

SANTA BARBARA COUNTY PLANNING COMMISSION  
Consent Agenda

Staff Report for Gypsy Canyon Consistency Rezone

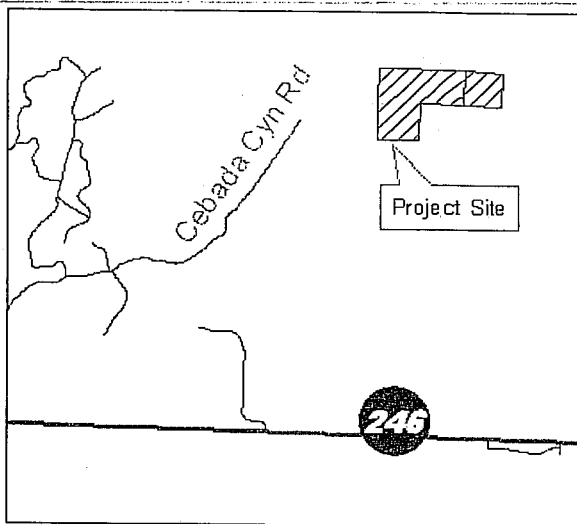
Hearing Date: September 14, 2011  
Staff Report Date: August 26, 2011  
Case No.:10RZN-00000-00004

Deputy Director: Douglas Anthony  
Division: Development Review - North  
Supervising Planner: John Karamitsos  
Supervising Planner Phone #: 934-6255  
Staff Contact: Florence Trotter-Cadena  
Planner's Phone #: 934-6253

Environmental Document: Exempt CEQA 15061 (b) (3)[No possibility of Significant Effect]

OWNER:

Sonia Chantal Anderson  
Gypsy Canyon  
P.O. Box 15  
Buellton, CA 93427  
805 350-0975



This site is identified as Assessor's Parcel Numbers 099-060-021 and 099-070-036, 3200 Gypsy Canyon Road, in the Lompoc area, Fourth Supervisorial District.

Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Sonia Chantal Anderson, owner, to consider the following:

- a) 10RZN-00000-00004 [application filed on August 6, 2010] proposing to rezone 160 acres from 100-AG (Ordinance 661) to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code;

and to determine the exemption pursuant to §15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act. The site is identified as Assessor's Parcel Numbers 099-060-021 and 099-070-036, 3200 Gypsy Canyon Road, in the Lompoc area, Fourth Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case No. 10RZN-00000-00004 marked "Officially Accepted, County of Santa Barbara September 14, 2011 County Planning Commission Attachment 1", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for 10RZN-00000-00004 specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors determine the project is exempt pursuant to CEQA Sections 15061(b)(3) included as Attachment B.
3. Adopt a resolution (Attachment D) recommending that the Board of Supervisors adopt:
  - a. 10RZN-00000-00004, rezoning the property from 100-AG (Ordinance 661) to AG-II-100 (Land Use and Development Code);
  - b. Ordinance-Zoning Map Amendment for Assessor's Parcel Numbers 099-060-021 and 099-070-036, amending the Inland Zoning Map for the Lompoc Valley Rural Areas Zones (Draft Ordinance included as Attachment C);

## **3.0 JURISDICTION**

The subject 160-acre parcel is zoned 100-AG under Ordinance 661 and wishes to enter into a Williamson Act contract. According to Rule 1-2 of the Uniform Rules for Agricultural Preserves and Farmland Security Zones, land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a consistency rezone request. By rezoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program.

## **3.0 ISSUE SUMMARY**

Rezoning the property from 100-AG to AG-II-100 would allow the property to qualify for a new Agricultural Preserve contract. Eligible land must have land use and zoning designations consistent with Agriculture, Mountainous, or Resource Management. Uniform Rule 1-2.1 states: "Interested landowners with ineligible land use or zoning designations should request and secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject to the provisions outlined in Section

