



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of June 4, 2015 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Vice Chair Foster Reif

PLEDGE OF ALLEGIANCE

Commissioner Mercado

ROLL CALL

Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Vice Chair Foster Reif and Chair Lisa Figueroa

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of May 21, 2015**

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

2. Resolution No. 15-06 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-02) Which Modifies a New Street on the Circulation Element Map to a Private Road, and Making Findings in Support Thereof”
 - ❖ *Staff Contact: Rose Hess, Public Works Director*

OTHER BUSINESS

3. **Stormwater Training**
 - ❖ *Staff Contact: Rose Hess, Public Works Director*

WRITTEN COMMUNICATIONS**PLANNING COMMISSIONER COMMENTS****PLANNING DIRECTOR REPORT****ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, June 18, 2015 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

AFFIDAVIT OF POSTING

I, Clare Barcelona, City of Buellton Planning Department, declare as follows:

On Thursday, May 28, 2015 by or before 6:00 p.m., I posted a true and correct copy of the Agenda for the Regular Planning Commission Meeting at **6:00 p.m. on Thursday, June 4, 2015**. That in compliance with City Resolution No. 98-19 adopted June 9, 1998, the above listed document was caused to be posted in three (3) places in the City of Buellton.

City Hall
107 West Highway 246
Buellton, CA 93427

Buellton Library/Council
Chambers
140 West Highway 246
Buellton, CA 93427

Albertson's Market
Buellton Town Center
222 East Highway 246
Buellton, CA 93427

Executed on May 28, 2015, at Buellton, California. I declare under penalty of perjury that the foregoing is true and correct.



Clare Barcelona
Planning Commission Secretary

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the Planning Department Office at (805) 688-7474 at least 48 hours prior to the meeting to insure that reasonable arrangements can be made to provide accessibility to the meeting.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of May 21, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Vice Chair Reif called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Dunstan led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Brian Dunstan, Art Mercado, Joe Padilla and Vice Chair Foster Reif

Absent: Commissioner Padilla and Chair Lisa Figueroa

Staff: City Manager Marc Bierdzinski
Contract Planner Irma Tucker
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of April 16, 2015

MOTION:

Commissioner Dunstan moved and Commissioner Mercado seconded the motion to approve the Minutes of April 16, 2015.

VOTE:

Motion passed by a 3-0 voice vote.

PUBLIC COMMENTS

Peggy Brierton, 225 Teri Sue Lane, Buellton, suggested that mobile food trucks be discussed as a future agenda item.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS**2. Discussion of Fast Food Restaurant Locational Restrictions****STAFF REPORT:**

City Manager Bierdzinski presented the staff report.

The Commission discussed the following:

- The fast food restaurant definition should be flexible as possible
- Definitions should be included to cover a broad spectrum of other restaurant uses
- Applications for fast food restaurants outside the allowable zone would require Planning Commission determination
- Remove locations on the west side of the Avenue of Flags from the Map of Proposed Fast Food Restaurant Locations and include in the proposed Avenue of Flags Specific Plan
- Necessity of the proposed ordinance

SPEAKERS:

Ron Anderson, Realtor, Buellton, cautioned the Commission to not restrict fast food restaurants and stated that an ordinance is not necessary.

Peggy Brierton, 225 Teri Sue Lane, Buellton, compared the differences between “fast food” and “fast casual” and shared a handout with the Commission. She went on to discuss the proposed location boundaries.

Kathy Vreeland, Buellton Chamber of Commerce and Visitors Bureau, cautioned the Commission to not “back ourselves into a corner” with the definition.

Judith Dale, 381 Thumbelina, Buellton, agreed with previous speakers and is in favor of the Planning Commission making the determination on applications outside the proposed

zone. She added that architecture should also be a factor in determining location and doesn't feel that an ordinance is necessary.

The Commission directed staff to prepare a draft ordinance with the definition being:

"Fast Food Restaurant: Any establishment which dispenses food for consumption on or off the premises, and which may have any of the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers."

