



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: June 16, 2015
Placement: Set hearing on 6/16/15 for 6/23/15
Estimated Time: 1 hour on 6/23/15
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805) 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review Division
(805) 568-2518

W.D. Black

SUBJECT: Mosby Sports and Outdoor Recreation Facility and Consistency Rezone
Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On June 16, 2015, set a hearing for June 23, 2015 to reconsider the Planning Commission's recommendation for denial of the Mosby Sports and Outdoor Recreation Facility and Consistency Rezone (Case Nos. 11CUP-00000-00032, 12RZN-00000-00003).

On June 23, 2015, staff recommends that your Board take the following actions:

For the Rezone:

1. Make the required findings for approval of the Rezone (Case No. 12RZN-00000-00003) specified in Attachment 2, including CEQA findings;
2. Determine that the Rezone is exempt from CEQA pursuant to CEQA Guideline Sections 15061(b)(3), and 15305 included in the attached Notice of Exemption (Attachment 3); and
3. Approve the Rezone (Case No. 12RZN-00000-00003) and adopt an Ordinance amending the

zoning map for the subject parcels from Unlimited Agriculture, 40-AG, under Ordinance 661 to AG-II-40 under the Land Use and Development Code (Attachment 4).

For the Conditional Use Permit:

1. Make the required findings for denial of the Conditional Use Permit (Case No. 11CUP-00000-000032), including CEQA findings (Attachment 5).
2. Determine that denial of Case No. 11CUP-00000-00032 is exempt from CEQA pursuant to CEQA Guidelines Section 15270, included in the attached Notice of Exemption (Attachment 6); and
3. Deny the Conditional Use Permit (Case No. 11CUP-00000-00032).

The project site is identified as Assessor Parcel Numbers 099-141-016 and 099-141-017, located approximately 0.5 mile east of the City of Lompoc, northwest of the intersection of Hwy 246 and Sweeney Road, commonly known as 625 E. Hwy 246, in the Lompoc area, Fourth Supervisorial District. Refer back to staff if the Board takes an action other than the recommended action for appropriate findings.

Summary Text:

A. Project Description

The following project description is the same project which was reviewed by the Board of Supervisors on February 11, 2014.

The proposed project is a request for the approval of: 1) a rezone of the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the Santa Barbara County Land Use & Development Code (LUDC); and 2) a Conditional Use Permit to allow for existing outdoor recreational development and activities consisting of a paintball field, athletic (soccer) fields, and a remote controlled car track consistent with the Comprehensive Plan and the Santa Barbara County Land Use and Development Code (LUDC).

Rezone (12RZN-00000-00003): The subject 9.99 and 9.50 gross/acre parcels are legal non-conforming as to size and are currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. Therefore, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40), consistent with the current Land Use and Development Code. The subject parcels would remain legal non-conforming as to size.

Conditional Use Permit (11CUP-00000-00032): Applicant requests approval of a Conditional Use Permit to permit existing outdoor development and recreational activities consisting of a paintball field, athletic (soccer) fields, and a remote controlled car track to be conducted on the subject parcels (APN(s) 099-141-016, -017). The application arises from the need to abate an existing zoning violation for the above mentioned uses on the property. Existing development consists of a paintball field of approximately 0.40-acres, two (2) athletic (soccer) fields totaling approximately 5.2-acres, and remote control car track of approximately 2-acres.

The remote control car track would be open between the hours of 10:00 a.m. and 4:00 p.m., with attendance ranging between 10-30 people. The paintball field would be open between the hours of 10:00 a.m. and 4:00 pm. with attendance ranging from 2-50 people. The athletic fields would be open from 7:00 a.m. to dusk daily. During a weekday, a maximum of 30 people would utilize the athletic fields. During a weekend, athletic field attendance would range from 65-700 attendees depending on the type of event and number of games occurring on that day (ex. club soccer games, or end of season tournaments). At no time would 700 participants be on the project site at the same time. The 700 participant maximum would occur over the entire weekend day during a tournament where multiple games are played on the same day.

