

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 04/19/06
Department Name: Planning & Development
Department No.: 053
Agenda Date: 05/02/06
Placement: Administrative
Estimate Time: 60 Minutes on May 16, 2006
Continued Item: NO
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Files\APL\2000s\06 cases\06APL-00000-
00015 Sutti\
BoardAppealSetLtr050206.doc

TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning and Development

STAFF Zoraida Abresch (934-6585)
CONTACT: North County Development Review Division

SUBJECT: Set Hearing to consider the Appeal of Sutti Stop Work Order.

Recommendation: That the Board of Supervisors set a **May 16, 2006** hearing date to consider the owner's request to appeal a Stop Work Order placed on the property on April 7, 2006 for mining without permits. The appeal, 06APL-00000-00015, involves AP Nos. 113-210-001, -004, -006, -008, -014, and -016, located west of the City of Santa Maria, Fourth Supervisorial District.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

A Stop Work Order was posted on agricultural property after it was discovered that large quantities of dirt were being removed from the property, in excess of what can be exempted from the surface mining regulations in Article III, Section 35-320. The State Mining and Reclamation Act (SMARA) and the county code require permits for mining within the county. Article III requires a major Conditional Use Permit and a Reclamation Plan for properties that remove more than 1000 cubic yards. Approximately 20-30,000 cubic yards had been removed and transported to the receiver site. Had the mining operation continued without the Stop Work Order, an additional 300,000+ cubic yards would have been removed from the property and transported to a receiver site within the City of Santa Maria. Work has been stopped until the appeal is considered by the Board.

Mandates and Service Levels:

An appeal of a Director/Zoning Administrator decision, per Section 35-332.1 is considered by the Board of Supervisors based upon Article III, Section 35-327.3. The appeal form and fees were submitted to the Clerk of the Board within ten days of the posted Stop Work Order.

Pursuant to Government Code Sections 65455 and 65096, a notice shall be published in at least one newspaper of general circulation at least 10 days prior to the hearing. Pursuant to Government Code Section 65091, shall be mailed to property owners within 300 feet of the project's property boundaries.

Fiscal and Facilities Impacts:

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$300 to P&D. Costs beyond that fee will be absorbed by P&D. These funds are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-296 of the adopted 2005/2006 fiscal year budget. .

Special Instructions:

Planning and Development shall complete noticing in the Santa Maria Times and shall complete the mailed noticing for the project at least ten (10) days prior to the May 16th hearing.

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

Planning and development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

Concurrence: n/a

Prepared by: Larry Appel, Supervising Planner, 934-6261