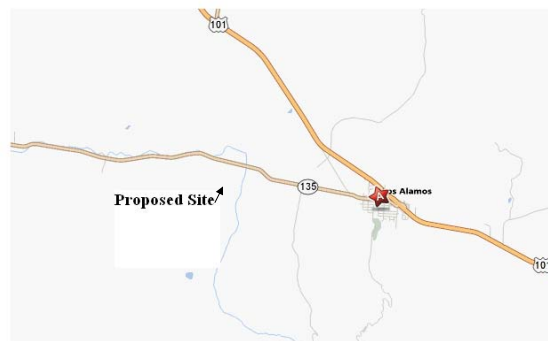


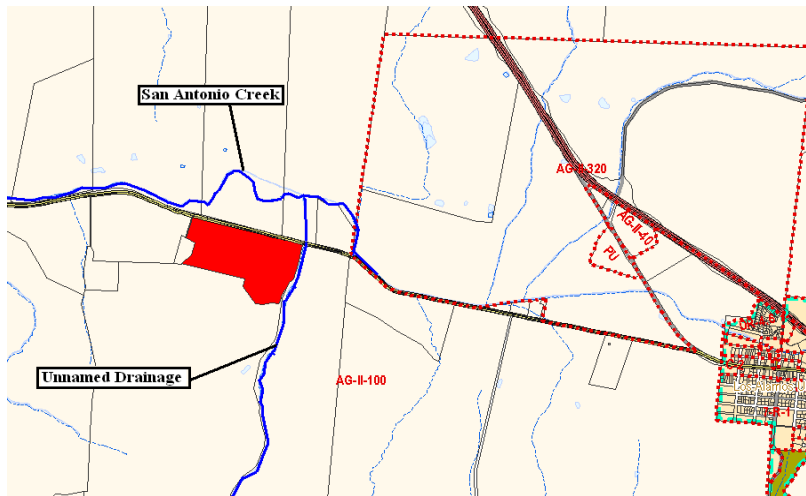
09APL-00000-00009  
El Encinal Appeal of Planning  
Commission Denial of Land Use Permit

**County of Santa Barbara**  
**Board of Supervisors**  
**September 22, 2009**

PROJECT LOCATION



## Zoning on Parcels



## SITE INFORMATION

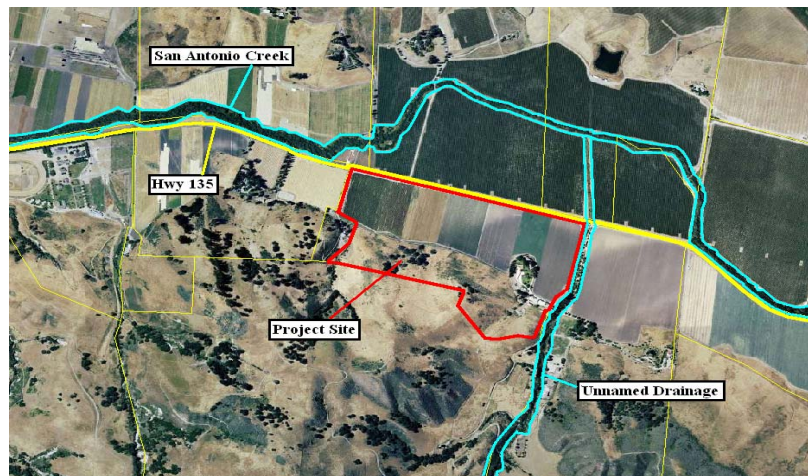
- ❖ Parcel size: 107 acres
- ❖ Zoning Designation: AG-II-100, Agriculture, 100 acres minimum parcel size
- ❖ General Plan Land Use Designation: AC, Agricultural Commercial,
- ❖
- ❖ Parcel under a current agricultural preserve contract

