

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

January 18, 2008

Tish Beltranena
201 Industrial Way
Buellton, CA 93427

PLANNING COMMISSION
HEARING OF JANUARY 9, 2008

RE: Herthel "4" Lot Line Adjustment; 05LLA-00000-00016

Hearing on the request of Tish Beltranena, agent for Douglas Herthel, owner, to consider Case No. 05LLA-00000-00016, [application filed on October 19, 2005] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust lines between four lots of 1.1 gross/net, 0.79 gross/net, 10.56 gross/9.71 net and 0.53 gross net acres to reconfigure into four lots of 3.24 gross/3.03 net, 3.24 gross/ 3.03 net, 3.25 gross/3.04 net and 3.25 gross/3.04 net acres, on property located in the 15-R-1 and 20-R-1 Zones, and to approve the Negative Declaration (07ND-00000-00039) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable impacts on the environment are anticipated in the following categories: Aesthetics/Visual Impacts, Archaeological Impacts, Biological Impacts, and Noise. The ND and all documents may be reviewed at the Planning and Development Department, 624 W. Foster Rd., Santa Maria. The ND is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara. The application involves AP Nos. 135-180-007 and 135-200-004 located on Grand Avenue in the Los Olivos area, Third Supervisorial District.

Dear Ms. Beltranena:

At the Planning Commission hearing of January 9, 2008, Commissioner Cooney moved, seconded by Commissioner Blough and carried by a vote of 5-0 to:

1. Adopt the required findings for the project specified in Attachment A of the staff report, dated December 21, 2007, including CEQA findings;
2. Approve the Negative Declaration (Attachment B) and adopt the mitigation monitoring program contained in the conditions of approval (Attachment C) as revised at the hearing of January 9, 2008; and
3. Approve the project subject to the conditions included as Attachment C of the staff report, dated December 21, 2007, as revised at the hearing of January 9, 2008.

REVISIONS TO THE CONDITIONS OF APPROVAL
AND NEGATIVE DECLARATION, 07NGD-00000-00039

(indicated by ~~strikethrough~~ and underline)

Condition 3, language is amended:

3. ~~Mitigation Measure No. 2, Extended Phase 1 Study (Subsurface Testing).~~ All ground disturbance for the purpose of fencing, structures, driveways, septic systems, underground utilities, and similar purposes shall be subject to an Extended Phase 1 archaeological survey pursuant to County Archaeological Guidelines and if required, Phase 2 and Phase 3 studies shall be performed if significant resources are encountered and potential impacts are unavoidable. All work shall be funded by the applicant. ~~Timing:~~ The Extended Phase 1 and any subsequently required cultural resources work shall be completed prior to approval of Land Use Permits or Zoning Clearances.

~~MONITORING:~~ Planning and Development shall confirm completion of the Extended Phase 1 Study and the satisfaction of any requirements therein.

3. Mitigation Measure No. 2, Archaeological Study. The Phase 1 Archaeological Study prepared for the project site shall be supplemented by limited subsurface testing conducted by a County-listed Archaeologist, monitored by a Native American observer, and approved by P&D. The Santa Ynez Band of Chumash Indians shall receive mailed notice of all development permit applications on the subject property. Any cultural materials identified as a result of the limited subsurface testing shall be: 1) avoided; or 2) evaluated and treated pursuant to County Archaeological Guidelines. **Plan Requirements/Timing:** Prior to Land Use Permit approval for any development requiring ground disturbance, the results of limited subsurface testing shall be provided to P&D. The limited subsurface testing is required to assess the presence or absence of cultural materials within the lot(s). The work and report shall be completed according to County guidelines for an Extended Phase 1. The work shall be conducted by a qualified archaeologist and subsurface investigations shall be monitored by a Native American Observer.

MONITORING: The County-listed archaeologist shall coordinate with P&D personnel on submittal and review of the required study. P&D compliance personnel shall field check during grading and construction activities to ensure compliance with approved plans and conditions.

Condition 4, language is amended:

4. **Mitigation Measure No. 3, Noise.** For grading and construction to be located within 1600 feet of an existing residence, construction activity for site preparation and for future residences shall be limited to the hours between ~~8:00~~ 7:00 a.m. and ~~5:00~~ 4:00 p.m., Monday through Friday or such hours of construction set forth in the Santa Ynez Community Plan. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Prior to Land Use Permit issuance for grading or building, the applicant shall post the required sign on site. The sign shall remain throughout grading and construction activities.

