



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: May 3, 2016
Placement: Set hearing on May 3, 2016 for May 17, 2016
Estimated Tme: 1.5 hours on May 17, 2016
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805) 568-2085
Contact Info: Dianne Black, Assistant Director
(805) 568-2086

SUBJECT: Pollyrich Farms Appeal of the Sierra Grande Rural Recreation Project
Conditional Use Permit, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On May 3, 2016, set a hearing for May 17, 2016 to consider the appeal filed by Mr. Rick Oas of Pollyrich Farms regarding the Planning Commission's January 13, 2016 approval of the Sierra Grande Rural Recreation Project Conditional Use Permit, Case No. 13CUP-00000-00012.

On May 17, 2016, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No.16APL-00000-00005;
- b) Make the required findings for approval of the project specified in Attachment 1 of this board letter, including CEQA findings;
- c) Adopt the Final Mitigated Negative Declaration included as Attachment C of the Planning Commission staff report dated December 17, 2015 (Attachment 5), and adopt the mitigation monitoring program contained in the conditions of approval included in the Planning

Commission Action Letter (Attachment 3) of this board letter;

- d) Grant *de novo* approval of the project, Case No. 13CUP-00000-00012 subject to the conditions included in the Planning Commission Action Letter (Attachment 3) of this board letter.

The project site is identified as Assessor Parcel Numbers 137-270-031, -033 and 137-280-017, located on the south side of State Route 246, approximately 1,000 feet southwest of the City of Solvang city limit line and less than one mile from the City of Buellton, Third Supervisorial District. Refer back to staff if the Board takes an action other than the recommended action.

Summary Text:

A. Project Description

The project is a Major Conditional Use Permit on property zoned Agriculture (AG-II-100) in compliance with Section 35.82.060 of the County Land Use and Development Code, to allow for a Zipline Tour and Ropes Course as described below.

Zipline Tour. The zipline course (Attachment 9) would consist of 20 zipline poles located on the High Lonesome Ranch (APNs 137-270-031 and 137-280-017). Each pole would be approximately 20 feet in height and 12 -18 inches in diameter. The poles are 30 feet in length, with approximately 10 feet buried, leaving 20 feet of pole height exposed. Visitors to the zipline course would be shuttled to the first zipline (zipline 0) by shuttle van via an existing 16-foot wide paved private driveway. The drop off point for the zipline 0 provides sufficient area for emergency vehicle turn around and would be utilized by emergency vehicles, if necessary.

Ropes Course. The ropes course (Attachment 9) would be located a short distance from the orientation center on the Sierra Grande Ranch (APN 137-270-033) and accessed via an existing paved driveway. The area designated for the ropes course would be approximately 2,000' long by 50-200' wide. The ropes course would include a high and low element with a maximum of three levels utilizing approximately 50 poles. The poles would be 60 feet high, with approximately 10' buried, leaving 50' height exposed. The high elements would be constructed either in trees or utilize utility-type poles. The elements range in height from 12' off the ground to approximately 42' off the ground. The ropes course would be designed and constructed through the crowns of mature oaks. The ropes course would consist of a high and low element. Participants in the ropes course canopy tour would be harnessed with a belay at all times and guides would be present in both the low and higher elements to ensure complete safety and appropriate navigation of the course itself.

Operational Information. The zipline and ropes course would operate 7-days a week between the hours of 8:00 a.m. and 6:00 p.m. during the summer months (i.e., June to September) and 8:00 a.m. and 5:00 p.m. during the remaining part of the year. The project would not operate during or immediately after periods of inclement weather. It is anticipated that the project would host approximately 40-50 visitors per day in the non-peak season (October to May) and a maximum of 80 visitors per day in the peak summer season. All zipline and ropes course participants would be required to make an advance reservation for facility use.

