

## Steve Welton

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**To:** Ken Switzer  
**Subject:** Highway 246 Parcels

We have completed our work on the project site.

As you know, you now have three (3) legal parcels on the property: two (2) commercial lots fronting Highway 246, and an agricultural parcel behind them, near the airport.

The three most critical pieces for land development are:

- Legal Access
- Water
- Sewer

### Commercial (C-2) Parcels

The commercial parcels are located within the sewer and water districts and can obtain access via Highway 246 (improvements to the highway may be required by Caltrans when development occurs). The main for the sewer district is located quite near. The nearest main for the water district is located on Edison, and a main extension is likely required to bring water to the site. That could be somewhat expensive. To explore this further, we recommend contacting the Water District (ID#1).

Possible uses for the commercial parcel include retail, motel, convenience store, roadside restaurant, bar, gas station, repair shop, bank or office space .. among many more: The C-2 zone allows a large number of uses.

Challenges for the commercial parcels will include potentially dealing with a raised floor elevation along the easternmost parcel. This would have to be explored by a civil engineer. There is no mapped habitat on the property, but the County *could* require a biological assessment as part of any proposed development, as well as an archaeological report. As mentioned, the cost of bringing water to the site may need to be explored with the District (and possibly a civil engineer).

Each of these uses could be approved with a Land Use Permit (LUP) and a Building/Grading permit. An encroachment permit from Caltrans may be required as well as connection permits to the Water and Sewer District. Development over 20,000 SF would require a Development Plan which requires discretionary approval. Otherwise the LUP is ministerial. A design review application may also be required.

### AG (AG-1-5) Parcel

The AG parcel is located within the water district, but would need to be annexed to the sewer district, or provide for an approved private septic system through Environmental Health Service (EHS). Accessing the water main could also be difficult. A private well is allowed. As you have noted, access to the agricultural parcel has been cut off by the airport as part of their security planning. Whether or not that was legal or if you had prescriptive rights for access is a legal question. You have seemingly three alternatives:

1. Seek an easement from the adjacent parcel to the west for access. This has the advantage of being able to use their bridge.
2. Attempt to negotiate access from the airport and perhaps make claim to prescriptive rights for access.

3. Grant yourself an easement from the commercial properties to the agricultural parcel. This access will not be suitable for purposes of development, unless a bridge or crossing is approved.

Another possibility is selling the ag-parcel to the airport or to the adjacent neighbor to the west. Presumably they could grant an easement to themselves to use the property. I spoke to the Airport Land Use Planner last year, and he said that the airport might potentially be interested. However, he believes that there could be public opposition to expansion of the airport. Further, the zoning (AG) would need to be changed in order for the property to be useful to the airport.

Possible land uses for the Ag parcel include a single family residence and an Accessory Dwelling Unit (ADU), each of which could be rented separately. Again, water, sewer and access would have to be provided as part of a Land Use Permit to develop the property.

### Summary

Each of these parcels are potentially developable with the caveats mentioned. I have attached a property analysis which looks at these and other issues. For example, if a developer is contemplating uses that would concentrate more than 25 persons per gross acre (e.g. a motel), it may be necessary to obtain approval from the Airport Land Use Commission. We can explore this further, if you like.

Please let us know if you would like to meet to discuss any of our findings. You can also call or email with questions or for clarification. Below is a link to the materials in our Dropbox.

[https://www.dropbox.com/sh/0rvkoeccaqoql/AADLuv\\_scp8c1zIS9oGRTJdpa?dl=0](https://www.dropbox.com/sh/0rvkoeccaqoql/AADLuv_scp8c1zIS9oGRTJdpa?dl=0)

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