

# Public Hearing to Consider Adoption of Resolution of Necessity: Upper Llagas Creek Project

September 26, 2017



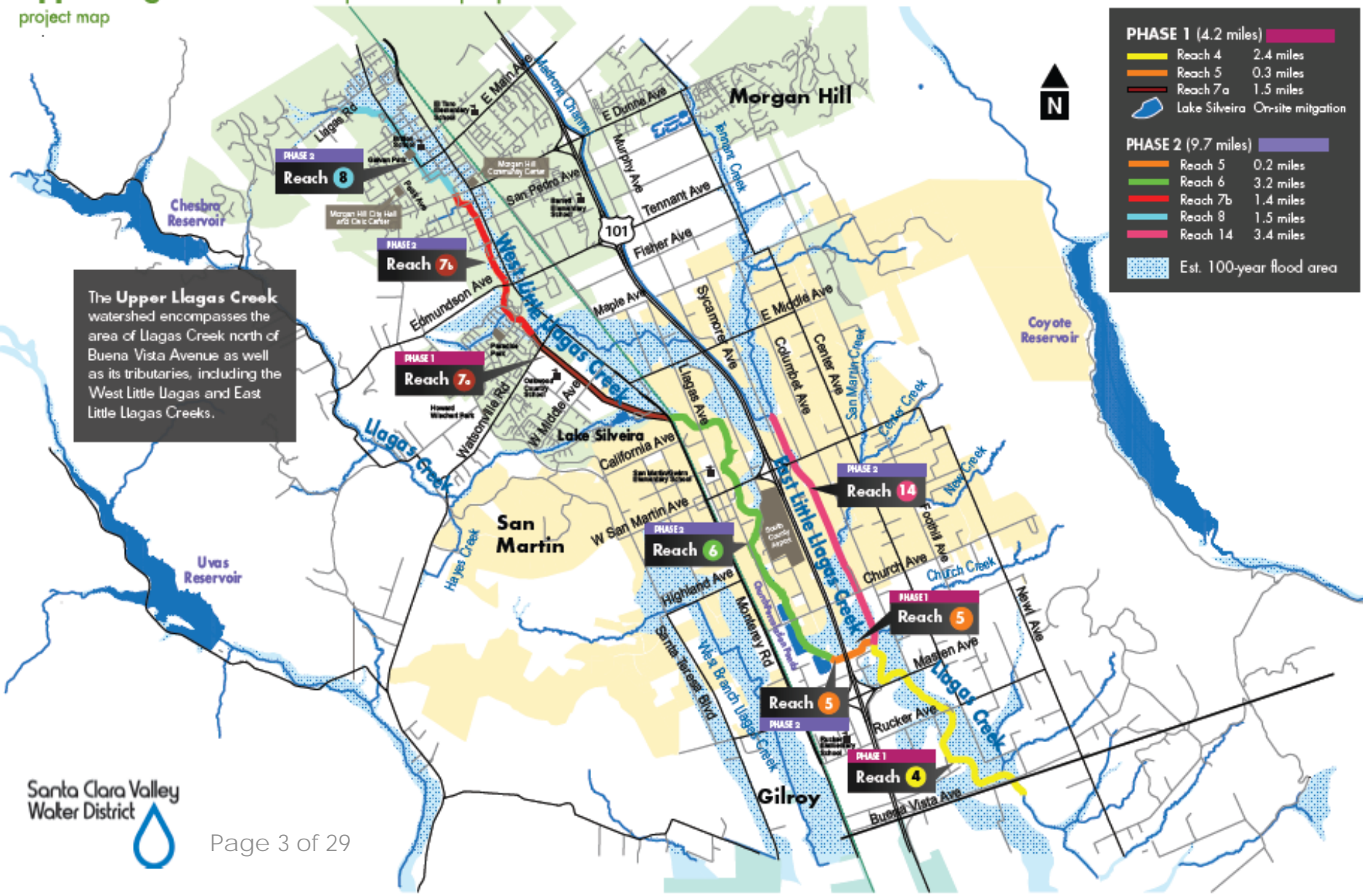
# Public Necessity for the Proposed Project

