

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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Santa Barbara, CA 93101  
(805) 568-2240

## Agenda Number:

**Prepared on:** April 7, 2005  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** April 19, 2005  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** NO  
**If Yes, date from:**  
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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning and Development

**STAFF CONTACT:** Anne Almy, Supervising Planner (568-2053)  
Michelle Wilson, Planner (568-2910)

**SUBJECT:** Alligood Appeal (05APL-00000-00001) of Zoning Administrator's Approval of the Bischof/Odell Lot Line Adjustment (02LLA-00000-00015), 1400 Northridge Road, Assessor Parcel Number 055-030-055, Second Supervisorial District

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## Recommendation:

That the Board of Supervisors deny the appeal of Kerry Alligood of the Zoning Administrator's approval of the Bischof/Odell Lot Line Adjustment (02LLA-00000-00015).

## Your Board's action should include the following:

1. Adopt the required findings for the project, as specified in the Zoning Administrator action letter dated March 8, 2005, including CEQA findings;
2. Deny the appeal, upholding the Zoning Administrator's approval of Lot Line Adjustment 02LLA-00000-00015;
3. Grant *de novo* approval of the project subject to the conditions included as Attachment C of the Zoning Administrator action letter dated March 8, 2005.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with actions required by law or by routine business necessity.

**Project History:**

Case No. 02LLA-00000-00015 for a Lot Line Adjustment was considered and approved at the Zoning Administrator hearing of January 14, 2005 at the request of owners Chuck Bischof and Kathy Odell. The Lot Line Adjustment would adjust lines between two legal parcels of 3.4 acres and 24.48 acres to create two legal parcels of 24.48 acres and 3.4 acres in the AG-I-40 Zone District under Article III. Both parcels are identified as Assessor Parcel Number (APN) 055-030-055, located at 1400 Northridge Road along the urban/rural boundary line in the San Roque Area, Second Supervisorial District. Mr. Keri Alligood appealed on January 24, 2005. The project description and appeal issues are presented and discussed below.

**Project Description:**

The proposed project consists of a Lot Line Adjustment to move the existing shared property line between two legal parcels under APN 055-030-005 according to the approved Zoning Administrator Exhibit dated January 10, 2005. No grading, vegetation removal, or structural development is proposed as part of the Lot Line Adjustment.

Currently two legal parcels exist under APN 055-030-005. Existing Parcel One is a fraction lot of 3.4 acres and is currently vacant. Parcel Two constitutes 24.48 acres and contains an existing 2,450 square foot (sf) single-family residence (SFD). The Lot Line Adjustment would realign the shared property line of the lots so that reconfigured Parcel Two would measure 3.4 acres and would contain the existing SFD; reconfigured Parcel One would be vacant, would measure 24.48 acres, and would incorporate the fraction lot.

Access to the existing SFD on Parcel Two is currently available over a private road easement from Northridge Road. The proposed Lot Line Adjustment includes a new private access easement to two existing dirt roads across reconfigured Parcel Two in favor of future development on Parcel One.

The residence located on existing Parcel Two is served with a septic dry well system. Dry well performance tests were completed on existing Parcel One and in a potential new building site on Parcel Two. Results indicate that soils in both locations are capable of supporting a dry well system each with capacity to serve a SFD with two to three bedrooms and five to six bedrooms, respectively.

The existing residence and all new structures on the reconfigured parcels would be served with potable water from the Bischof Water System, which is held by the current owner of both parcels and certified through a small water permit on record with the County's Department of Environmental Health Services. The existing residence is currently served by this private water system. The Bischof Water System also currently serves, and would continue to serve, adjacent parcels 055-030-055 and 055-030-056, with emergency water for fire protection per a Quitclaim agreement dated July 2000.

Analysis in the Draft Negative Declaration for the proposed project was predicated on the then existing potable water well for the system located in the southernmost portion of existing Parcel Two; water was presumed to be pumped from the well to a 90,000 gallon tank located on existing Parcel One. During the public comment period on the Negative Declaration, extraction of water from the well became difficult and during an attempt to replace the pump in the well, the well casing was damaged. Therefore, a new well was installed and tested farther north on existing Parcel One, below the existing 90,000 gallon tank (the new location is shown on the proposed Lot Line Adjustment). On November 14, 2004, a preliminary water well completion report was submitted to the County on the recently completed 6-inch-diameter, 810 foot deep well; the well tested at a discharge rate of 30 gallons per minute and water quality met drinking water standards. The new well has a sufficient flow rate and sufficient water quality to meet the County's Environmental Health Services' requirements for continued operation of the Bischof Water System under the existing permit and the water system could still serve adjacent parcels 055-030-055 and 055-030-056 with emergency water for fire protection as well as both reconfigured parcels.

