



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

5

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

Department Name: Planning and Development
Department No.: 053
For Agenda Of: March 13, 2012
Placement: Departmental
Estimated Tme: 1.25 hours
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director (568-2085)
Director(s) Planning and Development
Contact Info: Doug Anthony, Deputy Director, 568-2046
Development Review Division – North County

SUBJECT: Orcutt Key Site 3

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors consider the Planning Commission's recommendation for denial of the Key Site 3 project (Case Nos. 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-00004/TM 14,714, and 10CUP-00000-00001); Assessor Parcel No. 129-151-026, located approximately 0.5 miles south of the Clark Avenue /U.S. Highway 101 intersection, in the Orcutt area, Fourth Supervisorial District, and take the following actions:

1. Make the required findings to deny the project specified in Attachment 1;
2. Determine the project to be exempt from CEQA pursuant to CEQA Guideline Section 15270 of CEQA (Attachment 2); and,
3. Deny the project, Case nos. 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-00004/TM14,714, and 10CUP-00000-00001.

Summary Text:

A. Project Description

The proposed project is a request by John Franklin, agent for the owners, for approval of a: 1) General Plan Amendment (06GPA-00000-00016); 2) Rezone (06RZN-00000-00007); 3) Vesting Tentative Tract Map (06TRM-00000-00004/TM14,714); 4) Development Plan (06DVP-00000-000015); and 5) Minor

Conditional Use Permit (10CUP-00000-00001) under the provisions of Chapter 21 and the Santa Barbara County Land Use & Development Code (LUDC). The Vesting Tentative Tract Map (VTM) request includes the 8-acre portion that was rezoned to Multi-Family Residential - Orcutt (MR-O) as part of the Focused Rezone Program¹). Additional details pertaining to each component of the proposed project follows:

General Plan Amendment (06GPA-00000-00016): An amendment to the Orcutt Community Plan Land Use Designations map changing the land use designation from Residential Ranchette to Planned Development. The applicant also requests to amend several Orcutt Community Plan Key Site 3 policies and development standards to facilitate the goals of the project including, but not limited to, density and opens space standards.

Rezone (06RZN-00000-00007): An amendment to the LUDC zoning map to rezone 130 acres from Residential Ranchette, 10-acre minimum parcel size (RR-10) to Planned Residential Development (PRD) in order to accommodate the proposed number of residential lots while still providing open space protection.

Vesting Tentative Tract Map (06TRM-00000-00004/TM14,714): to divide 138.6 acres into: 1) 125 residential lots that range in size from 3,422 square feet to 9,700 square feet; 2) one public open space lot; 3) seven private open space lots; 4) seven lots for private roadways; and, 5) two lots for condominium development, on property zoned RR-10/MR-O. Three of these lots (including one of the private road lots) are for the MR-O zoned portion of the Key Site 3 property, and are not part of the proposed project evaluated in the project EIR. However, the subdivision of the MR-O area is part of the proposed project.

Final Development Plan (06DVP-00000-00015): Approval of a Final Development Plan in compliance with Section 35.82.080 of the LUDC for the development of 85 small and medium single-family homes on the northern portion of the site and 40 large single-family homes on the central low-lying portion of the site. The project also includes tract grading, installation of tract roads, public services and utilities, common open space, and landscaping. Attachment 11 depicts the proposed site plan.

Grading for tract development, including roads, and pads for homes is estimated at approximately 340,000 cubic yards (180,000 cubic yards of cut and 160,000 cubic yards of fill). Grading would also be required for the new primary access road through Key Site 2, and where Stillwell Road intersects with Chancellor Street in order to accommodate emergency vehicles.

¹ In February 2009, the County Board of Supervisors approved the Housing Element Focused Rezone Program and amended the OCP, the Land Use Development Code, and Santa Barbara County Zoning Map to change an approximately 8-acre portion of Key Site 3 to the Residential-20 land use designation with MR-O zoning for the future development of 160 high-density multi-family townhome units. The 160 units in the MR-O portion of the property are not part of the proposed project evaluated in this SEIR; however, the subdivision of the MR-O area into three lots (one lot for a road, and two lots for the multi-family residential development) is part of the proposed project. The environmental impacts associated with the development for the 8-acre portion of Key Site 3 under the MR-O zoning was evaluated in the Focused Rezone Program EIR (State Clearinghouse #2008061139, Santa Barbara County, 2008) and is part of the cumulative development analyzed in this EIR. As a result, the applicant retains the option of processing the 160 multi-family rental units within the MR-O zone with a Zone Clearance.

Minor Conditional Use Permit (10CUP-00000-00001): to allow for walls taller than eight feet in height in compliance with Section 35.24.030 of the LUDC. The walls would be adjacent to the proposed detention basins that are located in the northern and central portion of the site.

Each of the project components listed above is described in greater detail in the December 2, 2011 Planning Commission staff report (Attachment 5).

B. Planning Commission Action

The proposed Key Site 3 project was originally considered by the Planning Commission on April 13, 2011. At that time, the project consisted of 156 residential units as follows:

- 99 single-family homes on the northern portion of the site;
- 46 large single-family homes on the central low-lying portion of the site; and,
- 11 estate lots located on the hillsides in the southern portion of the site.

At the hearing, a majority of the Planning Commission indicated that the project should closely adhere to the currently adopted Orcutt Community Plan (OCP) policies. The Commission suggested that it would be willing to consider a reduced project design, which pulled back development from Highway 101 and Orcutt Creek. All of the Planning Commissioners individually supported removal of 11 estate lots located south of Orcutt Creek. The Planning Commission continued the project to July 13, 2011 with direction to staff to work with the applicant in reconfiguring the project to avoid environmental impacts and conflicts with the OCP.