- ▶ **Finding:** The public interest and necessity require the proposed project:
  - ▶ Provide 100-year flood protection to downtown Morgan Hill (Reaches 7 & 8)
  - ▶ Provide 10-year level of flood protection in Reach 14 and no induced flooding in Reaches 4, 5 & 6 (rural lands)
  - ▶ Design a stable channel
  - ▶ Preserve and enhance habitat
  - ▶ Reduce long-term maintenance
  - ▶ Improve creek conditions



# Upper Llagas Creek Flood Protection Project

## Upper Llagas Creek flood protection project project map



# Existing Constraints on Project Design

- The Geography and Footprint of the Creek determines which Private Properties will be impacted
  - Private Property is Located on Both Sides of the Creek
  - The Creek is Located In and Flows Through Private Property
- The Project Design Must Qualify as the Least Environmentally Damaging Practicable Alternative
  - Must Preserve, Enhance, and Restore Natural Habitat

# Project Design Serves the Greatest Public Good with the Least Private Injury

- **Finding:** The proposed project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
- Achieved through Holistic Approach to Project Design
  - Apply Hydraulic Modeling and Geomorphology to
    - Prevent incision
    - Reduce erosion
    - Reduce long term maintenance
    - Prevent induced flooding



# Project Design Serves the Greatest Public Good with the Least Private Injury

- Achieved through Holistic Approach to Project Design
  - Avoid Private Structures
    - Examine the Possibility of Locating Project Features In a Manner that Minimizes Impacts to Private Structures
- Preserve Habitat of Greater Environmental Value
  - Minimize disturbance to native vegetation
  - Preserve, enhance, and create aquatic habitat
- Align project features with existing creek alignment



# Other Project Benefits

- Improve creek conditions
- Remove invasive species
- Remove legacy trash and debris
- Preserve natural creek footprint and open space
- Increase native vegetation
- Incorporate topsoil to support plantings
- Improve water quality
- Reestablish abandoned creek  
(around Lake Silveira)



# CEQA Compliance

- The District has complied with the requirements of the California Environmental Quality Act ("CEQA") with the District's Board certifying the Final Environmental Impact Report on June 10, 2014



# Property Acquisitions Necessary for Project

- Project requires acquisition of 146 properties:
  - ▶ Phase 1 - 41 Properties (39 acquired)
  - ▶ Phase 2 - 105 Properties, including temporary construction areas (55 acquired)
- Resolutions of Necessity due to impasse are proposed for 3 properties within Phase 2 owned by the following owners of record:
  - ▶ Morgan Hill Plaza, a Partnership
  - ▶ Eleanor Sade, Trustee
  - ▶ MH Sterling Group, LLC, a California limited liability company

