

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for the Old Mill Run Recorded Map Modification**

**Hearing Date:** February 13, 2008  
**Staff Report Date:** January 24, 2008  
**Case No.:** 07RMM-00000-00006 for TM 14,532  
**Environmental Document:** CEQA Section 15270  
[Projects which are disapproved]

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**Division:** Development Review -North  
**Staff Contact:** Dana Carmichael  
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**OWNER:**

Capital Pacific Homes  
4050 Calle Real, Ste 200B  
Santa Barbara, CA 93110  
(805)692-2006

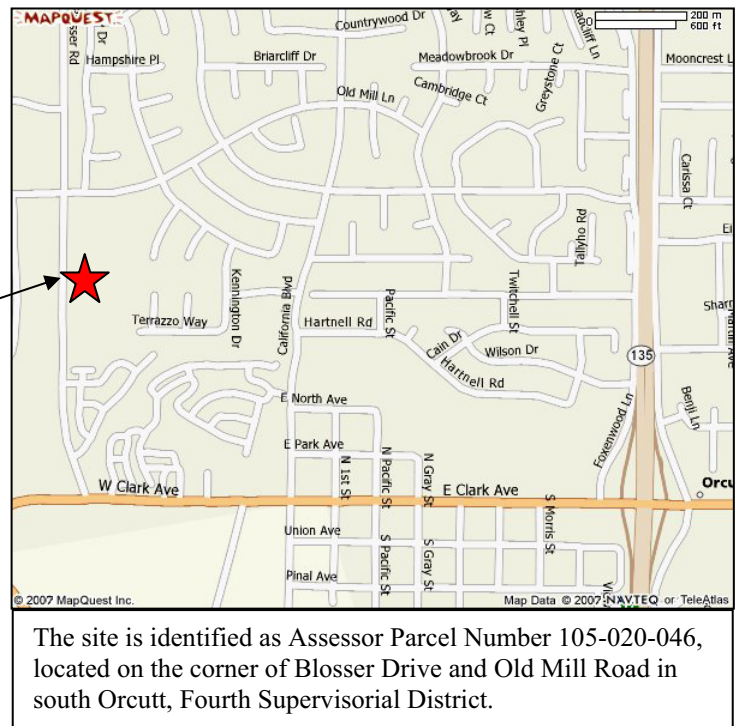
**AGENT:**

Jay Higgins  
Capital Pacific Homes  
4050 Calle Real, Ste 200B  
Santa Barbara, CA 93110  
(805)692-2006

**ENGINEER/SURVEYOR:**

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Santa Maria, CA 93455  
(805)934-5767

Project Site  
Location



Application Complete: September 21, 2007  
Processing Deadline: Within 60 days of CEQA Exemption Determination

## 1.0 REQUEST

Hearing on the request of Jay Higgins of Capital Pacific Homes, to consider Case No. 07RMM-00000-00006, [application filed on April 13, 2007] to modify Condition # 69 for TM 14,532 in the DR 3.3 zone district under Section 35.23.060 of the Land Use Development Code. The application involves AP No. 105-020-046, located on the corner of Blosser Drive and Old Mill Road, in the Orcutt area, Fourth Supervisorial District.

## 2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case No. 07RMM-00000-00006 based on an inability to make required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for denial specified in Attachment A of this staff report, including CEQA findings.
2. Deny Case No. 07RMM-00000-00006.

Refer back to staff if the Santa Barbara County Planning Commission takes other than the recommended action for appropriate findings and conditions.

### **3.0 JURISDICTION**

This project is being considered by the Santa Barbara County Planning Commission based upon Chapter 21 of the County Code Section 21-15.9.g which states that any proposed modification of a final map shall require a public hearing before the decision-maker with current jurisdiction for the final map proposed to be modified. The Planning Commission has permit authority over the subject final map because it had jurisdiction over the tentative tract map when it was originally approved.

### **4.0 ISSUE SUMMARY**

Condition #69 from TM 14,532, which requires that side and rear yard fencing be constructed of masonry materials, was added at the County Planning Commission hearing on May 19, 2004. Subsequently, the property was sold, and the new developers are now requesting that the condition be modified to allow rear and side yard fencing to be constructed out of wood. The applicant states that the proposed wood fencing is more compatible with the existing neighborhoods, is easier to repair than masonry fencing, and would not attract graffiti. Additionally, the proposed wood fencing would be more cost effective. However, the Planning Commission specifically requested that the rear and side yard fencing be constructed out of masonry materials.

