



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: May 17, 2011
Placement: Departmental
Estimated Time: 30 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, PhD., Director (568-2085)
Director(s) Planning and Development
Contact Info: Doug Anthony, Deputy Director, 568-2046
Development Review Division – North County

SUBJECT: **Hollister Yacono Consistency Rezone, Development Plan, Conditional Use Permit
and Overall Sign Plan**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions: Consider the recommendation of the County Planning Commission on Case Nos. 09RZN-00000-00010, 07DVP-00000-00028, 10CUP-00000-00043, and 08OSP-00000-00001 regarding a request by the applicant, the Hollister-Yacono Trust, for approval of a Consistency Rezone, Development Plan, Conditional Use Permit and Overall Sign Plan, and take the following actions:

1. Make the required findings for the project specified in Attachment A of Attachment 1 (Planning Commission Action letter, dated February 9, 2011) of this Board Report, including the California Environmental Quality Act (CEQA) findings;
2. Adopt the Mitigated Negative Declaration 10NGD-00000-00003 included as Attachment 2 of this Board Report and adopt the mitigation monitoring program contained in the conditions of approval;
3. Adopt a Zoning Map Amendment (09RZN-00000-00010), for APN 099-640-010, amending the Inland Zoning Map for the Buellton Rural Areas Zones included as Attachment 3 of this Board Report;
4. Approve 07DVP-00000-00028 subject to the conditions included as Attachment 4.1 of Attachment 1 (Planning Commission Action letter, dated February 9, 2011) of this Board Report;
5. Approve 10CUP-00000-00043 subject to the conditions included as Attachment 4.2 of Attachment 1 (Planning Commission Action letter, dated February 9, 2011) of this Board Report; and

6. Approve 08OSP-00000-00001 subject to the conditions included as Attachment 4.3 of Attachment 1 (Planning Commission Action letter, dated February 9, 2011) of this Board Report.

Summary Text:

Project Objective. The primary objective of the proposed project is to facilitate the construction of a single family residence on the approximately 33 acre parcel. Because the project site is zoned under the obsolete Ordinance 661, a consistency rezone to a current Land Use Development Code (LUDC) zoned designation is required.

In 1958, the proposed project site began use as a Livestock Sales Lot which included a 3,200 square foot (sq.ft.) Auction House. Since that time, structural development onsite has increased to approximately 26,000 sq.ft. and other agricultural uses have been established while the livestock operation, once capable of accommodating 2,000 head of cattle, has been dramatically decreased in size.

Although the 20,000 sq. ft. threshold for a Development Plan (DVP) was exceeded in 1986, there is presently no approved DVP in place. The proposed project would establish parcel conformity with the current LUDC, in addition to distinguishing legitimate agriculture-related services provided onsite from legal, non-conforming uses which may not be expanded or intensified above their historic uses.

Project Description.

CONSISTENCY REZONE:

The Consistency Rezone would change the zone district of the existing 32 acre parcel from Intensive Agricultural (AGI) under Ordinance 661, to Agriculture, 100 acre minimum parcel size (AG-II-100) under the Land Use and Development Code. The project site would retain its existing Comprehensive Plan designation, including the Agricultural Industry Overlay.

DEVELOPMENT PLAN:

The Development Plan, which would not address uses onsite, would contain 45,042 square feet (sq.ft.) of structural development as follows: 1) proposed structures totaling 22,470 sq.ft. consisting of one primary residence, six agricultural storage structures and one horse barn; and 2) existing structures totaling 22,572 sq.ft. Grading activities (consisting of approximately 990 cubic yards of cut and 1,955 cubic yards of fill, 600 cubic yards of over-excavation and re-compaction, 1,165 cubic yards of import and 200 cubic yards of export) would disturb approximately 3.32 acres of the project site. Existing and proposed driveway access to the site is off Jonata Park Road. Domestic freshwater service will be provided by a permitted single-parcel water system utilizing on-site wells. No new creek crossings are proposed as part of this project. Wastewater service will be provided by existing and proposed septic systems utilizing the leachline disposal method.

CONDITIONAL USE PERMIT:

The As-Built Conditional Use Permit would legalize the following existing uses currently operating onsite: 1) Templeton Livestock Sales Yard; 2) D.C Whitford Trucking, Inc.; 3) John Krska Farming; and 4) Pacific Livestock Supplement. All other uses onsite would remain as legal, non-conforming uses which could not be expanded or intensified.

OVERALL SIGN PLAN:

The proposed Overall Sign Plan would address existing and future signage onsite. Some existing signage would be removed. All new signs would be limited to 10 sq.ft. (16" x 96") in size. Fonts would be limited to three types, with background colors to be brown and lettering and logo to be off-white. The existing Trailer Sales freestanding sign would remain with colors approved by the Central Board of Architectural Review.

