

# County of Santa Barbara

105 Anapamu Street, Santa Barbara



## Action Summary

Tuesday, September 1, 2009

9:00 AM

COUNTY ADMINISTRATION BUILDING  
BOARD HEARING ROOM, FOURTH FLOOR  
105 EAST ANAPAMU STREET, SANTA BARBARA

## BOARD OF SUPERVISORS

*First District - Salud Carbajal*

*Second District - Janet Wolf, Vice Chair*

*Third District - Doreen Farr*

*Fourth District - Joni Gray*

*Fifth District - Joseph Centeno, Chair*

*Michael F. Brown, County Executive Officer*

**7:50 A.M. .... Convene and Recess to Closed Session**

**9:00 A.M. .... Reconvened to Regular Session**

*CONVENED AT 9:13 A.M.*

**Roll Call**

**Present:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Pledge of Allegiance**

**Report from Closed Session**

COUNTY COUNSEL

[09-00772](#)

Closed Session Agenda

**No Reportable Action**

**Approval of Minutes of the August 25, 2009 Meeting**

**A motion was made by Supervisor Gray, seconded by Supervisor Wolf, to Approve the Minutes. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Administrative Agenda**

**Resolutions to be Presented at 9:15 A.M.**

**A-1) SUPERVISOR WOLF**

[09-00762](#)

Adopt a Resolution of Commendation honoring Stephen R. Birch, MD for his 23 years of dedicated service to the County of Santa Barbara Public Health Department.

**A motion was made by Supervisor Farr, seconded by Supervisor Gray, that this matter be Adopted.**

**RESOLUTION NO. 09-238**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-2) SUPERVISOR CENTENO [09-00760](#)

Adopt a Resolution of Commendation honoring the Emergency Medical Services (EMS)/Public Health Preparedness Team of the Public Health Department as the September 2009 Santa Barbara County Employees of the Month.

**A motion was made by Supervisor Farr, seconded by Supervisor Gray, that this matter be Adopted.**

**RESOLUTION NO. 09-239**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Honorary Resolutions**

A-3) SUPERVISOR CARBAJAL, SUPERVISOR FARR [09-00758](#)

Adopt a Resolution of Commendation honoring University of California, Santa Barbara Arts & Lectures upon its 50th Anniversary and for its significant contribution to the cultural vitality of our community.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Adopted.**

**RESOLUTION NO. 09-240**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-4) SUPERVISOR CENTENO [09-00759](#)

Adopt a Resolution proclaiming the week of September 6, 2009 through September 13, 2009 as Childhood Cancer Awareness Week in Santa Barbara County.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Adopted.**

**RESOLUTION NO. 09-241**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Administrative Items**

A-5) AUDITOR-CONTROLLER [09-00764](#)

Adopt a Resolution and property tax rates establishing the Fiscal Year 2009-2010 Rates of Tax Levy for the taxing agencies in the County of Santa Barbara.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Adopted.**

**RESOLUTION NO. 09-242**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-6) COUNTY CLERK-RECORDER-ASSESSOR [09-00761](#)

Appoint the following members to the Cachuma Resource Conservation District Board of Directors, in lieu of election, to serve as if elected, pursuant to Public Resources Code Section 9314:

- a) Timothy G. O’Keefe;
- b) Ernest E. Righetti, II;
- c) Richard Russell; and
- d) LeRoy Scolari.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Continued, as follows: to September 22, 2009 in Santa Maria on the Departmental Agenda.**

**Directed staff to contact the Cachuma Resource Conservation District and request that the District provide the Board with information about the function/duties of the District, outreach/advertising used in recruiting potential members and any other information as appropriate. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-7) COUNTY EXECUTIVE OFFICE [09-00771](#)

Consider amending the 2009 meeting schedule of the Board of Supervisors by cancellation of the regularly scheduled meeting of September 8, 2009.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-8) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT [09-00768](#)

Consider recommendations regarding the Jesusita Fire Hydromulching Project, First and Second Districts, as follows:

- a) Approve and authorize the Purchasing Agent to waive bidding procedures and execute an Agreement with Western States Reclamation Inc. (not a local vendor) in an amount not-to-exceed \$4.6 million for aerial hydromulching services in response to the Jesusita Fire on non-federal land for the period of September 2, 2009 through October 19, 2009; (4/5 Vote Required)
- b) Approve the Budget Revision Request, BJE No. 2008035, to release \$180,000 in designations from the South Coast Flood Zone, to receive \$4,420,000 in unanticipated revenue (\$3,680,000 from the Natural Resource Conservation Service, \$690,000 from State Cal EMA, and \$50,000 from the City of Santa Barbara), and to increase Services and Supplies in the amount of \$4,600,000; (4/5 Vote Required)
- c) Approve and authorize the Chair to execute an Agreement with the City of Santa Barbara for the City’s cost sharing on the project in the amount of \$50,000; and
- d) Approve the CEQA Notice of Exemption.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Acted on as follows:**

**a) through d) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Hearing Requests**

A-9) COUNTY EXECUTIVE OFFICE, AGRICULTURAL COMMISSIONER [09-00770](#)

Set hearing to receive and file a report on efforts during the past year by the County of Santa Barbara to help market and promote awareness of the County’s agriculture industries. (Set hearing for 9/15/09. Time estimate 10 minutes.)

