



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Board of Supervisors

FROM: John Baker, Director

DATE: March 1, 2007

RE: **Board of Supervisors 03/13/07 Hearing: 06APL-00000-00021  
Hutchings Appeal of the Hayes/Holden Tentative Parcel Map**

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This memorandum supplements information provided in the Board of Supervisors Set Hearing Agenda letter, dated 01/23/07, for the Hutchings Appeal of the Hayes/Holden Tentative Parcel Map. While the recommended actions have not changed, it is reproduced here for your convenience.

I. RECOMMENDED ACTIONS:

That the Board of Supervisors consider the Hutchings Appeal of the Planning Commission's approval of 01TPM-00000-00027 (06APL-00000-00040), Fifth Supervisorial District.

The Board of Supervisors action should include the following:

1. Adopt the required findings for the project specified in the Planning Commission's action letter dated October 18, 2006 including CEQA findings, (Attachment B);
2. Accept the Negative Declaration 06NGD-00000-00023 as adequate for this project and adopt the mitigation monitoring program contained in the conditions of approval;
3. Deny the appeal and uphold the Planning Commission's October 11, 2006 approval of 01TPM-00000-00027; and,
4. Grant *de novo* approval of Case No. 01TPM-00000-00027 subject to the conditions included in the Planning Commission's action letter dated October 11, 2006.

II. SUMMARY INFORMATION

**Please refer to the Set Hearing letter of 01/23/07 for additional Summary information**

**A. Facilitation Meeting with County Counsel between Appellant and Applicants**

A facilitation meeting between the Appellant and the Applicants occurred on January 11, 2007 (See Attachment A of this Memorandum). The meeting was facilitated by Mary Ann Slutzky, Senior Deputy County Counsel. In attendance were the Appellants, Dr. Ralph L. and Mrs. Audrey Hutchings and their attorney, Mark Manion of Price, Postel & Parma; the Applicant's agent, David Swenk, of Urban Planning Concepts; and John Karamitsos, P&D staff. As indicated in the attached memorandum, Mr. Manion asserted flaws in the CEQA analysis as a result of deferred analysis. Dr. Hutchings expressed concerns about due process rights. Mr. Swenk responded that future development of Development Envelope B might not occur and the applicant did not wish to undergo the cost of developing plans at this time. Both parties agreed to meet and discuss the possibility of reaching an agreement whereby the appellant would be granted the opportunity to have their own consultants evaluate plans and documents related to future development.

#### **B. Staff Comments on Attached Letters**

**Urban Planning Concepts Letter, dated February 19, 2007** (See Attachment B). On behalf of the applicant, Mr. David Swenk of Urban Planning Concepts states that the project was appropriately approved and conditioned by the Planning Commission. The contention of the appellant's attorney, Mr. Mark Manion, that the Planning Commission approval improperly deferred mitigation measures in violation of CEQA requirements, is specifically refuted. As indicated in the Recommended Actions above, staff continues to recommend approval of the project.

**Price, Postel & Parma Letter, dated February 20, 2007** (See Attachment C). On behalf of the appellant, Mr. Manion of Price, Postel & Parma asserts that the Planning Commission approval of the project was in error. Santa Barbara County Comprehensive Plan consistency (as required by State Government Code Section 66473.5), and CEQA case law (Sundstrom and Topanga) are provided as the bases for appealing the decision based on the inclusion of Development Envelope B. P&D staff believe that the P/C approval, with the inclusion of adequate conditions of approval regarding potential future development within envelope B, was proper. Item C below discusses an option for providing additional clarity regarding future development on proposed Parcel 2.

#### **C. Clarification of Access Requirements**

In order to provide clarification of concerns expressed by the appellant, your Board may wish to consider revisions to Conditions of Approval 9 (Mitigation Measure 8) and 17. Staff has identified the following potential revisions for this purpose:

#### **Biological Resources**

9. All ground disturbances and vegetation removal shall be prohibited in a fifty (50) foot setback from both either sides of the top-of-bank of Aliso and Pine Canyon creeks, which are sensitive riparian habitat areas.; An with exception to this restriction is provided access provisions necessary for access improvements to Development Envelope B. Approved The areas of disturbance within these setbacks shall be fenced in order to minimize ground disturbance and vegetation removal with a fencing type and in a location acceptable to P&D. **Plan Requirements:** The riparian habitat area shall be shown on all grading plans. Fencing type and location to be approved by P&D.

**MONITORING:** P&D shall perform site inspections throughout the construction phase.

### **Geologic Processes**

17. Development on proposed Parcel 2 requiring a Land Use Permit, including access drives, shall be limited to the 5.75 acre area proven to be geologically stable pursuant to the Addendum to Geologic Hazards Report; Holden Property Lower Building Site (Earth Systems Pacific, 05-31-06). In order to approve access and development within the remainder of the Development Envelopes, the applicant shall demonstrate, through a certified geologic report, that the area proposed for development is geologically stable. The required geologic report will address: 1) the potential for landslides associated with existing landslide deposits and potential seismic events; 2) slope stability issues associated with previous surface mining activities. **Plan Requirements:** The applicant shall submit required certified geologic report with Land Use Permit application. Certified developable areas shall be depicted on the Site Plan. **Timing:** P&D will review and approve certified geologic report prior to LUP approval.

### **D. Conclusion**

Following facilitation, the appellant and applicant were unable to reach agreement on project changes which would have resulted in a withdrawal of the appeal. Future development on proposed Parcel 2 within Development Envelope B remains the principle obstacle to resolution of the disagreement between the two parties.

### **Attachments:**

- A: County Counsel Facilitation Report, dated February 14, 2007  
B: Urban Planning Concepts Letter, dated February 19, 2007  
C: Price, Postel & Parma Letter, dated February 20, 2007

**Authored by:** John Karamitsos, Supervising Planner, 934-6255, on 02/22/07