



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: 6/24/08
Placement: Set Hearing on 7/8/08
Departmental
Estimated Tme: 1 hour
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director
Director(s) (805) 568-2085
Contact Info: Zoraida Abresch, Deputy Director
(805) 934-6585
SUBJECT: Hearing to Consider the Request for a Zoning Map Amendment, Tentative Parcel Map, Development Plan, and Conditional Use Permit to allow the construction of the Rice Agricultural Produce Cooling and Processing Facility, located in the Santa Maria Valley Area.

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Set a hearing for July 8, 2008 to consider:

- 1) Case Number 06RZN-00000-00005 [application filed July 14, 2006] for approval of a rezone to change the existing zoning designation for the 244.4 acres gross, 237.8 acres net, site commonly known as APN numbers 128-096-001, 128-096-004, and 128-096-005 from the AG-II-100 (Agriculture with 100 acre minimum parcel size) zone district to the AG-II-40 (Agriculture with 40 acre minimum parcel size) zone district;
- 2) Case Number 06TPM-00000-00019 [application filed on July 14, 2006] for approval of a Tentative Parcel Map in accordance with County Code Chapter 21 to subdivide an existing 244.4 acres gross, 237.8 acres net, site commonly know as APN numbers 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels ranging from 40.0 acres gross to 122.8 acres gross;

- 3) Case Number 06DVP-00000-00009 [application filed on July 14, 2006] for approval of a Development Plan to allow the construction of a 27-acre produce cooling and processing facility in compliance with Section 35.82.080 of the County Land Use and Development Code;
- 4) Case Number 06CUP-00000-00043 [application filed on July 14, 2006] for approval of a Major Conditional Use Permit to allow the construction of an agricultural processing facility within the AG-II zone district, in compliance with Section 35.82.060 of the County Land Use and Development Code;

and to accept the Addendum (Attachment B) to Environmental Impact Report (04-EIR-08) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. The original EIR identified significant effects on the environment in the following categories: Aesthetics, Agricultural Resources/Land Use, Air Quality, Groundwater, Noise, and Traffic/Circulation. The application involves AP No. 128-096-001, -004, and -005 located at the intersection of Betteravia Road and Rosemary Road, in the Santa Maria area, 5th Supervisorial District.

At the July 8, 2008 hearing, the Board of Supervisor's action should include the following:

1. The Board of Supervisors should adopt the required findings for the project specified in the Planning Commission Staff Report dated April 25, 2008 (included as Attachment A), including CEQA findings.
2. The Board of Supervisors should approve the Addendum to the Uniform Rules EIR (04-EIR-08) as specified in the Planning Commission Staff Report dated April 25, 2008 (included as Attachment A), as amended by the Planning Commission during its regular meeting of May 14, 2008 (refer to Action Letter included as Attachment C).
3. The Board of Supervisors should approve 06RZN-00000-00005 and the associated Zoning Map Amendment Ordinance (included as Attachment C).
4. The Board of Supervisors should approve 06TPM-00000-00019 subject to the conditions specified in the Planning Commission Staff Report dated April 25, 2008 (included as Attachment A), as amended by the Planning Commission during its regular meeting of May 14, 2008 (refer to Action Letter included as Attachment B).
5. The Board of Supervisors should approve 06DVP-00000-00009 subject to the conditions specified in the Planning Commission Staff Report dated April 25, 2008 (included as Attachment A), as amended by the Planning Commission during its regular meeting of May 14, 2008 (refer to Action Letter included as Attachment B).
6. The Board of Supervisors should approve 06CUP-00000-00043 subject to the conditions specified in the Planning Commission Staff Report dated April 25, 2008 (included as Attachment A), as amended by the Planning Commission during its regular meeting of May 14, 2008 (refer to Action Letter included as Attachment B).

Refer back to staff if the Board of Supervisors takes other than the recommended action.

