

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JANUARY 19, 2011

RE: Makela Rezone; 08RZN-00000-00010

Hearing on the request of Mark McFarlin, agent for the owners Mr. and Mrs. Craig Makela, to consider Case No. 08RZN-00000-00010 [application filed September 19, 2008] proposing to rezone a single 100-acre parcel from Unlimited Agricultural, 100-acre minimum lot area (U-100) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under Section 35.21 of the County Land Use and Development Code; and to determine that the project is exempt from CEQA pursuant to Section 15061(b)(3) of the Guidelines for Implementation of California Environmental Quality Act. The application involves AP No. 081-230-028, known as 12477 Calle Real, Gaviota area, Third Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of January 19, 2011, Commissioner Brooks moved, seconded by Commissioner Brown, and carried by a vote of 5-0 to:

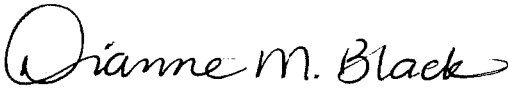
1. Recommend that the Board of Supervisors adopt the required findings for the proposed rezone, Case No. 08RZN-00000-00010, specified in Attachment A of the staff report, dated December 23, 2010, including the California Environmental Quality Act (CEQA) findings;
2. Recommend that the Board of Supervisors accept the Notice of Exemption pursuant the Section 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act," included as Attachment B of the staff report, dated December 23, 2010;
3. Recommend that the Board of Supervisors adopt a Rezone Ordinance for Assessor's Parcel Number 081-230-028, included as Attachment C of the staff report, dated December 23, 2010; and
4. Recommend subsequently amending the current County Inland Zoning Map, included as Attachment D, to reflect the Rezone from "U" to "AG-II-100", subject to the Conditions of Approval included as Attachment E of the staff report, dated December 23, 2010, as revised at the hearing of January 19, 2011.

REVISIONS TO ATTACHMENT E: CONDITIONS OF APPROVAL

COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

3. **Indemnity and Separation Clause.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this ~~Lot Line Adjustment~~ Rezone. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 08RZN-00000-00010
Planning Commission File
Dianne M. Black, Director Development Review
Owner: Craig Makela, Santa Barbara Olive Company, 12477 Calle Real, Goleta, CA 93117
Rachel Van Mullem, Deputy County Counsel
✓ J. Ritterbeck, Planner

Attachments: **Attachment A – Findings for Approval**
 Attachment C – Resolution and Ordinance
 Attachment E – Conditions of Approval

DMB/dmv

ATTACHMENT A

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

The proposed project is exempt from CEQA based on the general rule in Section 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act." Section 15061(b)(3) states CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project is a legislative action that would replace an outdated agricultural zoning district under Ordinance 661 with a comparable modern agricultural zoning district under the Land Use development Code (LUDC). This project is for a consistency rezone only, does not involve any development, and the subject parcel does not include environmental resources of critical concern.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE FINDINGS

Pursuant to Section 35.104.060, 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 Board of Supervisors:

2.1.1. *The request is in the interests of the general community welfare.*

The rezone will bring the subject parcel into conformance with the County LUDC, the current zoning ordinance. The rezone will not change the fundamental intent of the current zone 'U' Unlimited Agriculture zone district. The subject parcel is currently zoned for agricultural use and will remain zoned for agricultural use. All types of agriculture allowed under the current zoning district would be allowed under the proposed zoning district. Rezoning the parcel will also facilitate permitting for new agricultural or other types of development. Therefore, the project is in the interests of the general community welfare.

2.1.2. *The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and LUDC.*

State law requires zoning ordinances to be consistent with the County Comprehensive Plan. The subject parcel is designated Agriculture II, 100-acre minimum lot area under the County Comprehensive Plan. The request will rezone the subject parcel from the antiquated U-100 zone district under Ordinance 661 to the current AG-II-100 zone district under the County LUDC, Section 35.21. The AG-II-100 zone district is consistent with the objectives, policies and general land uses in the Agricultural designation of the Comprehensive Plan. Therefore, the proposed rezone is consistent with this finding.