Access. The primary access for the project would be via an existing 20-foot wide paved private driveway that extends southward from Highway 246. The driveway is located within an existing non-exclusive 60-

foot wide easement for ingress and egress purposes. The applicant is proposing to flare the existing driveway entrance to allow eastbound vehicle traffic to decelerate and make a safe turning movement into the project site without affecting existing Highway 246 traffic flow. The proposed driveway flare would be completed and accepted by Caltrans prior to the start of project operation. Secondary emergency access would be provided via an exclusive 17- to 20-foot wide paved road and at-grade connection to U.S. Highway 101 located south of the Santa Rosa Road interchange. Each of the project components is described in greater detail in the January 25, 2016 Planning Commission Action Letter and Staff Report dated October 15, 2015 (Attachments 3 and 4, respectively).

B. Background

The proposed project was originally heard by the Planning Commission on November 19, 2015, and was approved by the Commission on January 13, 2016 by a vote of 4 to 1 vote. At the January 13th hearing, the Planning Commission was provided with additional information related to the operation of the project and the proposed project description was clarified to require that all proposed project visitors coming to the project site have an advance reservation. This clarification was made to provide a mechanism to ensure that the project does not exceed its maximum attendance limit of 80 persons per day, and to also ensure that traffic traveling to the project site is distributed throughout the day. The Planning Commission also modified a proposed condition of approval (Condition of Approval No. 9) to increase daily visitor attendance monitoring and reporting requirements.

The appellant, Mr. Rick Oas, filed a timely appeal of the Planning Commission's decision to approve the project on January 25, 2016. A facilitation meeting attended by the applicant and appellant was held on February 29, 2016. The appeal issues were discussed, however, an agreement was not reached between the two parties.

The proposed project has been found to be in conformance with all applicable County Comprehensive Plan policies, the applicable policies of the Santa Ynez Community Plan, and the Santa Barbara County Land Use and Development Code zoning requirements. The project's consistency with these policies and requirements is discussed in detail in the Planning Commission staff report dated October 15, 2015, and the Planning Commission Memorandum dated December 17, 2015 (Attachments 4 and 5, respectively).

C. Appellant Appeal Issues and Staff Responses

The appellant, Mr. Rick Oas, filed a timely appeal of the Planning Commission's approval of the proposed project (Case No. 16APL-00000-00005). The appeal application (Attachment 2) contains a letter summarizing the issues raised in the appeal. These issues and staff's responses are summarized below.

Appellant Appeal Issue No. 1: Access to the Project Site. The appellant contends that the proposed access to the project site is inappropriate and that estimates of project-generated traffic are inadequate for the following reasons:

- a. The use of the existing access easement and driveway that extends between State Route 246 and the project site would "convert the existing private driveway through the appellant's land to a public thoroughfare," and that the easement is to be used only for ingress and egress to accommodate private residential and agricultural activities.

- b. The project would “transform” the applicant’s property into a commercial recreational facility, and therefore, the easement cannot serve as the primary access to the proposed project.
- c. Estimates of the traffic that would be generated by the project are “speculative and unrealistically low;” that traffic estimates do not account for “round trips by substantial numbers of persons visiting the project site out of curiosity, or others delivering goods and services to the project;” and that driveway traffic counts were not conducted, therefore, a proper CEQA baseline was not established, and that the traffic analysis is based on a false premise that access can lawfully be made through the private driveway.

Issue #1a. Staff Response: Access to the Sierra Grande Rural Recreation project site is proposed by the applicant to be provided by a paved 20-foot wide private driveway that extends southward from Highway 246 along a non-exclusive 60-foot wide easement for ingress and egress. The driveway crosses the Santa Ynez River via an “Arizona” crossing, and as a result access to the project site would be restricted during periods of high water flow. The project would not operate during or immediately after periods of inclement weather.

Approval of the proposed project would not convert the existing driveway to a “public thoroughfare” as stated by the appellant. The driveway would continue to be privately owned; would continue to be adequate to serve the two single-family and four agricultural employee residences located on the project site. In addition, the existing driveway would continue to serve the existing agricultural operations conducted on the project as well as the proposed project. No other public use of the driveway has been proposed or would occur as a result of the proposed project. With regards to the appellant’s contention that the driveway may not be used in conjunction with a commercial operation, the Applicant has demonstrated that legal access exists from Highway 246 to the project site via a private easement. The proposed Project is located on APNs 137-270-033, 137-270-031, and 137-280-017, all of which are held under common ownership by the Applicant.

The Appellant’s parcel (APN 137-250-074) was conveyed through a Grant Deed recorded on April 6, 2005 (Document No. 2005-0031251) which conveyed APNs 137-270-031 and 137-280-017 (Parcel A) and 137-250-074 (Parcel B). (Attachment 7) That Grant Deed reserved from Appellant’s parcel “a non-exclusive easement 60 feet in width for ingress and egress” for the benefit of what are now APNs 137-270-033 (Applicant’s parcel) and 137-270-034 (different ownership). (Attachment 8) Once the project site is accessed from the public road via the private easement, access between the three parcels owned by the Applicant is at the discretion of the Applicant. The language in the reservation of easement broadly discusses “ingress and egress” and does not limit the easement to “private residential and agricultural activities” as claimed by the Appellant. For the purposes of the Project, the Applicant has demonstrated legal access to the project site via private easement for “ingress and egress”. Disputes over the terms of the easements are private matters that the County does not adjudicate or enforce.

Issue #1b. Staff Response: The appellant states that the proposed project would “transform” the applicant’s property into a commercial recreational facility. The majority of the project would be located on a portion of the project site that is predominantly covered with chaparral and oak woodland vegetation on slopes exceeding 20%. Due to the extensive vegetation and steep slopes, the areas identified for the zip line and rope course are not currently used for agriculture. As a result, the project would not result in the removal of any existing agricultural operations and the existing grazing and other

agricultural operations conducted on the project site would continue to occur. In addition, the operation of the proposed zipline tour and ropes course project would not conflict with existing on-site agricultural operations such that they may need to be discontinued in the future.

The project was reviewed by the Agricultural Preserve Advisory Committee (APAC) and the Agricultural Advisory Committee (AAC), and both Committees found that the project would be compatible with the existing agricultural operations conducted on the project site. The project was reviewed by APAC on several occasions and at their August 14, 2015 meetings, the Committee found that the project would be consistent with the Santa Barbara County Uniform Rules for Agricultural Preserves.¹ The project was reviewed by the AAC on January 6, 2016. At the January 6th meeting, the AAC found that the project would not conflict with agriculture and stated:

“Although we recognize that in some circumstances recreational projects can conflict with immediate and adjacent agricultural operations, given the unique attributes of this project, we do not believe that those concerns are triggered in this instance.”

Regarding the ability of the private easement to serve the proposed project, please see Staff Response to Issue 1a.

Issue #1c. Staff Response: A traffic and circulation report prepared for the project (ATE, 2014) estimates the number of vehicle trips that would be generated by the project during peak operation periods as follows:

**Table 1
 Project Trip Generation**

Project Component	No. Per Day	Average Vehicle Occupancy	Vehicles Per Day	Average Daily Trips	A.M. Peak Hour			A.M. Peak Hour		
					In	Out	Total	In	Out	Total
Employees	10	1.0	10	20	8	0	8	0	8	8
Visitors	80	2.5	32	62	8	0	8	0	8	8
				84	16			16		

As shown on Table 1 above, peak project operations would add an estimated 84 average daily trips to the driveway that provides access to the project site. The number of visitors used in the traffic estimate (80 visitors/day) is consistent with the maximum number of daily visitors specified by the project description (Condition of Approval No. 1). The ten employees used in the trip generation estimate is a conservative estimate as the project description approved by the Planning Commission states that the project would employ a total of 7 to 10 people with a maximum of five employees on the project site at any given time. Therefore, the traffic analysis provides a conservative estimate (i.e. over estimates) the typical number of daily employee trips. The conservative estimate of employee trips accounts for incidental vehicle trips the project may generate from time to time.

