

**ATTACHMENT 11: PLANNING COMMISSION MEMORANDUM DATED OCTOBER
6, 2021**



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: Travis Seawards, Deputy Director, Development Review Division

STAFF CONTACT: Gwen Beyeler, Planner

DATE: October 6, 2021

HEARING DATE: October 6, 2021

RE: Appeal of Orcutt Gas Station Development Plan and Minor
Conditional Use Permit
3616 Orcutt Road
Case Nos. 18DVP-00000-00001, 18CUP-00000-00001, 21APL-
000001, and 21APL-00000-00002

UNDERGROUNDING OF UTILITIES

Neither the Planning and Development Department nor the Public Works Roads Division recommends waiving the undergrounding requirement included in the Public Works Roads Division Condition Letter, consistent with the Board Resolution Nos. 24419 and 87-344 and the County's Comprehensive Plan.

No changes to the Public Works Roads Division Condition Letter are recommended.

Staff has prepared updated findings (Attachment A) consistent with the required undergrounding of utilities. The updated findings omit Finding 2.2 "Finding for waiver modification of requirements pursuant to Board of Supervisors Resolution 87-344", which was included in the findings attached to the July 20, 2021 staff report.

I. RECOMMENDATION

Staff recommends that the Commission:

1. Deny the appeals, Case Nos. 21APL-00000-00001 and 21APL-00000-00002.
2. Make the required Findings for Approval of the Proposed Project, including CEQA findings, as specified in the updated Findings distributed during the October 6, 2021 Planning Commission hearing and included as Attachment A to this memorandum.
3. Adopt the Mitigated Negative Declaration (Case No. 19NGD-00000-00001) and adopt the mitigation monitoring program contained in the conditions of approval (Attachment B and Attachment C of the staff report dated July 20, 2021 incorporated herein by reference).
4. Grant *de novo* approval of the Proposed Project, Case Nos. 18CUP-00000-00001 and 18DVP-00000-00002, subject to the conditions included in Attachment B of the staff report dated July 20, 2021, incorporated herein by reference.

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

CC: Case File (to Planner)
Hearing Support

ATTACHMENTS:

- A. Updated Findings

**ATTACHMENT A: FINDINGS UPDATED AT THE OCTOBER 6, 2021 PLANNING COMMISSION
HEARING**

1.0 CEQA FINDINGS

1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated. On the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 624 W. Foster Road, Santa Maria, CA, 93455 and online at the following link: <https://cosantabarbara.box.com/s/uff5bzcs5bfp3fjx5zj41r541yqoq471>

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Conditional Use Permit and Development Plan Findings

A. Findings required for all Conditional Use Permits, and Preliminary and Final Development Plans. In compliance with Subsection 35-82.060.F and 35-82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit, Minor Conditional Use Permit, Preliminary Development Plan, or Final Development Plan the review authority shall first make all of the following findings, as applicable:

1. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The Planning Commission finds that the Project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed. This finding can be made based on the historical use of the site, proposed site design, and environmental analysis completed for the project. The subject property is a .82-acre parcel zoned Neighborhood Commercial and is located on the southeast corner of the Lakeview Orcutt Road intersection. The property was previously developed with a service station until 1999 when the operations ceased and the station was dismantled. The project site continues to provide an adequate location for a service station because the site configuration and size are adequate to accommodate the proposed structures while providing sufficient access and meeting the required setbacks of the zone district.

The proposed project complies with all applicable County policies and development standards including setbacks, site coverage, height, parking, and landscaping regulations as described in Sections 6.3 and 6.4 of the staff report dated July 20, 2021, and incorporated herein by reference. The proposal meets the intent of the zone, which allows a local service retail use such as a service station to be provided near residential uses. The location allows access from both Orcutt Road and Lakeview Road. The County Department of Public Works reviewed and approved the proposed driveway access and circulation for the site. Previous development on the property has left the site relatively flat, which minimizes the amount of required earthwork and allows for a balance of cut and fill operations during construction. The proposed structures will only occupy 22% of the total site. The site design will also allow stormwater runoff to be retained onsite pursuant to County requirements.

