



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

September 2, 2016

Tom Signorelli
1204 Diana Road
Santa Barbara, CA 93103

PLANNING COMMISSION
HEARING OF AUGUST 31, 2016

RE: Signorelli Appeal of the Jimenez Land Use Permit; 15APL-00000-00019

Hearing on the request of Tom Signorelli, appellant, to consider Case No. 15APL-00000-00019 [application filed on October 12, 2015] in compliance with Chapter 35.102 of the County Land Use and Development Code, of the Director's decision to approve Case No. 14LUP-00000-00514, a Land Use Permit for grading of new ranch roads and maintenance of existing ranch roads, on property located in the AG-II-100 Zone; and to determine the project is exempt from the provisions of the State Guidelines for Implementation of the California Environmental Quality Act pursuant to State CEQA Guidelines Sections 15301 and 15304. The application involves Assessor Parcel No. 083-280-024, located at 3927 Jalama Road, in the Lompoc area, Third Supervisorial District.

Dear Mr. Signorelli:

At the Planning Commission hearing of August 31, 2016, Commissioner Brooks moved, seconded by Commissioner Brown and failed by a vote of 2 to 3 (Cooney, Ferini, and Blough no) uphold the appeal.

Commissioner Blough moved, seconded by Commissioner Cooney and carried by a vote of 3 to 2 (Brooks and Brown no) to:

1. Deny the appeal, Case No. 15APL-00000-00019;
2. Make the required findings for approval of the project, Case No. 14LUP-00000-00514, specified in Attachment A of the staff report dated July 20, 2016, including CEQA findings;
3. Determine that the project, 14LUP-00000-00514, is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15301 and 15304, as specified in Attachment C of the staff report dated July 20, 2016; and
4. Grant *de novo* approval of the project, Case No. 14LUP-00000-00514, subject to the conditions included as Attachment B of the staff report dated July 20, 2016.

The attached findings and conditions reflect the Planning Commission's actions of August 31, 2016.

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, September 12, 2016 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$659.92 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,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 15APL-00000-00019
Planning Commission File
Owner: Manuel Jimenez, P.O. Box 50220, Santa Barbara, CA 93150
Agent: Syndi Souter, P.O. Box 50220, Santa Barbara, CA 93150
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Doreen Farr, Third District Supervisor
Marell Brooks, Third District Planning Commissioner
Jenna Richardson, Deputy County Counsel
Steve Rodriguez, Planner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

Planning Commission Hearing of August 31, 2016
Signorelli Appeal of the Jimenez Land Use Permit; 15APL-00000-00019
Page 3

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ATTACHMENT A: FINDINGS

1.0

CEQA FINDINGS

1.1 CEQA Exemption

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304. Please see Attachment C, Notice of Exemption.

2.0

ADMINISTRATIVE FINDINGS/LAND USE PERMIT FINDINGS

2.1 LAND USE PERMIT FINDINGS. I

In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.

The project would result in the construction of approximately 1,975 feet of new roads and the maintenance of approximately 2,325 feet of existing roads on a 678-acre ranch property. The proposed new roads and the maintenance of existing roads would not result in an increased demand for water, require additional waste water disposal, increase traffic on off-site roads, or result in an increased demand for fire protection or law enforcement services. Therefore, this finding can be made.

2.2 In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

2.2.1 The proposed development conforms: a) To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan; and b) 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 Land Use Permit, Case No. 15LUP-00000-00514, consists of the approval of the construction of approximately 1,975 feet of new roads and the maintenance of approximately 2,325 feet of existing roads on a 678-acre property. As described in Section 6.3 and 6.4 of this staff report, dated July 20, 2016 and herein incorporated by reference, the project complies with the applicable policies of the Santa Barbara Comprehensive Plan and the Santa Barbara Land Use and Development Code. Therefore, this finding can be made.

2.2.2 The proposed development is located on a legally created lot.

Assessor Parcel number 083-280-024 was created by Record Map Book 9, page 38-49, dated February 3, 1919, as shown in Assessor's Map Book 083, page 28. Therefore, this finding can be made.

2.2.3 The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

As discussed in Section 6.4 of this staff report, dated July 20, 2016 and herein incorporated by reference, the proposed project complies with the applicable standards of the Santa Barbara County Land Use and Development Code.

There are currently active building and zoning enforcement cases (14BDV-00000-00065 and 14ZEV-00000-00112) on the project property related to unpermitted grading on road segment 47. The requested Land Use Permit and associated grading permit (14GRD-00000-00187) would abate the building and zoning enforcement cases. As discussed in Section 6.4 of the staff report dated July 20, 2016, incorporated herein by reference, the project is consistent with all of the requirements of the Santa Barbara County Land Use and Development Code. Therefore, the project is consistent with this finding.



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

LAND USE PERMIT NO.: 14LUP-00000-00514

Project Name: JIMENEZ GRADING FOR NEW AND EXISTING AGRICULTURAL ROADS
Project Address: 3927 JALAMA RD. LOMPOC, CA 934369500
A.P.N.: 083-280-024
Zone: AG-II-100

The Planning and Development Department hereby approves this Land Use Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

APPROVAL DATE: 8/31/2016
LOCAL APPEAL PERIOD BEGINS: 9/1/2016
LOCAL APPEAL PERIOD ENDS: 9/12/2016
DATE OF PERMIT ISSUANCE (if no appeal filed): 9/13/2016

APPEALS:

1. The approval of this Land Use Permit may be appealed to the County Planning Commission by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (CLUDC Chapter 35.102 Appeals).
2. Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

PROJECT DESCRIPTION SUMMARY: Grading of new agricultural roads for the existing operation. The roads do not meet Chapter 14 requirements for the exemption of agricultural roads. Grading consisting approximately 250 cy of cut and 250 cy of fill. To receive additional information regarding this project and/or to view the application and/or plans, please contact John Zorovich at 624 West Foster Road, Suite C, Santa Maria, by email (Jzoro@co.santa-barbara.ca.us) or by phone ((805) 934-6297).

PROJECT SPECIFIC CONDITIONS: See Attachment "A"

ASSOCIATED CASE NUMBERS: 15APL-00000-00019

PERMIT ISSUANCE: This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (CLUDC Chapter 35.106 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.

4. Appeals. An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.

5. Other approvals. Any other necessary approvals required prior to issuance of this Land Use Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the CLUDC and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (CLUDC: Section 35.82.110).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (CLUDC: Section 35.82.110).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (CLUDC: Section 35.82.020).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Synda Souter Synda Souter , 8/31/2016
Print name Signature Date
Souter Land Use Consulting, agent for owner, Manuel Jimenez
Land Use Approval By:
Steve Loggins , 8/31/2016
Director, Planning and Development Date

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description, the Comprehensive Ranch Road Grading & Maintenance Plan dated September 2015 and all conditions of approval set forth below, and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project includes construction of new ranch road segments 50, 70 and 71 and repairs/improvements to existing ranch road segments 47, 54, 64, 66, 67, and 69 as identified on the Comprehensive Ranch Road Grading and Maintenance Plan dated September 2015. The proposed road segments would be approximately 20-foot wide. The project also includes approximately 250 cubic yards of grading, all of which would be moved and placed within the footprint of the new and improved road segments. Any rocks encountered that are greater than 6-inches and are not suitable for compaction would be stockpiled for future use on-site or export. No grading would take place within the banks of any blue-line creeks.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

County Rules and Regulations

3. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
4. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
5. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

JIMENEZ GRADING FOR NEW AND EXISTING AGRICULTURAL ROADS

14LUP-00000-00514

Page A - 2

6. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.