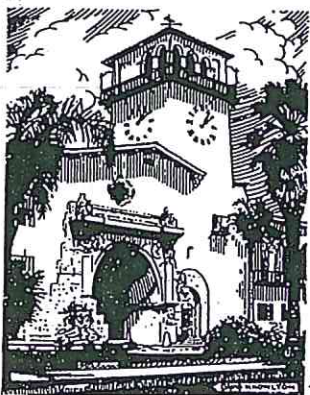


ATTACHMENT 6



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

July 6, 2015

J.H. Nicholas
3070 N. Avenida Caballo Road
Santa Ynez, CA 93460

PLANNING COMMISSION
HEARING OF JULY 1, 2015

RE: Nicholas Appeal of the Stewart Single Family Dwelling; 15APL-00000-00005

Hearing on the request of Mr. J.H. Nicholas, appellant, to consider Case No. 15APL-00000-00005, [appeal filed on March 23, 2015], in compliance with Section 35.102 of the County Land Use and Development Code, of the Director's decision to approve a Land Use Permit allowing for the construction of a 1,200 square foot single family dwelling, and legalization of an as-built 864 square foot agricultural storage barn on property located in the AG-I-20 zone; and to determine that the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15303(a). The application involves AP No. 135-310-041, located at 3209 Old Calzada Ridge Road, Santa Ynez Community Planning area, Third Supervisorial District.

Dear Mr. Nicholas:

At the Planning Commission hearing of July 1, 2015, Commissioner Hartmann moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to accept a late submittal from J.H. Nicholas into the record.

Commissioner Hartmann moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to:

1. Deny the appeal, Case No. 15APL-00000-00005;
2. Make the required findings for approval of the project, Case No. 14LUP-00000-00438, specified in Attachment A of the staff report, dated June 11, 2015, including CEQA findings;
3. Determine that the project is exempt from environmental review pursuant to Section 15303(a) of CEQA, as specified in Attachment C of the staff report, dated June 11, 2015; and
4. Grant *de novo* approval of Case No. 14LUP-00000-00438 subject to conditions included as Attachment B of the staff report, dated June 11, 2015.

The attached findings and conditions reflect the Planning Commission's actions of July 1, 2015.

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 July 13, 2015 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$648.26 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: 15APL-00000-00005
Planning Commission File
Owner: Mark C. Stewart, 3209 Old Calzada Ridge Road, Santa Ynez, CA 93460
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Doreen Farr, Third District Supervisor
Joan Hartmann, Third District Planning Commissioner
Jenna Richardson Alire, Deputy County Counsel
Dana Eady, Planner

**Attachments: Attachment A – Findings
Attachment B – Proposed De Novo Land Use Permit with Conditions**

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a). Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 LAND USE PERMIT FINDINGS

In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.

The Rancho Ynecita Mutual Water Company has issued a can and will serve letter dated October 24, 2014 verifying that water service will be provided for the proposed project. Sanitary services will be provided by a proposed septic system utilizing a dry well. Environmental Health Services has reviewed and approved the proposed septic system design. Access will be provided by an existing private driveway from Old Calzada Ridge Road. Police services will be provided by the Santa Barbara County Sheriff's Department and Fire protection will be provided by the Santa Barbara County Fire Department (station #32). Therefore the project is consistent with this finding.

2.1.1 In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

1. The proposed development conforms:
 - a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.
 - b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

The Land Use Permit, Case No. 14LUP-00000-00438, consists of the approval of an existing as-built 864 sq. ft. agricultural storage barn, and the construction of a new 1,200 sq. ft. single family dwelling. As discussed in Sections 6.3, Comprehensive Plan Consistency, and 6.4, Zoning: Land Use Development Code Compliance, of the staff report dated June 11, 2015, hereby incorporated by reference, the project is consistent with all applicable Comprehensive Plan policies, as well as relevant zoning regulations. Therefore, the project is consistent with this finding.

2. The proposed development is located on a legally created lot.

The subject parcel was legally created as a part of Tract Map 11,880 which recorded on August 28, 1975 (book 91, pages 88-94). Therefore, the subject parcel is legally created and the project is consistent with this finding.

