

# County Of Sonoma Agenda Item Summary Report

**Clerk of the Board Use Only**  
**Meeting Date**                      **Held Until**  
 /   /    /   /  
**Agenda Item No:**                      **Agenda Item No:**  
 \_\_\_\_\_                                      \_\_\_\_\_

**Department:**  
Occidental County Sanitation District

**4/5 Vote Not Required**

**Contact:** Kevin Campbell                      **Phone:** (707) 547-1921                      **Board Date:** 11/3/2009

**Deadline for Board Action:**

**AGENDA SHORT TITLE:**  
Property Rights Acquisition for Occidental CSD

**REQUESTED BOARD ACTION:**  
 Authorize the General Manager/Chief Engineer to acquire necessary property rights for the Occidental County Sanitation District; Authorize the General Manager/Chief Engineer to offer property owner up to \$5,000 for an independent appraisal of property rights needed in accordance with Code of Civil Procedure Section 1263.025; and authorizing the General Manager/Chief Engineer to file a Notice of Exemption in accordance with the California Environmental Quality Act.

## CURRENT FISCAL YEAR FINANCIAL IMPACT

<u>EXPENDITURES:</u>		<u>ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:</u>	
Estimated Cost	\$5,000	Contingencies (Fund Name:)	\$0
Amount Budgeted	\$5,000	Unanticipated Revenue (Source:)	\$0
Other Available Appropriations (Explain Below)	\$0	Other Transfers (Source:)	\$0
Additional Requested	\$0	Additional Funds Requested	\$0

**Explanation (if required):**  
 Funding is available from appropriations in the Fiscal Year 2009/2010 Budget in Occidental Construction Fund (Account 651505-8510).

**Prior Board Action:**  
 08-12-03 Resolution No. 03-0868 Board approved execution on lease for use of property for storage and irrigation of treated wastewater until March 24, 2010.  
 07-22-03 Resolution No. 03-0798 Board adopting a Resolution of Intent to hold a Hearing of Necessity.  
 01-07-03 Resolution No. 03-0006 Board approved extension of existing lease for use of property for storage and irrigation of treated wastewater for 6 months until September 24, 2003.

**Alternatives – Results of Non-Approval:**  
 The District would be unable to continue to use the existing storage and irrigation (discharge) per the District's existing National Pollutant Discharge Elimination System permit if the property owner and the District are unable to reach an agreement for continued use of the existing storage and irrigation. Loss of the use of the existing storage pond and irrigation fields would result in the District having to discharge the treated effluent into Dutch Bill Creek which would subject the District to additional fines and penalties from the North Coast Regional Water Quality Control Board.

**Background:**

The Sonoma County Water Agency (Agency) on behalf of the Occidental County Sanitation District (District) operates a wastewater treatment plant and collection system within the town of Occidental that serves a 55-acre service area and more than 264 single-family dwellings. The system has a design capacity of approximately 50,000 gallons per day (dry weather flow). In general, service collection laterals feed sewer lines within individual roadways, which flow via gravity to a pumping station located north of Occidental on the Bohemian Highway and then pump by a pressurized sewer trunk main into the District's wastewater treatment facility. The District began operation of the plant and system in 1950.

The District currently stores and reuses the recycled water on property identified by the Sonoma County Assessor's Office as Assessor's Parcel Numbers 074-070-010 and 074-080-063 (Property) owned by John W. Loades, Jr. and Pauline L. Loades, Trustees of the John and Pauline Loades Living Trust dated May 8, 2008 (Owners).

The District first began use of the storage pond and irrigation field on the Property for storage and reuse of recycled water under an agreement between the District and Elizabeth Graham (predecessor in interest to current Owners) dated August 12, 1977 and amended on May 24, 1979. On April 10, 1984, the District rescinded the previous agreement and executed a new agreement with Elizabeth Graham, dated March 24, 1983, which allowed the District to continue use of the storage pond and irrigation field. The March 24, 1983 agreement expired on March 23, 2003. Prior to the expiration of the 1983 agreement, the District began negotiation with Owners for continued use of the storage pond and irrigation field. The existing agreement was extended until a new lease agreement was executed between District and Owners that extended the District's use of property until March 24, 2010.

Continued use of the storage reservoir and irrigation fields requires obtaining permanent easement rights from the Owners. The District has prepared an appraisal report for valuation of the necessary property rights.

Code of Civil Procedure Section 1263.025 became effective on January 1, 2007. This new law placed additional burdens on public agencies that acquire property rights from private property owners. The Code of Civil Procedure requires that all public agencies acquiring private property under threat of eminent domain to offer to pay the reasonable cost, up to \$5,000, for an independent appraisal of the property proposed to be acquired. The appraiser hired by the property owner must be licensed by the State of California Office of Real Estate Appraisers. The District will require that the owner of the property provide a copy of the contracted appraisal to the District.

Sonoma County Water Agency (Agency) staff, on behalf of the District, has evaluated the proposed easement acquisition and the General Manager/Chief Engineer has determined that the acquisition of the easement is exempt from the California Environmental Quality Act (CEQA) pursuant to Section §15301: Existing Facilities and Section § 15061 (b)(3), because the acquisition of the easement would allow the District to continue the existing uses of maintaining a storage pond and irrigation facilities, continued irrigation uses of the pasture area, and use of the access road to perform such functions and activities related thereto, in conjunction with existing operations for the District's treatment plant. This project would have no potential significant adverse affect on the environment. Any future projects beyond the existing uses would be subject to future environmental review pursuant to CEQA. Agency Staff has prepared a Notice of Exemption in accordance with the CEQA Guidelines, the State CEQA Guidelines, and the District's Procedures for the Implementation of CEQA (on file with the Clerk).

The acquisition has been reviewed by the Permit and Resource Management Department of the County of Sonoma and has been determined to be consistent with §65402 of Government Code with regards to the General Plan.

**Attachments:** Resolution (R1); Exhibit Map (A-1).

**On File With Clerk:** Notice of Exemption.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.