

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:

Prepared on: October 6, 2004
Department Name: Planning and Development
Department No.: 053
Agenda Date: October 19, 2004
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Florence Trotter-Cadena
934-6253

SUBJECT: Rose Appeal of Grove Farm Employee Mobile Homes; 04APL-00000-00016 and 03CUP-00000-00057; APN: 135-330-020, 3110 Acampo Road, Third Supervisorial District

Recommendations:

That the Board of Supervisors, consider the appeal of Mr. Kelly Rose of the Zoning Administrator's June 21, 2004 approval of two farm employee mobile homes, and approve Conditional Use Permit 03CUP-00000-00057, and,

- a. Adopt the required findings as specified in the Zoning Administrator's Action letter dated June 30, 2004
- b. Deny the appeal, upholding the Zoning Administrator's approval of 03CUP-00000-00057, and,
- c. Grant de novo approval of 03CUP-00000-00057 and its conditions of approval included in the Zoning Administrator's Action Letter dated June 30, 2004.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On June 21, 2004, the Zoning Administrator conditionally approved Case No. 03CUP-00000-00057 for the continued use of two mobile homes for full-time farm employees. The approval was based on the project's consistency with the Comprehensive Plan and based on staff's ability to make the required findings. The 20-acre parcel is Assessor Parcel number 135-330-020, known as 3110 Acampo Road in the Los Olivos area, is zoned AG-I-20 under Article III, and is in the Third Supervisorial District.

On June 30, 2004, Mr. Kelly Rose filed an appeal. The appellants' issues are as follows: 1) One of the two farm employee mobile homes are not occupied by full-time farm employees; 2) Information submitted in advance to the Zoning Administrator was not reviewed or considered prior to hearing; 3) documents submitted by the applicant contradicted oral statements made by the applicant and the hearing.

APPELLANT ISSUES

1. One of the two farm employee mobile homes are not occupied by full-time farm employees.

As addressed in the staff reports dated February 20, 2004 and May 12, 2004, documentation was submitted to the County for both mobile homes existing on site. A payroll form from Advantage Payroll Services for Mr. Rafael Navarro and a notarized contract between the Groves (owners) and Loree DeYoung, the horse trainer were submitted as proof of full-time farm employees. The documents submitted by Mr. and Mrs. Grove are acceptable to Planning and Development as proof of full-time farm employees on the site. Such proof shall be in the form of any one or combination of the following: 1) applicant's income tax return, 2) employee's pay receipts, 3) employee's W-2 form, 4) notarized contract between applicant and employee which delineates work to be performed and wages to be received, 5) other option approved by Planning and Development or 6) Employer's DE-3.

2. Information submitted in advance to the Zoning Administrator was not reviewed or considered prior to hearing.

Letters were submitted by Mr. Rose, Ms. Jankowski, Mrs. and Mrs. Jones, and Mr. and Mrs. Cleary. Those letters addressed concerns with respect to the mobile homes not being used for full time farm employees, rather for income property; that the property does not have adequate services to the project site; and, use of an old ranch house/office as a rental.

The staff report prepared on May 12, 2004 states that documentation had been submitted indicating that the two mobile homes were occupied by full-time farm employees. The

County is not in a position to determine whether the property is used for rental income. Documentation has been submitted and accepted as proof that the mobile homes are occupied by full time farm employees. Since this is a renewal for the mobile homes, no new condition letters were submitted or required from Environmental Health Services. The units have received water from Rancho Cuerno Largo Water Company, since their original placement in 1987, which received approval from Environmental Health Services. On a site visit conducted by staff, Mr. Grove indicated that the existing ranch office/dwelling was not occupied and was used as an office and storage only at the present time. Mr. Grove would be required to submit a Conditional Use Permit application for the ranch house/office if he chooses to use this as a full-time farm employee dwelling.

3. Documents submitted by the applicant contradicted oral statements made by the applicant at the hearing.

Mr. Rose's issues regarding the contract and oral statements have to do with the below market rental rate, wages paid versus minimum wage law, plus overtime, hours worked and general compensation. However, it is unclear as to what oral statements and documents submitted were contradictory at the hearing. Staff does not believe that evidence has been provided to support this claim; therefore, staff will defer discussion to the appellant, Mr. Rose.

Mandates and Service Levels:

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

A fee of \$435 for processing the appeal has been paid by the appellant.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attn: Cintia Mendoza.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: County Counsel

ATTACHMENTS:

04APL-00000-00016, Rose Appeal of Grove Farm Employee Mobile Homes

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- A. Zoning Administrator's Action Letter dated June 30, 2004
- B. Staff Report dated May 12, 2004
- C. Appeal Request with attachments dated June 30, 2004
- D. Assessor's Parcel Page with Zoning

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