



Legislation Text

File #: 2021-0331, **Version:** 1

To: Board of Directors, Sonoma Valley County Sanitation District
Department or Agency Name(s): Sonoma County Water Agency
Staff Name and Phone Number: Kevin Campbell 547-1921
Vote Requirement: Majority
Supervisorial District(s): First

Title:

Sonoma Valley County Sanitation District Sewer Trunk Main Replacement Project Phase 4C - Authorization of Settlements for Acquisition of Property Rights

Recommended Action:

- A) Authorize General Manager to execute Agreements for Purchase and Sale of Property Rights for the negotiated settlement amount with property owners for the Sonoma Valley County Sanitation District Sewer Trunk Main Replacement Project Phase 4C in substantially the form provided to the Board.
 - B) Authorize the Sonoma County Auditor-Controller-Treasurer-Tax Collector to issue and honor warrants for payment of negotiated settlement values in the amounts set forth under the agreements.
 - C) Authorize General Manager to execute Agreement for Immediate Possession and Use
- (First District)

Executive Summary:

This item would authorize the General Manager of the Sonoma County Water Agency (Sonoma Water), on behalf of the Sonoma Valley County Sanitation District (District), to execute Purchase and Sale of Property Rights Agreements with seven property owners to acquire the property rights necessary to construct the District's Sewer Trunk Main Replacement Project Phase 4C (Project) in lieu of acquiring the property rights through litigation.

Discussion:

The Sonoma County Water Agency (Sonoma Water) manages and operates eight sanitation districts and zones in Sonoma County under contract, including the District.

The District's wastewater collection system includes approximately 188 miles of gravity flow pipelines. The sewer trunk main of the collection system is 10 miles in length, beginning in the Town of Glen Ellen and ending at the District's wastewater treatment plant on 8th Street East, south of the City of Sonoma in unincorporated Sonoma County.

The District's wastewater treatment plant and collection system operations are regulated and permitted by the San Francisco Bay Regional Water Quality Control Board (Regional Board). Currently the District operates under the Waste Discharge Requirements adopted in Regional Board Order (Order) Number R2-2014-0020 and National Pollutant Discharge Elimination System Permit Number CA0037800, dated May 14, 2014. In addition, the collection system is subject to State Water Resources Control Board (State Board) Order Number

2006-003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Sanitary Sewer Water Quality Order Number 2006-0003, and State Board Order Number WQ 2013-0058-EXEC (Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Sanitary Sewer Systems).

In April 1999, the Regional Board issued a Notice of Violation to the District in response to wet-weather overflows from the collection system. Accordingly, the District began the collection system replacement project. This ongoing effort consists of replacing or repairing approximately 26 miles of the collection system.

As a result of threatened or continued discharge violations of the District's operating Order, the Regional Board adopted Cease and Desist Order Number R2-2015-0032 (Cease and Desist Order) on June 10, 2015. The Regional Board provided a schedule to allow the District time to remedy the problem of discharging violations and to develop a phased project to bring the District into compliance with the Cease and Desist Order. The time schedule requires the District to complete a capital improvement phased project and achieve full compliance with all applicable Waste Discharge Requirements by October 31, 2022.

Project Location

The Project is located in areas within unincorporated Sonoma County in the southern portion of Sonoma Valley and areas within the unincorporated towns of El Verano and Boyes Hot Springs. The Project is within the District's service area boundary, west of State Route 12 (Highway 12) and south of Orchard Avenue. The Project would be located within new easements within private properties, a portion of a private street, and public streets in the unincorporated public right-of-way. (see attached location map)

California Environmental Quality Act Document

Sonoma Water staff, on behalf of the District, as a lead agency under CEQA, prepared an Initial Study and Mitigated Negative Declaration of Environmental Impact (Initial Study) for the Project pursuant to the requirements of the CEQA {California Public Resources Code sections 21000 et seq.}, the State CEQA Guidelines (Code of Regulations, Title 14, Division 6, Chapter 3), and Sonoma Water's Procedures for the Implementation of CEQA. The Initial Study discloses potential environmental impacts of implementing the Project; identifies the means to avoid or reduce potential significant adverse impacts on the environment; and concludes the construction, operation, and maintenance of the Project would not have a significant adverse effect on the environment.

