

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
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Agenda Number: 111 80
Prepared on: 3/6/03
Department Name: 4th District Office
Department No.: 0240
Agenda Date: 4/8/03
Placement: Departmental
Estimate Time: 20 Minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
FROM: Supervisor Joni Gray *Joni Gray*
7700
STAFF CONTACT: Susan Warnstrom
7700
SUBJECT: Request for Loading Dock Fee Waivers

Recommendation(s):

That the Board of Supervisors: Waive Planning and Development Fees of \$1100 and Public Works Fees of \$5414 for the Loading Dock in Orcutt, for a total of \$6414.

Alignment with Board Strategic Plan:
Goal IV: ECONOMIC VITALITY

Executive Summary and Discussion:

The Loading Dock is located in Old Town Orcutt and the buildings have historical connections to the old railroad and business district of Old Town Orcutt. The property is owned by Mr. And Mrs. Bub Richards. Up until six years ago the buildings on the property were used for heavy equipment storage related to oil and farming activities as allowed in the old M-1 zone.

In 1997, Mary Ellen O'Keefe and Marty Willey decided to open up a cafe, deli, and antique store in the main building on this property. The county issued permits and improvements were made to the building. After the improvements were made the county determined that the new uses were not consistent with the M-1 zone. Although everyone supported the uses and the new business, the county staff considered them a zoning violation.

To help the situation, the county included this property in the Orcutt Community Plan rezoning effort in 2000. The zoning is now OT-R-14-GC, which allows both residential and commercial uses. Upon adoption of this new zoning designation both the landowner and the businesswomen thought that there were no longer any violations and that they could now operate their business without further action from the county.

The position of Planning and Development was that there was still a zoning violation because they had not been issued a new land use permit under the new commercial zoning designation. P&D staff did not actively pursue this violation because again they supported the business and the planners liked eating lunch there.

However, last year Marty and Mary Ellen applied for a liquor license to do wine tasting. The planners said that they would not allow the state liquor license to be issued unless all of the county permits they thought needed to be issued were completed and all fees paid. Early on in this process, several planners were very supportive and helped with the permits. But as new planners were assigned to this ministerial permit they threw the book at them.

The business owners have worked for six months now with the county and will be doing improvements to the site as directed by these new planners, even though it will change the character of the business. One of the biggest requirements mandated by the county was to establish an on site parking lot. The other requirement was to pay Orcutt Developer Fees.

The Land Use Permit 10 day notice was issued on February 26, 2003 and the final permit can be issued on March 11, 2003. However, the permit has two conditions. The first, Number 9 requires that the business pay the county planners an additional \$1,100.00 for the land use permit process. They have already paid \$450.00 when they filed their application. Second condition, Number 10 requires a road fee of \$5,414.00 for a change of use from industrial to commercial. The Roads Department has been very helpful in assisting in the design of the parking lot, however they cannot waive these fees at a staff level. We are requesting that both of these fees be waived. This business has been in operation for over six years and they have become a community asset in revitalizing Old Town Orcutt.

Waiving of these fees would be consistent with Policy OT-O-3 **"...The County should work with the development community to identify possible incentives, regulatory changes, and funding mechanisms to encourage appropriate development in Old Town Orcutt"**, Action OT-O-3.2 **The County should consider directing a portion of Orcutt sales tax revenue associated with new commercial development towards the revitalization of Old Town"** and Action OT-O-3.3 **" Planning and Development should work with Public Works to establish a road fee reduction for development in Old Town Orcutt"**.

The waiver of fees would be consistent with these and other policies in the Orcutt Community Plan and should be supported by the county to help revitalizes Old Town Orcutt.

Mandates and Service Levels:

Fiscal and Facilities Impacts:

Special Instructions:

Concurrence: