

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for Makela Consistency Rezone**

**Hearing Date: January 19, 2011**  
**Staff Report Date: December 23, 2010**  
**Case Nos.: 08RZN-00000-00010**

**Deputy Director: Alice McCurdy**  
**Division: Development Review - South**  
**Supervising Planner: Alice McCurdy**  
**Supervisor's Phone #: (805) 568-2518**  
**Staff Contact: J. Ritterbeck, Planner**  
**Planner's Phone #: (805) 568-3509**

**Environmental Document: CEQA Exemption**  
**Section 15061(b)(3) [No Possible Significant Effect]**



This project site is identified as Assessor Parcel Number 081-230-028, located at 12477 Calle Real. The site is accessed from a private road (Venadito Canyon Road) taken off of Calle Real, which runs parallel to and north of Hwy 101. The site is situated within Venadito Canyon, approximately 1 mile east of Refugio State Beach and 1.5 miles west of El Capitan State Beach, within the Rural-Inland area of the 3<sup>rd</sup> Supervisorial District.

**Applicant/Owner:**

Craig Makela  
Santa Barbara Olive Company  
12477 Calle Real  
Goleta, CA 93117  
(805) 562-1456

**Agent / Architect**

Mark McFarlin  
KBZ Architects, Inc.  
30 West Arrellaga Street  
Santa Barbara, CA 93101  
(805) 963-1726

Application Filed: May 12, 2008 (08DVP-00000-00017)  
September 19, 2008 (08RZN-00000-00010)  
Application Complete: November 24, 2010  
Processing Deadline: 60 days from NOE

## **1.0 REQUEST**

Hearing on the request of Mark McFarlin, agent for the owners Mr. and Mrs. Craig Makela, to consider Case No. 08RZN-00000-00010 [application filed September 19, 2008] proposing to rezone a single 100-acre parcel (APN: 081-230-028), from Unlimited Agricultural, 100-acre minimum lot area (U-100) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the Land Use Development Code (LUDC) § 35.21; and accept the Notice of Exemption pursuant to Section 15061(b)(3) of the “Guidelines for Implementation of California Environmental Quality Act.” The project is located at 12477 Calle Real, in the Gaviota Coast area of the County, Third Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and approve Case No. 08RZN-00000-00010, marked "Officially Accepted, County of Santa Barbara January 19, 2011 Planning Commission, Exhibit 2," 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 adopt the required findings for the proposed rezone, Case No. 08RZN-00000-00010, specified in Attachment A, including the California Environmental Quality Act (CEQA) findings;
2. Recommend that the Board of Supervisors accept the Notice of Exemption pursuant the Section 15061(b)(3) of the “Guidelines for Implementation of California Environmental Quality Act,” included as Attachment B;
3. Recommend that the Board of Supervisors adopt a Rezone Ordinance for Assessor’s Parcel Number 081-230-028, included as Attachment C; and
4. Recommend subsequently amending the current County Inland Zoning Map, included as Attachment D, to reflect the Rezone from “U” to “AG-II-100”, subject to the Conditions of Approval included as Attachment E.

Alternatively, refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

### 3.0 JURISDICTION

**LUDC Section 35.104.050.A.1** requires the Planning Commission to hold at least one noticed public hearing on the proposed rezone.

**LUDC Section 35.104.050.A.2** states that the Planning Commission's recommendation on the proposed rezone shall be transmitted to the Board of Supervisors in the form of a written recommendation.

**LUDC Section 35.104.050.B.1** requires the Board of Supervisors to hold a public hearing and take final action on the matter.

### 4.0 ISSUE SUMMARY

In February 2004, the owner of the subject parcel had a zoning violation case opened for unpermitted development (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 at this time: a Consistency Rezone application (08RZN-00000-00010) and an effectuating Zoning Clearance application (08ZCI-00000-00084).

The applicant continued working with P&D staff throughout this time 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. The subject property is zoned 'U-100', and 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. If the Rezone is approved, the development existing on-site can be legalized by a Land Use Permit, subject to SBAR review and approval.

The project description for permit 11LUP-00000-00[TBD] would include the following:

The project is for a Land Use Permit to legalize existing unpermitted development on the subject parcel that totals approximately 9,688 sq. ft., and to allow 1,200 sq. ft. of new structural development.

The subject parcel currently has approximately 13,093 sq. ft. of existing previously permitted structures on-site, including:

- 1) a 4,512 sq.ft. SFD with a 71 sq.ft. covered entry porch,
- 2) a 340 sq.ft. verandah on the southern side of the dwelling,
- 3) a 6,250 sq.ft. warehouse/packing room/office, and
- 4) a 1,920 sq.ft detached 4-car garage.