The Notice of Completion, and Notice of Availability and Notice of Intent to Adopt the Initial Study (Notice of Availability) were filed with the California Governor's Office of Planning and Research's State Clearinghouse and the Sonoma County Clerk's office. The Initial Study was released on December 7, 2018, for a 31-day review period ending January 7, 2019. The Notice of Availability was sent to responsible and trustee agencies, individuals, and to 3,772 property owners within a half-mile radius adjacent to the Project area. The Notice of Availability was also published in the Press Democrat on December 9, 2018 and the Sonoma Index Tribune on December 11, 2018, and posted on Sonoma Water's website on December 7, 2018. Copies of the Initial Study were available for review at Sonoma Water's administrative office and the Sonoma Valley Regional Library in the Project area, and an electronic version of the document was made available on Sonoma Water's website. The Notice of Completion was mailed, along with 15 copies of the Summary Form for Electronic Document

Submittal, and 15 electronic copies of the Initial Study, to the State Clearinghouse. During this review period, the District received two comments, via letter and email, in response to the Initial Study and were addressed by Sonoma Water staff.

The District submitted a request for Sonoma County General Plan 2020 (General Plan) consistency review to the Sonoma County Permit & Resource Management Department (Permit Sonoma) and to the City of Sonoma Planning Department for the City of Sonoma 2020 General Plan. As neither Department responded within the required 40-day response period, the Project is deemed to be consistent with both General Plans.

Acquisition of Property Rights Required for the Project

The existing trunk main that has been in service since 1959 traverses multiple private properties in an existing easement. In order to construct the replacement trunk main as part of the current Project, the District must obtain new property rights to facilitate access, construction, operation, and maintenance of the Project on and through those same privately owned properties. These rights include permanent access easements and temporary construction agreements for the period of constructing the Project. The District requires property rights from twelve property owners. The District obtained signed agreements for the appraised value from five of the twelve owners.

Resolution of Necessity/Negotiated Settlements

On December 15, 2020, the Sonoma Valley County Sanitation District Board of Directors adopted a Resolution of Necessity stating that all of the property rights needed for the Project are necessary and for a public purpose. The Resolution authorized use of eminent domain to acquire the property rights needed to construct the Project and authorized the General Manager to execute agreements with the property owners for the appraised value. As previously stated, staff obtained signed agreements with five of the twelve owners in accordance with the authority delegated in the December 15, 2021 Board item. Staff was successful in reaching negotiated settlements with the seven remaining property owners. This item allows the District to execute the agreements with the owners that the District has reached a settlement with in lieu of using litigation to acquire the necessary property rights. The total cost for settlement with the remaining seven property owners is \$279,875. The amount of appraised compensation for the five signed owners is \$129,400. The total amount of compensation to close all twelve transactions is \$409,275.

Agreement for Immediate Possession and Use

Although the District has signed agreements with all of the affected property owners, many of the properties are subject to a Deed of Trust with a lender. For properties with a Deed of Trust, execution of the permanent easements and temporary construction easements are subject to obtaining consent/subordination from the lender as a condition of the Deed of Trust. District staff has contacted the lenders, on behalf of the owners, to obtain consent/subordination; however, obtaining the consent/subordination from lenders can be a lengthy process. The Project is currently being advertised for bids and is tentatively scheduled to be awarded in May to facilitate completion of the Project in accordance with the Regional Board's Cease and Desist Order. To avoid any potential delay from obtaining consent/subordination signatures from the various lenders, District staff is requesting delegated authority for the General Manager to execute Agreements for Immediate Possession and Use with the property owners subject to a Deed of Trust.

Prior Board Actions:

12/15/20: Authorize acquisition of property rights and adopt a Resolution of Necessity for Sewer Trunk Main Replacement Project Phase 4C

01/29/19: Authorize filing a Notice of Determination for Sewer Trunk Main Replacement Project Phases 4A, 4B & 4C and authorized acquisition of property rights needed for Phase 4B portion of Project.

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses	409,275		
Additional Appropriation Requested			
Total Expenditures	409,275		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	409,275		
Use of Fund Balance			
Contingencies			
Total Sources	409,275		

Narrative Explanation of Fiscal Impacts:

This item was budgeted for the Sonoma Valley County Sanitation District Common Facilities Fund for Fiscal Year 2020/2021.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Agreement for Immediate Possession and Use

Location map

Related Items "On File" with the Clerk of the Board:

None

