



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: Acquisition of Hart Property at 14450 Terra Vista Drive by Resource Recovery
and Waste Management Division; Third Supervisorial District (RP File #3668)

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 14450 Terra Vista Drive, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 081-150-034 ("Hart 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 Robert D. Hart and Deborah D. Hart, Trustees of The Hart Family Trust dated 5/14/08, as Seller, for the County's acquisition of 14450 Terra Vista Drive, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 081-150-034, for a purchase price of \$1,500,000;
- 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) Approve the attached budget revision to appropriate current year funds in the amount of \$2,550,000 from the Public Works Resource Recovery Fund retained earnings to fund the acquisition of the two properties plus escrow costs. 4/5 vote required;

- e) Adopt the attached Reimbursement Resolution enabling the County to reimburse certain expenditures incurred prior to the issuance of indebtedness;
- f) 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
- g) 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 Hart Property located at 14450 Terra Vista Drive, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 081-150-034. The Hart Property will be used for the purpose of preserving these lands for long-term agricultural use, though the land has no current agricultural activity, 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 \$1,500,000.00 plus escrow costs from currently budgeted funds of \$2,550,000.

Background:

In 2001, the Harts purchased the 24-acre property at 14450 Terra Vista Drive, APN 081-150-034, adjacent to the Tajiguas Landfill, and began planning a residence. When Resource Recovery and Waste Management Division (Resource Recovery) began considering the Tajiguas Resource Recovery Project (the "Project") at Tajiguas Landfill, the Harts became concerned that it would adversely affect their property. As a result, they offered to sell the Hart Property to the County if the necessary approvals for the Project were obtained by the County.

As the Project began to move forward, the Harts renewed discussions with the County and submitted a letter to Resource Recovery, dated October 1, 2014, renewing their offer to sell their property to the County. It had been approximately two years since the Hart's October 2012 offer, and a professional third party appraisal would be required to determine fair market value. The Board directed staff to have the Hart Property appraised, negotiate the terms of a sale with the Harts, and return to the Board for further direction.

Hammock, Arnold, Smith and Company was hired to complete the appraisal. The appraisal report submitted to the County indicated a value of \$1,500,000. Additionally, the County has recently received notice of an offer to purchase the 20-acre property that borders the Hart Property, immediately to the south, for \$975,000. That offer price is consistent with the appraisal of the Hart Property, which included a valuation of that bordering property. On November 9, 2015, the Harts again submitted an offer to sell the property to the County. Staff was directed to finalize the appraisal of the property and negotiate a purchase price consistent with the appraised value of \$1,500,000.

The purpose of purchasing this property is to preserve the land for long-term agricultural use, though the land has no current agricultural activity, and to provide a buffer of vacant land to the Project. The purpose of the Project is to construct a Material Recovery Facility and dry fermentation Anaerobic Digester to further process material currently buried at the Tajiguas Landfill. This project will extend the

permitted life of the landfill as well as allow participating public entities to meet a variety of state mandates including the significant reduction of greenhouse gasses. Staff believes it is in the best interest of the public to provide a buffer from the Tajiguas landfill and the Project.

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. Reimbursement Resolution
5. CEQA Notice of Exemption
6. Notice of Resolution of Intent to Purchase

Authored by:

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