No outdoor lighting, amplified sound, or signage is proposed. 150 parking spaces composed of compacted base and screened with a landscaped berm planted with pine trees would be provided on the southern property line of APN 099-141-017, and adjacent to the parking areas. Accessible public restrooms and drinking water facilities owned by the City of Lompoc would be provided on the adjacent River Park property. The applicant proposes to sell food on site through legally licensed vendors. According to the application no full or part time employees would be employed on the site; however, monitors would be present during recreational activities to ensure compliance with onsite rules and regulations. On occasion maintenance of the Remote Control Car Track would include earthwork of less than 50 cubic yards, no permit would be required. No vegetation or tree removal is proposed.

B. Background

The subject recreational uses were developed on the premises and opened for public use between 2006 and 2011. Upon Planning & Development's receipt of a Zoning Violation complaint, the applicant applied for the subject permits to validate the existing uses under the Santa Barbara County Land Use and Development Code (LUDC).

C. Planning Commission Actions

On December 4, 2013, the Planning Commission voted 4-1 (Blough no) to recommend that the Board of Supervisors deny the Conditional Use Permit and Rezone. The recommendation for denial was based on findings which conclude that the project is inconsistent with the Comprehensive Plan (Administrative Record, Attachment 11, hereinafter "AR", 0521-0523). These inconsistencies are based on incompatibility with the adjacent agricultural uses through the establishment of an urban type of land use north of the Santa Ynez River, a natural green-belt buffer/boundary between the City of Lompoc and active agricultural cultivation.

In addition, the Planning Commission stated that although the proposed project would provide needed recreational opportunities within the Lompoc area, the close proximity of the public recreational uses to production agriculture would create land use conflicts. Specifically, the Commission found that without the establishment of permanent buffers between the recreational uses and agriculture, the long-term agricultural productivity on surrounding parcels would be threatened.

D. Board Of Supervisors Action

On February 11, 2014 your Board considered and denied the proposed project. James Mosby (applicant) filed a Petition for Writ of Mandate on April 3, 2014 and an Amended Petition on June 12, 2014 challenging your Board's findings to deny the Project. On March 20, 2015, the Superior Court

granted the petition brought by the applicant against the County. Your Board's decision to deny the project was set aside, and the project was remanded to your Board for reconsideration. The Court expressly recognized that your Board may, in its discretion, take additional evidence on remand. The findings and consistency discussion have been revised to include citations to the relevant pages in Attachment 11 (Administrative Record), and to add additional information.

The Board of Supervisors has reviewed the complete Administrative Record from the Board's prior action on the project and all additional evidence presented for and during the hearings of June 16th and 23, 2015. Based on this evidence, the Board of Supervisors cannot make the findings to approve the Conditional Use Permit. The evidence in the record is incorporated into the findings and provides substantial evidence to support the findings.

Fiscal and Facilities Impacts:

The costs to process the project were borne by the applicant through the payment of processing fees. These fees are budgeted in the permitting program of the Department, as shown on page D-212 of the adopted 2014/15 & 2015/16 FY budget.

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements. A minute order of the hearing shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

1. Comprehensive Plan Consistency Analysis
2. Revised Findings (Rezone, Case No. 12RZN-00000-00003)
3. CEQA Section 15061(b)(3), and 15305 Exemption - Rezone
4. Rezone Ordinance
5. Revised Findings (Conditional Use Permit, Case No. 11CUP-00000-00032)
6. CEQA Section 15270 Exemption – Conditional Use Permit
7. Santa Barbara County Agricultural Commissioner's Office Pesticide Complaint Report Narrative
8. County of Santa Barbara Agricultural Commissioner / Weights and Measures Department Website Information Re: Operator Identification Numbers and Restricted Materials Permits
9. City of Lompoc Five-Year Findings Compliance Report for Park Land Acquisition Impact Fees
10. Location of Restroom and Drinking Water Facilities
11. Administrative Record

Authored by:

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