



SUMMARY REPORT

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**Agenda Date:** 10/8/2024

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**To:** Board of Directors, Sonoma Valley County Sanitation District  
**Department or Agency Name(s):** Sonoma Valley County Sanitation District  
**Staff Name and Phone Number:** Sharina Arevalos 707-322-4854  
**Vote Requirement:** 2/3rd  
**Supervisorial District(s):** First District

**Title:**

9:35 A.M. - Resolution of Necessity - Sonoma Valley County Sanitation District System Protection Plan at Kohler and Sonoma Creek Crossings Project

**Recommended Action:**

- A) Conduct a Public Hearing to Adopt a Resolution of Necessity authorizing acquisition of real property rights as required for the Sonoma Valley County Sanitation District System Protection Plan at Kohler and Sonoma Creek Crossings Project, encumbering real property situated in the County of Sonoma, California, identified as follows: Viratos APN 054-190-016 for public purposes for construction of the Project.
- B) Authorize and direct County Counsel and Sonoma County Water Agency's General Manager acting on behalf of the Sonoma Valley County Sanitation District to take all necessary steps to obtain said real property rights in connection with the construction, maintenance, and continued operation of the Project, including such steps which may be required to acquire the real property interests necessary for the Project through the exercise of eminent domain.
- C) Authorize Sonoma County Auditor-Controller Treasurer-Tax Collector to issue and honor warrants for payment of acquisition for just compensation and to issue with the court or the State Condemnation Fund.  
(First District) (2/3rd Vote Required)

**Executive Summary:**

The Sonoma Valley County Sanitation District (District) seeks to acquire a combination of permanent and term easements and temporary construction easements with affected property owners to complete the Sonoma Valley County Sanitation District System Protection Plan at Kohler and Sonoma Creek Crossings Project (Project). All other owners have signed and completed their Right-of-Way documents. This item is requesting the Board to conduct a public hearing to Adopt a Resolution of Necessity which is required to acquire the remaining real property interests necessary for the Project through the exercise of eminent domain.

The District is proposing the Project to prevent the failure of an existing underground sewer trunk main and collection system that serves the Glen Ellen area. The Project would implement biotechnical repairs along Kohler Creek and Sonoma Creek and establish new and expanded easements to provide access along the sewer pipelines for repair and maintenance purposes. Streambank erosion and channel bed incision at the site has exposed sewer pipelines, and streambank erosion is migrating towards existing manholes and the sewer

trunk main along both Kohler and Sonoma creeks. The Project would stabilize streambanks and channel beds along Kohler and Sonoma creeks using a combination of slope protection, fabric reinforced fill materials, log and rootwad revetments, brush mattresses, and native revegetation. Previous temporary construction has been completed to protect the sewer infrastructure; this property is the most impacted parcel in the project where the bank has failed and needs this final repair to prevent catastrophic failure of the sewer system.

**Discussion:**

The property owner has been notified of their rights under the California Code of Civil Procedure, to have the District pay for an independent appraisal of the value of the rights sought by the District. To date, staff has not received a request from any property owner for the District to pay for an independent appraisal.

If the Resolution of Necessity is adopted after a public hearing, this allows the District to use eminent domain to acquire real property rights from the remaining property owner. Should the owner agree to the approved form and execute the agreements, the General Manager of Sonoma County Water Agency (Sonoma Water) will execute the agreements on behalf of the District which eliminates the need for eminent domain.

**Property Rights Required for the Project:**

Brigida Viratos- APN 054-190-016, 13965 Arnold Drive, Glen Ellen, CA, a Permanent Easement of 3,541 square feet of land, a 25-Year Maintenance and Monitoring Easement over the creek bank of 11,007 square feet of land and a Temporary Construction Easement of 5,331 square feet of land, all needed to construct and maintain the Project.

Over the course of several months, the District has been negotiating easement agreements with all affected property owners and has thus far reached agreement with the three other property owners impacted by the Project. If the Resolution of Necessity is adopted, District staff will continue to negotiate with the owner. If those negotiations are unsuccessful, the matter would be referred to County Counsel for applicable legal action.

The item was budgeted for the Sonoma Valley County Sanitation District Construction Fund for Fiscal Year 2023/2024.

To acquire the property by eminent domain, the Board must hold a hearing and adopt a Resolution of Necessity, which includes making the following findings:

1. A description of the property location and the use for which the property is to be acquired by eminent domain.
2. A finding that an offer has been made to the owners of record in accordance with law.
3. A finding that public interest and necessity require the Project.
4. A finding that the Project is planned in a manner which is most compatible with the greatest public good and least private injury.
5. A finding that the property is required for the Project.

**Strategic Plan:**

N/A

**Sonoma Water Strategic Plan Alignment:**

GOAL: Environmental Stewardship

Waste Water Treatment and Water Reuse, Goal 1: Improve operational reliability of wastewater treatment and water reuse systems.

The Project would improve operational reliability and prevent failure of the SVCSO sewer collection system by addressing ongoing bank erosion and protecting the sewer collection system infrastructure.

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

04/30/2024:

A) Sonoma Valley County Sanitation District (District): Adopt a District resolution determining that the System Protection Plan at Kohler and Sonoma Creek Crossings Project (Project) will not have a significant adverse effect on the environment, adopting the Initial Study and Mitigated Negative Declaration of Environmental Impact for the Project, adopting mitigation measures and the mitigation monitoring reporting program, making certain related findings, and approving the Project.

B) Authorize Sonoma County Water Agency’s (Sonoma Water) General Manager, acting on behalf of the District, to execute agreements to acquire the property rights needed for construction of the Project, estimated at no more than \$45,000, in a form approved by County Counsel, and to execute such other documents and take other actions as necessary to complete the transactions. C) Authorize Sonoma Water’s General Manager to offer owners up to \$5,000 for each of five property owners for an independent appraisal pursuant to California Code of Civil Procedure section 1263.025.

D) Authorize Sonoma Water’s General Manager delegated authority to include in the Purchase Agreement, or enter a separate agreement with the owner of the project site, up to \$5,000 in compensation for expenses related to the required post-construction irrigation of the vegetation incorporated into the bank stabilization measures, with the ability to amend the agreement for additional compensation of up to \$5,000 and/or additional duration of up to 5 years if necessary to achieve plant survival requirements. (First District)

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY24-25 Adopted</b>	<b>FY25-26 Projected</b>	<b>FY26-27 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested	\$175,000		
<b>Total Expenditures</b>	<b>\$175,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$175,000		
Use of Fund Balance			
General Fund Contingencies			

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<b>Total Sources</b>	<b>\$175,000</b>		
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**Narrative Explanation of Fiscal Impacts:**

Additional appropriations of \$175,000 are required from the Sonoma Valley County Sanitation District Operations Fund to process this expense. With Board approval, unused appropriations budgeted in FY 2023/2024 will be rolled forward to FY 2024/2025 in Sonoma Water’s Consolidated Budget Adjustments.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Resolution of Necessity with Attachment A  
PowerPoint

**Related Items “On File” with the Clerk of the Board:**

None.