The ordinance should also state that final determination on potential fast food restaurants outside the proposed fast food restaurant zone will be made by the Planning Commission.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

PLANNING DIRECTOR REPORT

City Manager Marc Bierdzinski updated the Commission on recent City Council actions and the status of various projects.

ADJOURNMENT

Vice Chair Reif adjourned the meeting at 6:53 p.m. to the next regular scheduled meeting of the Planning Commission to be held June 4, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.

Foster Reif, Planning Commission Vice Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request.

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members

From: Rose Hess, Public Works Director

Date: June 4, 2015

Subject: Resolution No. 15-06 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-02) Which Modifies a New Street on the Circulation Element Map to a Private Road, and Making Findings in Support Thereof”

BACKGROUND

On February 5, 2015 the Planning Commission reviewed a proposal to remove a new street from the Circulation Element Map. This request was initiated by the property owner of lots 10/11/12 in the Santa Rita Gateway Center at 71 Industrial Way. The property is the remaining undeveloped portion of the Santa Rita Industrial Park.

During the Circulation Element update in 2005, the Circulation Element Map Figure C-1 was updated to show a “new street” to the west of Industrial Way and east of the city’s wastewater treatment plant (Attachment 1) in order to address concerns that the vacant property south of the wastewater treatment plant would not have access.

The Planning Commission recommended that the City Council approve the modification (remove the new street) to the Circulation Element Map. The Planning Commission also suggested that affected property owners and city staff discuss the details of this proposal since concerns have been raised by an adjacent property owner. Discussion and negotiations regarding development rights, alternative access and needs, as well as establishing a better understanding of the underlying easements for the property owners, have occurred. The City Council reviewed this proposal on April 23, 2015, but did not take action on the item.

During staff’s current review of the Circulation Element, the City determined that it would not build a public road over this existing area and that the “new street” designation was unnecessary in the General Plan. The placement of that designation in 2005 was made without review of the actual necessity or feasibility of a public street. The steep grade differential would restrict that access driveway from being developed as a full public road. In addition, current access to the wastewater treatment plant has been through Pamela Way (a private road which the city has been provided access rights).

Removal of the “new street” designation does not remove any access rights the City has over that area. The City owns in fee an 18- foot width to 30- foot width of the old access road and an additional 30- foot wide easement for road purposes as shown on Attachment 2.

Trey Pinner, the property representative, for the vacant parcel south of the wastewater treatment plant is mainly concerned about losing access. Mr. Pinner’s parcel may have access rights over the existing road the City owns in fee as shown in Attachment 3.

A secondary issue raised by Mr. Pinner relates to the proposed subsequent actions, which involve vacation of the excess southern easement as delineated in Attachment 3. He is concerned about the availability of suitable access width to develop his vacant parcel. This determination is difficult to fully assess without a project proposal. However, staff reviewed his lot and, based on the floodway limits alone, estimates that the developable area is approximately five acres. This acreage may be further reduced based on current stormwater requirements for permeable surfaces. In general discussion with the Fire Department, an industrial area may be served by a driveway with a width of twenty feet. The total width available is thirty feet (Mr. Pinner’s twelve foot easement plus the City’s eighteen feet). On the upper portion of the access, the City’s property is 25 to 30 feet wide. Therefore, the minimum Fire Department standards are met for access.

During a meeting between Mr. Pinner, his engineer Sid Goldstein, Rose Hess and Mr. Poor (property owner of Lots 10/11/12), various alternative development access locations and widths were discussed. These include:

- 30’ width – existing through the city’s access road
- 40’ width – utilizing the 10- foot drainage easement to the east located on Mr. Poor’s lots
- 30’ width – utilizing Pamela Way (Mr. Pinner’s property currently has no rights to utilize Pamela Way, discussion and negotiation would still be available if there was a shared interest and contribution to its maintenance)
- Varying width - utilizing a portion of the southeast corner of the wastewater treatment plant if needed for access width and to facilitate turn movements

All parties have agreed that a public road will not be installed. The current proposal is for the Circulation Element Map to be modified to show a private road where it currently shows a new street. Should this item be forwarded to the Council and the Council approves this recommendation, staff would return to the Planning Commission with the request to vacate the excess easement that impacts lots 10/11/12 in the Santa Rita Gateway Center at 71 Industrial Way (shown on Attachment 3).