1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request”.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Rural Area, A-II, Agriculture
Ordinance, Zone	Ordinance 661, 100-AG, General Agriculture
Assessor’s Parcel Numbers	099-060-021 and 099-070-036
Site Size	160 acres total (gross/net)
Present Use & Development	The parcels contain a single family dwelling and are used for cattle grazing and dry farming.
Surrounding Uses/Zone(s)	North: Agriculture/AG-II-100 South: Agriculture/ AG-II-100 East: Agriculture/100-AG West: Agriculture/100-AG
Access	A private easement off Gypsy Canyon Road
Public Services	Water Supply: Two private on-site water wells Sewage: Existing Septic System Fire: S.B. County Fire Station 31

### 5.2 Description

The project proposes to rezone a single legal parcel, Assessor’s Parcel Numbers 099-060-021 and 099-070-036, from General Agriculture, 100-AG (Ordinance 661) to Agriculture, AG-II-100 (Land Use and Development Code) Zone Designation.

### 5.3 Background Information

Assessor’s Parcel Numbers 099-060-021 and 099-070-036 comprise one legal parcel and contains a single family dwelling. The 160 acre property is used for dry farming (hay) and cattle grazing.

The project site was reviewed by the Agricultural Preserve Advisory Committee on June 3, 2011; the Committee found the proposed project consistent with the Uniform Rules. The County strongly encourages and supports the placement of land in the Williamson Act (Agricultural Preserve Program), which is consistent with the Agricultural Element, Goal I, Policy I.D.

The proposed Rezone is located on a parcel that has a conservation easement of approximately 15.4 acres. The easement is located in the northwest corner of a 120-acre parcel (099-060-021). The easement supports the environmental value of wildlife habitat, open space and productive

farmland and agricultural activities that are consistent with the preservation and protection of the migratory activities of the federally protected California Tiger Salamander.

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

The proposed Rezone has been deemed exempt from environmental review pursuant to CEQA Guidelines under Section 15061(b)(3) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The rezone would not have a significant effect on the surrounding environment. The minimum parcel size and development potential would remain essentially the same under the proposed zone district; there would be no increase in subdivision potential. The rezone would allow the property to enter into an agricultural preserve contract, thereby supporting the existing agricultural operation and ensure long term use of the property is for agriculture. The proposed project would not increase the demand on existing services, would not result in the loss of any existing native vegetation, and would not require extensive grading or land alteration, nor would they impact any biological, archaeological or other sensitive environmental resources. Therefore, the general rule exemption is appropriate for this project.

### **6.2 Comprehensive Plan Consistency**

The proposed project would be consistent with all applicable policies of the Comprehensive Plan. A Rezone to change the zoning from 100-AG to AG-II-100 would further the goals of the Agricultural Element and ensure consistency with all the Element's policies through the creation of an Agricultural Preserve. No development is proposed in conjunction with the Rezone. The project would not impact existing resources or the services currently serving the site. One parcel east of Assessor's Parcel Numbers 099-060-021 and 099-070-036 is currently designated 100-AG, Agriculture with a minimum parcel size of at least 100 acres. The parcel is 40-acres in size. Parcels to the north, and south of Assessor's Parcel Numbers 099-060-021 and 099-070-036 are currently designated 100-AG and AG-II-100 and range in size from 168.9-acres to 80-acres. The minimum parcel size that would be permitted under the proposed zone district would be 100 acres. Therefore, the project is found to be consistent with all relevant policies of the Comprehensive Plan.

### **6.3 Zoning: Land Use and Development Code Compliance**

#### ***6.3.1 Compliance with Land Use and Development Code Requirements***

The intent of the AG-II Zone District is to designate and protect lands appropriate for long-term agricultural use. The proposed rezone is consistent with the intent of the AG-II-100 Zone District by allowing the parcel to be eligible for an agricultural preserve contract. The project would be consistent as to use, development, setbacks, lot size and all requirements of the AG-II-

100 Zone District. The project would not create a spot zoning designation nor would it create additional development potential.

