

COUNTY OF SANTA BARBARA  
CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E ANAPAMU ST.  
SANTA BARBARA, CALIF 93101-2058  
PHONE (805) 568-2000  
FAX (805) 568-2030



TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION  
HEARING OF DECEMBER 14, 2011

**RE: Orcutt Key Site #3; 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, TTM 14,714, 06TRM-00000-00004, 10CUP-00000-00001**

Hearing on the request of John Franklin, on behalf of the owner, SB Clark, LLC, to consider the following cases on property located in the RR-10/MR-O zones:

- a) **06GPA-00000-00016** [application filed October 2, 2006] for a Comprehensive Plan Amendment proposing to amend the Santa Barbara County Orcutt Community Plan by changing the Land Use Designation from Residential Ranchette to Planned Development;
- b) **06RZN-00000-00007 & 06DVP-00000-00015** [applications filed October 2, 2006] for a Zoning Map Amendment with a Development Plan proposing to rezone 138.6 acres from RR-10 to PRD in compliance with Chapter 35.104 of the County Land Use and Development Code; and approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code to develop 125 residential units;
- c) **06TRM-00000-00004/TTM 14,714** [application filed October 2, 2006] for approval of a Tentative Map in compliance with County Code Chapter 21 to divide 138.6 acres into: 1) 125 residential lots that range in size from 3,200 square feet to 9,700 square feet; 2) six private open space lots; 3) one public open space lot; 4) seven lots for private roadways; and, 5) two lots for condominium development, on property zoned RR-10/MR-O;
- d) **10CUP -00000-00001** [application filed October 2, 2006] for a Minor Conditional Use Permit allowing for walls taller than eight feet in height in compliance with Section 35.24.030 of the County Land Use and Development Code; and,

to certify the Subsequent EIR (10-EIR-4) to the Environmental Impact Report (95-EIR-01), including EIR Revision Letter dated November 17, 2011, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant effects on the environment are anticipated in the following categories: aesthetics/visual resources, biological resources, land use and public services (solid waste and wastewater). The Subsequent EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 624 West Foster Road, Suite C, Santa Maria. The Subsequent to the EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara. The

application involves AP No. 129-151-026, located approximately 0.5 miles south of the Clark Avenue /U.S. Highway 101 intersection, Orcutt area, Fourth Supervisorial District. (Continued from 4/13/11, 7/20/11, and 10/12/11)

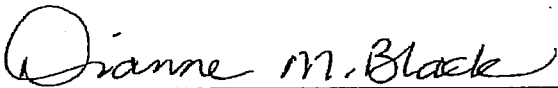
---

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of December 14, 2011, Commissioner Brooks moved, seconded by Commissioner Brown and carried by a vote of 3 to 1 (Blough no; Valencia absent) to recommend that the Board of Supervisors:

1. Make the required findings to deny the project specified in Attachment A of the staff report, dated December 2, 2011.
2. Determine the project to be exempt from CEQA pursuant to CEQA Guideline Section 15270 of CEQA (Attachment C of the staff report, dated December 2, 2011).
3. Deny the project (06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-00004, and 10CUP-00000-00001).

Sincerely,



Dianne M. Black  
Secretary Planning Commission

cc: Case File: 06GPA-00000-00016, 06TRM-00000-00004/TM 14,714, 06DVP-00000-00015, 06RZN-00007, 10CUP-00000-00001  
Planning Commission File  
Owner: Ernie Mansi, SB Clark, LLC, 300 Esplanade Dr., Suite 430, Oxnard, CA 93036  
Engineer: Ray Severn, Penfield & Smith, 210 E. Enos Drive, Suite A, Santa Maria, CA 93454  
Montecito Association  
County Surveyor  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
Accounting, Planning and Development  
Joni Gray, Fourth District Supervisor  
Joe H. Valencia, Fourth District Planning Commissioner  
Rachel Van Mullem, Senior Deputy County Counsel  
✓ John Zorovich, Planner

Attachments: Attachment A - Findings

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

#### 1.1 DISAPPROVAL OF A PROJECT

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act pursuant to Section 15270 of the CEQA Guidelines. Please see Attachment C, Notice of Exemption.