If all existing and proposed structures were approved, total development on-site would be approximately 23,981 sq. ft.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<b>Site Information</b>	
Comprehensive Plan Designation	Agriculture II, 100-Acre Minimum Lot Area (A-II-100)
Ordinance, Zoning District	Ordinance 661, Unlimited Agriculture District, 100-Acre Minimum Lot Area (U-100)
Site Size	100.09-acres
Present Use and Development	<b>Residential</b> - Permitted development of the subject parcel includes a 4,512 sq. ft. SFD, one 903 sq. ft. 3-car garage. Existing unpermitted residential development includes a new 1,920 sq. ft. 4-car garage and the conversion of the 903 sq. ft. 3-car garage into habitable space connected to the SFD. <b>Agricultural</b> – Currently, permitted development on the parcel includes a 6,250 sq. ft warehouse/packing facility. Existing unpermitted development includes approximately another 9,000 sq. ft of other agricultural barns, sheds and accessory structures.
Surrounding Uses / Zoning	<i>North:</i> General Agriculture / U-100 <i>South:</i> Residential   General Agriculture / AG-II-100 <i>East:</i> General Agriculture / AG-II-100, and Exxon Refinery M-CR <i>West:</i> Residential   General Agriculture / AG-II-100
Access	Access to the property is taken from Venadito Canyon Road, a private road off of Calle Real.
Public Services	Water Supply: Private well Sewage: Private Septic for SFD and two other Ag. structures Fire: Santa Barbara County Fire Department

### 5.2 Description



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). This proposed Consistency Rezone does not include a land division or any development.

### 5.3 Background Information

In the 1960's, the County adopted Ordinance 661. This ordinance includes numerous zoning districts, including nine agricultural zoning districts. In 1983, the County adopted an updated zoning ordinance, Article III. In 2006, the County adopted the Land Use Development Code (LUDC), which is the current inland zoning ordinance. However, the subject parcel and numerous other rural parcels are still subject to portions of the outdated Ordinance 661.

In particular, Ordinance 661 lists the uses permitted in specific zoning districts. Ordinance 661 does not permit the development in excess of 20,000 sq. ft. without the approval of a Development Plan.

The County has initiated a consistency rezone program. Property currently zoned under Ordinance 661 will eventually be rezoned to be consistent with the County LUDC. At present, 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.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

#### General Rule:

Section 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act" exempts projects from the requirements of CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed rezone is a legislative action that would replace an outdated agricultural zoning district under Ordinance 661 with a modern agricultural zoning district under the LUDC. The rezone does not involve any development and the subject parcel does not include environmental resources of critical concern, such as rare wildlife or plant habitats, significant wetlands or historical resources. There is no potential for the proposed project to exceed any of the County's significance criteria. As a result, the project is exempt from CEQA under Section 15061(b)(3) because there is no potential for it to have a significant effect on the environment.

### 6.2 Comprehensive Plan Consistency

LAND USE ELEMENT	
<u>Agriculture Goal</u>	<b>Consistent.</b> The proposed rezone is consistent with this policy. The

<p><i>In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.</i></p>	<p>proposed project would replace an obsolete Ordinance 661 agricultural designation with a corresponding LUDC designation. The proposed project would not increase potential residential development or non-agricultural uses. The applicant proposes to submit for a Land Use Permit to legalize development onsite, which is an allowable use under the current LUDC zoning ordinance. Hence supporting agricultural uses to continue.</p>
<p><b>Land Use Development Policy #4</b> <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p><b>Consistent.</b> Since the site has adequate services and resources, the proposed project is consistent with this policy. Additionally, prior to approval of future structures, demonstration of adequate roads, water supply, and sewage disposal facilities would still be required.</p>
<p><b>AGRICULTURAL ELEMENT</b></p>	
<p><b>GOAL I.</b> <i>Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</i></p>	<p><b>Consistent.</b> The proposed rezone is consistent with this policy. The subject rezone would allow the applicant to apply for a ministerial Land Use Permit to legalize on-site development (existing and future) that is below the recently increased 30,000 sq. ft. (B.O.S. Resolution 4750) threshold for AG-II zoned land, while still expanding and intensifying agricultural production on the lot.</p>
<p><b>Policy I.B.</b> <i>The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.</i></p>	<p><b>Consistent.</b> The proposed rezone is consistent with this policy. The placement of current LUDC zone designation would allow the applicant to apply for a ministerial Land Use Permit on the subject parcel, which would expedite permit processing thereby facilitating future agriculture development.</p>
<p><b>Policy I.G</b> <i>Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil.</i></p>	<p><b>Consistent.</b> The proposed project is consistent with this policy. The proposed rezone to AG-II zone district would allow the applicant to apply for additional agricultural development on the site without triggering the square footage requirements for a Development Plan, as would currently be required for the “U” zone.</p>
<p><b>GOAL II.</b> <i>Agricultural lands shall be protected from adverse urban influence.</i></p>	<p><b>Consistent.</b> The proposed project would not substantively change the agricultural zoning or designation of the property. The agricultural operations of the site would continue and would not be adversely impacted.</p>
<p><b>Policy II.D</b> <i>Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.</i></p>	<p><b>Consistent.</b> The proposed project is consistent with this policy. Currently approximately 30 acres of the site is farmed with olive trees, 1.5 acres of grapes and 1.0 acres of avocado trees. The property is also developed with an existing single-family dwelling, an olive processing building and several agricultural accessory structures (barns, sheds, storage).</p>
<p><b>GOAL III.</b> <i>Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations. – and –</i> <b>GOAL V.</b> <i>Santa Barbara County shall allow areas and installations for those supportive activities needed as an integral part of the production and marketing process on and/or off the farm.</i></p>	<p><b>Consistent.</b> The proposed project is consistent with both of these policies, as the proposed rezone would not affect the existing and ongoing agricultural productivity of the land by the Santa Barbara Olive Company.</p>

