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: **Conveyance of Permanent Easement to California Department of Transportation (Caltrans) by Flood Control (APN 004-027-063) for the Linden Avenue and Casitas Pass Road Interchange Project, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Directors:

- A. Find that that the conveyance of the easement defined herein is in the public interest and will not substantially conflict or interfere with the use of the property by the Santa Barbara County Flood Control and Water Conservation District (“District”); and
- B. Authorize the Chair of the Board of Directors to execute a Right of Way Contract and an Easement Deed to the State of California Department of Transportation (“Caltrans”); and
- C. Certify that the Board, acting as a Responsible Agency under the California Environmental Quality Act (“CEQA”) pursuant to 14 CCR 15096(f), has considered the environmental effects set forth in the Environmental Impact Report/Finding of No Significant Impact (EIR/FONSI), California State Clearinghouse #2008041158, for the Linden Avenue and Casitas Pass Road Interchange Project; and
- D. Certify that the Board, acting as a Responsible Agency, has reviewed and considered the information contained in the Final EIR/FONSI for the Linden Avenue and Casitas Pass Road Interchange Project and adopts the attached CEQA Findings pursuant to 14 CCR 15091 as required by 14 CCR 15096(h); and

- E. Find that pursuant to 14 CCR 15162, no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore the easement granted to Caltrans is within the scope of the project covered by the Linden Avenue and Casitas Pass Road Interchange Project EIR/FONSI certified in 2010 by the California Department of Transportation, and therefore no new environmental document is required; and
- F. Direct the Clerk of the Board to file the attached Notice of Determination stating that the Board, acting as Responsible Agency under CEQA pursuant to 14 CCR 15096(i), has considered the Linden Avenue and Casitas Pass Road Interchange Project EIR/FONSI certified in 2010 by Lead Agency California Department of Transportation (POST); and
- G. Accept the City of Carpinteria Planning Commission's determination that the disposition of the subject property is consistent with the Comprehensive Plan of the City of Carpinteria pursuant to California Government Code Section 65402.

Summary Text:

The requested findings in Recommendation A are required per Government Code 25526.6. The execution of the Right of Way Contract and the associated Easement Deed will convey a small easement to Caltrans for the placement of a sound wall adjacent to the Highway 101 north bound traffic lanes.

Pursuant to the requirements of CEQA, an EIR for the Project was prepared by Caltrans to identify alternatives, analyze impacts, and identify associated mitigation measures for the Linden Avenue and Casitas Pass Road Interchange Project. Acting as the lead agency under CEQA, Caltrans approved and adopted the EIR in 2010. The project includes the construction of a sound wall on District-owned property near Franklin Creek in the City of Carpinteria. Due to the granting of an easement to Caltrans and approval of the project across District property, the District becomes a Responsible Agency under CEQA. Other than the granting of an easement herein, the District will not physically implement any portion of the project.

Pursuant to Section 15096(g)(1), a responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carryout, finance or approve. As such, the District's jurisdiction for project approval and associated Findings under CEQA, only corresponds to portions of the project occurring on District-owned property, a distance of approximately 55 linear feet.

Background:

Caltrans has plans to improve Highway 101 in and around the City of Carpinteria. As part of that improvement project Caltrans plans to install a sound wall along the north side of the highway, a portion of which wall will be located on property owned by the District. Caltrans needs a permanent easement for the placement of that sound wall. The Right of Way Contract defines the purchase price and other transaction details, the easement rights will be granted via execution and eventual recordation of the Easement Deed. Caltrans has agreed to pay \$1,500.00 for the easement, plus all escrow and associated fees.

Fee ownership of the subject property was granted to the District in 1975 for use in the construction, operation, and maintenance of the Franklin Creek flood control channel. Caltrans determined the value of the permanent easement via appraisal dated December 16, 2011. That appraisal was reviewed and approved by Flood Control and Real Property. The area in question is not currently in use by the District, and the District has no plans to expand its facilities in the subject area. District staff viewed the area and the plans for the sound wall and determined that the wall will not interfere with District operations or with the conveyance of flowage in Franklin Creek.

On May 7, 2012, the Carpinteria City Planning Commission determined that the proposed execution of the Right of Way Contract and Easement Deed by the District is in conformity with the City's adopted General Plan. The proposed sound wall and grant of easement is in conformity with applicable CEQA guidelines.

Fiscal and Facilities Impacts: Budgeted: No

Fiscal Analysis:

Caltrans has agreed to pay \$1,500.00 for the easement, plus all escrow and associated fees. The District will accept this money as unanticipated revenue in the South Coast Flood Zone.

Special Instructions:

Clerk of the Board, please distribute as follows:

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|----|-------------------------------------|--------------------------------------|
| 1. | Original Right of Way Contracts (2) | Public Works, Attn: Jeff Havlik |
| 2. | Copy of the Right of Way Contract | Clerk of the Board |
| 3. | Original Easement Deed | Public Works, Attn: Jeff Havlik |
| 4. | Copy of the Easement Deed | Clerk of the Board |
| 5. | Minute Order | Flood Control, Attn: Christina Lopez |
| 6. | Minute Order | Public Works, Attn: Jeff Havlik |

NOTE: Public Works, Real Property will deliver the original executed documents to Caltrans for acceptance. Caltrans will return one fully executed copy of the Right of Way Contract and the recorded Easement Deed to Real Property who will deliver copies to all interested parties in the County and deliver the originals to the Clerk of the Board.

Attachments:

Right of Way Contract (2)

Easement Deed

Final EIR/FONSI for the Linden Avenue and Casitas Pass Road Interchange Project, SCH# #2008041158

CEQA Findings

CEQA Notice of Determination (NOD)

City of Carpinteria Planning Commission 65402 Report

Authored by:

J. Jeffery Havlik

Public Works, Real Property

568-3073

Maureen Spencer,

Public Works, Flood Control

568-3537

cc: Flood Control