

**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: March 22, 2004
Department Name: Planning & Development
Department No.: 053
Agenda Date: April 13, 2004
Placement: Departmental
Estimate Time: 10 Minutes
Continued Item: NO
If Yes, date from: F:\GROUP\permitting\case files\TPM\01
Cases\01TPM-00000-00003\boardletter2.doc

TO: Board of Supervisors

FROM: Val Alexeeff
Director; Planning and Development

STAFF CONTACT: David Swenk, Planner III, Development Review North
934-6266

SUBJECT: Timmons Tentative Parcel Map TPM 14,566, 01TPM-00000-00003

Recommendation(s):

That the Board of Supervisors resolve the appeal of Jack Brady, Michelle Vander Meulen, and Cheryl Miller of the Zoning Administrator's approval on December 08, 2003 and approve TPM 14,566:

1. Adopt the required findings for the project specified in the action letter of the Zoning Administrator dated December 09, 2003, including CEQA findings;
2. Accept the proposed exemption, pursuant to CEQA Guidelines Section 15315 as adequate environmental review for the project;
3. Approve TPM 14,566 subject to the conditions of approval included in the action letter of the Zoning Administrator dated December 09, 2003.

Alignment with Board Strategic Plan:

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

Executive Summary and Discussion:

The Timmons Tentative Parcel Map Project consists of a Tentative Parcel Map to subdivide a 2.04 acre parcel; APN 105-010-076, located at 1374 Solomon Road in Orcutt. The proposed project would subdivide the existing parcel into two parcels of 1.02 acres each. The project was considered by the Zoning Administrator and approved at the December 08, 2003.

An appeal of the Zoning Administrator's approval was filed by the appellants, Jack Brady, Michelle Vander Meulen, and Cheryl Miller, on December 17, 2003. The issues raised in the appeal related to septic suitability and flooding impacts that have historically occurred from APN 105-010-076. The appellants assert, based on their submitted appeal and testimony from the December 08, 2003 Zoning Administrator hearing, the proposed project would adversely impact their properties should septic systems be developed to

service two new residences. Also of concern are past drainage problems consisting of stormwater runoff off of APN 105-010-076. The appellants submitted photo documentation of stormwater run off damage coming off the subject parcel onto theirs.

Two facilitation meetings were held between the applicant and appellants; March 09, 2004 and March 15, 2004. County Counsel will submit to the Board a separate facilitation report. At the facilitation both parties came to a resolution of their issues through inclusion of two additional conditions to the project. Staff assessed the proposed conditions and determined the two conditions do not change the scope of the project nor the conclusions in the categorical exemption.

9. Applicants shall give written notice to owners of APN Parcels 105-010-031 and 105-010-033 that a preliminary grading/drainage plan has been submitted for review and approval by P&D and Flood Control District to comply with Flood Control standard conditions. **Plan Requirements / Timing:** Applicant shall submit the proof of notice to P&D prior to recordation.
10. Applicant shall submit preliminary grading and drainage plan. **Plan Requirements / Timing :** Prior to map recordation, applicant shall submit a preliminary grading/drainage plan for review and approval by P&D and Flood Control District. The plan shall demonstrate that there will be no net rate of increase in runoff onto adjacent parcels from subdivision development in excess of current conditions or, if there is, that adequate mitigation measures approved by Flood Control District to protect adjacent parcels shall be implemented.

As part of the resolution, staff also recommends revision to Condition #7 in Attachment C of the Final Action Letter dated December 09, 2003 to reflect new Departmental condition language. The change consists of the addition of a Flood Control District Departmental Condition letter dated December 05, 2003 and the replacement of the Environmental Health Services Letter dated May 2002 with the Environmental Health Services letter dated November 18, 2003. As this hearing is a *de novo* hearing, staff submits the new Condition Letters for decision maker consideration. Staff's review of the proposed new language indicates the proposed project is still fully consistent with County polices and recommends the following revision to Condition #7:

7. The applicants shall comply with all conditions in the following department or agency letters:
 - a. Santa Barbara County Fire Department dated May 09, 2003
 - b. Environmental Health Services, dated November 18, 2003
 - c. County Surveyor's Office dated March 09, 2001
 - d. Air Pollution Control District dated March 14, 2001
 - e. Parks Department dated November 25, 2003
 - f. Flood Control District Letter dated December 05, 2003

Mandates and Service Levels:

The appeal was filed pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, which states that the decisions of the Planning Commission may be appealed to the Board of Supervisors within ten days after the Planning Commission's actions

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:

Pursuant to Board of Supervisors Resolution No. 96-323, some of the costs associated with this appeal are offset by the \$435.00 appeal fee.

Special Instructions:

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice for the project (mailing labels are attached) at least 10 days prior to the hearing.

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, attn: Hearing Support, 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:**
- A. Appeal to the Board of Supervisors dated June 20, 2003
 - B. Zoning Administrator Action Letter dated December 09, 2003
 - C. Zoning Administrator staff report dated December 01, 2003
 - D. Revised Environmental Health Department Condition Letter dated November 18, 2003
 - E. Flood Control District Condition Letter dated December 05, 2003
