



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 & Development
Department No.: 053
For Agenda Of: 9/6/11
Placement: Departmental
Estimated Tme: 10 mins
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

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

SUBJECT: Makela Consistency Rezone (Case No. 08RZN-00000-00010)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors consider the County Planning Commission's January 19, 2011 recommendation for approval of the Makela Rezone project, Case No. 08RZN-00000-00010 for AP No. 081-230-028, known as 12477 Calle Real, Gaviota area, Third Supervisorial District, and take the following actions:

1. Make the required findings for the proposed rezone, Case No. 08RZN-00000-00010, specified in Attachment 1, including the California Environmental Quality Act (CEQA) findings;
2. Determine the project (Case No. 08RZN-00000-00010) is exempt from environmental review pursuant to Section 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act" and accept the Notice of Exemption included as Attachment 3;
3. Adopt a Rezone Ordinance for Assessor's Parcel Number 081-230-028, included as Attachment 4; and
4. Subsequently amend the current County Inland Zoning Map, to reflect the Rezone from "U" to "AG-II-100", subject to the Conditions of Approval specified in Attachment 2.

Summary Text:

The subject lot is currently zoned Unlimited Agriculture, 100-acre minimum lot area (U-100), pursuant to Ordinance 661. In order to be consistent with the current Land Use and Development Code (LUDC), the zoning map is proposed to be amended to Agriculture II, 100-acre minimum gross lot area (AG-II-100). The subject lot meets but does not exceed the minimum lot size and the lot supports reasonable development and use. This proposed Consistency Rezone does not include a land division or any development.

The subject lot is currently regulated under Ordinance 661, which was adopted by the County in the 1960s. Pursuant to Board of Supervisor's direction, the County has initiated a consistency rezone program to allow such properties to change from antiquated to current zoning. Under this program, an owner applying for a permit on property zoned under Ordinance 661 may request a rezone to the LUDC when the proposed project cannot be permitted under Ordinance 661. Applicants are given the choice of processing the consistency rezone separately or in combination with a discretionary permit application. This applicant currently has a Development Plan application and a Zoning Clearance application on file with P&D, but will withdraw both of these permit applications and submit a single new Land Use Permit application if the Consistency Rezone is approved.

Background:

In February 2004, a zoning violation case was opened for unpermitted development on the subject lot (04ZEV-00000-00026). The violation is currently in suspension pending resolution/abatement of the violation via proper permitting. In October 2004, the owner submitted a Land Use Permit application to P&D for approval of the unpermitted development and in December of 2004 an additional application was submitted for review by the South County Board of Architectural Review (SBAR). Although the SBAR application was approved, the owner did not obtain the required approval of the associated Land Use Permit and the SBAR approval expired after 1 year. The violations were not resolved and additional development and construction occurred on-site. After several years of discussion and work with P&D staff, the owner submitted an application for a Development Plan (08DVP-00000-00017) in order to legalize all existing permitted and unpermitted development on the subject parcel, since development exceeded the 20,000 sq. ft. threshold for a ministerial Land Use Permit. In addition to the DVP application, two additional applications were submitted: a Consistency Rezone application (08RZN-00000-00010) and an effectuating Zoning Clearance application (08ZCI-00000-00084).

The applicant continued to work with P&D staff since 2004 when the application was submitted while the County considered amending the Zoning Ordinance for specific Agricultural zones and uses. On June 1, 2010, the Board adopted Ordinance 09ORD-00000-00009 (Resolution 4750), streamlining some of the permit requirements for AG-II zoned property in the inland area of the County including raising the square footage threshold for development under development plans from 20,000 square feet to 30,000¹. The subject lot would have a total of 23,981 square feet of qualifying development (including existing unpermitted structures, permitted structures and proposed structures). Because the subject property is zoned 'U-100', it would not be eligible for the various changes in the zoning requirements without being first rezoned from 'U' to 'AG-II'. The consistency rezone would not change the minimum parcel size of the property nor would it change the agricultural designation of the land. The property owner is proposing to maintain all existing agricultural uses on the property.

¹ For parcels between 100-199 acres in size, as is the subject property.

If the Rezone were approved, the unpermitted development existing on-site could be legalized without the requirement for a Development Plan but rather a Land Use Permit. The Land Use Permit would legalize approximately 9,688 sq. ft. of existing unpermitted development on the subject parcel and would allow the applicant's desired approximately 1,200 sq. ft. of new structural development.

The unpermitted structures include: a 903 sq.ft. attached 3-car garage converted to habitable space, a 541 sq.ft. breezeway, a 275 sq.ft. storage shed, a 390 sq.ft. trellis on the eastern side of the SFD, a 2,400 sq.ft. warehouse w/restroom, a 2,800 sq.ft. agricultural storage building w/o restroom, a 555 sq.ft. agricultural shed, a 405 sq.ft. covered agricultural storage shed, a 320 sq.ft. livestock barn, a 256 sq.ft. livestock barn, a 525 sq.ft. horse barn, a 120 sq.ft. livestock barn, a 120 sq.ft. pre-fabricated shed, and a 78 sq.ft. agricultural storage shed. (Totaling, 9,688 sq.ft.)

The proposed new structural development would include a new 1,200 sq. ft. Agricultural Employee Dwelling. If all existing and proposed structures were approved, total development on-site would be approximately 23,981 sq. ft.

For purposes of CEQA the whole of this project constitutes the rezone as well as the unpermitted and future development. The rezone is exempt pursuant to CEQA Guidelines Section 15061(b)(3). The small structures are exempt pursuant to CEQA Guidelines Section 15303. (Please see the Notice of Exemption included as Attachment 3).

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: The costs to process this consistency rezone are charged to the applicant, since it is an independent application and not a part of a concurrent discretionary permit application. Funding for project review and preparation of this report is estimated at \$5,460.00, and is budgeted in the Permitting & Compliance Program of the Development Review, South Division on Page D-314 of the adopted 2011-2012 fiscal year budget. (08RZN-00000-00010)

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on September 6, 2011. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

1. Findings for Approval
2. Conditions of Approval
3. CEQA Exemption for Rezone
4. Ordinance effectuating the Zoning Map Amendment

5. Planning Commission Action Letter, dated January 19, 2011
6. Planning Commission Staff Report, dated December 23, 2010

Authored by:

Megan Lowery, Planner

cc:

Anne Almy, Supervising Planner

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