The traffic generation estimate used an average vehicle occupancy rate of 2.5 persons per visitor vehicle traveling to the project site. According to the Public Works -Transportation Staff, the vehicle occupancy rate factor used for group-oriented uses such as the proposed project is a reasonable assumption

¹ When the APAC reviewed the project in 2015 project parcels 137-270-031 and 137-280-017 were under Agricultural Preserve Contract 93-AP-007; and parcel 137-270-033 was under Agricultural Preserve Contract 91-AP-006. At the end of 2015 the Agricultural Preserve Contract for parcel 137-270-033 expired.

regarding the characteristics of how people would travel to the project site. Moreover, an additional traffic generation that may occur is accounted for by the traffic estimates' conservative assumption regarding the number of employees at the site at any given time. The Public Works -Transportation Staff determined that the trip generation estimates provided in the 2014 ATE Traffic and Circulation report to be adequate because they are based on: 1) the maximum daily attendance limits that would be established by proposed conditions of approval; 2) reasonable assumptions regarding the occupancy characteristics of vehicles traveling to the project site; and, 3) accommodates miscellaneous non-visitor vehicle trips that may periodically be generated by the project. Furthermore, it is not anticipated that the project would generate a substantial amount of daily service, maintenance or other traffic by persons coming to the site "out of curiosity" as asserted by the appellant. The potential for people to drive to the site out of curiosity would also be minimized because the project does not include the installation of signage advertising the presence of the recreation facility. Therefore, the traffic generation estimates used to evaluate the project are appropriate.

The appellant is correct that driveway counts to measure existing traffic on the project site access driveway were not conducted as part of the analysis of the project's traffic- and access-related impacts. However, the absence of driveway counts does not result in an improper CEQA baseline and driveway counts were not required to adequately assess the project's impacts to the operation of the driveway. Qualitative information regarding the existing (baseline) characteristics of the driveway is included in the Final MND dated December 14, 2015, (Attachment 5). In summary, the Final MND includes a description of the driveway's characteristics (a 20-foot driveway located within a 60-foot wide easement), and a description of the existing uses on the project site that are currently served by the driveway (six residences and existing agriculture operations). Based on reasonable assumptions regarding the traffic generation characteristics of the land uses currently served by the access driveway, the Final MND dated December 14, 2015, which is hereby incorporated by reference, estimated that approximately 100 daily vehicle trips occur on the driveway. As described above, the Final MND also includes quantitative trip generation estimates of traffic that would be added to the driveway during peak project operation. Based on the existing low-intensity uses on the project site that use the driveway, and traffic generation characteristics of the proposed project, the Final MND concludes that "the project would not result in unsafe driveways; impede pedestrian, bicycle, or transit access; nor would it otherwise cause or exacerbate an unsafe traffic condition" (Section 4.15(a)). Therefore, the Final MND's conclusion that the project would not result in significant impacts to the operation of the driveway is supported by substantial evidence.

Regarding the claim that primary access cannot lawfully be made via the private driveway, please see the Staff Response to Issue 1a.

Appellant Appeal Issue No. 2: Agricultural Resources. The appellant contends that the Final MND prepared for the project did not consider impacts to prime agricultural lands adjoining the project site access driveway. The appellant also contends that the project's use of the driveway is incompatible with policies related to the preservation of agriculture, and creates a potential that the appellant's land may not qualify for a Williamson Act contract.

Staff Response: The appellant states that existing agricultural operations located adjacent to the project site access driveway consist of growing grass feed and rehabilitating sick and injured horses. The appellant also states that many of the horses on the property reside adjacent to the access road for "only a relatively brief period of time and may not have time to habituate" to the increases in traffic, noise and

dust from the driveway that would be caused by project-generated traffic. Since the project does not physically impact the agricultural resources on the appellant's property, the potential impacts of the project's use of the easement on the appellant's agricultural operation are limited to traffic, noise and dust impacts, all of which were analyzed in the Final MND and discussed in this section.

