

# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF. 93101-2058  
PHONE: (805) 568-2000  
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January 27, 2009

High Meadow Home Owners Assoc.  
Pat Sullivan & Mike Stinson  
2140 High Meadow Road  
Solvang, CA 93463

PLANNING COMMISSION  
HEARING OF JANUARY 21, 2009

**RE: *High Meadow Home Owners Association Appeal of Old Mill Tract Road;***  
***08APL-00000-00026***

Hearing on the request of the High Meadow Homeowners Association to consider the appeal, Case No. 08APL-00000-00026 [appeal filed on June 16, 2008] of the Director's decision to approve a Land Use Permit, Case No. 08LUP-00000-00143, in compliance with Chapter 35.102 of the County Land Use and Development Code on property located in the 40-AL-O Zone; and to accept the Addendum to City of Solvang Environmental Impact Report (SCH # 2005081109) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. There are no new significant environmental impacts as a result of this request. The original EIR identified no significant effects on the environment. The Addendum to the EIR and all documents may be reviewed at the Planning and Development Department, 624 West Foster Road, Suite C, Santa Maria. The application involves AP No. 139-250-036, located at 480 Alamo Pintado Road in the Solvang area, Third Supervisorial District.

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Dear Ms. Sullivan and Mr. Stinson:

At the Planning Commission hearing of January 21, 2009, Commissioner Blough moved, seconded by Commissioner Valencia and carried by a vote of 4-1 (Brooks no) to:

1. Adopt the required findings for the approval of Case No. 08LUP-00000-00143, included as Attachment A of the staff report, dated December 19, 2008;
2. Deny the appeal, Case No. 08APL-00000-00026, thereby upholding Planning and Development's approval of Land Use Permit No. 08LUP-00000-00143; and
3. Grant de novo approval of 08LUP-00000-00143 including a condition of approval added at the hearing of January 21, 2009, included as Attachment B of the staff report, dated December 19, 2008.

REVISIONS TO THE CONDITIONS OF APPROVAL

*Condition No. 1, is added:*

1. Prior to LUP Issuance, a traffic control plan, including flag-person controls, shall be reviewed and approved by CalTrans and County Public Works. There shall be adequate traffic controls and flag-persons for the safe transit of construction truck traffic over the Highway 246/High Meadow Road intersection during soil importation for grading fill activities.

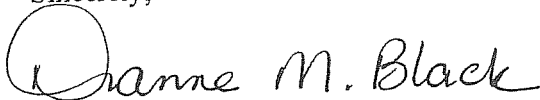
*The attached findings and Conditions of Approval reflect the Planning Commission's actions of January 21, 2009.*

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, February 2, 2009 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black  
Secretary to the Planning Commission

cc: Case File: 08APL-00000-00026  
Planning Commission File  
Owner: Santa Barbara Historic Trust Preservation, 123 East Canon Perdido Street, Santa Barbara, CA 93101  
Applicant: Aaron Peterson, 1945 Old Mill Road, Solvang, CA 93463  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD

Doreen Farr, Third District Supervisor  
Marell Brooks, Third District Commissioner  
Rachel Van Mullem, Deputy County Counsel  
Brian Tetley, Planner

**Attachments:**                    **Attachment A – Findings**  
   **Attachment B - Land Use Permit 08LUP-00000-00143 with Addendum**

DMB/jao

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## ATTACHMENT A: FINDINGS

### 1.0 ADMINISTRATIVE FINDINGS

#### LAND USE PERMIT FINDINGS

**1.1 Pursuant to Section 35.82.100.E.1 of the Santa Barbara County Land Use and Development Code, a Land Use Permit shall only be issued if all of the following findings can be made:**

**1.1.1 That the proposed development conforms to 1) the applicable provisions of the Comprehensive Plan, including any applicable community or area plan, and the Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses Structures and lots)**

Land Use Permit 08LUP-00000-00143 (approved by staff on June 4, 2008) consists of a new 1,300' long road, 22' in width. The project is consistent with all applicable Comprehensive Plan policies, as well as relevant 40-AL-0 zoning regulations.

**1.1.2 That the proposed development is located on a legally created lot.**

The project will be located on an existing legal lot, recorded in Book 11, page 52 for Map no. 11.671, dated January 24, 1973 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

**1.1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to uses, subdivisions, setbacks and any other applicable provisions of the Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses Structures and lots).**

The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Development Code. There are no zoning violations relating to the project site. As discussed in Section 6.3 of the Staff Report, the project is consistent with all requirements of the Santa Barbara County Land Use and Development Code.