### **5.0 PROJECT INFORMATION**

#### **5.1 Site Information**

<b>2.1 Site Information</b>	
Comprehensive Plan Designation	RES 3.3; Residential, 3.3 units per acre
Zoning District, Ordinance	Design Residential, DR -3.3, LUDC, 3.3 dwelling units per gross acre
Site Size	18.78 acres gross/net
Present Use & Development	Old Mill Run Subdivision
Surrounding Uses/Zoning	North: Residential: 10-R-1, 20-R-1 South: Residential: 10-R-1, MHP (Mobile Home Park) East: Residential: 10-R-1

	West: Residential: 1-E-1
Access	Access to the property is via Blosser Road
Public Services	Water Supply: Golden State Water Company Sewage: Laguna County Sanitation District Fire: Santa Barbara County Fire Department School District: Santa Maria Joint Union High School District, Orcutt Union School District.

## 5.2 Project Description

The proposed project is a request of Jay Higgins, agent for Capital Pacific Homes, owner, to consider case number 07RMM-00000-00006 for approval under County Code Chapter 21 to modify condition # 69 of TM 14,532 as follows:

**“Side and rear yard fencing types and materials shall be of ~~masonry materials~~ wood fencing and shall be reviewed and approved including the design by the Board of Architectural Review prior to ~~approval of land use permits~~ zoning clearance.”**

The site is located in the DR-3.3 zone district under the Santa Barbara County Land Use and Development Code, located at the corner of Blosser and Old Mill Roads, Orcutt area, Fourth Supervisorial District. No grading, tree or vegetation removal is proposed as a part of this project. All Conditions of Approval and specifications for the project as approved for TPM 14,532 remain in place except for the modification to condition # 69 as proposed for 07RMM-000000-00006.

## 5.3 Background Information

TM 14,532 (Old Mill Run) to divide 19.28-acres into 60 parcels, and 99-DP-029 to develop 58 single family residences was conditionally approved by the Planning Commission on May 19, 2004. Condition #69, which requires that side and rear yard fencing be constructed of masonry materials, was added by the Planning Commission during their hearing on May 19, 2004. Subsequently, the property was sold, and the new developers are now requesting the subject modification to TM 14,532. In addition, the new developers recently received a Substantial Conformity Determination to phase required landscaping and lighting improvements, and another Recorded Map Modification is being processed to eliminate on-site affordable housing requirements through the payment of in lieu fees and corresponding open space requirements.

# 6.0 PROJECT ANALYSIS

## 6.1 Environmental Review

Pursuant to Section 15270 of the State CEQA Guidelines, projects which are disapproved are statutorily exempt from CEQA requirements. Because it does not appear that the necessary findings can be made for the approval of the applications filed, staff has not conducted formal environmental review. If the Planning Commission (or Board of Supervisors on appeal) believes the application has merit and that there is a possibility that required findings can be made, the matter will have to be referred back to staff for environmental review.

## **6.2 Comprehensive Plan/Zoning/Subdivision Regulation Compliance**

The proposed request to modify a condition relative to fencing is not a Comprehensive Plan consistency or zoning compliance issue per se. However, it would appear that one of the required findings for the requested recorded map modification, as specified in the Chapter 21 Subdivision Regulations, cannot be made.

Pursuant to Section 21-15.9(h) of the Subdivision Regulations, modifications to recorded final or parcel maps, lot split plats or lot line adjustments shall be approved only if all of the following findings can be made, specifically the finding that:

*There are changes in circumstances that make any or all of the conditions of such a recorded final or parcel map, lot split plat or lot line adjustment no longer appropriate or necessary;*

In this case, there have been no changes to the site, its surroundings or circumstances that would suggest that the Planning Commission's original requirement for masonry walls was inappropriate. The applicant notes current economic trends affecting the housing market as a basis for the request but the Planning Commission must decide whether this alone warrants the proposed changes.

## **6.3 Subdivision/Development Review Committee**

There were no departments that had conditions of approval.

## **7.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action: The appeal fee to the Board of Supervisors is \$443.

## **ATTACHMENTS**

- A. Findings
- B. Site Plan

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