3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and

processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

Upon issuance of the subject land use permit legalizing the as-built 864 sq. ft. agricultural storage barn, the subject property will be 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. —No zoning violation enforcement/processing fees have been assessed. As discussed in Section 6.4, Zoning: Land Use and Development Code Compliance of the staff report dated June 11, 2015, incorporated herein by reference, the project is consistent with all of the requirements of the Santa Barbara County Land Use and Development Code. Therefore, the project is consistent with this finding.



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

LAND USE PERMIT NO.: 14LUP-00000-00438

Project Name: STEWART NEW SINGLE FAMILY DWELLING AND AS-BUILT AG. STORAGE BARN
 Project Address: 3209 CALZADA RIDGE AVE, SANTA YNEZ, CA 934608706
 A.P.N.: 135-310-041
 Zone: AG-I-20

The Planning and Development Department hereby approves this Land Use Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

APPROVAL DATE: 7/1/2015
 LOCAL APPEAL PERIOD BEGINS: 7/2/2015
 LOCAL APPEAL PERIOD ENDS: 7/13/2015
 DATE OF PERMIT ISSUANCE (if no appeal filed): 7/14/2015

APPEALS:

- The approval of this Land Use Permit may be appealed to the County Planning Commission by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (CLUDC Chapter 35.102 Appeals).
- Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

PROJECT DESCRIPTION SUMMARY: A Land Use Permit to allow for the construction of a 1,200-sq. ft. single family residence and to legalize an 864 sq. ft. as-built agricultural storage barn. Water would be provided by the Rancho Ynecita Mutual Water Company and sanitary services would be provided by a proposed septic system built in conformance with Environmental Health Services requirements. Access would continue to be provided by an existing private driveway accessed from Old Calzada Ridge Rd. Proposed grading quantities are less than 50 cubic yards. No native tree or vegetation removal is proposed, and all utilities would be installed underground. The project shall be constructed in accordance with the approved Board of Architectural Review plans dated February 13, 2015. To receive additional information regarding this project and/or to view the application and/or plans, please contact Dana Eady at 624 West Foster Road, Suite C, Santa Maria, by email (dcarmich@co.santa-barbara.ca.us) or by phone ((805) 934-6266).

PROJECT SPECIFIC CONDITIONS: See Attachment "A"

ASSOCIATED CASE NUMBERS: 14BAR-00000-00212

PERMIT ISSUANCE: This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

- Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (CLUDC Chapter 35.106 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.

2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Land Use Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the CLUDC and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (CLUDC: Section 35.82.110).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (CLUDC: Section 35.82.110).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (CLUDC: Section 35.82.020).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name

Signature

Date

Land Use Approval By:

Director, Planning and Development

Date

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

A. Land Use Permit to allow for the construction of a 1,200 sq. ft. single family residence and legalize an 864 sq. ft. as-built agricultural storage barn. Water would be provided by the Rancho Ynecita Mutual Water Company and sanitary services would be provided by a proposed septic system built in conformance with Environmental Health Services requirements. Access would continue to be provided by an existing private driveway accessed from Old Calzada Ridge Rd. Proposed grading quantities are less than 50 cubic yards. No native tree or vegetation removal is proposed, and all utilities would be installed underground. The project shall be constructed in accordance with the approved Board of Architectural Review plans dated February 13, 2015.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

3. **Bio-01 Tree Protection Without Tree Protection Plan:** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all oak trees.

a. Prior to the issuance of a Land Use Permit for grading or construction, all native trees shall be fenced at least six feet beyond the dripline. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.

b. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for Valley or Blue Oaks) ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the

direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.

c. To help ensure the long term survival of oak trees, no permanent irrigation systems are permitted within six feet of the dripline of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans. **TIMING:** This condition shall be printed on project plans submitted for Land Use Permit issuance, and installed prior to Grading or Building Permit issuance.

4. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.

County Rules and Regulations

5. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
6. **Rules-23 Processing Fees Required:** Prior to issuance of the Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
7. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
8. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
9. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and

additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.