## **7.0 APPEALS PROCEDURE**

Zoning Map Amendments recommended for approval are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **ATTACHMENTS**

- A. Findings
- B. CEQA Exemption for Consistency Rezone
- C. Ordinance to Rezone
- D. Planning Commission Rezone Resolution
- E. Assessor's Parcel Zoning Map

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

The project is found to be exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b)(3). CEQA applies only to projects which have the potential for causing a significant effect on the environment. The rezone will not have a significant effect on the environment. It is a legislative action that will replace an outdated agricultural zone district under Ordinance 661 with a comparable agricultural zone district under the Land Use and Development Code. The project does not involve any development and the subject parcel does not include environmental resources of critical concern. Please see Attachment B, Notice of Exemptions.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 REZONE

##### 2.1.1 **That the Rezone request is in the interests of the general community welfare.**

The rezone is in the interest of the general community as it will preserve and protect existing agricultural land. By zoning the property to AG-II-100 it will allow the property to enter into the Agricultural Preserve Program and ensure that agricultural use will be maintained under the current zoning ordinance (Land Use and Development Code).

##### 2.1.2 **The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.**

Pursuant to the discussion in Sections 6.2 and 6.3 of this report, herein incorporated by reference, the rezone is consistent with the Comprehensive Plan, the requirements of the Zoning Ordinance (Land Use and Development Code) and with State laws (Williamson Act). The rezone does not involve an amendment to the Local Coastal Program.

##### 2.1.3 **That the Rezone request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it will ensure consistency with the size of many of the surrounding parcels and ensure the project's consistency with the Uniform Rules for Agricultural Preserves and Farmland Security Zones. The rezone also updates antiquated regulations and makes the zoning consistent with the surrounding properties.

**ATTACHMENT B: ENVIRONMENTAL REVIEW**

**NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, Planner

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APNs: 099-060-021 and 099-070-036 Case No.: 10RZN-00000-000004

**Location:** 3200 Gypsy Canyon Road, in the Lompoc area

Project Title: Gypsy Canyon Rezone

Project Description: Consistency Rezone

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Sonia Chantal Anderson

Exempt Status: (Check one)

Ministerial

Statutory

No Possibility of Significant Effect [§15061(b)(3)]

Emergency Project

Categorical Exemption (§15317)

**Cite specific CEQA Guideline Section: Cite specific CEQA Guideline Section:**  
**15061(b)(3), [No Possibility of Significant Effect]** This section exempts projects under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The rezone will not have a significant effect on surrounding environment. The project site has adequate water, and other facilities. The project will not increase the demand on existing services, will not result in the loss of any existing native vegetation, would not require extensive grading or land alteration, nor impact any biological, archaeological or other sensitive environmental resources. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

These exceptions do not apply as we are using Section 15061 (b)(3) General Rule which is not a categorical exemption.

Lead Agency Contact Person: Florence Trotter-Cadena

Phone #: 934-6253

Department/Division Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Acceptance Date: \_\_\_\_\_

*Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.*

Distribution:     Hearing Support Staff  
                    Project file (when P&D permit is required)



**ATTACHMENT C:**

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 NUMBERS 099-060-021 AND 099-070-036 FROM 100-AG, AGRICULTURE, 100 ACRES MINIMUM PARCEL SIZE, TO AG-II-100, AGRICULTURE, 100 ACRES MINIMUM PARCEL SIZE.

Case No. 10RZN-00000-00004

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 Numbers 099-060-021 and 099-070-036 FROM 100-AG, 100 acres minimum parcel size unless parcel already exists TO AG-II-100, Agriculture, 100 acres minimum parcel size as shown on Exhibit A.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A 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 Daily Sound, 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 MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT D:**

PLANNING COMMISSION RESOLUTION

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  
AN ORDINANCE BE APPROVED 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  
NUMBERS 099-060-021 AND 099-070-036 FROM  
100-AG, AGRICULTURE, 100 ACRES MINIMUM  
PARCEL SIZE, TO AG-II-100, AGRICULTURE,  
100 ACRES MINIMUM PARCEL SIZE

Resolution No. \_\_\_\_\_

CASE NO.: 10RZN-00000-00004

WITH REFERENCE TO THE FOLLOWING:

- A. On September 29, 1958 by Ordinance 971, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 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 approve 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 Numbers 099-060-021 and 099-070-036 from 100-AG to AG-II-100.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Joe H. Valencia, Chair  
Santa Barbara County Planning Commission

ATTEST:

\_\_\_\_\_  
Dianne Black  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT E: ASSESSOR PARCEL ZONING MAP**

Assessor's Parcel Number 099-060-021 and 099-070-036