# Separate Hearings For Each Property

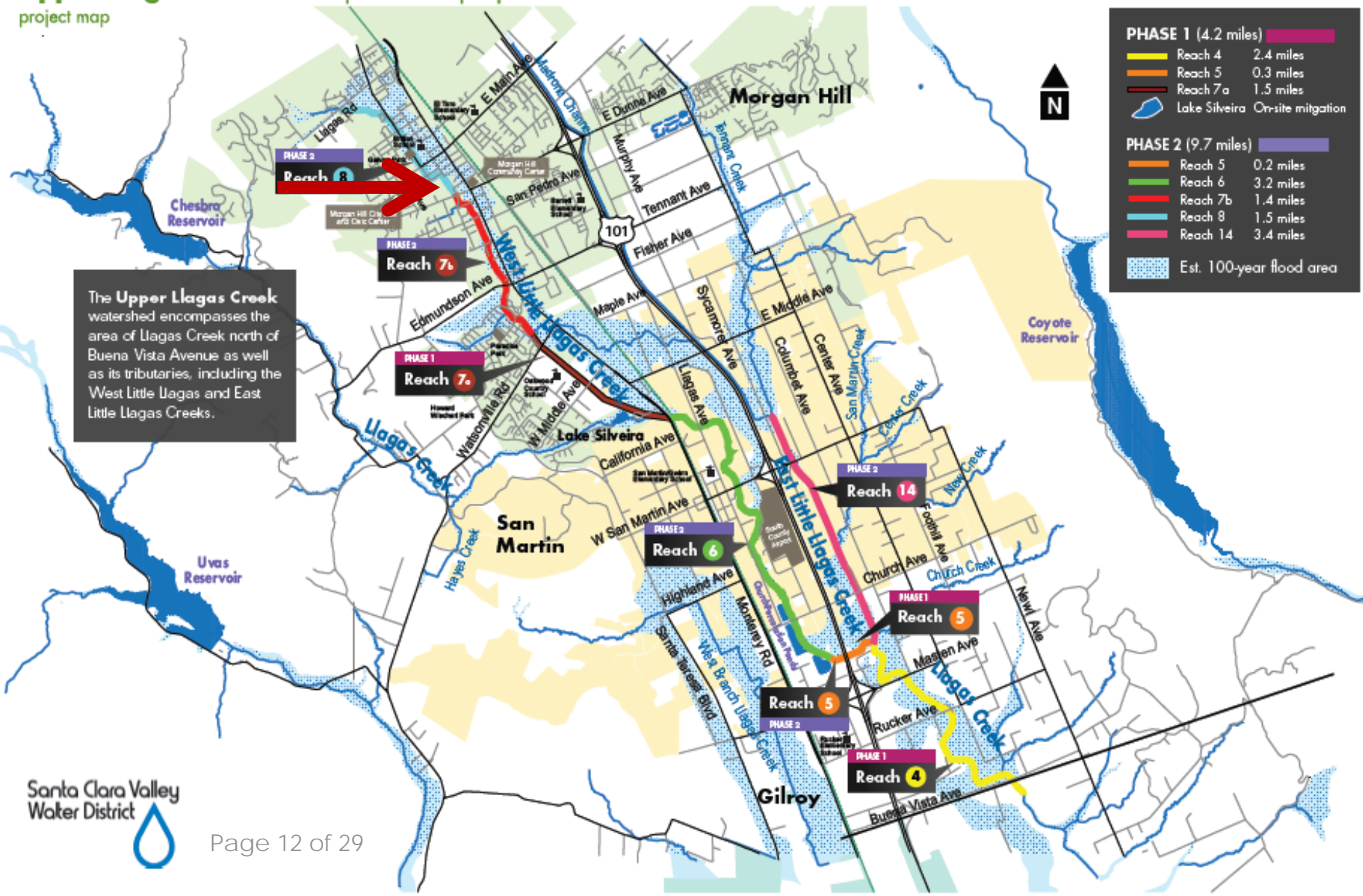
- ▶ At this point in the presentation, the District will conduct a separate hearing for each specific property
- ▶ The Chair of the Board of Directors will describe the process for each hearing

# Morgan Hill Plaza Property: Least Private Injury

- ▶ The acquisition area is in back of the property behind the structure
- ▶ High flow creek diversion will be in an underground box culvert
- ▶ The proposed area to be acquired does not impact any existing private structures or access to these structures
- ▶ After project is constructed, the area will be returned to its existing use

# Upper Llagas Creek Flood Protection Project

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**MORGAN HILL PLAZA (767-09-016)**  
**File No. 5027-224**  
**File No. 5012-208**

**Legend**

- Construction Work Limit
- Temporary Construction Easement
- Proposed Acquisition Area
- Morgan Hill Plaza ROW

