

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

April 10, 2009

Steve Kirby
P.O. Box 206
Los Olivos, CA 93441

PLANNING COMMISSION
HEARING OF APRIL 8, 2009

RE: Scheller Appeal of El Encinal Pole/Hay Barn; 08APL-00000-00010

Hearing on the request of Steve Kirby, Attorney for Carson Scheller to consider the Appeal 08APL-00000-00010 [application filed on March 10, 2008] of Planning and Development's decision to approve Land Use Permit 08LUP-00000-00024 for a pole/hay barn, in compliance with Section 35.102 of the County Land Use and Development Code on property located in the AG-II-100 Zone; and to accept the Exemption pursuant to Section 15268 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 099-030-040, located approximately 1.25 miles southwest of the intersection of Highway 135 and Santa Rita Road, in the Los Alamos area, Fourth Supervisorial District. (Continued from 11/12/08, 01/28/09 & 03/04/09)

Dear Mr. Kirby:

At the Planning Commission hearing of April 8, 2009, Commissioner Valencia moved, seconded by Commissioner Cooney and carried by a vote of 3-2 (Brown/Brooks no) to:

1. Adopt the findings as revised in the staff memo, dated March 27, 2009;
2. Find the action exempt from CEQA pursuant to Section 15270; and
3. Approve the appeal 08APL-00000-00010, thereby denying the Planning and Development Department's approval of Land Use Permit No. 08LUP-00000-00024.

Revised Finding:

- 1.1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivision, setbacks and any other applicable divisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors has been paid. This subsection shall not be interpreted to impose new requirements on non-conforming uses and structures under Section 35.101.020 et seq.**

~~The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Land Use and Development Code. The project is proposed to legalize a structure which was turned in as a zoning violation. There are no other zoning violations relating to the project site. As discussed in Finding 1.1.1. above, the project is consistent with all requirements of the Land Use and Development Code.~~

**ATTACHMENT A
Planning Commission Action**

Although the subject property would be in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks and other applicable divisions of the Land Use and Development Code, issuing a permit to legalize the pole barn would not be consistent with subdivision requirements due to the encroachment of the pole barn into the easement approved as a part of the originally approved map, TPM 13,549. Although the access road in its current configuration has a minimum width of 26 feet adjacent to the pole barn, further erosion from the creek east of the access road could result in a driveway that does not meet minimum standards.

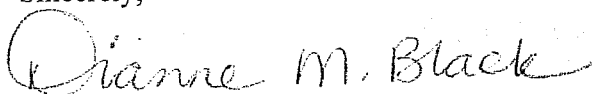
The attached findings reflect the Planning Commission's actions of April 8, 2009.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

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 the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. 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 Monday, April 20, 2009 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 at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

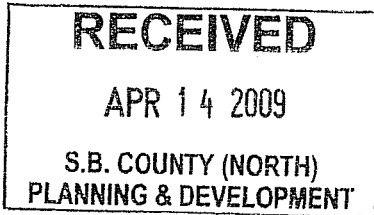
cc: Case File: 08APL-00000-00010
Planning Commission File
Owner: William King, El Encinal LLC, P.O. Box 617, Los Alamos, CA 93440
Appellant: Carson Scheller, P.O. Box 408, Los Alamos, CA 93440
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Joni Gray, Fourth District Supervisor
Joe Valencia, Fourth District Commissioner
Rachel Van Mullem, Deputy County Counsel

Florence Trotter-Cadena, Planner

Attachments: Attachment A - Findings

DMB/jao

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ATTACHMENT A: FINDINGS

1.0 ADMINISTRATIVE FINDINGS

LAND USE PERMIT FINDINGS

1.1 Pursuant to Section 35.82.110.E of the Land Use and Development Code, a Land Use Permit shall only be issued if all of the following findings can be made:

1.1.1 That the proposed development conforms to the applicable policies of 1) the Comprehensive Plan, and 2) with the applicable provisions of Land Use and Development Code and/or falls within the limited exception allowed under 35.101.020, Nonconforming use of Land, Buildings and Structures.

Land Use Permit 08LUP-00000-00024 (approved by staff on February 27, 2008) consists of the legalization of a 1,944 square foot pole/hay barn. The project is consistent with all applicable Comprehensive Plan policies, as well as relevant zoning regulations. Therefore, the project is consistent with this finding.

1.1.2 That the proposed development is located on a legally created lot.

The parcel was created by TPM 13,549, approved in 1984 and then the applicant applied for a time extension which was approved in 1986. Therefore, the project is consistent with this finding.

1.1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivision, setbacks and any other applicable divisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors has been paid. This subsection shall not be interpreted to impose new requirements on non-conforming uses and structures under Section 35.101.020 et seq.

Although the subject property would be in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks and other applicable divisions of the Land Use and Development Code, issuing a permit to legalize the pole barn would not be consistent with subdivision requirements due to the encroachment of the pole barn into the easement approved as a part of the originally approved map, TPM 13,549. Although the access road in its current configuration has a minimum width of 26 feet adjacent to the pole barn, further erosion from the creek east of the access road could result in a driveway that does not meet minimum standards.

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Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter.

I am sorry to hear that you are unable to attend the meeting on the 15th inst. I shall be glad to discuss the matter with you at a later date.

I am, Sir, very respectfully,
Yours obedient servant,
John Doe

Enclosed for you are the reports of the committee on the subject of the proposed changes in the constitution.

I am, Sir, very respectfully,
Yours obedient servant,
John Doe

I am, Sir, very respectfully,
Yours obedient servant,
John Doe