



**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: December 14, 2021
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Directors, Fire Protection District
FROM: General Services Janette D. Pell, Director (805) 560-1011
Fire District Mark A. Hartwig, Fire Chief (805) 681-5500
Contact Info: Skip Grey, Assistant Director, General Services (805) 568-3083
Matthew Farris, Division Chief (805) 896-6405
SUBJECT: Santa Barbara County Fire Protection District's Proposed Acquisition of a
Vacant Lot in Orcutt, Fourth District (RP Folio No. 003929)

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions: That the Board of Directors:

- a) Approve the acquisition of real property consisting of a vacant lot in Orcutt and identified as Assessor Parcel Number 107-321-013 (the "Property") by the Santa Barbara County Fire Protection District ("District") for a purchase price of \$970,750 and subject to the Real Property Purchase Agreement and Escrow Instructions ("Agreement") approved by the District Board of Directors on June 22, 2021 and authorize the Clerk of the Board to execute a Certificate of Acceptance consummating the purchase and accepting title to the Property; and
- b) Authorize the Fire Chief or his designee, subject to concurrence from District Counsel, to act on behalf of the District to determine the completion of the CEQA due diligence and exercise authority on behalf of the District as described in Section 1.f of the Agreement; and
- c) Authorize the Fire Chief or his designee to execute all documents and expend funds, in a total amount not to exceed the purchase price plus associated costs, required to finalize the transaction in accordance with the Agreement;
- d) Make the CEQA Findings included in this Board Letter and adopt the Final Initial Study – Mitigated Negative Declaration ("IS-MND") and Mitigation Monitoring and Reporting Program ("MMRP") and authorize the Fire Chief or his designee to sign and file a Notice of Determination

for a Mitigated Negative Declaration with the Clerk of the Board of Supervisors (“Clerk”) and the State Clearinghouse (“SCH”).

Summary Text:

At this Board’s meeting on June 22, 2021, the Board approved and authorized the Chair to execute a purchase agreement to conditionally purchase 4.6 acres of undeveloped land in the unincorporated area of Orcutt for the future development of a fire station, subject to the District’s completion of due diligence and CEQA review. Staff is now returning to the Board to present and adopt the CEQA findings and request the Board’s authority to consummate the purchase and accept title to the Property.

Background:

The Real Property Purchase Agreement and Escrow Instructions (Attachment 1) was executed on June 22, 2021. The Agreement provides that the Owner will convey the Property to the District and the District will accept all right, title and interest in and to the Property, subject to the following conditions:

- (a) The total purchase price shall be \$970,750;
- (b) Escrow shall be opened with Fidelity National Title in Santa Maria;
- (c) District shall make two earnest money deposits in the amount of \$15,000 each;
- (d) The escrow period shall be for a period of up to seven (7) months unless otherwise extended;
- (e) The District shall have forty-five (45) days following execution of the Agreement to complete its investigation of the Property and elect to approve its condition or disapprove its condition and terminate the Agreement;
- (f) The District shall have seven (7) months following execution of the Agreement to complete CEQA environmental review and grant the necessary authority to execute a certificate of acceptance;
- (g) The Owner shall deliver to the escrow holder a duly executed and acknowledged grant deed;
- (h) The District shall deliver to the escrow holder an executed certificate of acceptance and the balance of the purchase price plus other costs, fees and expenses authorized by the Agreement; and
- (i) Successful completion of the CEQA environmental review process for the Project, resulting in the adoption or certification of the CEQA document as determined in District’s sole discretion, as well as appropriation of funding by the District’s Board of Directors and the Directors’ grant of authority to execute a certificate of acceptance.

Each of the above conditions, except items (h) and (i), has been satisfied. The District opened escrow with Fidelity National Title per item (b) and made two earnest money deposits totaling \$30,000 in accordance with item (c). The remaining balance due from District, as shown on the Estimated Buyer’s Statement (Attachment 2), is approximately NINE HUNDRED FORTY-TWO THOUSAND ONE HUNDRED FIFTEEN DOLLARS and TWENTY-SIX CENTS (\$942,115.26).

Escrow is scheduled to close on or before January 22, 2022, per items (d) and (f) above, and the District has already completed its investigation of the property in accordance with item (e) above and paragraph 1.e. of the Agreement. This investigation included site visits, a review of the Property’s preliminary title report, the addition of extended title insurance, and a determination of conformity with the County’s general plan in accordance with California Government Code Section 65402. The Owner has delivered a duly executed and acknowledged grant deed to the escrow holder per item (g) (Attachment 3).

In accordance with California Government Code Sections 25350 and 6063, a notice of intention to purchase the Property has been published in the Santa Barbara News Press on November 18th, November 25th, and December 2nd, 2021.