**Proposed Creek Diversion Underground Box Culvert**

**Current Creek Alignment**

**WEST LITTLE LAGAS CREEK**

**TEMPORARY CONSTRUCTION EASEMENT**  
**PARCEL 1 (TCE)= 3,682 SF +/- OR 0.084 Ac. +/- TOTAL AREA**  
**PARCEL 2 (TCE)= 1,828 SF +/- OR 0.042 Ac. +/- TOTAL AREA**

**AREA TO BE ACQUIRED**  
**2,859 SF +/- OR 0.066 Ac. +/-**

**Area to be Acquired**

**Parcel 1 TCE**

**Parcel 2 TCE**

**MORGAN HILL PLAZA**  
**767-09-016**  
**File No.: 5027-224**  
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**DEWITT STORM DRAIN**

**Approximate Scale**  
 0 100 200 400 Feet

**Santa Clara Valley Water District**

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- Finding: The property described in the resolution is necessary for the proposed project



# Gov. Code Section 7267.2(a) Offer

- ▶ **Finding:** The Offer Required by Section 7267.2(a) of the Gov. Code has been made to the owners of record
- ▶ On February 7, 2017, the District sent a final written offer to Morgan Hill Plaza via certified mail
- ▶ District's offer complies with Gov. Code Section 7267.2(a)
- ▶ District has received confirmation of the owners' receipt of the offer
- ▶ Staff has reached an impasse

# Discussion and Decision

- ▶ This completes the District's presentation regarding acquisition of the Morgan Hill Plaza property.
- ▶ After the Board receives comments from the property owner and public, staff is ready to answer questions.

# Sade Property: Least Private Injury

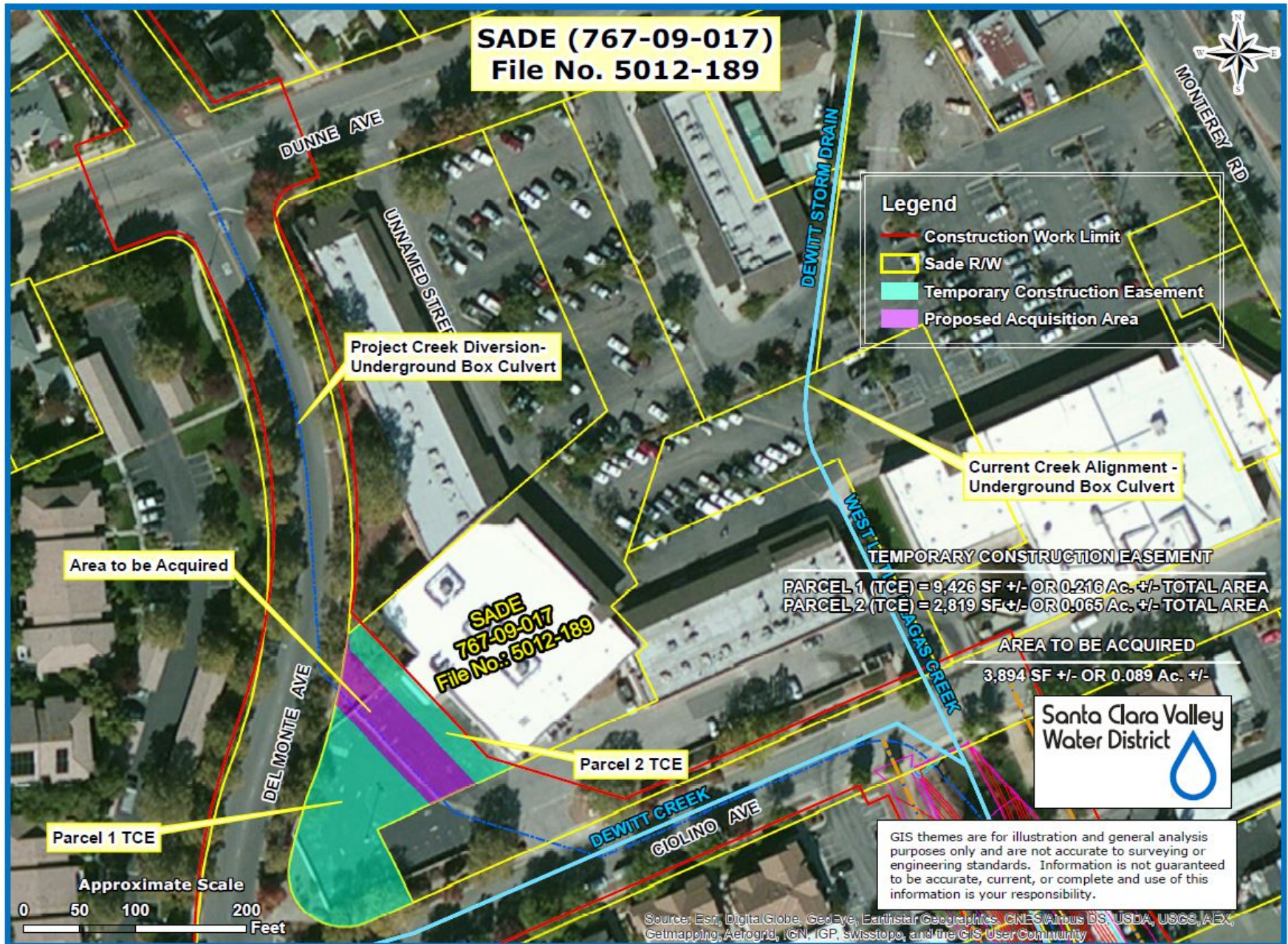
- ▶ The acquisition area is in back of the property behind the structure
- ▶ High flow creek diversion will be in an underground box culvert
- ▶ The proposed area to be acquired does not impact any existing private structures or access to these structures
- ▶ After project is constructed, the area will be returned to its existing use

