

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: August 31, 2004
Department Name: Planning and Development
Department No.: 053
Agenda Date: October 12, 2004
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\APL\2000s\04 cases\04APL-00000-00021, Plam\BSHrngLetter.DOC

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Larry Appel, Supervising Planner
934-6261

SUBJECT: **Plam Appeal of the Sullivan Farm Employee Dwelling CUP decision of the Zoning Administrator to Approve 04CUP-00000-00042**

Recommendation:

That the Board of Supervisors:

- a. Adopt the required findings as specified in the Zoning Administrator's Action Letter dated August 16, 2004,
- b. Deny the above referenced appeal, thereby upholding the Zoning Administrator's approval of 04CUP-00000-00042, and
- c. Grant de novo approval of 04CUP-00000-00042.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On August 16, 2004, 04CUP-00000-00042 was approved by the Zoning Administrator to allow the continued use of a farm employee trailer on property owned by Ms. Patricia Sullivan. The trailer was originally permitted in September 1980. Over the years the owner sometimes allowed the 5-year permit to lapse, but always re-permitted it when the county brought it to her attention. The trailer has remained in the same location since 1980.

On August 19, 2004 an appeal was filed by Mr. Kenneth Plam stating that he disagreed with planning staff and the Zoning Administrator as the “design of the structure is not compatible with the character of the surrounding natural environment.”

Appeal Issues Summary and Discussion:

The appellant has appealed the decision of the Zoning Administrator to approve a minor conditional use permit for an existing farm employee trailer based on his opinion that “**design of the structure is not compatible with the character of the surrounding natural environment.**” Mr. Plam attended the zoning administrator’s hearing on August 16, 2004. He provided a letter and spoke at the hearing which questioned the location of the trailer. He felt that it should not be placed in an area that is a highly visible hillside location. He also believed that it should receive approval by the Board of Architectural Review. Finally, he did not want to challenge the right of a property owner to provide affordable housing to farming staff, but only if it was a “permanent dwelling, designed to architecturally fit the surroundings and approved by the BAR.”

Response to the Appeal:

1. Permitting History -The staff report to the zoning administrator provides a background section that explains that this farm employee trailer was originally permitted in September 1980. The trailer has been on the property in the same location for over 24 years. The owners have received extensions to the 5-year permit over the years. If at any time the owner decides to put the trailer on an engineered permanent foundation, there would be no need to renew this permit every five years. It has not been relocated during the intervening years.

2. Approval by BAR/Visual Issues - Mr. Plam feels that the farm employee trailer needs to be reviewed by BAR since his past proposed winery development had required it. His project required BAR because the zoning ordinance required it for the processing of a development plan. No BAR is required for minor CUPs, except where the structure is located in an area with slopes greater than 16 percent. The trailer was in place at least five years prior to the hillside ordinance was added to Article III so it wouldn’t have been required at the time the trailer was installed. Additionally, the trailer is located in an area with less than five percent slopes, so even if the ordinance was in effect at the time of the original trailer placement, it would not have triggered the review. Based on photos submitted by Mr. Plam (at the ZA hearing), the trailer and its pole barn shelter are clearly below the ridgeline when viewed from the Plam property. Additionally,

large vegetation has grown behind the trailer which also helps soften the visual impacts as seen from the Plam property.

3. Structure Incompatible with Surrounding Area - The farm employee trailer has been found consistent with the necessary findings for over 24 years. The property is zoned 40-AL-O which is a rural agricultural zoning designation allowing a variety of agricultural operations. A farm employee trailer has always been found to be a compatible use in this rural zone district. The property owners have always maintained this structure and have provided landscaping.

Conclusion

Despite the appellant's opinion that the existing farm employee trailer is not compatible with the surrounding area, staff continues to support the zoning administrator's approval of this structure, as it has for the past 24 years.

Facilitation Process:

Both the appellant and the owners declined County Counsel's offer to set up a facilitation process prior to this item being considered by your Board.

Mandates and Service Levels:

Pursuant to Section 35-327 of Article III, the action of the Zoning Administrator may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

The applicant submitted a \$435.00 appeal fee at the time the appeal was filed.

Special Instructions:

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice of the project at least ten days prior to the hearing (mailing labels attached).

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

04APL-00000-00021, Plam Appeal of Sullivan Employee Trailer

Hearing Date: October 12, 2004

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

Concurrence:

County Counsel

Attachments: Zoning Administrator Staff Report dated July 21, 2004
Zoning Administrator's Action Letter dated August 20, 2004
Appeal to the Board of Supervisors dated August 19, 2004

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