BOARD OF SUPERVISORS
AGENDA LETTER

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

Agenda Number:

Department Name:	Planning & Development
Department No.:	053
For Agenda Of:	October 9, 2007
Placement:	Departmental
Estimated Tme:	2 hr
Continued Item:	No
If Yes, date from:	
Vote Required:	Majority

TO: Board of Supervisors

FROM:

Department Director(s)	John Baker, Planning & Development, 568-2000 John McInnes, Office of Long Range Planning, 568-3552
Contact Info:	David Matson, Deputy Director, 568-2068

SUBJECT: **Ordinance 661 Consistency Rezone Project**

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors consider a consistency rezone amendment and comprehensive plan amendment for Ordinance 661 zoned parcels in the Santa Maria Valley and San Antonio Creek Rural Regions.

Staff recommends that the Board of Supervisors:

1. Adopt the required findings for 07RZN-00000-00010, including CEQA findings, as specified in Attachment A;

2. Accept the Final Negative Declaration (07NGD-00000-00013) included as Attachment B;

3. Adopt a Resolution approving amendments to the Santa Barbara County Comprehensive Plan, specifically the Santa Maria Valley Rural Region Land Use Map, and the San Antonio Creek Rural Region Land Use Map, included as Attachment C; and

4. Adopt an Ordinance amending the County Zoning Map of Section 35-1, the Santa Barbara County Land Use and Development Code of Chapter 35, Zoning, by repealing Ordinance No. 661 zoning designations for certain properties located in the unincorporated portions of the Santa Maria Valley Rural Region and San Antonio Creek Rural Region, and rezoning these properties to the AG-II-100, AG-II-40, AG-I-40, AG-I-20, AG-I-10, and RR-5 zones in the Santa Barbara County Land Use and Development Code, included in Attachment D.

Summary:

The proposed Ordinance 661 Consistency Rezone Project for the Santa Maria Valley and San Antonio Creek Rural Region involves comprehensive plan and zoning ordinance amendments to achieve the following three objectives:

1. Rezone all remaining land zoned under County Ordinance 661 in the Santa Maria Valley and San Antonio Creek Rural Regions to the equivalent Land Use and Development Code (LUDC) designations that currently apply throughout the majority of the County, and update the Comprehensive Plan land use designations;

2. Define five new Existing Developed Rural Neighborhoods (EDRNs) in the eastern Santa Maria Valley, apply new zoning under the LUDC to parcels within those areas, and for some areas update the Comprehensive Plan land use designations; and

3. Apply new zoning under the LUDC to parcels within the existing Tepusquet Canyon EDRN, adjust the boundaries of the Tepusquet Canyon EDRN, and update the Comprehensive Plan land use designations. The existing EDRN boundary will be retracted to exclude seven parcels which have characteristics more appropriate for the rural area.

The benefits of the project include:

- Simplify the zoning and permitting process, as well as reducing permitting costs and time for applicants. Currently, discretionary projects on property under Ordinance 661 require a consistency rezone as part of project processing. This extra step lengthens the applicant processing time and requires additional hearings before approval can be obtained. Updating land under Ordinance 661 with current LUDC zoning designations will streamline the permit path for landowners.

- Define EDRNs to provide landowners within these EDRNs an opportunity to apply for residential second units (RSUs), which are currently allowed in similarly developed areas throughout the County. The EDRN boundary line will help keep pockets of existing residential development in the rural area from expanding onto adjacent agricultural lands; and,

- Provide landowners the opportunity to apply for a greater variety of land uses that are currently available in the AG-I and AG-II zone districts under the LUDC.