To summarize, tonight’s action is specific and limited to modifying the “new street” designation in the General Plan’s Circulation Element to a “private road”. The City will not be building a new public street in this area; however a private road could be installed when development occurs on the property to the south.

RECOMMENDATION

That the Planning Commission consider approval of Resolution No. 15-06 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-02) Which Modifies a New Street on the Circulation Element Map to a Private Road, and Making Findings in Support Thereof”.

ATTACHMENTS

Attachment 1 – Existing Circulation Element Map
Attachment 2 – Existing Easements
Attachment 3 – Existing Access Rights
Resolution No. 15-06 with Exhibit “A”

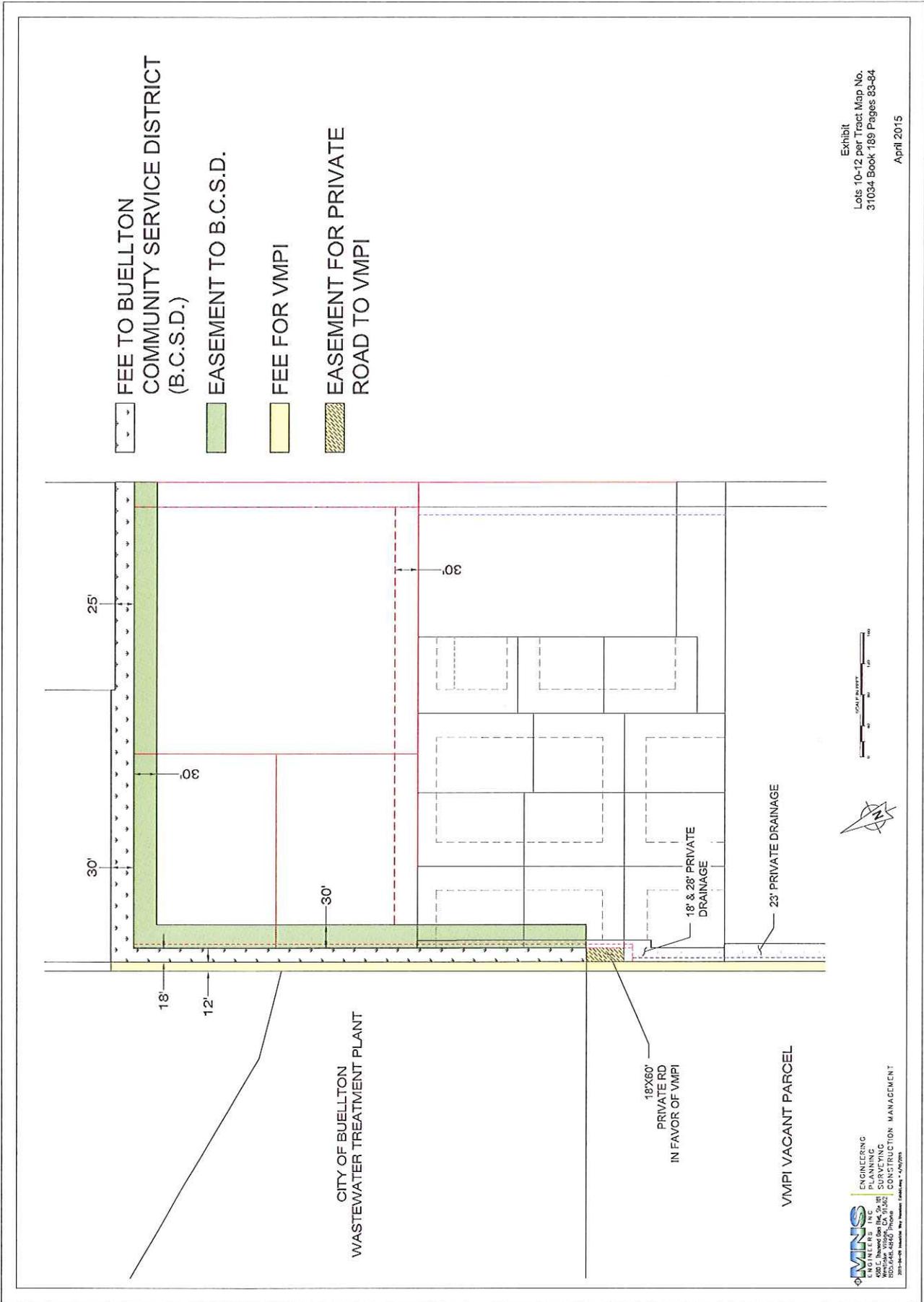
Attachment 1



Circulation Element Map

Source: AMS Engineers, Inc. and City of Swanton, November, 2005

Figure C-1



PLANNING COMMISSION RESOLUTION NO. 15-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A CIRCULATION ELEMENT AMENDMENT (15-GPA-02) WHICH MODIFIES A NEW STREET ON THE CIRCULATION ELEMENT MAP TO A PRIVATE ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: California Government Code Section 65300 requires that each city and county adopt and periodically update a comprehensive general plan. The current General Plan's Land Use and Circulation Elements were updated in 2005. The Conservation and Open Space, Parks and Recreation, Public Facilities and Services, and Safety Elements were updated in 2007. The Housing Element was updated in 2015.

SECTION 2: The proposed project (the "Project"), for purposes of the California Environmental Quality Act of 1970, as amended ("CEQA"), consists of:

- **Technical Amendments to the Circulation Element of the General Plan, 15-GPA-01.** The Project includes technical amendments to Figure C-1 of the Circulation Element of the General Plan. A "new street" to the west of Industrial Way and to the east of the wastewater treatment plan will be re-designated as a "private road". Circulation review has been completed and full road width will not be constructed and would not be required for development of APN 099-690-001. Steep grade differentials restrict that access road from being developed as a public road. The existing paved access width of 16 feet has been sufficient for trucks and emergency services. The existing access and road easements will remain from the top of the hill on Industrial Way, along the south side of APN 099-690-054, through the entrance of the City Wastewater Treatment Plant and south to APN 099-690-001. The private road could be developed as sufficient access for development of APN 099-690-001 through a development agreement at the appropriate time. Construction of a private road would follow appropriate design standards, with a minimum width design that is less than that required of a public road but fitting within the referenced easements.