As described in Staff Response No. 1c above, the 2014 ATE Traffic and Circulation report estimates that the project would generate approximately 84 average daily trips during peak project operations. Approximately 16 of those trips would occur during both the A.M. and P.M. peak hours, and the remaining 52 daily trips would be distributed throughout the day, in compliance with the project description/condition of approval requirement that project site visitors have an advance reservation. As a result, the project would not add a substantial amount of traffic to the driveway, nor would it result congested conditions on the driveway.

The Final MND also includes an evaluation of existing traffic noise conditions that occur along the access driveway as well as traffic noise generated by the project. The existing traffic generated by the residential and agricultural uses served by the driveway would result in an estimated noise level of 41.2 dBA at a location adjacent to the driveway. With the addition of project-generated traffic, traffic noise adjacent to the driveway was estimated to be 43.8 dBA, which would be below the County's significance threshold for interior noise levels for sensitive receptors. Agricultural operations are not identified as a noise sensitive use by the Noise Element of the Comprehensive Plan. The Final MND concludes that project-related traffic would not result in a significant noise impact and that traffic noise in the project area would continue to be dominated by traffic along SR 246, which carries approximately 18,900 average daily trips.

The Final MND includes an evaluation of project-related dust impacts along the driveway. The Final MND determined that project-generated traffic would not create a substantial amount of dust since most of the existing driveway is paved. Based on the analysis included in the Final MND, the Planning Commission Memorandum dated December 17, 2015 concludes that the proposed project would not result in significant land use conflicts with off-site agricultural operations. The appellant's assertion that horses located adjacent to the driveway "may not have time to habituate to the substantial increases in traffic" is speculative and as described above, the project-related increase in traffic and traffic noise would not result in substantial changes to existing traffic and noise conditions. In addition, traffic and traffic noise conditions along the access driveway would continue to be substantially lower than the existing conditions along SR 246 where the appellant also has established horse corrals.

The appellant also asserts that the project would be inconsistent with policies related to the preservation of agricultural land. However, the October 15, 2015 Planning Commission staff report and the December 17, 2015 Planning Commission staff memo, all incorporated by reference, evaluated the project's consistency with applicable policies of the County's Comprehensive Plan, including policy IA of the Agricultural Element, which states: "*the integrity of agricultural operations on shall not be violated by recreational other non-compatible uses.*" The policy analysis concludes that the project is consistent with the applicable policies of the Comprehensive Plan.

The appellant contends that his property may not be eligible for agricultural preserve status if the existing access driveway that crosses the appellant's property is used to provide project-related access. The appellant, however, does not elaborate on how the proposed project's use of the existing access driveway would adversely affect his property's agricultural preserve eligibility. Section 1-2 of the

County's Uniform Rules for Agricultural Preserves and Farmland Security Zones (2014) describes criteria that agricultural operations must satisfy to be eligible for agricultural preserve status. In summary, those criteria include standards related to: parcel zoning, the acreage of the proposed preserve, the type of soil (prime or non-prime) located on the proposed preserve, and agricultural product production value standards. Based on the agricultural preserve eligibility requirements of the Uniform Rules, the proposed project's related increase in traffic on the existing driveway would not adversely affect the ability of the appellant to enroll their property into a Williamson Act contract, if the property is otherwise eligible.

Appellant Appeal Issue No. 3: Biological Resources. The appellant contends that the environmental review of the project is in part premised on the Streambed Alteration Agreement approved by the California Department of Fish and Wildlife (CDFW), formerly the California Department of Fish and Game (CDFG), and that the Agreement did not consider additional traffic generated by the proposed project. The appellant also asserts that estimates of traffic generated by the project were underestimated and that an accurate baseline was not established, therefore, a realistic assessment of the associated biological impacts has not been made. Additionally, the appellant asserts that the Final MND relies in part upon mitigation to be created in the future by the Department of Fish and Wildlife (CDFW) upon the expiration or renewal of the current Streambed Alteration Agreement.