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: September 15, 2009 in Santa Barbara (EST. TIME: 10 MIN.) The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

## A-10) PLANNING AND DEVELOPMENT

[09-00765](#)

Set hearing to consider Case No. 09APL-00000-00019 for the Andy and Jessica Brown Appeal of the County Planning Commission's approval of the Salentine Second Development Envelope Project, Case No. 07RMM-00000-00001, as follows:

(Set hearing for 9/15/09. Time estimate 40 minutes.)

- a) Deny the appeal;
- b) Adopt the required findings for the project, including the CEQA findings;
- c) Approve the Addendum to 87-ND-15, and adopt the mitigation monitoring program contained in the conditions of approval; and
- d) Grant de novo approval of the project, Case No. 07RMM-00000-00001 subject to the conditions included in the June 19, 2009 County Planning Commission Action Letter.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: September 15, 2009 in Santa Barbara (EST. TIME: 40 MIN.) The motion carried by the following vote:**

**Ayes:           5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno**

## A-11) PLANNING AND DEVELOPMENT

[09-00766](#)

Set hearing to consider the request of Susan Petrovich, agent for William Foley, owner, regarding the Crossroads Special Events and Rezone, for the following cases, Third District:  
(Set hearing for 9/15/09. Time estimate 1 hour.)

- 1) Case No. 07RZN-00000-00004 for approval of a consistency rezone on AP No. 133-190-014 from Limited Agriculture, 40-acres minimum lot area with oil drilling combining regulations (40-AL-O), under Zoning Ordinance 661, to Agriculture II, 40-acres minimum gross lot area (AG-II-40) under Section 35.104 of the County Land Use & Development Code; and
- 2) Case No. 09CUP-00000-00021 for approval of a Minor Conditional Use Permit under Land Use & Development Code Section 35.42.250, in the AG-II-40 zone district, to allow for a maximum of 20 commercial special events per year and up to five charitable special events per year (with a maximum of two charitable events per calendar month) and a maximum of 250 attendees per event unless the prospective event sponsor obtains a separate Land Use Permit for larger special events from Planning & Development.

Consider recommendations regarding the subject parcel located at 3345 Foxen Canyon Rd., in the Los Olivos area, as follows:

- a) Adopt the required findings for the project, as revised including CEQA findings;
- b) Adopt an Ordinance Zoning Map Amendment for APN 133-190-014, amending the Inland Zoning Map for the Santa Ynez Valley Rural Areas Zone;
- c) Approve the revised Mitigated Negative Declaration No. 08NGD-00000-00013, and adopt the mitigation monitoring program, as revised; and
- d) Approve 07CUP-00000-00026 subject to the conditions of approval specified as revised by the Board of Supervisors.

**A motion was made by Supervisor Farr, seconded by Supervisor Carbajal,**

**that this matter be Set for a hearing, as follows: October 13, 2009 in Santa Maria (EST. TIME: 60 MIN.). The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**A-12) PLANNING AND DEVELOPMENT**

[09-00729](#)

Set hearing to consider the El Encinal Appeal, Case No. 09APL-00000-00009, of the County Planning Commission’s April 8, 2009 decision granting the appeal, Case No. 08APL-00000-00010, and denying the Land Use Permit, Case No. 08LUP-00000-00024, overturning the Planning and Development’s approval of the El Encinal Pole Barn, Case No. 08LUP-00000-00024, identified as APN 099-030-040, located at approximately 1 1/4 miles southwest of the intersection of Highway 135 and Santa Rita Road, in the Los Alamos area, Fourth District, as follows:  
(Set hearing for 9/22/09. Time estimate 1 hour and 30 minutes.)