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the Project, the Planning Commission considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on June 4, 2015 (the "Public Hearing").
2. All oral, written and visual materials presented by City staff and consultants in conjunction with the Public Hearing.
3. The following informational documents which, by this reference, are incorporated herein.
 - a. That certain written report submitted by City staff dated June 4, 2015 (the "Staff Report").

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Municipal Code have been lawfully satisfied:

1. A notice was published in a legal section of a newspaper of general circulation on May 21, 2015 (the "Public Notice"), a minimum of 10 days in advance of the Public Hearing conducted by the Planning Commission on June 4, 2015, and posted at three permanent and conspicuous locations within the City.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on May 21, 2015, a minimum of 10 days in advance of the Public Hearing.
3. The Public Notice was posted in three public locations on May 21, 2015, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Clearance. The proposed minor technical amendments to Figure C-1 of the Circulation Element are exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 4:

A. Environmental Review. The Planning Commission hereby determines that the proposed minor technical amendments to Figure C-1 of the Circulation Element of the General Plan are exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.

- B. General Plan Amendment.** The Planning Commission hereby recommends that the City Council approve the minor technical amendments to Figure C-1 of the Circulation Element of the General Plan as shown on Exhibit A, attached hereto.

PASSED AND ADOPTED this 4th day of June 2015.

Exhibit A – Figure C-1 of the Circulation Element Map

Lisa Figueroa
Chair

Clare Barcelona
Planning Commission Secretary

STATE OF CALIFORNIA)
 COUNTY OF SANTA BARBARA) SS
 CITY OF BUELLTON)

I, Clare Barcelona, Secretary of the Planning Commission of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 15-06 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 4th day of June 2015, by the following vote, to wit.

