



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name: Flood Control
Department No.: 054
For Agenda Of: May 19, 2020
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Director: Scott D. McGolpin, Public Works Director, 568-3010
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: 244 Puente Drive Flood Control Easement Release and Waiver of Liability
Agreement from Linda Barrett and Devin Dierenfield, Third District (003739)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

- a) Approve and authorize the Chair to execute the attached Release and Waiver of Liability Agreement (Attachment A) between the Santa Barbara County Flood Control and Water Conservation District (“District”) and Linda Barrett and Devin Dierenfield (“Owners”), as owners of the real property in the County of Santa Barbara, commonly known as 244 Puente Drive, in Goleta, California, APN 061-061-018 (“Property”), which includes a limited license allowing Owners to maintain certain structures within a District easement across the Property; and
- b) Find that the Recommended Action is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, as the action consists of the licensing of existing public or private structures involving negligible or no expansion of use, and direct staff to file the attached Notice of Exemption on that basis.

Summary Text:

This item is on the agenda to approve the attached Release and Waiver of Liability Agreement. It protects the District and its rights with respect to any and all injuries and damages arising in any way from the Owner’s use of and encroachment upon a portion of approximately 30’ of the District’s flood control channel easement, recorded on November 17, 1955, in Book 1346, Pages 569 through 573, of Official Records of the County Recorder of Santa Barbara County adjoining to and with the Owners property and to hold the District entirely harmless with respect thereto. In exchange, the District would grant a license allowing Owners to maintain a patio, walkway and garage currently located in the District’s easement until those improvements require replacement or reconstruction.

Background:

In a March 16, 2017 letter to Mark Friedlander, Planner with the County Planning & Development Department, the Public Works Department submitted the District's recommendation for approval of the Dierenfield Lot Split 17TPM-00000-00002 (TPM 14,826) on Assessor Parcel Number 061-061-018, (Parcel) in Goleta.

Upon the District's Staff review of Owners' Lot Split request, it was discovered improvements were constructed on a portion of a flood control easement that overlies the southern portion of the Parcel. The Owners have requested the patio, walkway and garage currently located in the District's easement remain until those improvements require replacement or reconstruction. In order for this to occur, the Owners are to dedicate an alternative easement to the District to provide access to the portion of the District's existing easement not encumbered with the Owner's Improvements. Additionally, the Owners are required to execute a Release and Waiver of Liability Agreement in a form acceptable to the Santa Barbara County Flood Control and Water Conservation District, among other General, Design, Parcel Map Recordation/Zoning Clearance, and Occupancy Clearance conditions.

On September 17, 2019, the TPM 14,826 was submitted to the County Surveyor for review and approval of the legal description for a new alternate access easement acceptable to Flood Control from Puente Drive through the owners' property identified as Parcels A & B on the map to the Flood Control Channel and proof of drainage easements for cross-lot/off-site drainage conveyances. Having met the required conditions for approval the Public Works Director has this item before the District Board for approval of the project.

Fiscal Analysis:

None. The recommended actions will not result in any costs to the County or District.

Staffing Impacts: None

Special Instructions:

After Board action, please distribute as follows:

1. Return the original Release and Waiver of Liability Agreement to General Services, Attn: J. Cleary, for recordation.
2. Forward a copy of the Minute Order to the Flood Control District office: Attn: Christina Lopez and to General Services/Real Property Division, Attn: J. Cleary

Note: Upon recordation, Real Property will return copies of the recorded Release and Waiver of Liability Agreement to the Clerk for file and reference.

Attachments:

Attachment A – Release and Waiver of Liability Agreement

Attachment B – Notice of Exemption

