

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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October 9, 2020

Stephen Jacobs
1690 Fredensborg Way
Solvang, CA 93463

PLANNING COMMISSION
HEARING OF OCTOBER 7, 2020

RE: Jacobs Appeal of the Decker Greenhouse; 20APL-00000-00011

Hearing on the request of Stephen Jacobs, Appellant, to consider Case No. 20APL-00000-00011 [application filed on June 16, 2020], an appeal the Director's approval of Case No. 19LUP-00000-00469, which authorized the construction of a 15,648 square foot greenhouse for the cultivation of vegetables. The appeal was filed in compliance with Chapter 35.102 of the Land Use and Development Code. The subject property is zoned AG-I-5 and is located at 988 Fredensborg Canyon Road, Solvang area (Assessor Parcel No. 137-140-033), Third Supervisorial District. (Continued from 8/05/20)

Dear Mr. Jacobs:

At the Planning Commission hearing of October 7, 2020, Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 5 to 0 to accept a late submittal from Steve Decker into the record.

Commissioner Parke moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to:

1. Uphold the appeal, Case No. 20APL-00000-00011;
2. Make the required findings for denial of the project (Case No. 19LUP-00000-00469) as specified in Attachment A of this memorandum, including CEQA findings;
3. Determine that denial of the project (Case No. 19LUP-00000-00469) is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(4) and 15270(a) included as Attachment B to this memorandum; and
4. Deny the project, Case No. 19LUP-00000-000469.

REVISIONS TO THE FINDINGS FOR DENIAL

Finding 1.0 is revised as follows:

1.0 CEQA FINDINGS

The County Planning Commission (Commission) finds that the proposed project is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(4) and Section 15270(a). More specifically, a project is exempt from CEQA environmental review if the project will be rejected or disapproved by a public agency. As discussed in the memorandum from staff to the Planning Commission, dated ~~September 22, 2020~~ September 24, 2020, incorporated herein by reference, and in the administrative findings set forth below, the project is denied by the Commission because certain findings cannot be made to approve the project.

Finding 2.1.1 is revised as follows:

2.1.1 The proposed development conforms:

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and**
- (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Commission finds that the proposed development does not conform to the Santa Ynez Valley Community Plan, as discussed in Section 2.0 of the memorandum, dated ~~September 22, 2020~~ September 24, 2020 and incorporated herein by reference. The proposed greenhouse is not compatible with the surrounding area due to its size, scale, and excessive lighting.


The attached findings and conditions reflect the Planning Commission's actions of October 7, 2020.

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, October 19, 2020 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$701.06 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,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 20APL-00000-00011
Planning Commission File
Owner: Steve Decker, 988 Fredensborg Canyon Road, Solvang, CA 93463
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Joan Hartmann, Third District Supervisor
John Parke, Third District Planning Commissioner
Jenna Richardson, Deputy County Counsel
Ben Singer, Planner

Attachments - Attachment A - Findings

JW/dmv

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ATTACHMENT A: FINDINGS

2.0 CEQA FINDINGS

The County Planning Commission (Commission) finds that the proposed project is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(4) and Section 15270(a). More specifically, a project is exempt from CEQA environmental review if the project will be rejected or disapproved by a public agency. As discussed in the memorandum from staff to the Planning Commission, dated September 24, 2020, incorporated herein by reference, and in the administrative findings set forth below, the project is denied by the Commission because certain findings cannot be made to approve the project.

3.0 ADMINISTRATIVE FINDINGS

In order for a Land Use Permit for new development to be approved, the proposed development must comply with all applicable requirements of the County Land Use and Development Code (LUDC) and policies of the County Comprehensive Plan, including any applicable community or area plan. The following required findings in the County LUDC cannot be made for this project. Only findings that cannot be made are discussed below:

2.1 FINDINGS FOR ALL LAND USE PERMITS

2.1.1 The proposed development conforms:

- (3) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and**
- (4) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Commission finds that the proposed development does not conform to the Santa Ynez Valley Community Plan, as discussed in Section 2.0 of the memorandum, dated September 24, 2020 and incorporated herein by reference. The proposed greenhouse is not compatible with the surrounding area due to its size, scale, and excessive lighting.