A new water line must be installed from the new well to the existing 90,000 gallon tank. Water from the tank is currently, and will continue to be, pumped to two standard private fire hydrants located approximately 100 feet uphill of the existing residence on Parcel Two and also to a water treatment system and then to the existing residence on Parcel Two. The locations of the fire hydrants, water tank, and water treatment system are shown on the proposed Lot Line Adjustment. Installation of additional water service lines, fire hydrants, pumps, and an emergency pump to ensure appropriate pressure for fire protection, within 150 feet of new structures on the reconfigured Parcel One may also be necessary.

### **Appeal Issues Discussion:**

The appeal issues are summarized below:

**Appeal Issue No. 1: “The CEQA findings contained in the Negative Declaration are not supported by substantial evidence in that the site is severely constrained by the steep topography, consisting primarily of slopes well in excess of 75%, would permit construction in a visually prominent location on the ridgeline, the soil stability and water supply are questionable, and the access to the site is severely limited.”**

The Zoning Administrator’s action to adopt the Negative Declaration affirms that any significant adverse impacts associated with the proposed project may be reduced to less than significant levels with the adoption of mitigation measures and that the project does not require the preparation of an Environmental Impact Report (EIR). The Negative Declaration prepared for the project identifies and discusses potential impacts, mitigation measures, residual impacts and monitoring requirements for identified subject areas. On the basis of substantial evidence, and in recognition of the real constraints of the site, significant but mitigable effects on the environment were found in the following areas: aesthetics/visual resources, biological resources, fire protection, geologic processes, land use, and water resources.

The most salient mitigation, in respect to the subject appeal, is the limitation of all future development on the newly created vacant lot to a single development envelope, where stable slopes measure less than 20 percent and where both primary and secondary access is available. The development envelope is located on a ridgeline but ordinance standards limit any new structure to a maximum average of 25 feet and require BAR review. In addition, mitigation measures mandate dark natural earth tone colors. Other homes exist both to the east and west of the site along the urban limit line in this foothill area and the addition of a new SFD and accessory structures, as mitigated and conditioned, would blend into the neighborhood context. Attachment A of this letter includes the Mitigated Negative Declaration, for your further interest in this regard.

**Appeal Issue No. 2: The lot line adjustment will result in an increase in development potential in conflict with finding 2.1.3.3 in that existing parcel one does not meet the eight criteria of developability contained in the ordinance, particularly those related to hazards, water supply and access.**

The appellant expended considerable effort confirming the potential developability of the existing 3.4 acre fraction lot to the satisfaction of the County's Geologist, the Fire Department, and Environmental Health Services. The Zoning Administrator's action to adopt finding 2.1.3.3 which outlines compliance with Chapter 21 development criteria, affirms his concurrence on this issue. Attachment A of this letter includes the complete language of finding 2.1.3.3, for your further interest in this regard.

**Mandates and Service Levels:**

Pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, the decisions of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision.

**Fiscal and Facilities Impacts:**

The costs for processing appeals of land use projects are typically provided through a fixed fee and funds in P&D's adopted budget. Fees collected for appeals vary based on the location of the project and who files the appeal. The appeal was filed by a "non-applicant" and a fee of \$435 was collected. Planning and Development will offset costs beyond the \$435 appeal fee. The estimated cost of processing this appeal is approximately \$2,500.00 and is budgeted in Development Review South Division, in the Permitting and Compliance Program on page D-290 of Planning and Development's 2004-2005 fiscal year budget.

**Special Instructions:**

Clerk of the Board shall complete noticing in the Santa Barbara News-Press and shall complete the mailed noticing for the project at least ten (10) days prior to hearing (mailing labels will be attached).

Clerk of the Board shall forward a copy of the Minute Order to P&D, Hearing Support Section, Attn: Cintia Mendoza.

**Concurrence:** n/a

Attachments:

- A Staff Report for the Zoning Administrator Hearing, including Negative Declaration
- B Action Letter dated March 8, 2005 from the Zoning Administrator Hearing
- C Letter on the Appellant's Appeal Issues