



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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: April 1, 2014
Placement: Departmental
Estimated Tme: 0.5 hours
Continued Item: Yes
If Yes, date from: March 11, 2014
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director
Director Planning and Development 568-2085
Contact Info: Alice McCurdy, Deputy Director
Planning and Development 934-6559
**SUBJECT: Rose Petition for Termination of the Grove Non-Conforming Use
on APN 133-220-020; Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors conclude the public hearing, pursuant to County Land Use Development Code (LUDC) Section 35.101.070, and take final action ordering the current nonconforming residential use of a structure terminated pursuant to LUDC Section 35.101.060, and:

1. Determine that the termination is Exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), No Possibility of a Significant Effect on the Environment (See Attachment 1).
2. Make Findings of Fact ordering the nonconforming use terminated by April 1, 2017 (See Attachment 2).

Summary Text:

On December 10, 2013, your Board granted the request of Mr. Kelly Rose (“Petitioner”) to hold a hearing to consider whether the nonconforming use of a structure by Mr. and Mrs. Grove (“Respondents”) should be ordered terminated under County Land Use and Development Code (“County LUDC”) Chapter 35.101 (Nonconforming Uses, Structures, Lots).

On March 11, 2014, your Board conducted a public hearing to determine whether the Grove's nonconforming use of the Farm House structure should be ordered terminated pursuant to the provisions of the County LUDC. At that hearing, the Board voted to direct staff to prepare a written decision containing findings of fact, and to return to the Board for final action ordering the nonconforming use terminated.

The Board made three motions that passed at the hearing, as follows:

1. Motion by Supervisor Farr: Staff's Recommended Actions 1 (CEQA); and 2.b (Order the nonconforming use terminated), prepare findings and a written decision and continue the item to April 1, 2014, with the draft findings to include reference to the Planning & Development Tract Map report dated June 16, 1991 and the positive credibility of Mr. Rose as a witness, and with the draft written decision ordering the nonconforming use terminated within 3 years.
Aye: Farr, Carbajal, Wolf. No: Adam, Lavagnino.
2. The Board voted 5-0 that statements made through Public Comment, whether written or oral, will be considered as argument, but generally will not be admitted as evidence because they are not subject to the rights to cross-examination and oath that LUDC Section 35.101.070.B.2 provide.
3. The Board voted 5-0 to provide Chair Lavagnino with the authority to make determinations regarding the admissibility of all evidence, after receiving advice of counsel.

Termination of Nonconforming Use:

The subject use is located on a 20 acre parcel known as Assessor Parcel Number 135-330-020, 3110 Acampo Road, located on the east side of Highway 154, approximately 2,500 feet north of the intersection of Corral de Quati Road and Highway 154, in the Los Olivos area, Third Supervisorial District. The subject structure, known as the "Old Farm House," was built in 1889.

The attached Findings of Fact provide the basis for the Board's determination that the legal nonconforming use of the Old Farm House as a primary dwelling unit was changed to a different use subsequent to the adoption of Article III in 1983. The Property Owners' resumption of use of the Old Farm House as a primary dwelling unit in 2008 was not authorized under the County's LUDC, and such use must therefore be terminated. Pursuant to Board direction, the Property Owner must terminate the current use by April 1, 2017.

Fiscal and Facilities Impacts:

There is no established fee for petitions for termination of a non-conforming use. Therefore, P&D is absorbing the full costs of the staff time. Labor expenditure is estimated at approximately \$10,000.00 (55 hours). This work is funded in the Development Review Division on page D-168 of the adopted 2013-2015 fiscal year budget.

Special Instructions:

Noticing of the hearing to consider the request for termination was provided pursuant to LUDC Section 35.101.070.A.2.

Attachments:

1. Notice of Exemption, dated April 1, 2014
2. Written Decision, including Findings of Fact, dated April 1, 2014

Authored by:

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