The Conditions of Approval included as Attachment B to the staff report dated July 20, 2021, incorporated herein by reference, ensure compatibility of this project with neighboring residential and commercial development with regard to design review requirements, limitations on exterior lighting, and limitations on noise generation.

2. Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.

The Planning Commission finds that environmental impacts resulting from the proposed use will be mitigated to the maximum extent feasible. A Mitigated Negative Declaration (MND), Case No. 19NGD-00001, was prepared for the project. The MND acknowledges that the project will potentially impact Aesthetics/Visual Resources, Air Quality, Geologic Processes, Hazardous Materials/Risk of Upset, Noise, Transportation/Circulation, and Water Resources/Flooding. Mitigation measures proposed in the MND, and accepted by the applicant, are expected to mitigate environmental impacts to less than significant levels and to the maximum extent feasible. These mitigation measures are incorporated in the conditions of approval for this project.

The staff report, dated July 20, 2021, and incorporated herein by reference, contains the complete MND included as Attachment C, as well as the mitigation measures incorporated into the Conditions of Approval included as Attachment B.

3. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Planning Commission finds that adjacent streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The intersections and roads affected by traffic generated by Project include the following: 1) Orcutt Road, 2) Lakeview Road, 3) State Route 135 3) Orcutt Road / Lakeview Road intersection, and 4) State Route 135 / Lakeview Road – Skyway Drive intersection. The project will generate an estimated total 1,656 average daily trips. Impacts to these roads and intersections will be mitigated to the extent feasible by the implementations of Condition of Approval No. 17 and the conditions recommended by the County Department of Public Works. Implementation of these measures will allow the intersections and roadways affected by the Project to continue to operate at an acceptable or improved level of service. Pinnacle Traffic Engineers prepared five transportation and circulation analyses (PTE 2017, 2018, 2019, May 2020, & August 2020) for the Project throughout the County’s review process. The County Planning and Development Department, the County Public Works Department, CalTrans, and the City of Santa Maria reviewed the 2019 and 2020 studies and the recommended mitigations and found them to adequately mitigate traffic impacts from the proposed project. The County Department of Public Works further determined traffic operations on Lakeview Road will not be affected by the 254 project-generated ADT specifically added to this roadway.

The staff report, dated July 20, 2021, and incorporated herein by reference, provides a comprehensive discussion of the Project’s consistency with applicable Traffic and Circulation policies with supporting documents included as Attachments 8, 9, 11, & 13 to the proposed Final Mitigated Negative Declaration (Attachment C).

4. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

The Planning Commission finds that there are adequate public services to serve the proposed development. Water for the project will be provided by the Golden State Water Company. The Golden State Water Company issued a Can and Will Serve Letter for the Project on December 12, 2019. Sewage disposal will be provided by the Laguna County Sanitation District. The Laguna County Sanitation District provided an availability letter for the Project dated January 11, 2018. The Project will be served by the County Fire Department. The Project was reviewed and approved by the County Fire Department subject to conditions of approval listed in their letter dated November 27, 2019. The County Sheriff's Department and the California Highway Patrol will continue to serve the project and surrounding area.

The staff report, dated July 20, 2021, and incorporated herein by reference, includes the correspondence from the Golden State Water Company, Laguna County Sanitation District, and County Fire Department as Attachments K, L, and B, accordingly.

5. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

The Planning Commission finds that the proposed project will not be detrimental to the surrounding neighborhood and will be compatible with the surrounding area. The project will be required to comply with all applicable regulations of the County Land Use Code and Orcutt Community Plan including lighting and noise requirements, which will reduce impacts to the surrounding uses. The Project is designed to be consistent with the Old Orcutt Design Guidelines and will be required to receive final approval from the North Board of Architectural review prior to issuance of any subsequent zoning clearances. Finally, the Mitigated Negative Declaration (MND) prepared for the project analyzes impacts to the surrounding uses. Mitigations proposed in the MND are incorporated into the Conditions of Approval recommended for this project. The project will conform to all applicable County requirements to ensure that detrimental effects will not occur to the health, safety, comfort, convenience, and general welfare of the neighborhood.

The staff report, dated July 20, 2021, and incorporated herein by reference, provides a comprehensive discussion of the Project's consistency with applicable Land Use policies with anticipated impacts fully discussed in the MND, included as Attachment C.

6. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

The Planning Commission finds that the Project complies with the requirements of the Land Use and Development Code and is consistent with all applicable policies and development standards of the Comprehensive Plan, and the Orcutt Community Plan as described in Sections 6.3 and 6.2 of the staff report dated July 20, 2021 and incorporated here by reference. The project site is located in the Orcutt Community Plan area within the Neighborhood Commercial (CN) zone. The proposal meets the intent of the zone by proposing a local serving retail use, such as a gas station, to be located near residential uses. The CN zone allows the proposed service station development, subject to the approval of a minor conditional use permit. As discussed in the staff report dated July 20, 2021, the project is consistent with all applicable policies of the Comprehensive Plan, Orcutt Community Plan, and County Land Use and Development Code.

The staff report, dated July 20, 2021, and incorporated herein by reference, provides a comprehensive discussion of the Project's consistency with applicable policies of the Comprehensive Plan, Orcutt Community Plan, and Land Use and Development Code.

7. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

The Planning Commission finds that the Project will not conflict with any known public easements or public use of the property. Two sewer easements exist on the property. The Laguna Sanitation District has informed the applicants of possible future changes to sewer lines on the property. However, the project as proposed will not interfere with these improvement plans. The project will not conflict with rights of way provided for the purpose of pedestrian or vehicular access. No additional easements are known to exist on the property.

~~2.2 FINDING FOR WAIVER MODIFICATION OF REQUIREMENTS PURSUANT TO BOARD OF SUPERVISORS RESOLUTION 87-344~~

~~Prior to waiving or modifying the requirements to underground utilities pursuant to Board of Supervisors Resolution 87-344, the final decision maker must find that at least one of the following is true:~~

- ~~1) the subject property exceeds three (3) acres;~~
- ~~2) the Proposed Project results in parcels greater than three (3) acres; or~~
- ~~3) compliance with the requirements of Board of Supervisors Resolution 87-344 is impractical or unduly burdensome due to topography, soil, lot configuration, or another special condition of the project site.~~

~~The Planning Commission finds that the installation of underground utilities as identified in Board of Supervisors Resolution 87-344 is impractical or unduly burdensome due to~~

topography, soil, lot configuration, or another special condition of the project site. The request to waive the installation of underground utilities is justified because the existing utility configuration surrounding the project and the location of the subject property create conditions that makes undergrounding impractical and infeasible. The existing utilities run along the northern property line of the subject property, extend across State Route 135, and connect to telephone poles within the jurisdiction of Santa Maria. Compliance with the requirements of the resolution would indirectly require the applicant to underground the extent of telephone and cable lines that extend across State Route 135. This would require the applicant to obtain encroachment permits from the County, the City of Santa Maria, and CalTrans. Additionally, the work would interfere with operations of Highway 135. The requirement of the resolution, if applied will affect the cost and timing of the proposed development. The applicant is instead proposing to underground new utilities that will be required to serve the project and keep the existing utilities above ground. Staff has reviewed this request and found it to be acceptable given the unique circumstances of the site and configuration of the existing utilities. The applicant's request for relief from this requirement and Board of Supervisors Resolution 87-344 are included as Attachments J and I, respectively, of the Staff Report dated July 20, 2021, incorporated herein by reference.