- a) Adopt the required findings for denial of the project specified in the Planning Commission action letter dated April 10, 2009;
- b) Accept the Notice of Exemption pursuant to CEQA Guidelines Section 15270;
- c) Deny the appeal, Case No. 09APL-00000-00009, thereby upholding the Planning Commission’s denial of 08LUP-00000-00024; and
- d) Deny the project, de novo Case No. 08LUP-00000-00024.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: September 22, 2009 in Santa Maria (EST. TIME: 90 MIN). The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-13) PUBLIC WORKS

[09-00763](#)

Consider recommendations regarding the County Service Area 3 Streetlighting Benefit Assessment for Fiscal Year 2009-2010, Second and Third Districts, as follows:  
(Set hearing for 9/15/2009. Time estimate 5 minutes.)

- a) Adopt a Resolution setting a public hearing for September 15, 2009 in connection with County Service Area 3;
- b) Receive and file a fixed Charge Fee Report for Fiscal Year 2009-2010 with the Clerk of the Board, which reports the proposed benefit assessment (no increases) for County Service Area 3;
- c) Approve a Public Works Department Notice of Exemption pursuant to County California Environmental Quality Act (CEQA) Guidelines; and
- d) Adopt a Resolution establishing streetlighting charges for County Service Area 3 for Fiscal Year 2009-2010.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Acted on as follows:**

**a) Adopted;**

**RESOLUTION NO. 09-243**

**b) through d) set for hearing on September 15, 2009 in Santa Barbara (EST. TIME: 5 MIN.)**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

A-14) COUNTY EXECUTIVE OFFICE

[09-00773](#)

Set hearing to consider recommendations regarding the Green Heron Spring Annexation to the City of Carpinteria, First District, as follows:  
(Set hearing for 9/15/09. Time estimate 10 minutes.)

- a) Adopt a Resolution of Negotiated Tax Exchange Agreement between the City of Carpinteria and the County of Santa Barbara that detaches a parcel from the County General Fund; and
- b) Approve a Memorandum of Understanding between the City of Carpinteria and the County of Santa Barbara regarding the transfer of housing credits pertaining to the Green Heron Spring Annexation.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: September 15, 2009 Santa Barbara (EST. TIME: 10 MIN.) The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno



**Board of Supervisors**

A-15) SUPERVISOR GRAY

[09-00774](#)

Approve the appointment of Ann B. Eldridge to the Mental Health Commission as an alternate member, term ending July 1, 2011, Fourth District.

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Approval of Administrative Agenda**

*HEARING TIME: 9:22 A.M. - 9:49 A.M. (27 MIN.)*

**A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that the Administrative Agenda be approved. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**Public Comment Period**

*HEARING TIME: 9:50 A.M. - 10:08 A.M. (18 MIN.)*

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. **THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 03-282) (09-00001)**

**RE: 5th District Supervisorial District Issues - Ernesto Armenta**

**RE: Agricultural Industrial Issues - Dr. Robert L. Johns**

**Departmental Agenda**  
**Planning Items and Public Hearings**

1) COUNTY EXECUTIVE OFFICE 09-00478

HEARING - Consider recommendations regarding an Aviation Unit Management Structure, as follows:

- a) Receive and file reports from the Fire Department and the Sheriff's Department regarding structural recommendations for operation of the Santa Barbara County Aviation Program; and
- b) Direct the departments and staff to implement one of the three following options for management of the aviation program:
  - i) Return to the combined unit operation;
  - ii) Transfer operations to the Fire Department management; or
  - iii) Transfer operations to the Sheriff's department management.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: WITHDRAW FROM AGENDA

*HEARING TIME: 10:09 A.M. - 10:10 A.M. (1 MIN.)*

**A motion was made by Supervisor Gray, seconded by Supervisor Wolf, that this matter be Withdrawn from the agenda. The motion carried by the following vote:**

**Ayes:**        5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

2) COUNTY EXECUTIVE OFFICE

[09-00753](#)

HEARING - Consider recommendations regarding the Board of Supervisors' response to the Grand Jury Report entitled "SBCAG: A Road Not Taken", as follows: (EST. TIME: 30 MIN.)

- a) Adopt the responses as the Board of Supervisors' responses to the 2008-09 Grand Jury Report entitled "SBCAG": A Road Not Taken;" and
- b) Approve and authorize the Chair to execute the letter forwarding the responses to the Presiding Judge.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

*HEARING TIME: 10:10 A.M. - 10:25 A.M. (15 MIN.)*

**Received and filed staff presented and conducted public comment.**

**A motion was made by Supervisor Wolf, seconded by Supervisor Farr, that this matter be Acted on as follows:**

- a) Adopted.**
- b) Approve; Chair to execute.**

**The motion carried by the following vote:**

**Ayes:**        5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

3) PLANNING AND DEVELOPMENT

[09-00725](#)

HEARING - Consider recommendations regarding the Staal Lot Line Adjustment and Rezone, in the Goleta area, Second District, as follows: (EST. TIME 15 MIN.)