MONITORING: Planning and Development Building Inspectors and Permit Compliance shall spot check and respond to complaints.

The attached findings and conditions reflect the Planning Commission's actions of January 9, 2007.

Decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. 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 ten (10) calendar days of the date of the Planning Commission's decision. 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 Tuesday, January 22, 2008 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 05LLA-00000-00016
Planning Commission File
Records Management
Owner: Douglas Herthel, PO Box 387, Los Olivos, CA 93441
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Brooks Firestone, Third District Supervisor
C.J. Jackson, Third District Commissioner
David Allen, Deputy County Counsel
Joyce Gerber, Planner

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

DMB/jao

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development Department, located at 123 E. Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

Pursuant to LUDC Section 35.30.110.B and Chapter 21, Section 21-93, a Lot Line Adjustment application shall only be approved provided the following Findings are made:

- 2.1 **The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of the Santa Barbara County Land Use & Development Code.**

Pursuant to the discussion in Sections 6.2 (Comprehensive Plan Consistency) and 6.3 (Land Use & Development Code Compliance) of this staff report, the Lot Line Adjustment is consistent with these policies and provisions. None of the four affected parcels will be nonconforming as a result of the Lot Line Adjustment. Therefore the project is consistent with this finding.

- 2.2 **No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.**

All four existing and proposed reconfigured parcels exceed the minimum 15,000 sq ft lot size required for the 15-R-1 zone. Therefore, the project is consistent with this finding.

- 2.3 **Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with subsection 2.4 or 2.5 listed below:**

The Lot Line Adjustment satisfies all of the following requirements:

- i. Four or fewer existing parcels are involved in the adjustment;*

Four parcels are involved in this Lot Line Adjustment. Therefore the project is consistent with this finding.

- ii. *The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,*

Pursuant to the discussion in Section 4.3 of this staff report, no increase in subdivision potential or residential developability will occur as a result of the Lot Line Adjustment. Therefore the project is consistent with this finding.

- iii. *The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the parcel is not a building site, or 2) the parcel is designated for a non-residential purpose including, but not limited to, well sites, reservoirs and roads. A parcel shall be deemed residentially developable for the purposes of this subsection if it has an existing single-family dwelling constructed pursuant to a valid County permit.*

All four existing parcels are undeveloped; however these parcels are residentially developable. The four proposed reconfigured parcels would also all be developable. The Lot Line Adjustment will not change the number of residentially developable parcels. Therefore the project is consistent with this finding.

- 2.4 **The parcels involved in the adjustment are within the boundaries of an Official Map for the Naples Townsite adopted by the County pursuant to Government Code Section 66499.50 et seq. and the subject of an approved development agreement certified by the California Coastal Commission as an amendment to the Santa Barbara County Local Coastal Program that sets forth the standards of approval to be applied to Lot Line Adjustments of existing adjacent parcels within the boundaries of the Naples Townsite Official Map. This exception provision shall expire 5 years after its effective date unless otherwise extended pursuant to a certified amendment to the Santa Barbara County Local Coastal Program.**

The parcels involved are located in the Los Olivos area and not within the boundaries of an Official Map for the Naples Townsite. Therefore the project is consistent with this finding.

- 2.5. **The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.**

No violations of parcel width, setback, lot coverage, parking or other similar requirements of the zone district exist on the parcels, nor would the Lot Line Adjustment create any such violations. Therefore the project is consistent with this finding.

- 2.6 **The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article. This finding shall not be interpreted to impose new requirements on legal**

**non-conforming uses and structures under the respective County Ordinances:
Article III (Sections 35-161 and 35-162.).**

All adjusted parcels are in compliance with all provisions of the Land Use & Development Code. Therefore the project is consistent with this finding.

2.7 Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

No existing utilities, infrastructure or easements will need to be relocated to accommodate the proposed lot line adjustment. A new fire hydrant is required to be installed between Proposed Lots 2 and 3, as shown on the preliminary map and required by Conditions of Approval. Therefore the project is consistent with this finding.

