



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Public Works
Department No.: 054
For Agenda Of: 04/03/07
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Phillip M. Demery, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: Owner's Agreement for Better Cooling II, 05DVP-00000-00007 (APN: 129-010-035),
Fifth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

Approve and authorize the Chair to execute the "Owner's Agreement to Construct and Maintain Private Drainage Improvements for Water Quality" with Better Cooling Inc., owners of Development Case No. 05DVP-00000-00007 (APN: 129-010-035).

Summary Text:

The Owner's Agreement is a condition of approval for the Better Cooling II development, located on Telephone Road in the unincorporated area of Santa Maria. The project is to develop a 13,650sf expansion to an existing agricultural cooling facility, a 7000sf shade canopy, and a 24,000sf storage building on the referenced parcel (APN: 129-010-035). This agreement will require the present and future owners of the property to be responsible for the maintenance in perpetuity of the private water quality improvements of Development Case No. 05DVP-00000-00007.

Background:

Conditioning water quality BMPs to applicable projects is necessary to comply with the County's Storm Water Management Program which also fulfills the federal NPDES Permit requirement. Because this project exceeds 0.5 acre of commercial development, it is subject to the standard condition to treat potential pollutants from storm water runoff before discharge to the storm drain system. All treatment measures require maintenance to assure performance throughout the life of the project. This Owner's Agreement establishes the maintenance program, including methods and frequency. The obligations

defined in this Owner’s Agreement remain with the property, and are intended to be covenant running with the property, binding upon subsequent owners.

Performance Measure:

This action is necessary to achieve RPM #0146:

“Achieve 100% of the Measurable Goals included in the County of Santa Barbara Water Management Program (SWMP) for FY 2006-07.”

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Staff time associated with reviewing this project are paid through development review fees and plan check fees collected for this project. Costs for development review are included in the Adopted 2006-07 Budget under the Water Agency cost center in the Water Resource Division of the Public Works Departmental as shown on page D-322 in the budget book.

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Direct the Clerk of the Board to record this agreement with the Clerk-Recorders office and send a conformed copy of the recorded agreement along with the minute order to the Flood Control office, Attention: Christina Lopez.

Attachments:

“Owner’s Agreement to Construct and Maintain Private Drainage Improvements for Water Quality” with Better Cooling Inc.

Authored by: Cathleen Garnand, Civil Engineer Associate, 568-3561

cc: