

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 SEPTEMBER 24, 2008

**RE: *Stoker Residential Project; 06GPA-00000-00009, 07RZN-00000-00009,
07TRM-00000-00003, 07DVP-00000-00016***

Hearing on the request of Mike Stoker, applicant and property owner, to consider the following:

- a) **06GPA-00000-00009** [application filed May 12, 2006] for approval to change the Comprehensive Plan's land use designation of 2.35 acres from Recreation/Open Space to Residential-8.0 and to change the land use designation of 0.47 acres from Recreation/Open Space to Residential-1.8;
- b) **07RZN-00000-00009** [application filed on May 21, 2007] for approval of a Zoning Map Amendment to change the Land Use and Development Code's zone district for 2.35 acres from Recreation to Design Residential (DR-6), and to change the zone district for 0.47 acres from Recreation to Residential, single-family (20-R-1);
- c) **07TRM-00000-00019** [application filed on May 21, 2007] for approval of a Tentative Tract Map in compliance with County Code Chapter 21 to subdivide a 2.82 acre site and create 16 new parcels: Lot Numbers 1, 2, and 11-14 at 2,368 square feet each; Lot Numbers 3-9 at 2,952 square feet each; Lot 15 at 65,165 square feet; and Lot 16 at 20,478 square feet;
- d) **07DVP-00000-00016** [application filed on May 21, 2007] for approval of a Development Plan under the provisions of the DR zone district and in compliance with Section 35.82.080 of the County Land Use Development Code to develop 14 two-story, residential units;

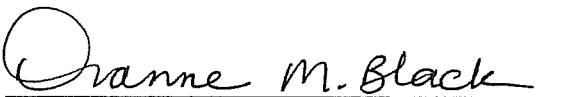
and to approve the Mitigated Negative Declaration (08NGD-00000-00011) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Noise, Public Facilities, and Water Resources/Flooding. The Mitigated Negative Declaration and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara or 624 W. Foster Rd., Santa Maria. The application involves AP No. 097-730-021, located on Oakhill Drive in the Recreation/Open Space zone district, in the Vandenberg Village area, Third Supervisorial District. (Continued from 09/10/08)

Dear Honorable Members of the Board of Supervisors:_____

At the Planning Commission hearing of September 24, 2008, Commissioner Jackson moved, seconded by Commissioner Valencia and carried by a vote of 3-0-1 (Brown absent/Blough abstained) to:

1. Recommend that the Board of Supervisors adopt the required findings for denial for the project, including CEQA findings;
2. Adopt the resolution included in the staff memorandum, dated September 24, 2008, recommending that the Board deny the requested Rezone (07RZN-00000-00009);
3. Recommend that the Board of Supervisors deny 06GPA-00000-00009;
4. Recommend that the Board of Supervisors deny 07RZN-00000-00009;
5. Recommend that the Board of Supervisors deny 07TRM-00000-00019;
6. Recommend that the Board of Supervisors deny 07DVP-00000-00016.

Sincerely,



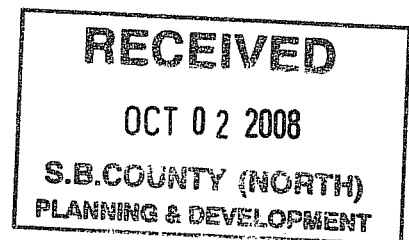
Dianne M. Black
Secretary Planning Commission

cc: Case File: 06GPA-00000-00009, 07RZN-00000-00009, 07TRM-00000-00003, 07DVP-00000-00016
Planning Commission File
Dianne M. Black, Director Development Review
Engineer: Flowers & Associates, 500 Montecito Street, Santa Barbara, CA 93101
Rachel Van Mullem, Deputy County Counsel
Nathan Eady, Planner

Attachments: Attachment A – Findings for Denial
Attachment B – Planning Commission Resolution

DMB/jao

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS:

1.1 *Project Denial is Exempt from CEQA*

Pursuant to CEQA Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves. Therefore, the County finds that the denial of 06GPA-00000-00009, 07RZN-00000-00009, 07TRM-00000-00003, and 07DVP-00000-00016 is exempt from CEQA.

1.2 *Location of Documents*

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development, located at 624 Foster Road, Santa Maria, CA 93455.

2.0 ADMINISTRATIVE FINDINGS:

2.1 COMPREHENSIVE PLAN AMENDMENT FINDING

Government Code Section 65358 requires each Comprehensive Plan Amendment to be in the public interest. The subject Comprehensive Plan Amendment to the Land Use Element would not be in the public interest as the potential for the loss of Recreation/Open Space designated land could be detrimental to the surrounding community. The conversion of land designated for Recreation/Open Space to other land uses should only be considered within the context of an update to the County's Comprehensive Plan for the Lompoc Valley. Furthermore, the Comprehensive Plan for the Lompoc Valley has not been updated since 1980. The County finds that updating the General Plan in a thorough, comprehensive manner results in better land use planning than considering changes on a case by case basis. Therefore, considering the proposed change to the 1980 plan prior to a thorough re-evaluation of land use in the Lompoc area would not be in the public interest and therefore the required finding cannot be made.