Execution of the Certificate of Acceptance (Attachment 4) will consummate the purchase and allow title to be vested in the District.

CEQA: The District hired Rincon Consultants, Inc. (“Rincon”) to investigate the Property and evaluate the potential environmental impacts of the Project. On October 1, 2021, Rincon prepared a Draft IS-MND in accordance with Section 21000 et seq. of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act. The Draft IS-MND evaluated all of the Project’s potential environmental impacts and determined that the Project may result in the following significant impacts: Air Quality, Biological Resources, and Water Resources/Flooding. All of these impacts would be reduced to less-than-significant levels with the implementation of mitigation measures specified in the MND and MMRP.

Upon completion of the Draft IS-MND and in accordance with CEQA Guidelines Section 15072 and Public Resources Code Section 21092, the District prepared a Notice of Intent to Adopt a Draft Mitigated Negative Declaration (NOI), which included the project description, property location, summary of the environmental review findings, procedure for public comments, and notice of this public hearing to consider the adoption of the final MND after the conclusion of the 30-day public review period. The NOI was posted with the Clerk of the Board on October 1, 2021; mailed to property owners within 300 feet and contiguous occupants on October 1, 2021; published in the Santa Maria Times on October 5, 2021; and transmitted to the State Clearinghouse on October 5, 2021 (SCH Number 2021100068). The NOI has also been posted on the District’s website at www.sbcfire.com since the beginning of the public review period.

On November 17, 2021, Rincon prepared a Final IS-MND and MMRP, including the one public comment received during the public review period and the District’s response to that comment (Attachment 5). The District posted the Final IS-MND and MMRP on its website and on the SCH website on November 24, 2021. The Final IS-MND and MMRP determined that all potentially significant environmental impacts from the Project would be reduced to less-than-significant levels with the implementation of specific mitigation measures. For this reason, staff recommends that this Board adopt the Final IS-MND and MMRP and direct the Fire Chief or his designee to file a Notice of Determination with the Clerk of the Board and SCH.

The District recommends that the Board make the following CEQA findings:

- a) Consider the Final Initial Study – Mitigated Negative Declaration (“IS-MND”), together with the comment received during the public review period and the Mitigation Monitoring and Reporting Program (“MMRP”), and find that the District has independently evaluated the acquisition of the real property identified as Assessor Parcel Number 107-321-013 (the “Property”) and its future development (collectively, the “Project”);
- b) Certify that the mitigation measures set forth in the MMRP are adequately designed to ensure compliance with the California Environmental Quality Act (“CEQA”), as encoded in Sections 21000 et seq. of the California Public Resources Code, and the CEQA Guidelines codified in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq.; and
- c) Find that, on the basis of the entire record, including the IS-MND, MMRP and public comments, there is no substantial evidence that the Project will have a significant effect on the environment.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Funding Sources	FY 20/21	FY 21/22	Total Funding
Fund 1130 Orcutt Mitigation Fund Balance		\$ 611,500	\$ 611,500
Orcutt Community Facilities District Funding		293,500	293,500
Fire Protection District Capital Reserve		50,750	50,750
Fund 2280-Fire Protection District	\$ 15,000		15,000
Total Estimated Cost for Land Acquisition	\$ 15,000	\$ 955,750	\$ 970,750

Development impact mitigation fees collected by the Santa Barbara County Fire Protection District (approximately \$625,000) for the purpose of building a new fire station in the Orcutt area (often referred to as Station 25) would fund this acquisition. In addition, Orcutt CFD funding and Capital Outlay funds designated within the Santa Barbara County Fire Protection District would be utilized for the remainder of the required funding to acquire the site. Due to timing of the potential land acquisition, a Final Budget Adjustment was submitted to shift the land acquisition budget into FY 21/22 (\$626,500). In FY 21/22 the District will submit a budget adjustment, for Board approval, to release the remaining funding from reserves in FY 21/22.

In addition to the costs and funding sources mentioned above, the District will fund staff costs of approximately \$16,000 and closing costs of approximately \$2,000 from Fund 2280.

Funding for potential future construction of Station 25 has not yet been identified.

Staffing Impacts:

None

Special Instructions:

After Board action, the Clerk of the Board shall:

1. Execute the Certificate of Acceptance with an original signature; and
2. Return the original Certificate of Acceptance to Susan Freebourn in General Services for recordation with the Grant Deed.

Attachments:

1. Real Property Purchase Agreement and Escrow Instructions
2. Estimated Buyer's Statement
3. Grant Deed
4. Certificate of Acceptance
5. Final IS-MND, Public Comment with Response, and MMRP

Authored by: Susan Freebourn, Real Property Agent