## Upper Llagas Creek flood protection project





# Sade Exhibit



# Sade Property is Necessary for the Project

- Finding: The property described in the resolution is necessary for the proposed project



# Gov. Code Section 7267.2(a) Offer

- ▶ **Finding:** The Offer Required by Section 7267.2(a) of the Gov. Code has been made to the owners of record
- ▶ On February 7, 2017, the District sent a final written offer to Sade via certified mail
- ▶ District's offer complies with Gov. Code Section 7267.2(a)
- ▶ District has received confirmation of the owners' receipt of the offer
- ▶ Staff has reached an impasse as a result of lack of response from the owner

# Discussion and Decision

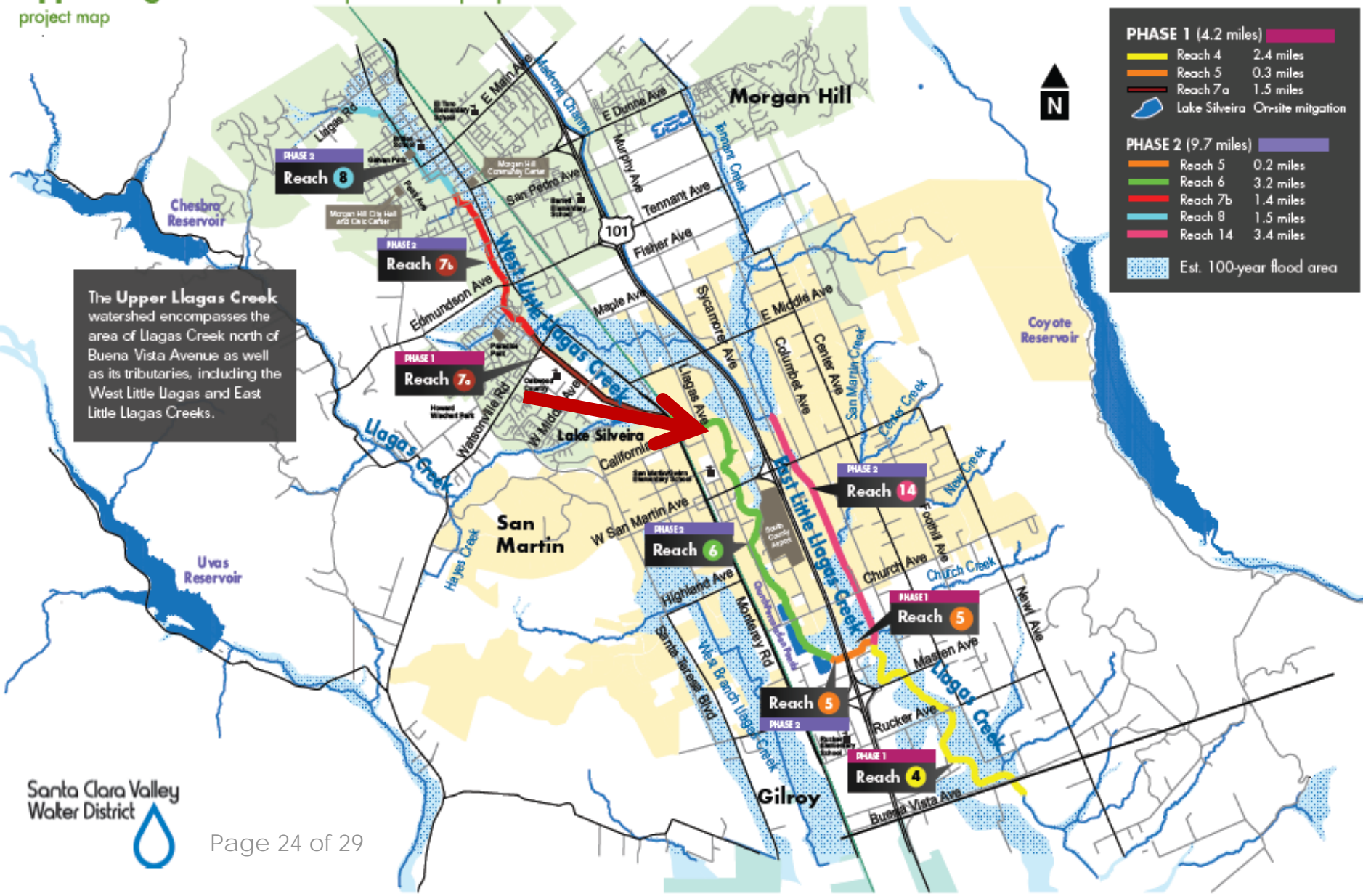
- ▶ This completes the District's presentation regarding acquisition of the Sade property.
- ▶ After the Board receives comments from the property owner and public, staff is ready to answer questions.

# MH Sterling Group: Least Private Injury

- ▶ Avoids Impact to Private Structures
- ▶ The proposed project maintenance road is located at the top of bank and aligned with the creek
- ▶ Acquisition includes portion of property that constitutes a non-economical remnant without access to a public road

