

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
805 568 2240

Agenda Number:

Prepared on: April 9, 2003
Department Name: Planning & Development
Department No.: 053
Agenda Date: May 13, 2003
Placement: Departmental
Estimate Time: 30 minutes
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If Yes, date from: N/A
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00022\BSFinal.doc

TO: Board of Supervisors

FROM: Steven L. DeCamp, Deputy Director
Development Review Division –North County

STAFF

CONTACT: Florence Trotter-Cadena, Planner
934-6253

SUBJECT: Loma Vineyards Comprehensive Plan Amendment, Rezone and
Agricultural Preserve Contract; Case Nos. 02GPA-00000-00004, 02RZN-
00000-00003, and 02AGP-00000-00022

Recommendation:

That the Board of Supervisors:

- A. Accept the Planning Commission recommendations and approve the Comprehensive Plan Amendment and Rezone, Case Nos. 02GPA-00000-00004, 02RZN-00000-00003:
1. Adopt the required findings for the project including CEQA findings (Attachment A);
 2. Accept the exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) (Attachment B);
 3. Adopt a resolution and approve 02GPA-00000-00004 designating the subject property as Agriculture, 40 acres minimum parcel size (A-II-100) on the Comprehensive Plan (Attachment C); and,
 4. Adopt an ordinance and approve 02RZN-00000-00003 to rezone the subject property as AG-II-100 under the Article III Zoning Ordinance (Attachment D).

- B. Approve the creation of a new prime Agricultural Preserve Contract:
1. Accept the exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15317 (Attachment E);
 2. Execute an agreement creating Agricultural Preserve, 02AGP-00000-00022 (Attachment F);
 3. Adopt a resolution creating Agricultural Preserve, 02AGP-00000-00022 (Attachment G).

The application involves Assessor Parcel Number 101-060-060, located on the northwest intersection of Palmer Road and Highway 101, known as 7455 Palmer Road, in the Los Alamos area, Third Supervisorial District.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Comprehensive Plan Amendment and Rezone

At the Planning Commission hearing of November 13, 2002, the Commission adopted a resolution recommending that your Board approve the requested general plan amendment and rezone. The Planning Commission's November 22, 2002 Action Letter and October 21, 2002 staff report (with attachments) are included as Attachments H and I, respectively, of this agenda letter.

Agricultural Preserve Contract

The project proposes creation of a new prime agricultural preserve (02AGP-00000-00022) consisting of 634 acres, with 215 acres planted in vineyards and the balanced used for grazing. The property is currently zoned U and 100-AG under Ordinance 661, and is proposed to be rezoned to AG-II-100 under the Article III Zoning Ordinance.

Mandates and Service Levels:

Government Code §65355 requires that prior to adopting or amending a general plan that the legislative body shall hold at least one public hearing on the proposed amendment.

Government Code §658565 requires that upon receipt of an affirmative recommendation of the Planning Commission on a proposed rezoning that the legislative body shall hold a public hearing on the matter.

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land in an agricultural use. The County of Santa Barbara has adopted such a program which is codified under the Agricultural Preserve Program Uniform Rules. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary. Therefore, there are no state mandates associated with this program.

Fiscal and Facilities Impacts:

No fiscal impact associated with this request is expected. All cost of permit processing are the responsibility of the project applicant.

Special Instructions:

The Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Hearing Support Section, Attn: Cintia Mendoza.

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

The Clerk of the Board shall record the Agricultural Preserve Contract with attached legal description with the County Recorder.

The Clerk of the Board will distribute copies of the Board minute order, recorded contract and agricultural preserve map as follows:

Minute Order, Contract and Map:

Planning & Development

Assessor

Applicant: Loma Vineyards LLC, c/o Mark Couchman, President, Silverado
Premium Properties, 1776 Second Street, Napa CA 94559

Surveyor

Concurrence:

County Counsel

Attachments:

- A. Findings
- B. Environmental Document (General Plan Amendment/Rezone)
- C. Resolution to Approve General Plan Amendment (02GPA-00000-00004)
- D. Rezone Ordinance (02RZN-00000-00003)
- E. Environmental Document (Agricultural Preserve)
- F. Agricultural Preserve Contract and legal descriptions (02AGP-00000-00022)
- G. Agricultural Preserve Resolution
- H. Planning Commission Action Letter
- I. Planning Commission Staff Report

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

Accept the exemption for this project pursuant to CEQA Guidelines Section 15061, General Exemption, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The consistency rezoning of a parcel for placement into the Williamson Act (Agricultural Preserve) is not an activity that will have a significant effect on the environment.

2.0 LEGISLATIVE FINDINGS

2.1 Comprehensive Plan Amendment Finding (02GPA-00000-00004)

Pursuant to Government Code §65358(a), a Comprehensive Plan Amendment must be in the public interest. The Planning Commission and Board of Supervisors must make the following findings regarding the requested Comprehensive Plan amendment:

2.1.1 The Comprehensive Plan Amendment is in the public interest

The requested Comprehensive Plan amendment to change the land use designation on the property from A to A-II-100 is in the public interest as it will facilitate the entry of the property in the County's Land Conservation (Williamson) Act program. This will help enable the property to remain in agricultural uses, thus fulfilling a fundamental goal of the County's Comprehensive Plan.

2.2 Rezone Findings (02RZN-00000-00003)

Pursuant to §35-325.5, in order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone request, the following findings shall be made by the Planning Commission and the Board of Supervisors.

2.2.1 That the Rezone request is in the interest of the general community welfare.

The rezone is in the interest of the general community as it will help to preserve and protect existing agricultural land. By zoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program to support the continuation of the existing agricultural operation.

- 2.2.2 That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.

Pursuant to the discussion in Section 6.3 and 6.4 of the attached staff report dated October 21, 2002, the rezone is consistent with the Comprehensive Plan, the requirements of the Article III Zoning Ordinance and State law.

2.2.3 That the Rezone request is consistent with good zoning and planning practices.

The rezone is consistent with good zoning and planning practices because it would result in a minimum parcel size requirement consistent with the existing zoning of many of the surrounding parcels, would allow the property to enter into the Williamson Act (Agricultural Preserve) helping to insure that the property remains in agricultural production and will reduce the potential for future subdivisions of the property.