2.8 A Lot Line Adjustment proposed on agricultural zoned parcels which are under Agricultural Preserve Contract pursuant to the County Agricultural Preserve Program Uniform Rules shall only be approved provided the following findings are made:

The subject Parcels are not under Agricultural Preserve Contract. Therefore the project is consistent with this finding.

ATTACHMENT C: CONDITIONS OF APPROVAL

I. PROJECT DESCRIPTION

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit A, dated January 9, 2008, and conditions of approval set forth below. 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.

The project description is as follows:

This application is for reconfiguration of four lots described by Certificates of Compliance (CCs) and zoned 15-R-1 (developable portions) and 20-R-1 (non-developable portions within the creek bed). Three of the lots are land-locked and one is irregularly shaped. The Lot Line Adjustment would create four regularly shaped parcels, each with over 220 ft of street frontage, as described below and shown in Figure 1.

Existing Parcel 1, described by 05-CC-107, is 1.11 gross/net acres. Existing Parcel 2, (05-CC-108), is 0.79 gross/net acres. Existing Parcel 3 (05-CC-109) is 10.56/9.71 gross/net acres. Existing Parcel 4 (05-CC-110) is 0.53 gross/net acres.

Proposed Adjusted Parcel 1 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 2 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 3 would be decreased in size to 3.25/3.04 gross/net acres through a reconfiguration with the entirety of Parcel 2 and Parcel 4. Proposed Adjusted Parcel 4 would be increased in size to 3.25/3.04 gross/net acres through a reconfiguration of a portion of Parcel 3 and the entirety of Parcel 1.

Each Proposed Adjusted Parcel would be served by private septic systems (leach line) subject to review and approval by Environmental Health Services; domestic water from the Santa Ynez River Water Conservation District; and access directly from Grand Avenue. No grading or native tree removal is planned.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto. All plans submitted for review and approval shall be implemented as approved.

II. MITIGATION MEASURES FROM 07NGD-00000-00039

2. **Mitigation Measure No. 1, Lighting.** All exterior night lighting installed on the project site shall be of low intensity, low glare design and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements/Timing:** Prior to issuance of a Land Use/Zoning Clearance, the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Building Plans to be reviewed and approved by P&D.

MONITORING: P&D will review the Building Plans for compliance with this measure prior to approval of a Land Use/Zoning Clearance for structures. Permit Compliance will inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Plans.

3. **Mitigation Measure No. 2, Archaeological Study.** The Phase 1 Archaeological Study prepared for the project site shall be supplemented by limited subsurface testing conducted by a County-listed Archaeologist, monitored by a Native American observer, and approved by P&D. The Santa Ynez Band of Chumash Indians shall receive mailed notice of all development permit applications on the subject property. Any cultural materials identified as a result of the limited subsurface testing shall be: 1) avoided; or 2) evaluated and treated pursuant to County Archaeological Guidelines. **Plan Requirements/Timing:** Prior to Land Use Permit approval for any development requiring ground disturbance, the results of limited subsurface testing shall be provided to P&D. The limited subsurface testing is required to assess the presence or absence of cultural materials within the lot(s). The work and report shall be completed according to County guidelines for an Extended Phase 1. The work shall be conducted by a qualified archaeologist and subsurface investigations shall be monitored by a Native American Observer.

MONITORING: The County-listed archaeologist shall coordinate with P&D personnel on submittal and review of the required study. P&D compliance personnel shall field check during grading and construction activities to ensure compliance with approved plans and conditions.

4. **Mitigation Measure No. 3, Noise.** For grading and construction to be located within 1600 feet of an existing residence, construction activity for site preparation and for future residences shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday or such hours of construction as set forth in the Santa Ynez Community Plan. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Prior to Land Use Permit issuance for grading or building, the applicant shall post the required sign on site. The sign shall remain throughout grading and construction activities.

MONITORING: Planning and Development Building Inspectors and Permit Compliance shall spot check and respond to complaints.

III. PROJECT SPECIFIC CONDITIONS

5. **Departmental Conditions:** Compliance with Departmental memorandum and conditions:
 - a. Flood Control District letter dated November 8, 2005.
 - b. Fire Department Memorandum dated November 23, 2005

IV. STANDARD CONDITIONS FOR LOT LINE ADJUSTMENTS

6. Two copies of the document that will be recorded to effectuate the lot line adjustment and any required review fees in effect at the time, shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue clearance for recordation to the County Surveyor.
7. The Lot Line Adjustment 05LLA-00000-00016 shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

8. The following language shall be included on the deeds arising from the lot line adjustment:

This deed arises from the lot line adjustment 05LLA-00000-00016 and defines a single parcel within the meaning of California Civil Code §1093. Any document used to record the lot line adjustment shall include a statement that the document arises from a lot line adjustment that is intended to identify two legal parcels.