Summary Text:

The requested project includes the request for a Zoning Map Amendment, Tentative Parcel Map, Development Plan, and Conditional Use Permit to develop an Agricultural Produce Cooling and Processing Facility in the Santa Maria Valley. The proposed Zoning Map Amendment would retain the existing Agricultural (AG-II) land use but would reduce the required minimum parcel size for the project site from 100 acres to 40 acres. The surrounding Santa Maria Valley, including adjacent parcels, is already predominantly zoned AG-II-40 so the requested rezone would be consistent with sound planning principles. The requested Tentative Parcel Map would result in the subdivision of the existing 244.4 acre parcel into three separate legal parcels ranging from 40.0 acres gross to 122.8 acres gross. Staff has reviewed the proposed parcel sizes and locations and deemed that all three proposed parcels would be agriculturally viable if the subdivision was approved. The requested Development Plan would allow the construction of a 27-acre Agricultural Produce Cooling and Processing Facility. The proposed facility would be constructed in multiple phases over 5-8 years and would result in the development of 237,636 square feet of structural development. The proposed facility was been deemed consistent with the Uniform Rules for Agricultural Preserve by the Planning Commission. The requested Conditional Use Permit would allow the cooling and processing facility to accept produce from off-site. As designed the facility could cool and process the agricultural product grown on approximately 5,000 acres of surrounding agricultural land.

Background:

At its May 14, 2008 hearing, the Planning Commission voted 3-0 (Cooney and Brown absent) to pass a motion recommending that the Board of Supervisors approve the project in conformance with Staff's Recommendation. Please refer to the Planning Commission staff report for more information about the site and the project proposed by the applicant (Attachment A).

As part of this motion the Planning Commission requested some minor changes to the proposed project conditions. These changes included the removal of a condition limiting construction hours during development on the property. This condition was intended to mitigate potential short-term construction noise impacts, however, the Commission deemed the project site is located such that no sensitive receptors would be impacted by construction noise and therefore the mitigation condition was not necessary. Additionally, the Commission requested that an off-site produce source monitoring condition be removed from the Conditional Use Permit Conditions.

During the May 14, 2008 Planning Commission hearing the applicant made two additional requests. These included the waiving of fire department requirements for the sprinklering of the cooling facility and a reduction in the fees required to construct a new left-hand turn lane on Betteravia Road. The requirement for installation of fire sprinklers is derived from the Fire Code and such requirement can only be waived by the Fire Marshall. Therefore the Commission took no action on this subject. The Commission did however instruct P&D and Public Works staff to verify that the project applicant should be required to pay a 79% fair share cost to construct the new turn lane on Betteravia Road, as required by Item 6 listed in the Public Works (Transportation) Condition Letter dated May 13, 2008. Public Works staff has since confirmed that this 79% fair share cost calculation is accurate and the project condition should not be amended unless otherwise directed by the Board.

Fiscal and Facilities Impacts:

All costs of permit processing are reimbursed by the project applicant. Costs to process this application are fully reimbursed by the applicant per the department's adopted fee schedule. Permit revenues are budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-290 of the adopted 2007 – 2008 fiscal year budget. There are no facilities impacts. The costs to process this rezone are borne by the applicant.

Special Instructions:

The Clerk of the Board shall complete noticing for the project in a newspaper of general circulation in the County of Santa Barbara ten (10) days prior to the hearing (mailing labels are attached).

The Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attention: David Villalobos, Hearing Support.

Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

Attachments:

Attachment A -- Planning Commission Staff Report dated April 25, 2008.

Attachment B-- Planning Commission Action Letter dated May 14, 2008.

Attachment C-- Draft Zoning Map Amendment Ordinance

Authored by:

Nathan Eady, Planner III, (805) 943-6261

Development Review Division-North, Planning and Development Department

cc: Case File: 06RZN-00000-00005
Records Management
John Baker, Director, Planning and Development
Dianne M. Black, Director Development Services
Agent: Susan Elledge Planning & Permitting, 800 Santa Barbara Street, Santa Barbara, CA 93101
Owners: OSR Enterprises Inc., NRG Enterprises L.P., and OSR Ranch L.P.
1910 E. Stowell Road, Santa Maria, CA 93454
David Allen, Deputy County Counsel
Nathan Eady, Planner

ATTACHMENT A: PLANNING COMMISSION STAFF REPORT

ATTACHMENT B: PLANNING COMMISSION ACTION LETTER

ATTACHMENT C: DRAFT ZONING MAP AMENDMENT ORDINANCE