2.1.3. *The request is consistent with good zoning and planning practices.*

The subject parcel is currently subject to the antiquated zoning of Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, and in 2006 the County adopted the Land Use Development Code (LUDC) for the Inland area. The subject parcel and numerous other parcels in rural areas are still subject to the outdated Ordinance 661. Therefore, the request is consistent with good zoning and planning practices.

The request will replace the existing antiquated zoning from Ordinance 661 with the modern zoning in the County LUDC. This will help implement a uniform and up-to-date zoning ordinance throughout the County's Inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. In addition, the property owner will enjoy full use of the parcel consistent with other parcels that are already subject to the LUDC zoning requirements, allowable uses and provisions. Therefore, the proposed rezone is consistent with this finding.

ATTACHMENT C: RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE)	
BOARD OF SUPERVISORS THE ADOPTION OF)	
AN AMENDMENT TO SECTION 35-1 OF)	RESOLUTION NO.: 11-01_____
CHAPTER 35 OF THE COUNTY CODE, THE)	
SANTA BARBARA COUNTY LAND USE AND)	CASE NO.: 08RZN-00000-00010
DEVELOPMENT CODE, BY AMENDING THE)	
COUNTY ZONING MAP FOR ASSESSOR'S)	
<u>PARCEL NUMBER 081-230-028.</u>)	

WITH REFERENCE TO THE FOLLOWING

- A. On November 27, 2007, by Ordinance No. 4660, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and

- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 08RZN-00000-00010) amending the County Zoning Map to change the zoning of Assessor's Parcel No. 081-230-028 from U-100 to AG-II-100 as shown on Attachment #1 of said Ordinance.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.

- D. The proposed Ordinance is in the interest of the general community welfare since it will repeal the existing antiquated zoning and implement the current zones of the County Land Use and Development Code.

- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.

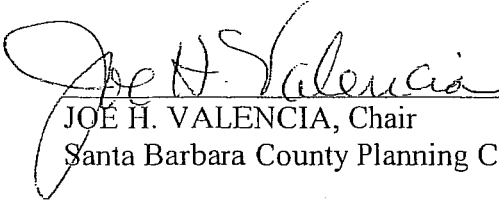
- 2. In compliance with the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California following the required noticed public hearing, approve and adopt the above mentioned recommendation.

- 3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

- 4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to show the above-mentioned action by the Commission.


PASSED, APPROVED, AND ADOPTED this 19th day of January, 2011, by the following vote:

AYES: Cooney, Brown, Brooks, Valencia, Blough
NOES:
ABSTAIN:
ABSENT:



JOE H. VALENCIA, Chair
Santa Barbara County Planning Commission

ATTEST:



DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

1. ORDINANCE # _____ for Case No. 08RZN-00000-00010 (w/ Attachment #1 – Site Plan)

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBER 081-230-028 FROM U-100 TO AG-II-100.

Case No. 08RZN-00000-00010

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor's Parcel Number 081-230-028 from U-100 to AG-II-100 as shown on Attachment #1.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Attachment #1 to show that said map has been adopted by this Board.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