The document used to record the Lot Line Adjustment shall state the findings and Conditions of Approval of the lot line adjustment.

9. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
- a. Legal description for each adjusted parcel; and
 - b. Statement of the findings and conditions approving the Lot Line Adjustment

V. COUNTY RULES AND REGULATIONS

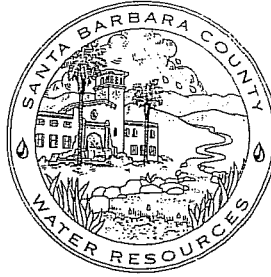
10. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Land Use Permits\Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
11. **Signed Agreement to Comply with Conditions Required:** Prior to approval of Land Use Permits\Coastal Development Permits, the applicant shall provide evidence that he has recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
12. **Fees:** Prior to recordation, the applicant shall pay all applicable P&D permit processing fees in full.
13. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, 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 the Lot Line Adjustment. In the event that the County fails promptly to notify the 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.

14. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

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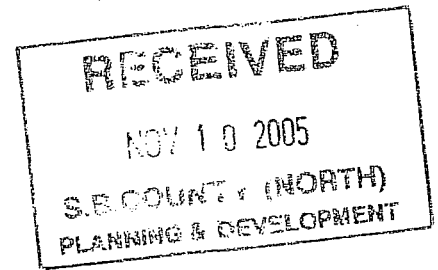
S.B. COUNTY
PLANNING & DEVELOPMENT



Santa Barbara County Public Works Department
Flood Control & Water Agency

November 8, 2005

Stephen Chase, Zoning Administrator
County of Santa Barbara
Planning & Development Department
123 East Anapamu Street
Santa Barbara, CA 93101



Reference: **05LLA-00000-00016; Herthel Lot Line Adjustment
APN: 135-180-007, 135-200-004/Los Olivos**

Dear Mr. Chase:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to filing a record of survey or other documents used to record the lot line adjustment, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. An informational sheet or other recordable document shall be recorded concurrently with the Lot Line Adjustment which indicates the following:
 - a. The limits of the 100-year Floodplain & Floodway as shown on the current FEMA Flood Insurance Rate Map (FIRM);
 - b. New development shall have finish floors elevated a minimum of 2 feet above the 100-year base flood elevation (BFE) of Alamo Pintado Creek;
 - c. Encroachment into the Floodway shall not be allowed unless certified by a registered civil engineer that no loss of conveyance and no-rise in the 100-year BFE will occur;
 - d. The District Approved Top of Bank of Alamo Pintado Creek and a minimum 50 foot development setback.
3. The applicant will be required to pay the current plan check fee deposit at the time the Lot Line Adjustment documents are submitted to the District for review and approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

cc: Lorie Baker, Planner
Doug Herthel, P.O. Box 249, Los Olivos, CA 93441
MN&S Engineers, 201 Industrial Way, Suite A, Buellton, CA 93427

Memorandum

Date: November 23, 2005
To: Lorie Baker
Planning & Development
Buellton



From: Martin Johnson, Captain
Fire Department

A handwritten signature in dark ink, appearing to read "M. Johnson", is written over the printed name of Martin Johnson.

Subject: APN: 135-180-007/135-200-004; Case #: 05LLA-00016
Site: Grand Avenue, Los Olivos
Project Description: Lot Line Adjustment

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

PRIOR TO MAP RECORDATION THE FOLLOWING CONDITIONS MUST BE MET:

1. One (1) fire hydrant shall be installed. The hydrant shall flow 750 gallons per minute at a 20 psi residual pressure. The hydrant shall be located on Grand Avenue between Lots 2 and 3. Prior to installation, plans showing location, size and type of hydrant, valves, main lines and lateral lines shall be approved by the fire department.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

MJ:reb

c: Tish Beltranena, MNS Engineers, 201 Industrial Way, Buellton, CA 93427
APN/Chron