



COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning Commission

FROM: Florence Trotter-Cadena, Planner *FL*

DATE: March 27, 2009

RE: 08APL-00000-00010, Scheller Appeal of King Pole Barn

On March 4, 2009 the agents for the Scheller Appeal of the King Pole Barn requested that the item be continued to allow time for mediation. On March 23, 2009 the attorneys for both parties notified Planning and Development that despite attempts at mediation the issues were not resolved regarding the easement.

At the Planning Commission on November 12, 2008, Commissioner Valencia stated that he could not support the staff report findings, in particular finding #3. The revised finding is provided below for the Commission's consideration:

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.

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, 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. Although the access road in its current configuration has a minimum width of 26 feet adjacent to the pole barn, further erosion from the creek east of the access road could result in a driveway that does not meet minimum standards.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 08APL-00000-00010

marked "Officially Accepted, County of Santa Barbara April 8, 2009 Planning Commission Exhibit 1", based on the inability to support issuance of the Land Use Permit.

Your Commission's motion should include the following:

1. Adopt the findings as revised in this memo dated March 27, 2009.
2. Accept the exemption, included as Attachment B, pursuant to CEQA Section 15303- New conversions or Construction of Small Structures, and
3. Approve the appeal 08APL-00000-00010, thereby denying the Planning and Development Department's approval of Land Use Permit No. 08LUP-00000-00024.

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.