Background:

Ordinance 661 is the zoning ordinance which covered most of the County prior to adoption of the County of Santa Barbara Comprehensive Plan in the early 1980's. In 1983, the Article III Zoning Ordinance was adopted to implement the newly adopted Comprehensive Plan and is still currently regulating the inland areas of the County within the context of the newly reformatted Land Use and Development Code (LUDC), which became effective in January of 2007. In order to avoid any possible confusion which may have resulted from the existence of parallel text provisions between the new Article III Zoning Ordinance and Ordinance 661, the Board of Supervisors repealed the majority of Ordinance 661 in 1984 by Ordinance No. 3430. This action repealed those portions of Ordinance 661 which were duplicated by similar provisions of Article III. The repealed ordinance also deleted the permit processing procedures and conditionally permitted uses from Ordinance 661. Concurrent with the repeal of portions of Ordinance 661, all of the urban areas in the inland area were rezoned to appropriate Article III designations. The Ordinance 661 agricultural zone districts not duplicated by the AG zone districts in Article III were retained. As a result, a significant amount of land in the rural area (not under Williamson Act Contract) still has Ordinance 661 zoning. Currently, approximately 57,700 acres in the Santa Maria Valley and

San Antonio Creek Rural Regions remain subject to Ordinance 661 zoning. These properties would be rezoned to equivalent LUDC agricultural zoning designations as part of the proposed project.

Ordinance 661 Today

What remains today is a handful of Ordinance 661 zone districts for which there was not an exact matching zone district in Article III (now referred to as the LUDC). This was due to the fact that Ordinance 661 has nine different agriculturally related zoning districts (four of these different agricultural zone districts are found within the project area) and each has slightly different allowable uses. The LUDC has two broad and diverse agricultural zone districts (AG-I and AG-II) which contain and cover all the potential uses described in and provided for in the nine Ordinance 661 agricultural zone districts.

Of greater significance is the current inequity that exists, with respect to available land uses, between Ordinance 661 and LUDC agricultural zoned parcels. In general, permitted uses can still be approved on Ordinance 661 zoned land; however, land uses such as agricultural preparation facilities, greenhouses, and wineries are no longer available since the permit processing procedures and conditional use permit section no longer exist. Since 1984, the County has processed, free of charge, a consistency rezone to the corresponding LUDC agricultural zoning designation (e.g. Agriculture II) when a landowner with Ordinance 661 zoning requests a land use requiring a discretionary permit.

Attachment F includes a comparison table of land uses currently available to property owners with Ordinance 661 zoning (U, AG, and AL zones), versus allowed uses under the LUDC AG-II zone district. The table clearly indicates that most land uses requiring a discretionary permit are no longer available to property owners with Ordinance 661 zoning. The remaining available land uses are generally allowed with the same permit level under the LUDC and Ordinance 661. Aquaculture is the only use allowed with a lower permit in all three Ordinance 661 zones as compared to the AG-II zone district. Farm employee housing (up to 4 units), on the other hand, is allowed with a lower permit (land use permit) in the AG and AL zones, but is not allowed at all in the U zone. Going forward, the County will be evaluating possible LUDC permit level changes to a lower permit level similar to Ordinance 661 for agricultural employee housing units.

Ordinance 661 Consistency Rezone Process

The 5th district Advisory Committee, working with Long Range Planning staff, presented a list of specific criteria for potential rezones to either AG-II-40 or AG-II-100 zone designations to the public for review and comment during a public workshop in June 2006 (included in Attachment E).

Public comments from the workshop were forwarded to the Advisory Committee and several adjustments were incorporated. In December 2006, the 5th district Advisory Committee recommended a finalized Ordinance 661 Consistency Rezone project description for purposes of environmental review in the draft Negative Declaration. The proposed rezones identified in the project description seek to avoid “spot zoning” by evaluating existing land use patterns based on physical and topographic characteristics, as well as existing Comprehensive Plan land use designation and LUDC zoning designation patterns.

Attachment C and D (Exhibit A) list the parcels included in the consistency rezone and the proposed land use and zoning designations. The corresponding proposed land use and zoning designation maps are included in Attachment G.

Prell Road West EDRN

The proposed Prell Road West EDRN (Attachment G, Figure 4) is located in the Rural Area and currently zoned RA (Suburban Agricultural – Residential) under Ordinance 661. The neighborhood consists of 33 parcels (32 developed with residences), generally between one and four-acres in size, and is uniquely different from the other proposed EDRNs in several respects. First, the existing RA zone district more closely resembles an urban residential zone district and could theoretically allow for the creation of one-acre lots. The RA zone district is also the only Ordinance 661 zone in the project area which currently allows residential second units (RSUs) with a land use permit without the need for a consistency rezone to the LUDC. Since this existing rural developed neighborhood is the only one that already enjoys all the land use options this project is proposing, staff is recommending that the Board of Supervisors take no action at this time to rezone parcels within the Prell Road West neighborhood. The Planning Commission unanimously concurred with staff's recommendation to retain the existing land use and zoning designations for the Prell Road West neighborhood.