#### 1.2 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, located at 624 West Foster Road, Santa Maria, CA 93455.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 AMENDMENT TO THE DEVELOPMENT CODE, LCP AND ZONING MAP (REZONE) FINDINGS

**Findings required for all Amendments to the County Land Use and Development Code, the Local Coastal Program, and the County Zoning Map.** In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

##### 2.1.1 The request is in the interests of the general community welfare.

The proposed Key Site 3 project would result in direct loss of wetland, coastal scrub, oak woodland, oak riparian and non-native grassland. The proposed project would also result in impacts to populations of wildlife through disruption of wildlife corridors as well as permanently alter the area identified for open space in the OCP. Mitigation Measures described in the Subsequent Final EIR would reduce impacts to the extent feasible. However, several impacts to the biological and visual resources would remain significant and unavoidable (Class I). Moreover, the proposed project would develop residential units within the area identified in the OCP for open space resulting in the creation of small, fragmented open-space areas rather than one large contiguous open-space area as required in the OCP Open Space Plan. These fragmented open-space areas are inconsistent with the policies that pertain to the protection of biological and visual resources as well as preserving the semi-rural character of the Orcutt area. Therefore, the requested rezone is not in the interest of the general community welfare.

##### 2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

As discussed in Section 6.2 of the staff report dated December 2, 2011, herein incorporated by reference, the project is inconsistent with the Comprehensive Plan, including the Orcutt Community Plan. The project site is outside of the coastal zone and therefore does not involve a request to amend the Local Coastal Program.

##### 2.1.3 The request is consistent with good zoning and planning practices.

The proposed project would develop residential units within the area identified in the OCP for open space resulting in the dispersal of residential development throughout the site thereby creating a series of small open-space areas rather than one large contiguous open-space area envisioned in the OCP. The small, fragmented areas of open space are: 1) inconsistent with OCP policies that pertain to the protection of biological resources and visual resources; and, 2) less desirable because they do not offer the same opportunities at preserving the semi-rural character of the Orcutt area as would be achieved with one large-contiguous open space. Therefore, the finding that the request is consistent with good zoning and planning practices cannot be made.

## 2.2 GENERAL PLAN AMENDMENT FINDINGS

**Government Code Section 65358(a) requires a general plan amendment to be in the public interest.**

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.

## 2.3 SUBDIVISION MAP ACT FINDINGS

**Findings for all Tentative Maps.** In compliance with the Subdivision Map Act, the review authority shall deny the Orcutt Key Site 3 Map, Case No. 06TRM-00000-00004/TM 14,714 if any of the following Subdivision Map Act Findings cannot be made:

**2.3.1 *State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.***

As proposed, development of Key Site 3 would result in direct loss of wetland, coastal scrub, oak woodland, oak riparian, and non-native grassland. The proposed project would also result in the disruption of wildlife corridors as well as permanently alter the area identified for open space in the OCP. Mitigation Measures described in the Subsequent Final EIR, would reduce impacts to the extent feasible. However, several impacts to the biological and visual resources would remain significant and unavoidable. Moreover, the proposed project would develop residential units within the area identified in the OCP for open space resulting in the creation of small, fragmented open-space areas. The fragmented areas of open space are inconsistent with the policies that pertain to the protection of biological and visual resources as well as preserving the semi-rural character of the Orcutt area. Therefore, the finding that the project is consistent with general plan cannot be made.

**2.3.2 *State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:***

**a. *The proposed map is not consistent with applicable general and specific plans as specified in §66451.***

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.

- b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.

## 2.4 CHAPTER 21, COUNTY SUBDIVISION REGULATIONS

The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

- 2.4.1 *Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation.*

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.

## 2.5 DEVELOPMENT PLAN FINDINGS

**Findings required for all Preliminary or Final Development Plans.** In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings.

- 2.5.1 *The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.*

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.

## 2.6 PLANNED RESIDENTIAL DEVELOPMENT FINDINGS

**Additional findings required for sites zoned Planned Residential Development (PRD).** In compliance with Subsection 35.82.080.E.5 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan for sites zoned PRD the review authority shall first make all of the following findings:

- 2.6.1 *The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including any applicable community or area plan policies.*

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.

- 2.6.2 *The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.*

The proposed project would develop residential units within the area identified in the OCP for open space resulting in the dispersal of residential development throughout the site thereby creating a series of small open-space areas rather than one large contiguous open-space area envisioned in the OCP. The small, fragmented areas of open space are: 1) inconsistent with OCP policies that pertain to the

protection of biological resources and visual resources; and, 2) less desirable because they do not offer the same opportunities at preserving the semi-rural character of the Orcutt area as would be achieved with one large contiguous open space. Therefore, the finding that structures are clustered to the maximum extent feasible cannot be made.

## **2.7 CONDITIONAL USE PERMIT FINDINGS**

Pursuant to Section 35.82.060.E, a Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

**2.7.1 *That the project is in conformance with the applicable provisions and policies of the Development Code and the Comprehensive Plan.***

Refer to the discussion provided under Section 2.1.1, above, herein incorporated by reference.