### 6.3 Ordinance Compliance

The subject parcel is currently zoned U-100 under Ordinance 661. The proposed rezone would replace this antiquated agricultural zoning designation with the modern agricultural zoning designation of AG-II-100 under the County LUDC. The intent of the AG-II zoning district is to designate and protect lands appropriate for long-term agricultural use. Any future development on the subject parcel would have to be in compliance with all applicable provisions in the LUDC.

#### **6.4 Subdivision/Development Review Committee**

The rezone application does not include a land division or any development. As a result, the Subdivision Development Review Committee did not review the proposed rezone.

#### **6.5 Agricultural Preserve Advisory Committee**

The subject parcel is not enrolled in the Agricultural Preserve Program. Accordingly, the Agricultural Preserve Advisory Committee did not consider the proposed rezone.

#### **6.6 Development Impact Mitigation Fees**

The proposed rezone does not include a residence or other development that requires the payment of Development Impact Mitigation Fees.

### **7.0 APPEAL PROCEDURE**

Section 35.104.050.A.3 of the LUDC specifies the appeals procedure for rezones. In summary, the Planning Commission's action is transmitted to the Board of Supervisors in the form of a written recommendation. Upon receipt of the Planning Commission's recommendation, the Board of Supervisors shall hold a public meeting on the matter. However, if the Planning Commission has recommended against the rezone, the Board of Supervisors shall not be required to hold a public hearing or take any further action on the matter unless, within five days after the Planning Commission files its recommendation with the Board of Supervisors, the applicant or other interested person files a written request for such hearing with the Clerk of the Board of Supervisors.

### **8.0 ATTACHMENTS**

- A. Findings for Approval
- B. Environmental Document: Notice of Exemption
- C. Draft Resolution and Ordinance
- D. Zoning Map
- E. Conditions of Approval
- F. Site Plan

# **ATTACHMENT A**

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA FINDINGS**

The proposed project is exempt from CEQA based on the general rule in Section 15061(b)(3) of the “Guidelines for Implementation of California Environmental Quality Act.” Section 15061(b)(3) states CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project is a legislative action that would replace an outdated agricultural zoning district under Ordinance 661 with a comparable modern agricultural zoning district under the Land Use development Code (LUDC). This project is for a consistency rezone only, does not involve any development, and the subject parcel does not include environmental resources of critical concern.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 REZONE FINDINGS**

Pursuant to Section 35.104.060, in order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a rezone request, the following findings shall be made by the Planning Commission and Board of Supervisors:

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

The rezone will bring the subject parcel into conformance with the County LUDC, the current zoning ordinance. The rezone will not change the fundamental intent of the current zone ‘U’ Unlimited Agriculture zone district. The subject parcel is currently zoned for agricultural use and will remain zoned for agricultural use. All types of agriculture allowed under the current zoning district would be allowed under the proposed zoning district. Rezoning the parcel will also facilitate permitting for new agricultural or other types of development. Therefore, the project is in the interests of the general community welfare.

##### **2.1.2. *The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and LUDC.***

State law requires zoning ordinances to be consistent with the County Comprehensive Plan. The subject parcel is designated Agriculture II, 100-acre minimum lot area under the County Comprehensive Plan. The request will rezone the subject parcel from the antiquated U-100 zone district under Ordinance 661 to the current AG-II-100 zone district under the County LUDC, Section 35.21. The AG-II-100 zone district is consistent with the objectives, policies and general land uses in the Agricultural designation of the Comprehensive Plan. Therefore, the proposed rezone is consistent with this finding.