- a) Adopt the required findings for Case Nos. 09RZN-00000-00005 and 08LLA-00000-00013, including CEQA findings;
- b) Accept the Notice of Exemption pursuant the California Environmental Quality Act Guidelines Section 15305;
- c) Adopt an Ordinance effectuating a Zoning Map Amendment for APNs 153-340-031 and 153-340-010 amending the Inland Zoning Map for the Santa Barbara Rural area from 40-AL and 40-E-1 to AG-II-40; and
- d) Approve the project, including the following Case Nos.:
  - i) 09RZN-00000-00005, for a Zoning Map Amendment to rezone Parcel 1 and Parcel 2 from 40-E-1 and 40-AL, respectively, to AG-II-40 (Agriculture II, 40-acre minimum gross lot area); and
  - ii) 08LLA-00000-00013, for a Lot Line Adjustment, subject to conditions included in the Planning Commission action letter dated July 8, 2009.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY

*HEARING TIME: 10:35 A.M. - 10:36 A.M. (1 MN.)*

**Received and filed staff presentation and conducted public hearing.**

**A motion was made by Supervisor Wolf, seconded by Supervisor Farr, that this matter be Acted on as follows:**

- a) Adopted;**
- b) Accepted;**
- c) Adopted.**

**ORDINANCE NO. 4726**

**d) Approved.**

**The motion carried by the following vote:**

**Ayes:**            5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

4) PLANNING AND DEVELOPMENT

[09-00746](#)

HEARING - Consider recommendations regarding an overview of Offshore Oil and Gas Development, the draft proposed Five-Year Outer Continental Shelf Leasing Program, and Minerals Management Service Rulemaking, as follows: (EST. TIME: 1 HR.)

- a) Receive and file an overview of offshore oil and gas development from the Energy Division;
- b) Approve and authorize the Chair to execute a comment letter, opposing the draft Five-Year Outer Continental Shelf Leasing Program proposed by the United States Department of the Interior; and
- c) Approve and authorize the Chair to execute a comment letter, supporting rulemaking proposed by the Minerals Management Service that seeks to require all offshore operators to implement a Safety and Environmental Management System.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

*HEARING TIME: 10:37 A.M. - 12:10 P.M. (93 MIN.)*

**Acted on as follows:**

**Received and filed staff presentation and conducted public hearing.**

**A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf as follows:**

- a) Received and filed.
- c) Approved; Chair to execute. Directed staff to amend the letter as follows:

**The second paragraph shall read as follows:**

**"The four SEMS program elements required in the Proposed Rule are Hazards Analysis, Management of Change, Operating Procedures, and Mechanical Integrity. The analysis summarized in the Proposed Rule indicates that these elements are associated with contributing causes of most incidents, hence the rationale for focusing on them. Nonetheless, Santa Barbara County requests that this regulation be broadened to require, rather than simply encourage, that offshore operators implement all twelve elements of the American Petroleum Institute's Recommended Practice, as identified in the rulemaking notice."**

**The motion carried as follows:**

**Ayes:** 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Centeno

**A motion was made by Supervisor Carbajal, Seconded by Supervisor Wolf as follows:**

- b) Approved; Vice-Chair to execute. Directed staff to amend the letter as follows:

**The first sentence of the second paragraph shall read as follows:**

**"However, should the Department of the Interior ignore this County's wishes**

and continue to consider new oil and gas leasing off our coast, we submit the following comments."

and:

The last sentence of the third paragraph shall read as follows:

"Aside from significant impacts to the unique marine ecology, and air and water quality of the Santa Barbara Channel, this area is the hub of coastal recreation and tourism in Santa Barbara County."

The motion carried as follows:

- Ayes:** 3 - Supervisor Carbajal, Supervisor Wolf, and Supervisor Farr
- Noes:** 2 - Supervisor Gray, and Supervisor Centeno

**Adjourned at 12:15 PM**

**The Board of Supervisors Adjourned the meeting of September 1, 2009 in memory of Senator Edward Kennedy.**

**Adjourned to**

**September 15, 2009**

**County Administration Building**

**Board Hearing Room**

**105 East Anapamu Street , Fourth Floor**

**Santa Barbara**

**Announcements**

*The meeting of Tuesday, September 1, 2009 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, September 3, 2009, at 5:00 PM and on Saturday, September 5, 2009, at 10:00 AM on CSBTV Channel 20.*

*The Board of Supervisors will not meet on Tuesday September 8, 2009. The next regular meeting of the Board of Supervisors will be on Tuesday, September 15, 2009 in Santa Barbara.*

**<http://www.countyofsb.org>**