2.2 REZONE FINDINGS

Pursuant to Section 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 would have to be made by the Board of Supervisors:

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

The requested Zoning Map Amendment would not be in the interest of the general community welfare as it would result in the conversion of land zoned for Recreation to Residential land uses. This conversion should only be undertaken if analysis performed as part of a community planning process or update to the County's Comprehensive Plan indicates that the benefit of additional housing opportunities outweighs the potential negative effect of lost recreational opportunities. Therefore, the Board of Supervisors finds that the Zoning Map Amendment is not in the interests of the general community welfare and this finding cannot be made.

2.2.2 *The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Land Use and Development Code.*

State law requires zoning ordinances to be consistent with the comprehensive plan. As the required findings for a General Plan Amendment cannot be made, the County's Comprehensive Plan land use designation for the project site would remain Recreation/Open Space. As a result, the requested rezone to allow Residential development would be inconsistent with the County's Comprehensive Plan. Therefore, the proposed rezone is not consistent with this finding.

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

As the required findings for a General Plan Amendment cannot be made, the County's Comprehensive Plan land use designation for the project site would remain Recreation/Open Space. As a result the requested rezone to allow Residential development would not be consistent with good zoning and planning practices. Therefore, the proposed rezone is not consistent with this finding.

2.3 *SUBDIVISION MAP ACT FINDINGS (Tract Map No. 14,732)*

Pursuant to the Subdivision Map Act, the Board of Supervisors must deny this tentative tract map if the Board is either unable to make the requisite statutory findings for approval of the project or, in the alternative, makes any of the specified statutory findings that would require disapproval. Pursuant to State Government Code Section 66473.5 no local agency shall approve a tentative map unless the body finds that the proposed subdivision is consistent with the general plan required by Article 5 of Chapter 3 of Division 1. As previously discussed, the Comprehensive Plan Amendment finding cannot be made and therefore the requested Comprehensive Plan Amendment cannot be approved. As a result the requested residential subdivision would not be consistent the Subdivision Map Act. Since the Subdivision Map Act findings cannot be made, the proposed residential subdivision therefore cannot be approved.

2.4 *CHAPTER 21, COUNTY SUBDIVISION REGULATIONS*

Pursuant to Chapter 21, Section 21-8(c6) of the County code, the County shall not approve a tentative map if said map would be in nonconformance with any adopted general plan of the County. As previously discussed the Comprehensive Plan Amendment finding cannot be made and therefore the requested Comprehensive Plan Amendment cannot be approved. As a result the requested residential subdivision would not be consistent with the County's Subdivision Regulations and therefore cannot be approved.

2.5 *DEVELOPMENT PLAN FINDINGS*

Pursuant to Section 35.82.080(e1f) of the County's Land Use and Development Code, the Board of Supervisors cannot approve a proposed Development Plan unless the project is in conformance with the applicable provisions of the Development Code and the Comprehensive Plan, including any applicable community or area plan. As previously discussed, the Comprehensive Plan Amendment finding cannot be made and therefore the requested Comprehensive Plan Amendment cannot be approved. As a result the requested Development Plan, which is intended to allow residential development, would not be consistent with County's Comprehensive Plan, and the findings required for Development Plan approval cannot be made.

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 THAT)
THE REQUEST FOR AN ORDINANCE)
AMENDING SECTION 35-1, THE SANTA)
BARBARA COUNTY LAND USE AND)
DEVELOPMENT CODE, OF CHAPTER 35 OF)
THE SANTA BARBARA COUNTY CODE, BY)
AMENDING THE COUNTY ZONING MAP BY)
CHANGING THE ZONING OF ASSESSOR'S)
PARCEL NUMBER 097-730-021 FROM REC)
TO DR-6 AND 20-R-1 BE DENIED)

RESOLUTION NO.: 08-09

CASE NO.: 07RZN-00000-00009

WITH REFERENCE TO THE FOLLOWING:

- A. On January 2, 1985, by Ordinance 3480 (Consistency Rezone for the Lompoc Valley), the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Article III of Chapter 35 of the Santa Barbara County Code; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors deny the request for an Ordinance Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, to Amend the County Zoning Map by changing the zoning of Assessor's Parcel Number 097-730-021 from REC to DR-6 and 20-R-1.

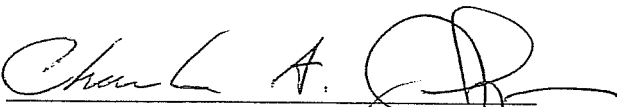
PASSED, APPROVED AND ADOPTED this September 24th, 2008 by the following vote:

AYES: Cooney, Jackson, Valencia

NOES:

ABSTAIN: Blough

ABSENT: Brown


CHARLES A. JACKSON, Chair
Santa Barbara County Planning Commission

ATTEST:

Dianne M. Black

Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By *Rachel Jan Mullen*

Deputy County Counsel