The existing Buellton Ag Center freestanding sign (10' in height by 5' in width) to be relocated outside of the County Right of Way to a location on the project site as approved by P&D with input from the CBAR.

Background:

Planning Commission Action. The proposed project was reviewed by the Planning Commission (P/C) at the December 8, 2010 and February 9, 2011 hearings (See Attachments 4 and 5). The project was continued from the December 8th hearing in order to provide the P/C with additional information on: 1) P&D staff's conforming use determinations regarding existing activities onsite; 2) the use of proposed new ancillary agricultural structures to house existing legal non-conforming uses onsite; and 3) the contents of the Overall Sign Plan.

The P/C recommended that your Board approve the proposed project.

Central Board of Architectural Review. The project was reviewed by the Central Board of Architectural Review (CBAR) for the fifth time at the March 11, 2011 hearing (See Attachment 6 below). At this meeting, the CBAR indicated that:

1) the Development Plan has adequately addressed comments from previous meetings. With regard to landscaping, the plans should distinguish between existing and proposed landscaping, including a general depiction of the canopies of existing redwoods, poplars, and oaks.

2) the Overall Sign Plan is complete, with positive comments on: the proposed font styles (Georgia, Vineta BT, and Markerman) and color scheme for future signage, existing building signage (signs on the trailer sales building should all be in conformance with the proposed Overall Sign Plan); and the proposed Buellton Ag. Center Monument sign relocation. With regard to the Trailer Sales double pole, illuminated sign, the CBAR noted that: existing lighting should be replaced with a western-style goose-neck fixture; the sign should be made more regressive with the surrounding landscape; the bright white background should be repainted with another color, such as blue; and the flagpole should be eliminated.

Comprehensive Plan Designation. The proposed project site is designated Rural Area, Agriculture II (100 acre minimum parcel size), with an Agricultural Industry Overlay (AIO). The purpose of the AIO is to provide for agriculturally related commercial and industrial uses in Rural areas where appropriate. Section 1 of the Overlay identifies criteria which must be satisfied unless the overlay was placed on the property prior to the date of adoption of the Land Use Element in 1981. Staff looked to Section 2 of the AIO definition to determine what uses are allowable on the subject site, rather than Section 1, because the latter contains siting criteria that would suggest an intended application to the designation of new sites as AIO. Staff consulted the LUDC for guidance on the meaning of "... *processing, packaging, treatment, and/or sale of agricultural commodities, ...*" in the AIO definition. Agricultural Product Sales as defined in Section 35.42.050 of the Land Use and Development Code (LUDC) refers to agricultural products and agricultural commodities interchangeably without drawing a distinction between the two. Agricultural product sales are items that are grown onsite or other properties with limitations, ornamental trees, shrubs and plants grown in pots that may be imported from offsite (including incidental sale of garden and landscape materials and equipment, and vegetative holiday sales products (e.g., pumpkins, Christmas trees). Staff also looked to the LUDC for additional guidance about allowable uses under the AIO. Section 35.21.030, Table 2-1 identifies "Agricultural processing – extensive" and "Fertilizer

manufacturing” as allowable with a major Conditional Use Permit in AG-II zone districts with the AIO designation.

The AIO is limited to three other locations in Santa Barbara County: 1) approximately 1,300 acres comprising and surrounding the former Union Sugar property (at Betteravia in the southwestern Santa Maria Valley); 2) the 10.81 acre former Unocal Battles Gas Plant property (east of US 101 and north of Betteravia Road in the Santa Maria Valley); and 3) a 2.31 acre parcel adjacent to US 101 north of Los Alamos which was placed in the Overlay in order to accommodate an approved, but undeveloped winery warehouse facility (approximately nine miles north of the proposed project site).

Zone Designation. The proposed project site is currently zoned Intensive General Agricultural (AGI) under Ordinance 661. No other property in Santa Barbara County carries the AGI zone designation, which was established in 1966, and applied to the subject parcel in lieu of a landowner request to rezone the property to Light Industrial (M-1). At that time, the subject parcel contained approximately 10,000 sq. ft. of structures which had been in use since 1958 as part of the livestock yard and associated uses. The AIO zone district provided for all uses permitted in the general agricultural district (all types of farming and agriculture, public stables and riding arenas, animal hospitals), as well as livestock auction yards including the following uses: Offices, food preparation and facilities, veterinarian services and supplies, feed mill, livestock feed yard, trucking terminals, and animal fertilizer processing plant, slaughter house, dormitory, and other uses which are related to a livestock auction yard.