**2.1.3. *The request is consistent with good zoning and planning practices.***

The subject parcel is currently subject to the antiquated zoning of Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, and in 2006 the County adopted the Land Use Development Code (LUDC) for the Inland area. The subject parcel and numerous other parcels in rural areas are still subject to the outdated Ordinance 661. Therefore, the request is consistent with good zoning and planning practices.

The request will replace the existing antiquated zoning from Ordinance 661 with the modern zoning in the County LUDC. This will help implement a uniform and up-to-date zoning ordinance throughout the County's Inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. In addition, the property owner will enjoy full use of the parcel consistent with other parcels that are already subject to the LUDC zoning requirements, allowable uses and provisions. Therefore, the proposed rezone is consistent with this finding.

**ATTACHMENT B**  
**ENVIRONMENTAL DOCUMENT**  
**NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors  
FROM: Planning and Development Department (P&D)

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.

**AP No.:** 081-230-028

**Case No.:** 08RZN-00000-00010

**Location:** 12477 Calle Real, Goleta/Gaviota area

**Project Title:** Makela Consistency Rezone

**Project Description:** The subject lot is are currently zoned Unlimited Agriculture, 100-acres minimum lot area (U-100), pursuant to Ordinance 661. In order to be consistent with the current Land Use and Development Code, the County Zoning Map is proposed to be amended to Agriculture II, 100-acres minimum gross lot area (AG-II-100) under the County's most recent zoning Ordinance, the Land Use Development Code.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Mark McFarlin (agent)

**Exempt Status:** (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- No Possibility of a Significant Effect on the Environment

Cite specific CEQA and/or CEQA Guideline Section: Section 15061(b) (3)

**Reasons to Support Exemption Findings:**

Section 15061(b)(3) of the CEQA Guidelines exempts projects from the provisions of CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed rezone is a legislative action that would

replace an outdated Ordinance 661 agricultural zoning district with a similar modern LUDC agricultural zoning district. The project does not involve any development and the subject property does not include environmental resources of critical concern, such as rare wildlife or plant habitats, significant wetlands or historical resources. There is no potential for the proposed project to exceed any of the County's significance criteria. As a result, the project is exempt from CEQA under Section 15061(b)(3) because there is no potential for it to have a significant effect on the environment.

Lead Agency Contact Person: J. Ritterbeck, Planner

Phone #: (805) 568-3509

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)

Date Filed by County Clerk: \_\_\_\_\_.

**ATTACHMENT C: RESOLUTION AND ORDINANCE**

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 THE ADOPTION OF )  
AN AMENDMENT TO SECTION 35-1 OF ) RESOLUTION NO.: 11-\_\_\_\_\_  
CHAPTER 35 OF THE COUNTY CODE, THE )  
SANTA BARBARA COUNTY LAND USE AND ) CASE NO.: 08RZN-00000-00010  
DEVELOPMENT CODE, BY AMENDING THE )  
COUNTY ZONING MAP FOR ASSESSOR'S )  
PARCEL NUMBER 081-230-028. )

WITH REFERENCE TO THE FOLLOWING

- A. On November 27, 2007, by Ordinance No. 4660, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
  
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 08RZN-00000-00010) amending the County Zoning Map to change the zoning of Assessor's Parcel No. 081-230-028 from U-100 to AG-II-100 as shown on Attachment #1 of said Ordinance.  

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
  
- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.
  
- D. The proposed Ordinance is in the interest of the general community welfare since it will repeal the existing antiquated zoning and implement the current zones of the County Land Use and Development Code.
  
- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
  
- 2. In compliance with the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California following the required noticed public hearing, approve and adopt the above mentioned recommendation.
  
- 3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
  
- 4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to show the above-mentioned action by the Commission.