On July 20, 2011, the applicant presented to the Planning Commission a conceptual reconfiguration of the project that reduced the number of proposed residential units from 156 to 125. The conceptual project included:

- 80 single-family homes on the northern portion of the site;
- 40 larger single-family homes in the central portion of the site within the OCP designated open space; and,
- Elimination of the 11 estate lots located south of Orcutt Creek.

The Planning Commission did not support the conceptual reconfigured project as it resulted in significant, unavoidable impacts and remained inconsistent with the OCP open space and visual resource policies.

On December 14, 2011, the applicant presented a detailed reconfigured project to the Planning Commission, which resembled the conceptual reconfigured project presented to the Planning Commission at the July 2011 hearing. The Planning Commission did not support the project because of the environmental impacts and policy inconsistencies associated with the proposed 40 single-family home development located in the open space area. At the December, 2011 hearing, the Commission voted 3-1 (Blough no; Valencia absent) to recommend that your Board deny the proposed project.

C. Issue Summary

The 138-acre Key Site 3 property is an area primarily characterized by agricultural uses and open space. It is bounded by U.S. 101 on the east, which runs in a northwest-southeast direction adjacent to the site. The Sunny Hills Mobile Home Park borders the site on the north; agriculture borders the site to the northeast, east, and southeast across U.S. 101; 20-acre ranchettes border the site to the west; and the undeveloped Solomon Hills and grazing land border the site to the south. The project site is currently undeveloped, and a portion of it is used for seasonal cattle and horse grazing. The site is currently zoned as Residential Ranchette, 10 units per acre (RR-10), except for the 8-acre portion in the north-central portion of the site that was rezoned to Multifamily Residential-Orcutt (MR-O) as part of the Focused Rezone Program.

The OCP identifies the project site as a visual "gateway" to the Orcutt community, as it is plainly visible to both north and southbound travelers on Highway 101. Constraints on the site are related to flood hazards and the aesthetic and biological resources of Orcutt Creek; compatibility with adjoining uses, limited access, noise and archaeological resources. Due to the presence of these resources and constraints, the OCP identifies the southern 98 acres of Key Site 3 as open space, thereby limiting development to the northernmost 39 acres of the site.

As noted above, the reconfigured project proposes developing residential units within the area identified in the OCP for open space, resulting in the creation of small, fragmented open-space areas rather than one large contiguous open-space area. These fragmented open-space areas are inconsistent with OCP Key Site 3 Policy KS3-2 and Development Standard KS3-1, and the OCP Open Space Plan Map, which identifies the southern 98 acres of Key Site 3 as open space.

At the December 14th hearing, the Planning Commission could not make the finding that the proposed project provides a public benefit, and is in the interest of the general community welfare, and therefore, recommended that the Board of Supervisors deny the proposed project and OCP amendments.

The Planning Commission staff report dated December 2, 2011 included the following reasons supporting denial of the proposed project, focusing on the proposal to develop 40 units in the designated open-space area:

- First, it is inconsistent with the overall goals of the current OCP policies that pertain to the protection of the site's visual, biological, and cultural resources.
- Second, revising the OCP policies to allow future development in the designated open-space area would not only detract from the semi-rural character of the area, which the current OCP open-space policies are in place to protect, but would not be prudent since there is already a sufficient inventory of similar size residential lots in the Orcutt area. There are over 100 residential lots within the Orcutt area (which are similar in size to the proposed Creekside lots) that were approved six to ten years ago on portions of Key Sites 6, 7, and 12 that remain undeveloped. This would suggest that there is a sufficient supply of similar sized residential lots to meet the existing and future housing needs in the Orcutt area without having to develop in the designated open-space areas. Thus, there is no basis for overriding considerations of the class I impacts to visual and biological resources.

- Third, the current OCP provides for future large residential-lot development at Key Sites 14, 15, and 18 in order to meet the future housing needs in Orcutt.

The Planning Commission action letter dated December 14, 2011 (Attachment 10) includes the Planning Commission's findings supporting their recommendation to the Board of Supervisors for denial of the proposed project.

Fiscal and Facilities Impacts:

County costs to process the project are fully reimbursed by the applicant pursuant to the current Board-approved fee resolution. Permit revenues are budgeted for the Development Review North Division on page D-316 of the adopted 2011-2012 fiscal year budget. Estimated costs for processing the project, including preparation of this Board Letter, are approximately \$243,451.

Special Instructions:

The Clerk of the Board shall forward a copy of the Minute Order to the Planning and Development Department, Hearing Support, Attention: David Villalobos. The Planning and Development Department will prepare the final action letter and notify all interested parties of the Board of Supervisor's final action.

Attachments:

1. Findings
2. Notice of Exemption
3. Planning Commission Staff Report dated March 25, 2011
4. Planning Commission Memorandum dated July 8, 2011
5. Planning Commission Staff Report dated December 2, 2011
6. Project Plans dated November 30, 2011
- 7A. Project Application Booklet dated November 2011
- 7B. Visual Simulation Booklet dated November 1, 2011
8. Orcutt Key Site 3 Final EIR, Volumes I and II (Board of Supervisor only)
9. Revision Letter to Final EIR dated November 11, 2011
10. Planning Commission Action letter dated December 14, 2011
11. Proposed Site Plan

Authored by:

John Zorovich, Senior Planner, 934-6297

Development Review Division – North, Planning and Development Department