

i. Land Preservation

The Land Preservation program is a crucial component of a comprehensive, long-term recovery strategy to ensure repetitive loss areas are mitigated by reducing the risk of potential future flooding in neighborhoods and homes or remove high risk areas from development potential. The purpose of this program is to acquire properties to reduce the damage by floodwaters, thereby decreasing direct flooding impacts for San Marcos' households. There will likely be many co-benefits to land preservation, which may include reduced water quantity and improved water quality, mobility, aesthetic improvements, recreational benefits, property value increases, and life cycle cost savings. This program will be administered by the City of San Marcos through the Engineering Department.

Allocation Amount: \$1,749,600

Eligible Mitigation Activity

This program is an eligible mitigation activity under the acquisition or disposition of real property criteria, as defined in the CDBG-MIT requirements, and will improve the stormwater drainage system by reducing risk of property damage in a floodplain or a disaster risk reduction area and establish greenspace area, in perpetuity in San Marcos. This activity will alleviate capacity issues to address flood risks from future severe storms and hurricanes, as identified in the mitigation needs assessment.

Eligible Activities

Activities allowed under CDBG-MIT; HCDA Section 105(a)(1-5), 105(a)(7-9), and 105(a)(11), include but are not limited to:

- Acquisition or disposition of real property.
- Infrastructure improvements (such as water and sewer facilities, streets, provision of generators, removal of debris, bridges, etc.), including flood control and drainage repair and improvements through the construction or rehabilitation of stormwater management system.
- Natural or green infrastructure.
- Clearance, demolition, rehabilitation of publicly or privately-owned buildings, and code enforcement.
- Removal of materials and architectural barriers.
- Public service (such as job training and employment services, healthcare, child care, and crime prevention within the 15 percent cap).
- Buyouts or acquisition with or without relocation assistance, down payment assistance, housing assistance, demolition or other activities designed to relocate families outside of floodplains.

Ineligible Activities

- Emergency response services.
- CDBG–MIT funds may not be used to enlarge a dam or levee beyond the original footprint of the structure that existed prior to the disaster event. However, CDBG–MIT funds can be used for levees and dams if used to:
 - Register and maintain entries regarding such structures with the USACE National Levee Database or National Inventory of Dams;
 - Ensure that the structure is admitted in the USACE PL 84–99 Rehabilitation Program (Rehabilitation Assistance for Non-Federal Flood Control Projects);
 - Ensure the structure is accredited under the FEMA NFIP;
 - Maintain file documentation demonstrating a risk assessment prior to funding the flood control structure and documentation that the investment includes risk reduction measures.
- Funds may not be used to assist a privately-owned utility for any purpose.
- Buildings and facilities used for the general conduct of government (e.g., city halls, courthouses, and emergency operation centers).
- By law, (codified in the HCD Act as a note to 105(a)), the amount of CDBG–MIT funds that may be contributed to a USACE project is \$250,000 or less.

National Objective

This program will meet the CDBG-MIT requirements for the National Objective of urgent need mitigation for the following reasons:

- The entire city limits of the City of San Marcos are included in the designation as the most impacted and distressed area. Therefore all projects done within the city limits meet this requirement.
- Land will be acquired only if it will result in a measurable and verifiable reduction in the risk of loss of life and property by reducing the amount of water that can flow into vulnerable areas, slowing the flow of water, and possibly by removing structures from high-risk areas and yield community development benefits.

Geographic Eligibility

At least fifty-percent of the funds spent on the acquisition of real property will be spent on lands located within the City of San Marcos, with others potentially spent on lands outside of the city limits, but on ones that will benefit San Marcos residents. More information about the specific acquisition of lands will be available once these lands are identified for acquisition.

Selection Criteria

Through its Capital Improvements Program (CIP), the City of San Marcos Engineering Department has a current list of unfunded drainage improvement projects. An analysis will be conducted to select projects that will maximize system capacity and have the greatest benefit on the health, safety, and overall welfare of residents. After the selection of potential projects, the City Council will approve

the selection to be funded with CDBG-MIT funds. Acquisitions will be prioritized using the criteria below.

For CDBG-MIT funding, priority will be given to projects that:

- Benefit primarily LMI communities;
- Can be acquired in a timely manner;
- Coordinate with other local and/or regional infrastructure efforts to ensure consistency, and promote community-level and/or regional post-disaster recovery and mitigation planning;
- Meet or further the goals identified within the City's comprehensive plan; and
- Include natural infrastructure or other low impact development methods.

Maximum Award Amount

No person, household or business will receive direct benefits through this program; therefore, no maximum award amount has been set. If this Action Plan is amended to include activities that provide funding to direct beneficiaries, the City will set a maximum award amount for each such activity, and will adopt a policy for when and how exceptions might be considered.

Projects

With Amendment No. 2, Public Space Acquisition is proposed for the Land Preservation category. A Land Preservation Plan is to be developed with the use of MIT Planning funds, establishing the site selection criteria and guidelines for the Land Preservation Program. With City Council approval, the acquisition and services needed to acquire properties as greenspace through voluntary purchase (ie. survey, environmental assessment, relocation assistance, appraisals, appraisal reviews, demolition, design, and construction of improvements, etc.) will be funded with Land Preservation funds.

Timeline

The MIT grant concludes September, 2031. Land Preservation is anticipated to be completed by the end of 2024, however this is dependent upon the availability of property that meets the selection criteria in the Land Preservation Plan and cooperation and willingness of property owners. See Appendix D for projected timeline of expenditures.