JONI GRAY, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

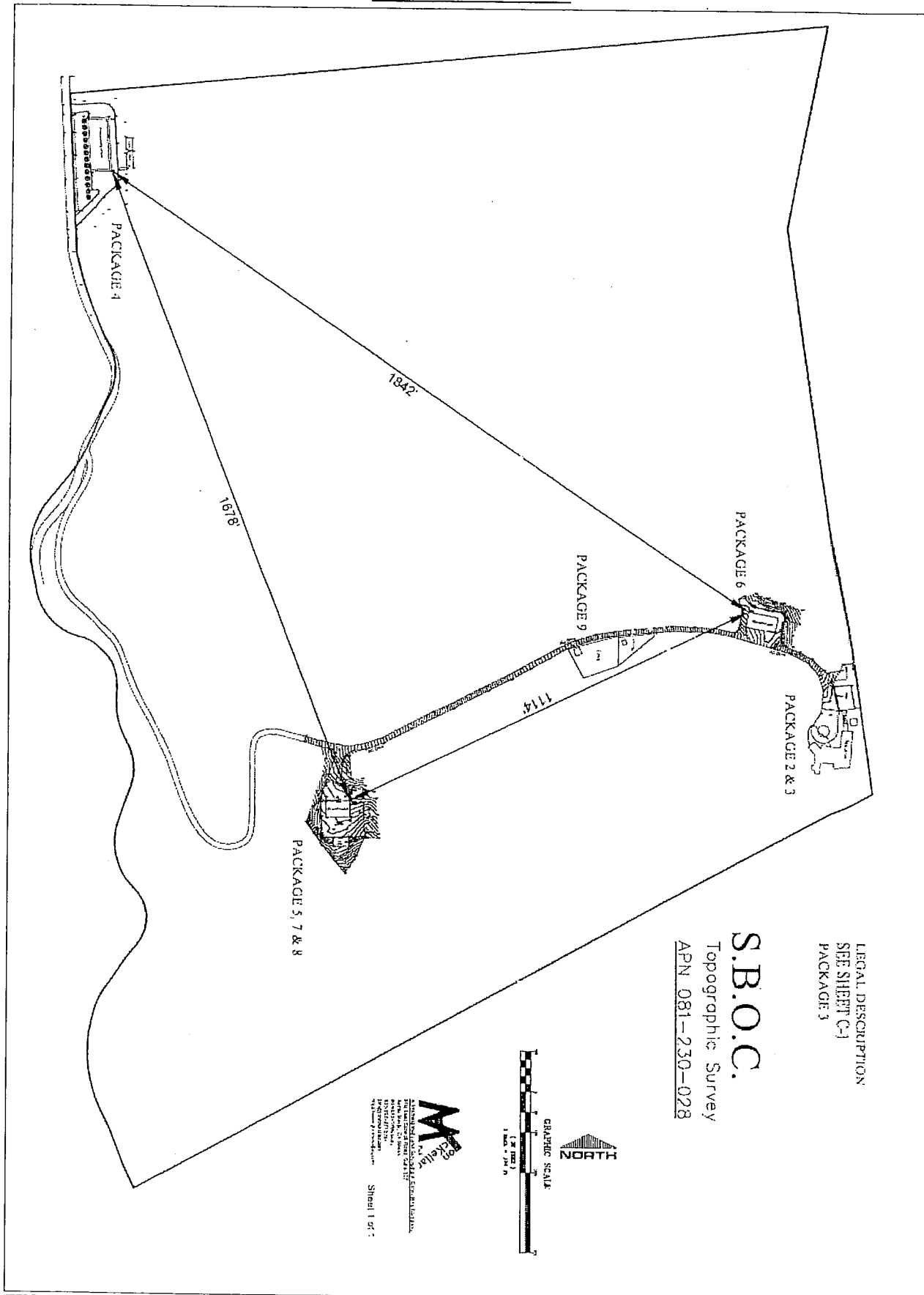
DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