Staff Response: The existing private driveway that would provide access to the project site crosses the Santa Ynez River via an "Arizona" crossing. A Streambed Alteration Agreement that authorized the construction of improvements to the crossing was approved by CDFG in 2007. The 2007 Agreement indicates that the construction of river crossing improvements would have the potential to impact a variety of plant and animal species and includes 48 mitigation measures and conditions of approval to reduce short-term construction-related impacts and long-term habitat removal impacts. The CDFG determined that the conditions and mitigation measures placed on the 2007 Streambed Alteration Agreement would reduce the impacts of the crossing to a less than significant level and filed a Notice of Exemption for the stream crossing on April 23, 2007. The 2007 Agreement was valid for five years and was renewed in 2012. Another renewal of the 2012 Agreement will be required in 2017. The 2007 and 2012 Streambed Alteration Agreements do not limit the long-term use of the crossing or specify how many vehicles may use the crossing.

The project does not propose any alterations within the streambed or to the Arizona crossing itself, therefore, no revision to the Streambed Alteration Agreement is required. The current Streambed Alteration Agreement does not and is not required to consider the increase in traffic proposed by the project because it will not necessitate any modification within the streambed.

The Final MND properly relies on the existence of the Streambed Alteration Agreement because it considered the environmental conditions in the streambed and documents the environmental protections already in place and enforceable outside of this project, however, a biological study was also prepared for the project. The Final MND determined that the additional traffic generated by the proposed project would not substantially alter the environmental conditions and impacts evaluated by CDFG when the 2007 and 2012 Agreements were approved. In addition, the Final MND concludes that the potential for a project-related increase in vehicle-related pollution at the river crossing would not be cumulatively considerable in terms of pollutant loading that occurs upstream of the project site in the Santa Ynez River watershed. Furthermore, the Final MND states that the requirement to extend the Streambed Alteration Agreement every five years would provide the CDFW with the opportunity to address any

Project-related impacts that may be identified in the future should any unanticipated alterations to the streambed become necessary. Finally, the Final MND determined that the project would not result in significant impacts to the biological resources of the Santa Ynez River.

The appellant has not identified any specific impacts to the biological resources of the Santa Ynez River that would have the potential to result from the project's use of the existing and permitted crossing. Consequently, no further analysis of potential-project-related impacts associated with the use of crossing is required. Please refer to Staff Response No. 1c above for additional discussion regarding the evaluation of project-generated traffic and existing driveway operation baseline conditions. As discussed in Staff's response to Issue #1c, the traffic analysis in the MND is complete and accurate.

Appellant Appeal Issue No. 4: Noise. The appellant contends that the Final MND's analysis of noise impacts is inadequate because it states that there are no noise sensitive uses within 1,600 feet of the proposed project, and horses on the appellant's land are adjacent to the driveway that would provide access to the project site. Regarding traffic and noise and alleged impacts to horses, please see the Staff Response to Issue No. 2.

Staff Response: The 1,600-foot standard the appellant refers to applies to the analysis of construction-related noise impacts. The project would require only minimal construction activities, such as the installation of poles for the zipline tour and ropes course operation. The poles would be located more than 1,600 feet from the appellant's property. No construction activities are proposed to occur along the access driveway.

Appellant Appeal Issue No. 5: Transportation/Circulation. The appellant contends that the Final MND premises its analysis on the conversion of the access driveway to a "public thoroughfare," as a non-lawful use of the easement and underestimated the amount of traffic that would be generated by the project. The appellant states that the traffic analysis provided by the Final MND did not consider reasonable alternatives to the use of the access driveway. The appellant also states that the project fails to include the necessity for oak tree removal and the impacts of that removal on adjacent lands and view sheds resulting from the proposed driveway flare at the intersection of the access road and State Route 246.

