



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: July 3, 2018
Placement: Set Hearing on 07/03/18
for 07/17/18
Estimated Time: 1 hour on 07/17/18
Continued Item: Yes
If Yes, date from: 11/22/16
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Dianne M. Black, Director, Planning & Development
Director (805) 568-2086
Contact Info: Jeff Wilson, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: Myers Appeal (16APL-00000-00021) of the County Planning Commission's
Denial of the Myers Secondary Access Road and Bridge project
Case No. 16LUP-00000-00109, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On July 3, 2018, set a hearing for July 17, 2018 to further consider Case No. 16APL-00000-00021, an appeal filed by Barton and Victoria Myers of the County Planning Commission's denial of the Myers Secondary Access Road and Bridge project (Case No. 16LUP-00000-00109).

On July 17, 2018, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 16APL-00000-00021;
- b) Make the required findings for denial of the project (Case No. 16LUP-00000-00109), including CEQA findings;
- c) Determine the denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270; and
- d) Deny *de novo* the project, Case No. 16LUP-00000-00109.

Alternatively, in order to approve the project, your Board would take the following alternative actions:

- a) Approve the appeal, Case No. 16APL-00000-00021;
- b) Make the required findings for approval of the project (Case No. 16LUP-00000-00109), including CEQA findings;
- c) Adopt the Negative Declaration (18NGD-00000-00004) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act; and
- d) Approve *de novo* the project, Case No. 16LUP-00000-00109.

The application involves Assessor's Parcel Number (APN) 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon area of the First Supervisorial District.

Summary Text:

The proposed project would permit construction of a secondary access road, including a new bridge. The proposed secondary access road would be located entirely within an Environmentally Sensitive Habitat (ESH) area, as designated in the Toro Canyon Plan, within the riparian corridor along the East Branch of Toro Creek. A Land Use Permit (LUP) and Grading Permit are required for grading and construction of the proposed road. The applicant is required to either obtain an LUP for the partially constructed road or to restore the area that was previously graded, consistent with County and other agency requirements.

The Board of Supervisors considered this request on November 22, 2016 and referred the project back to Planning and Development with direction to staff to initiate and complete environmental review of the project, as revised to meet Carpinteria-Summerland Fire Protection District emergency access requirements, and to return to the Board with draft findings for approval and denial (see the Board of Supervisors Minute Order, included as Attachment 1).

This item is on the agenda in order to set a hearing for July 17, 2018 to take action on the above listed recommendations. A more detailed Board Letter with all necessary attachments will be prepared and provided prior to the July 17, 2018 hearing.

Fiscal and Facilities Impacts:

Budgeted: Yes At the prior Board of Supervisors hearing on this appeal, the Board directed staff to complete environmental review and return to the Board of Supervisors, "with all costs for environmental review, including staff time, to be paid for by the applicant." The fees charged to the applicant are budgeted in the permitting program of the Department, as shown in the adopted 2018-19 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on July 17, 2018. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements using the attached labels. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments: Board of Supervisors Minute Order for November 22, 2016

Authored by:

Natasha H. Campbell, (805) 570-4871
Development Review Division, Planning and Development Department