In order to increase structural development onsite through the discretionary Development Plan requirement, a Consistency Rezone from Ord. 661 to the LUDC is required. As a result, some uses which are conforming within the AGI zone district would not be in conformance with the provisions of the AG-II-100 zone district. While AG-II-100 is the most permissive agricultural zone district in the LUDC, some of the more intensive uses enumerated in the AGI zone district (under Ord. 661) may only be approved with a Conditional Use Permit (CUP) in AG-II-100. The proposed CUP would establish four existing uses onsite (i.e., Templeton Livestock Sales Yard; D.C Whitford Trucking, Inc.; John Krska Farming; and Pacific Livestock Supplement), as legal, conforming uses.

Legal, Non-Conforming Uses Onsite. Each of the uses currently operating onsite are considered legal, non-conforming, based on the fact that they either predate zoning, or have been previously permitted or exempted from permits pursuant to the Intensive General Agriculture (AGI) zone district requirements. With the exception of the existing Templeton Livestock Sales Yard; D.C Whitford Trucking, Inc.; John Krska Farming; and Pacific Livestock Supplement enterprises, each of the remaining existing commercial uses onsite may not be permitted on AG-II zoned property, despite the accompanying AIO Comprehensive Plan designation. As a result, each of these enterprises would remain onsite as legal, non-conforming uses following project approval.

The proposed project includes an as-Built Conditional Use Permit (CUP), in addition to the subject DVP, in order to legalize, through permitting, those existing structures and uses onsite which conform to the AIO (i.e., Templeton Livestock Sales Yard; D.C Whitford Trucking, Inc.; John Krska Farming; and Pacific Livestock Supplement). Approval of the subject DVP and CUP would not apply to the current uses onsite which are deemed to be legal, non-conforming. No future expansion in area of operation, or intensity of use is permitted for these legal non-conforming uses. Future determinations regarding the termination and/or unpermitted expansion of Non-conforming Uses would be regulated by the procedures established in LUDC Chapter 35.101, Nonconforming Uses, Structures, and Lots.

Signage. The proposed project includes an Overall Sign Plan (OSP) addressing all signage for the project site. The OSP would control all signs onsite, including replacement signs for future enterprises determined to be consistent with the zone district. All signs identifying legal, non-conforming uses currently existing onsite would be removed upon discontinuation of the non-conforming use.

Caltrans Right-of-Way. Over time, some outdoor storage uses, fencing, and associated landscape screening have encroached into the Caltrans US Highway 101 right of way easement area for maintenance and access. Caltrans representatives have indicated that the structures within the easement may remain, while reserving the right to clear the easement as required for potential future projects.

A condition of approval requires that all fencing and storage areas within the right of way be relocated onto the project site. The applicant has requested that the fencing be allowed to remain in its present location until a request is made by Caltrans.

Chronology.

- 04/11/58 Building Permit (No. 4083) authorizes Santa Ynez Valley Sales Yard auction house on site. Property begins use as a Livestock Auction Sales Lot
- 09/1959 Zoning established pursuant to Ordinance 971.
- 07/12/61 Conditional Use Permit (61-CP-57) authorizes Santa Ynez Sales Yard: a truck yard, office and shop (Land Use Rider 16065, 07/25/61).
- 10/31/66 Conditional Use Permit (66-CP-54) authorizes the existing Livestock Yard and Auction Facilities and Allied Uses on Santa Ynez Sales Yard.
- 11/21/66 Rezone (66-RZ-034) changes the parcel from Unclassified (U) to Intensive General Agriculture (AGI). Staff report describes permitting of a livestock auction yard, and recommends: 1) "incidental facilities such as offices, restaurant and trucking terminal be permitted by conditional use permit but only in relation to the livestock auction yard;" and 2) "denial of the M-1 or any other industrial zoning on the basis that it would permit certain uses not allied to agricultural, will constitute "spot zoning" completely unrelated to uses permitted in the surrounding area."
- 01/25/72 Land Use Rider (Permit #51395) approving Santa Ynez Valley Sales Yard garage

Fiscal and Facilities Impacts:

Budgeted: Yes

The cost of processing the amended project request to the Board of Supervisors is borne completely by the applicant. The estimated staff cost to process the project is approximately \$36,458 (200 planner hours). Permit revenues are budgeted in the Development Review Permits section within the Development Review South Division, on page D-330 of the adopted 2010-2011 fiscal year budget.

Special Instructions: none

Attachments:

1. Planning Commission Action Letter dated February 9, 2011.
2. Final Negative Declaration
3. Rezone Ordinance
4. Planning Commission Staff Report dated November 24, 2010
5. Staff Memoranda to Planning Commission: 5.1: December 8, 2010; 5.2: February 1, 2011; 5.3: February 8
6. CBAR Minutes: March 11, 2011 (excerpt)

Authored by: John Karamitsos, Supervising Planner 934-6255

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