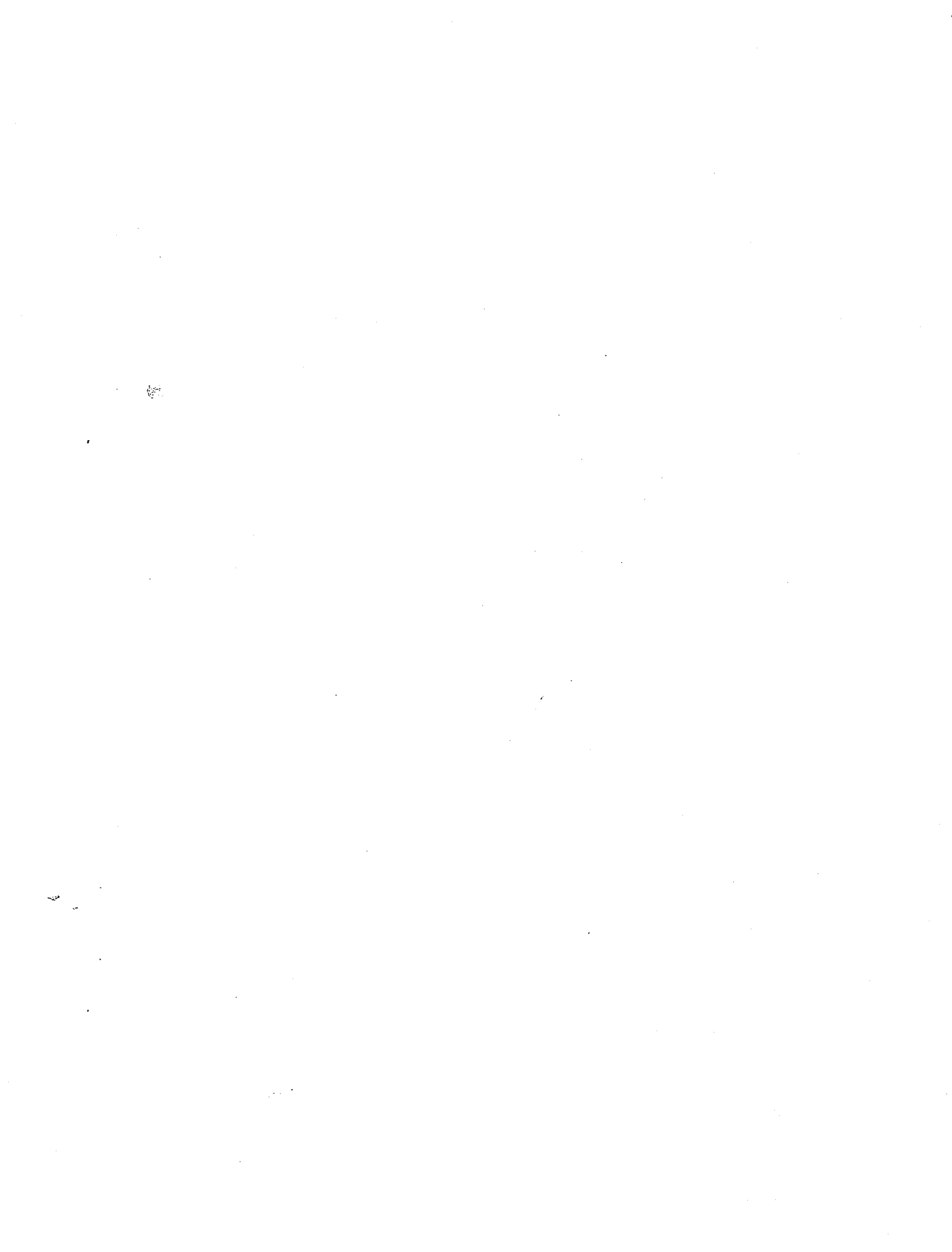
Attachment:

#1 – Site Plan

ATTACHMENT #1



T-2	PACKAGE 1	SITE PLAN (OVERALL)	MAKELA PROPERTY 12969 CALLE REAL COLETA, CA
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ATTACHMENT E

CONDITIONS OF APPROVAL

Case No.: 08RZN-00000-00010
Project Name: Makela Consistency Rezone
Project Address: 12477 Calle Real, Gaviota/Goleta, CA 93117
APN: 081-230-028

This permit is subject to compliance with the following conditions:

1. This Consistency Rezone is based upon and limited to compliance with the project description, the hearing exhibit marked "County Planning Commission, Exhibit #1, dated January 19, 2011," and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Case No. 08RZN-00000-00010

Hearing on the request of Mark McFarlin, agent for the owners Mr. and Mrs. Craig Makela, to consider Case No. 08RZN-00000-00010 [application filed September 19, 2008] proposing to rezone a single 100-acre parcel (APN: 081-230-028), from Unlimited Agricultural, 100-acre minimum lot area (U-100) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the Land Use Development Code (LUDC) § 35.21; and accept the Notice of Exemption pursuant to Section 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act." The project is located at 12477 Calle Real, in the Gaviota Coast area of the County, Third Supervisorial District.

Arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All future development and proposed plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

PROJECT SPECIFIC CONDITIONS

2. **As-Built Land Use Permit Required.** An as-built Land Use Permit shall be approved and issued prior to resolution of the existing Zoning Violation, case number 04ZEV-00000-00026. The Land Use Permit is required in order to legalize the unpermitted construction of approx. 9,688 sq. ft. of residential and agricultural accessory structures currently located within the area of the subject parcel and to permit any additional new development proposed for construction.

COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

3. **Indemnity and Separation Clause.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this Rezone. In the event that the County fails promptly to notify the

applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

4. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.