## PROJECT CONSISTENCY

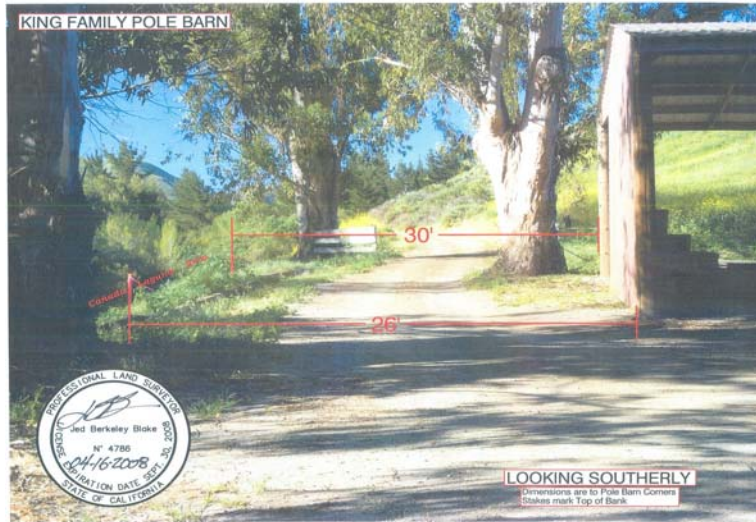
This project is consistent with:

- ❖ The Santa Barbara County Comprehensive Plan
- ❖ Land Use and Development Code, Inland Zoning Ordinance

## Overall Site Area



## Pole Barn Location and Unnamed Drainage



## Project Summary Description

- ❖ Land Use Permit: legalize a 1,944 square foot pole barn
- ❖ Land Use Permit appealed: Access
- ❖ April 8, 2009 Planning Commission granted the appeal and denied the land use permit.



## APPEAL OF PLANNING COMMISSION DECISION

- ❖ Board of Supervisors: April 14, 2009  
appeal filed opposed to Planning  
Commission decision.



## APPEAL ISSUE #1

- ❖ **Appeal Issue:**
- ❖ Disagree with PC interpretation on  
conditions of original map regarding  
access roads and driveways

## STAFF RESPONSE

- ❖ Staff concurs that placement of the barn in its current location does not conflict with the provisions of a 20 foot wide access road across the property.
- ❖ Located in this same footprint since 1988 and replaced an existing barn destroyed in a storm and completely dismantled in 1983.
- ❖ Location of barn and existing access road continues to have a width of a minimum of 20 feet.
- ❖ Mr. Scheller is correct in pointing out that the barn is located within the 75' wide easement.

## APPEAL ISSUE #2

- ❖ Revised Finding 1.1.3 adopted by the Planning Commission to justify overriding the staff's support of the pole/hay barn concludes that the potential future creek erosion could result in the driveway not meeting minimum Flood Control standards.

- ❖ November 12, 2008, Commissioner Valencia could not support finding #1.1.3. requests revise finding to reflect inconsistency with the approved map.
- ❖ January 28, 2009 return to Planning Commission with the revised finding as follows:
- ❖ Revised Finding #1.1.3 Although the subject property would be in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks and other applicable divisions of the Land Use and Development Code, the Planning Commission concluded that issuing a permit to legalize the pole barn would not be consistent with subdivision requirements due to the encroachment of the pole barn into the easement approved as a part of the originally approved map, TPM 13,549.

- ❖ Original Finding 1.1.3: That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivision, setbacks and any other applicable divisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors has been paid. This subsection shall not be interpreted to impose new requirements on non-conforming uses and structures under Section 35.101.020 et seq.

- ❖ Berk Blake, Blake Land Surveys completes survey indicating the closest point of the pole barn is 26 feet from the top of bank.
- ❖ A survey by MNS Engineers indicating the distance is 21 feet from the top of bank.
- ❖ Flood Control Department notes the setback ordinance specifically applies to the creeks identified in the Flood Insurance Rate Maps (FIRM).
- ❖ Watercourse on the El Encinal/Scheller parcels adjacent to the pole barn is not identified on the FIRM, not subject to this regulation.

- ❖ The appellants do not concur with the Planning Commission's decision on noncompliance with TPM 13,549 and the easement approved with the map; approval of the barn permit would continue to provide for the required 20 foot wide road access.





## RECOMMENDATION

- ❖ At the September 22, 2009 hearing, the Board of Supervisor's action should include the following:
- ❖ a) Adopt the required findings for denial of the project specified in the Planning Commission action letter dated April 10, 2009 (Attachment A);
- ❖ b) Accept the 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.