Environmental Review

A Draft Negative Declaration (07NGD-00000-00013) was prepared to analyze potential environmental impacts of the project under requirements of the California Environmental Quality Act (CEQA). The Draft Negative Declaration was circulated through the State Clearinghouse for a 30-day public review and comment period from July 23, 2007 to August 21, 2007. The assigned clearinghouse number is SCH #2007071113.

A public environmental hearing was held on August 9, 2007. Comments were received from five members of the public at the hearing, and an additional eight letters were received during the 30-day review period. A summary of the environmental hearing and comments received is attached to the Final Negative Declaration. The comments have been considered, and some minor edits have been incorporated into the Final Negative Declaration (Attachment B). The Final Negative Declaration concludes that project impacts on the environment would be less than significant.

Planning Commission Recommendation

At the Planning Commission hearing of September 12, 2007, the Commission voted 4-0 to recommend that the Board of Supervisors adopt the Ordinance 661 Consistency Rezone Project as discussed in the recommended actions section of this report (Attachment H). At its hearing on this subject, the Planning Commission received a request from Teixeira Farms to consider applying AG-II-40 land use designations and AG-II-40 zoning designations rather than the proposed AG-II-100 zoning to specific parcels in the Dominion Road area (Attachment H). The Planning Commission recommended the Board of Supervisors consider the specific request by Teixeira Farms if staff and County Counsel conclude the environmental review prepared for the project is sufficient to accommodate the rezone request. The parcels identified within the Teixeira Farms rezone request were not addressed within the CEQA document for the project. Therefore, County Counsel and staff recommend not zoning to AG-II-40 the parcels identified in the Teixeira Farms rezone request without further CEQA review.

Performance Measure:

The Ordinance 661 Consistency Rezone Project will simplify the zoning and permitting process as well as reduce permitting costs and time for applicants. The proposed project will also provide landowners an opportunity to apply for a greater variety of land uses that currently are only available in the AG-I and AG-II zone districts under the LUDC.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
General Fund	$ 28,100.00		
State			
Federal			
Fees			
Other:			$ 13,000.00
Total	$ 28,100.00	$ -	$ 13,000.00

Narrative: One-time project cost for consultant preparation of Ordinance 661 Consistency Rezone Negative Declaration.

Staffing Impacts:

Legal Positions:	FTEs:
N/A	N/A

Special Instructions:

1. Clerk of the Board shall post legal notice in the Santa Barbara News Press and Santa Maria Times at least 10 calendar days before the hearing.

Attachments:

A. Findings for 07RZN-00000-00010, including CEQA findings
B. Final Negative Declaration (07NGD-00000-00013)
C. Resolution approving amendments to the Santa Barbara County Comprehensive Plan
D. Ordinance amending the County Zoning Map of Section 35-1, the Santa Barbara County Land Use and Development Code
E. Ordinance 661 Rezone Designation Criteria
F. Land Use Comparison Table
G. Proposed Land Use and Zoning Maps

Figure 1 Project Overview and Index to Maps
Figure 2 Eastern Santa Maria Valley Proposed Land Use Designations
Figure 3 Eastern Santa Maria Valley Proposed Zoning Designations
Figure 4 Proposed New EDRN's
Figure 5 Tepusquet Canyon Area Proposed Land Use Designation Changes
Figure 6 Tepusquet Canyon Area Proposed Zoning Designation Changes
Figure 7 Western Santa Maria Valley Proposed Land Use Designations
Figure 8 Western Santa Maria Valley Proposed Zoning Designations
Figure 9 Los Alamos Valley Proposed Land Use Designations
Figure 10 Los Alamos Valley Proposed Zoning Designations

H. Planning Commission Action Letter

Authored by:

David Matson, Deputy Director, 568-2068

cc: OLRP Chron file.