Staff Response: The environmental review document prepared for the project was a Mitigated Negative Declaration and the California Environmental Quality Act does not require that a Mitigated Negative Declaration include an evaluation of alternatives. However, the Planning Commission staff report dated October 15, 2015, includes an evaluation of an alternative access route proposed by the project applicant. The alternative access route would have connected the project site to the U.S. 101/Santa Rosa Road interchange. This alternative was evaluated by P&D and was subsequently determined to be infeasible because the applicant could not secure an easement required to allow the construction of a 150-foot roadway segment that would connect the Granite Construction access road to an existing road that extends to the project site. As discussed in Staff's response to Issue #1a, the applicant has legal access to the using the private driveway. As discussed in Staff's response to Issue #1c, the Final MND's traffic analysis is complete and accurate.

The applicant has proposed to construct the State Route 246/access driveway flare in response to Caltrans requirements to provide an area to allow high-speed traffic on SR 246 to safely decelerate before turning right onto the access driveway. The proposed driveway improvement would be located in

the SR 246 right-of-way, not on private property. Construction of the driveway flare would result in the removal of one oak tree. The Final MND identified a mitigation measure that requires the oak tree to be replaced at a 10:1 ratio (Condition of Approval No. 3j). No other impacts of the proposed driveway flare were identified.

Appellant Appeal Issue No. 6: An EIR is Required. The appellant contends that an EIR is required for the project because the MND erroneously assumes that access to the project site “can and will” be made via the private driveway through appellant’s land, which would convert the driveway to a “public thoroughfare.” Other reasons cited for preparing an EIR are that the project “conflicts with a number of County land use policies and development standards that require proper analysis of traffic impacts, access alternatives and impact to agricultural and biological resources once proper baselines have been established and realistic use projections have been made.

Staff Response. Regarding easement access and the claim that the project would convert the driveway to a “public thoroughfare,” please see Staff Response to Issue #1a. The reasons cited by the appellant for preparing an EIR for the project summarize the issues previously identified by the appellant, and each of the identified issues have been addressed in the staff responses provided above. Those responses demonstrate that issues identified by the appellant have been adequately evaluated by the Final MND dated December 14, 2015, the Planning Commission staff report dated October 15, 2015, the Planning Commission Memorandum dated December 17, 2015, and this Board Agenda Letter. The staff responses to the issues raised by the appellant demonstrate that the environmental impacts of the project have been reduced to a less than significant level with the implementation of mitigation measures/conditions of approval, and that the project would be consistent with the applicable policies of the Comprehensive Plan. The issues identified by the appellant do not provide substantial evidence in support of a fair argument that the project may have a significant effect on the environment. Therefore, the Final MND prepared for the project is adequate and the preparation of an EIR is not required.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs for processing appeals are provided through a fixed appeal fee and funds in P&D’s adopted budget. Total costs for processing the appeal are approximately \$7,750.40 (40 hours). The costs are partially offset by the appeal fee of \$648.26. This work is funded in the Planning and Development Permitting Budget Program, as shown on page D-289 of the adopted 2015-2017 FY budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on May 17, 2016. The notice shall appear in the Santa Ynez Valley News Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed notices are attached. A minute order of the hearing and copy of the notice and proof of publication shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

1. Board of Supervisors Findings
2. Appeal Application to the Board of Supervisors

3. Planning Commission Action Letter, dated January 25, 2016
4. Planning Commission Staff Report, dated October 15, 2015
5. Planning Commission Staff Report, dated December 17, 2015
6. Project Plans
7. Grant Deed
8. Book 146 Page 048 Record of Survey
9. Site Plan depicting the Sierra Grande Ranch and High Lonesome Ranch

Authored by:

Steve Rodriguez, Planner, 805 682-3413

Development Review Division, Planning and Development Department