AYES: (0)

NOES: (0)

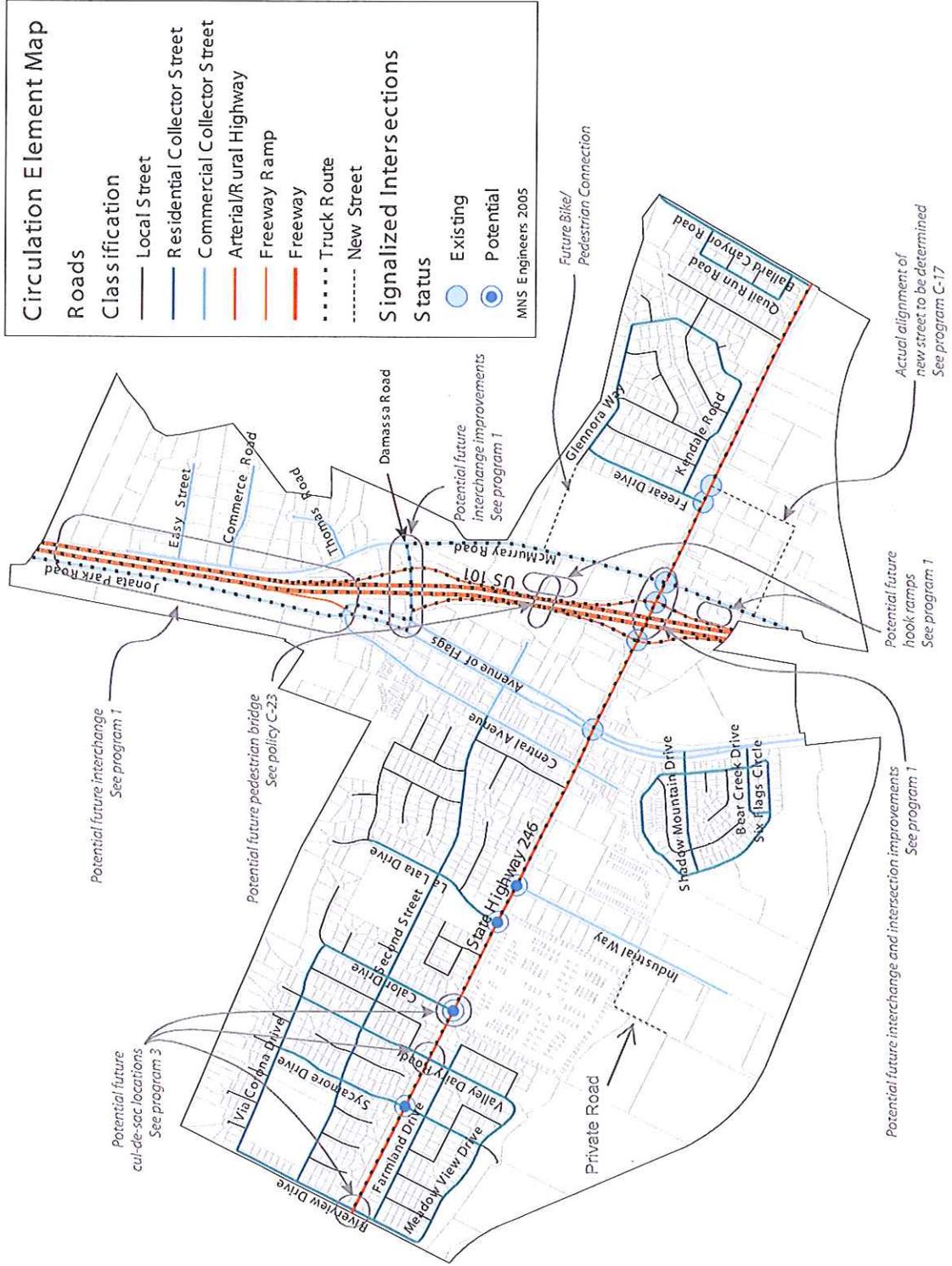
ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of June 2015.

Clare Barcelona
 Planning Commission Secretary

Exhibit A



Circulation Element Map

Source: MNS Engineers, Inc. and City of Buellton., November, 2005