

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: February 7, 2006
Department Name: Planning and Development
Department No.: 053
Agenda Date: February 21, 2006
Placement: Departmental
Estimate Time: 0.5
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\CUP\05 cases\05CUP-00000-00036\BOS\BS_LTR.SR.00036.DOC

TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development Department

STAFF CONTACT: Steve Chase, Deputy Director (568-2520)

SUBJECT: Rockwell Rezone and Conditional Use Permit.
Case Nos. 05RZN-00000-00008 & 05CUP-00000-00036

Recommendations:

That the Board of Supervisors:

1. Adopt the required findings for the Rezone, 05RZN-00000-00008, including the CEQA findings (Planning Commission Action Letter, Attachment A);
2. Adopt the required findings for the Conditional Use Permit, 05CUP-00000-00036, including CEQA findings (Planning Commission Action Letter, Attachment A);
3. Accept the Notice of Exemption pursuant to CEQA Guidelines Sections 15303 and 15061 (b)(3), (Planning Commission Staff Report, Attachment B);
4. Adopt a Rezone Ordinance for APN 153-340-044, amending the Inland Zoning Map, Exhibit Number 35-204.70.2, rezoning the property from 40-AL under Ordinance 661 to AG-II-40 under Article III (Attachment C); and
5. Approve the Conditional Use Permit subject to conditions; Case No. 05CUP-00000-00036 (Planning Commission Action Letter Attachment A).

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Background

The project site is located on San Marcos Pass Road, approximately two miles north of US Highway 101 and the assessor parcel number is 153-340-044. The seven acre site is developed with two single family dwellings, one constructed before permits were required and the other permitted in the 1990's. Approximately 600 avocado trees were recently planted on the site. Given the gentle topography of the site, no grading was necessary to plant the orchard.

Project Description

The proposed project includes two requests: One request is for a rezone of the parcel from 40-AL under Ordinance 661 to AG-II-40 under the Article III Zoning Ordinance. The other request is for a Conditional Use Permit to designate an existing single family dwelling as a farm employee dwelling.

Staff Discussion

The proposed rezone would result in rezoning the property from Ordinance 661 to Article III. A-II-40 is consistent with the site's land use designation of Mountainous Area, 40 acre minimum. The Planning Commission found that the proposed AG-II Zone District under Article III is appropriate for this parcel due to its agricultural use and that it is in the vicinity of other agriculturally zoned lots.

The proposed Conditional Use Permit would designate an existing, legally permitted dwelling as a farm employee dwelling. The applicant has provided the necessary documentation, consistent with the AG-II Zone District requirements, verifying the need for a farm employee.

Planning Commission Action

At the hearing of January 4, 2006, the Planning Commission voted 2-1 to recommend approval of the rezone from 40-AL under Ordinance 661 to AG-II-40 under Article III, as well as the Conditional Use Permit for a farm employee dwelling. The Planning Commission action letter and staff report are included as Attachments A and B, respectively.

Mandates and Service Levels:

No change in programs or service levels are anticipated.

The Rezone is being considered by the Board of Supervisor's based upon County Code Chapter 35, Article III (Inland Zoning Ordinance), Section 35-325.4.3.b, which states: *"Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing..."* and Section 35-325.4.3.c which states: *"The Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation..."*

Multiple Projects: Section 35-292d of Article III states that when two or more applications are submitted that relate to the same development project and would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction. The final decision-maker for all applications is the Board of Supervisors.

Fiscal and Facilities Impacts:

The costs of the consistency rezoning from Ordinance 661 to Article III are borne by Planning and Development, pursuant to per Board direction. Funds are budgeted in the Permitting and Compliance program of the Development Review South Division on page D-294 of the 05/06 fiscal year budget. The costs associated with the Conditional Use Permit are reimbursed by the project applicant.

Special Instructions:

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

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

Concurrence:

County Counsel

Prepared by: Peter Lawson, Planner, Development Review South Division

ATTACHMENTS:

- A. Planning Commission Action Letter including Findings and Conditions of Approval, dated January 4, 2006.
- B. Staff Report to the Planning Commission dated December 19, 2005 including the California Environmental Quality Act Exemption.
- C. Rezone Ordinance, 05RZN-00000-00008

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