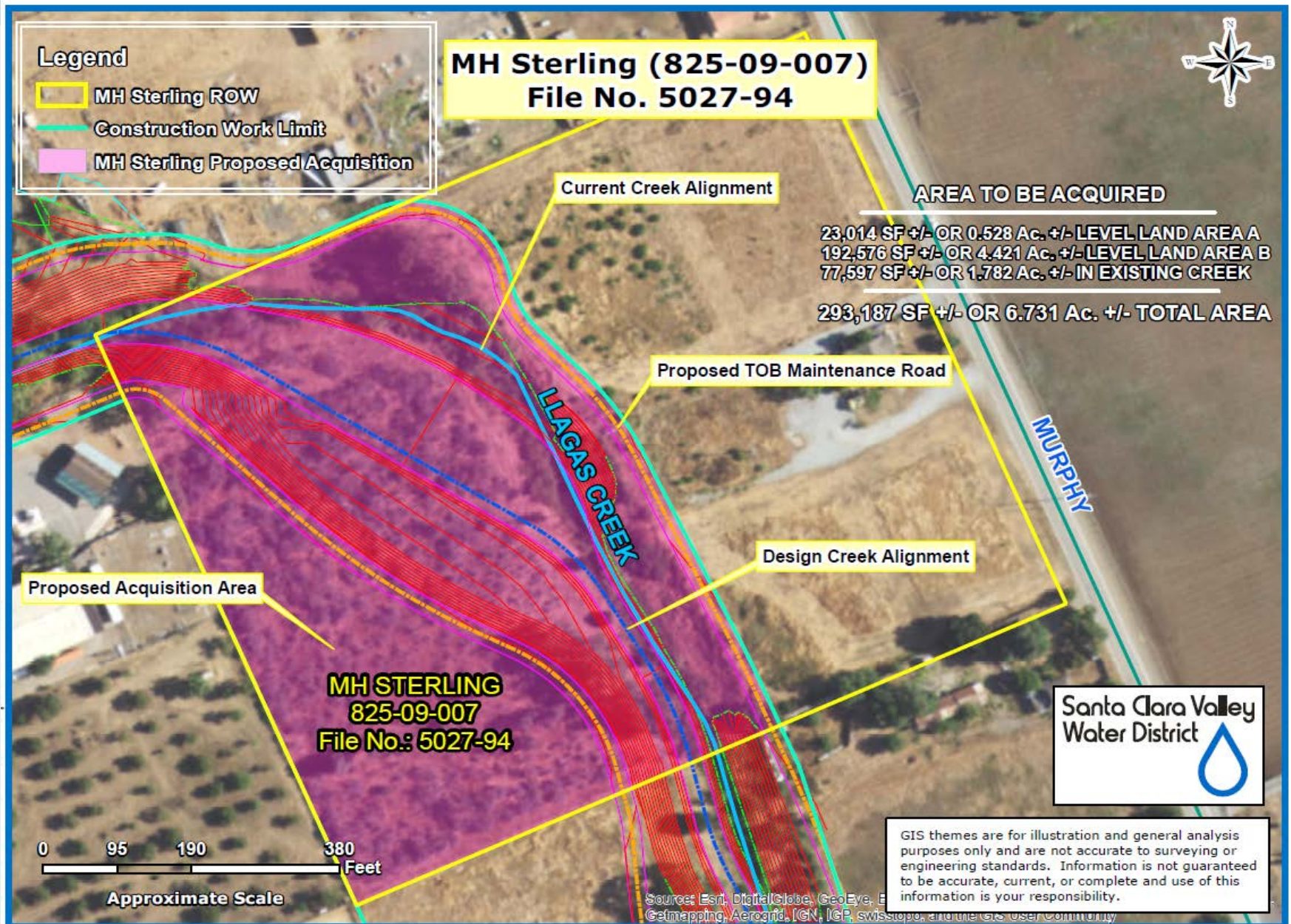
# Upper Llagas Creek Flood Protection Project

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# MH Sterling Group Exhibit



- Finding: The property described in the resolution is necessary for the proposed project



# Gov. Code Section 7267.2(a) Offer

- ▶ **Finding:** The Offer Required by Section 7267.2(a) of the Gov. Code has been made to the owners of record
- ▶ On January 19, 2017, the District sent a final written offer
- ▶ District's offer complies with Gov. Code Section 7267.2(a)
- ▶ District has received confirmation of the owners' receipt of the offer
- ▶ Staff has reached an impasse with the owner

# Discussion and Decision

- ▶ This completes the District's presentation regarding acquisition of the MH Sterling Group property.
- ▶ After the Board receives comments from the property owner and public, staff is ready to answer questions.

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