# LAND USE PERMIT

Case No.: 08LUP-00000-00143      Planner: Tammy Weber      Initials \_\_\_\_\_  
Project Name: Santa Barbara Trust and Historic Preservation Road/Old Mill Tract  
Project Address: 480 Alamo Pintado Rd., Solvang area  
A.P.N.: 139-250-036  
Zone District: AG-II-40



Planning & Development (P&D) grants final approval and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**FINAL APPROVAL DATE:** June 4, 2008

**APPEAL PERIOD BEGINS:** June 5, 2008

**APPEAL PERIOD ENDS:** June 16, 2008

**DATE OF PERMIT ISSUANCE:** (if no appeal filed) June 17, 2008

**NOTE:** This final approval may be appealed to the Commission/Montecito Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35.102 & 35.492) If you have questions regarding this project please contact the planner Tammy Weber at 934-6254 or by email at [tweber@co.santa-barbara.ca.us](mailto:tweber@co.santa-barbara.ca.us).

**PROJECT DESCRIPTION SUMMARY:** SEE ATTACHED

**PROJECT SPECIFIC CONDITIONS:** SEE ATTACHED **ASSOCIATED CASE NUMBERS:** City of Solvang subdivision project (res. #06-0764)

**PERMIT COMPLIANCE CASE:**  No    \_\_\_ Yes; Permit Compliance Case (PMC) #: \_\_\_\_\_

**BOARD OF ARCHITECTURAL REVIEW (BAR):**  No    \_\_\_ Yes; BAR Case #: \_\_\_\_\_

## TERMS OF PERMIT ISSUANCE:

**1. Mailing and Posting Notice.** Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

**2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**



ATTACHMENT A  
Project Description

1. **Project Description:** This Land Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of Planning and Development for conformity with this approval. Deviations from the project description or conditions of approval may require a modification to 08LUP-00000-00143 and further review.

This Land Use Permit will allow for: 1) the construction of an approximately 22-foot wide, 1,300-foot long road; and 2) infrastructure easements. The subject parcel is located in the unincorporated area of the County and will connect two sections of private roadway approved by and located within the City of Solvang. Earthwork would consist of 1,250 cu. yds. of cut, 700 cu. yds. of fill and 550 cu. yds. of export. The proposed roadway serves an 8 lot subdivision within Solvang city limits. The City of Solvang approved the seven vacant lots as homesites with full CEQA review in the form of an EIR (Resolution Number 06-764). Because the County parcel adjoins the City of Solvang parcel on the south and east, it can be reasonably foreseen to have potential for annexation and/or subdivision, and as a result of these infrastructure easements and road extension, a potential for growth-inducing effects apply. The City of Solvang addressed growth inducing impacts resulting from the extending the proposed infrastructure easements and road into the unincorporated area by requiring that the Final Tract Map record a five foot denied access easement in favor of the City on the southern boundary of the tract and extending along the east side of the proposed access road on the adjoining property.

The road would terminate in a cul-de-sac required to provide adequate turnaround for fire equipment, and solid waste collection vehicles. Construction permits would be required by both the City of Solvang and the County of Santa Barbara corresponding to jurisdictional boundaries. Access to the development would be provided from High Meadow Road through a privately held easement on and across the High Meadow Development and the Santa Barbara Trust for Historic Preservation property, which is part of the Mission of Santa Ines National Historic Landmark District with its primary purpose being to protect and preserve the Old Grist Mill. The Santa Barbara Trust for Historic Preservation is actively pursuing negotiations with the Department of Parks and Recreation to convey the land to the State for development as a State Historical Park. However nothing in the trust grant precludes the trust directors from selling the land. The project site is a 37.90-acre parcel zoned AG-II-40 and shown as Assessors Parcel Number 139-250-036, located at 480 Alamo Pintado Road in the Solvang area, Third Supervisorial District.

The grading, development, use, and maintenance of the property, the size, shape arrangement, and location of structures, parking areas, and landscape areas, and the protection and preservation of resources shall conform to the project description above, the approved plans dated September 12, 2006 and the conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the conditions of approval hereto.

**ATTACHMENT B**  
**Condition of Approval**

1. Prior to LUP Issuance, a traffic control plan, including flag-person controls, shall be reviewed and approved by CalTrans and County Public Works. There shall be adequate traffic controls and flag-persons for the safe transit of construction truck traffic over the Highway 246/High Meadow Road intersection during soil importation for grading fill activities.