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of January, 2011, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
CECILIA BROWN, Chair  
Santa Barbara County Planning Commission

ATTEST:

\_\_\_\_\_  
DIANNE BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

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

EXHIBITS:

1. ORDINANCE #\_\_\_\_\_ for Case No. 08RZN-00000-00010 (w/ Attachment #1 – Site Plan)



**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 NUMBER 081-230-028 FROM U-100 TO AG-II-100.

Case No. 08RZN-00000-00010

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 Number 081-230-028 from U-100 to AG-II-100 as shown on Attachment #1.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Attachment #1 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 Santa Barbara News-Press, 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:

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JANET WOLF, 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:

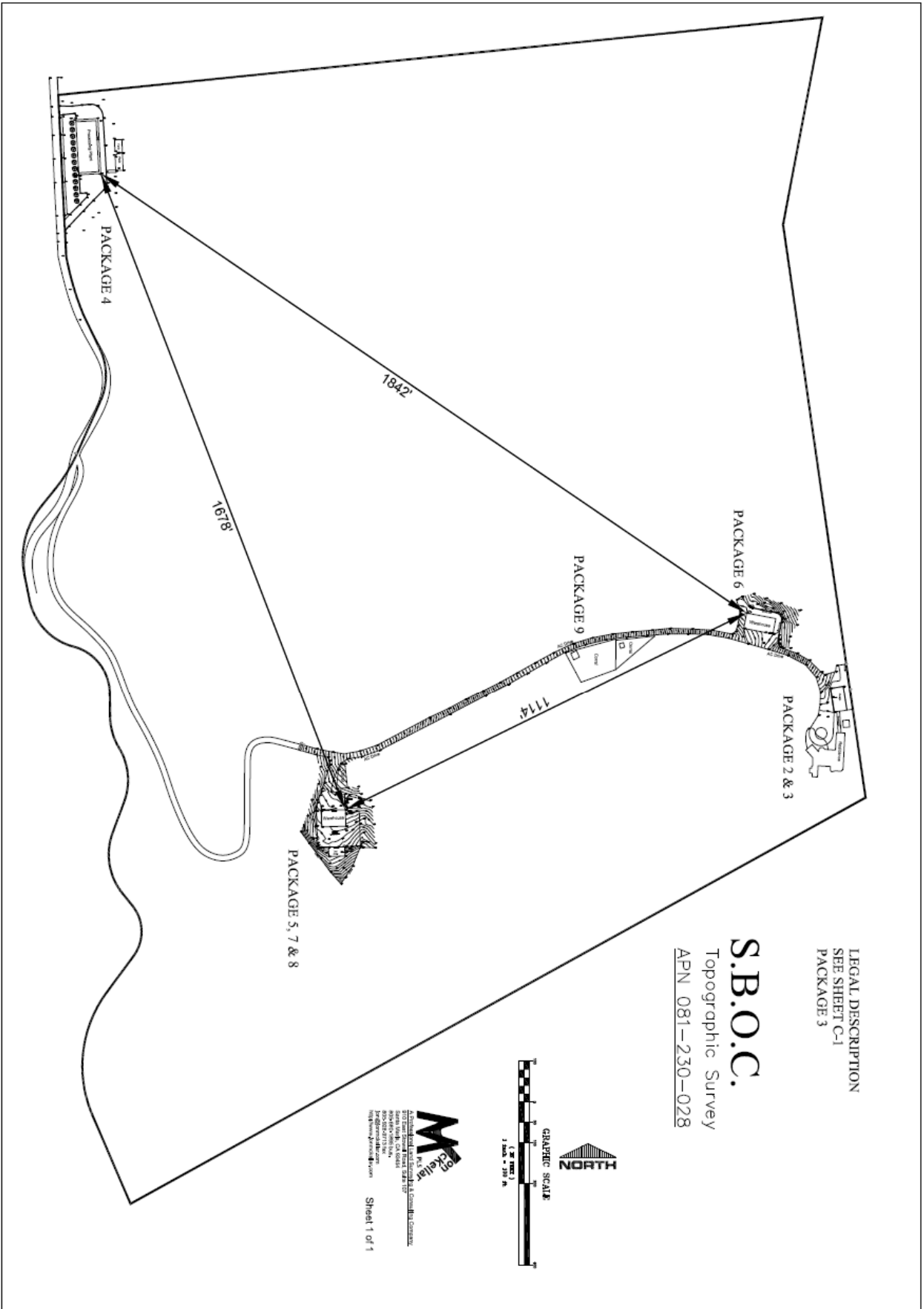
DENNIS A. MARSHALL  
County Counsel

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

Attachment:

#1 – Site Plan

**ATTACHMENT #1**



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# ATTACHMENT D

## Zoning Map



## **ATTACHMENT E**

### **CONDITIONS OF APPROVAL**

Case No.: 08RZN-00000-00010  
Project Name: Makela Consistency Rezone  
Project Address: 12477 Calle Real, Gaviota/Goleta, CA 93117  
APN: 081-230-028

#### **This permit is subject to compliance with the following conditions:**

1. This Consistency Rezone is based upon and limited to compliance with the project description, the hearing exhibit marked “County Planning Commission, Exhibit #1, dated January 19, 2011,” and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

#### **Case No. 08RZN-00000-00010**

Hearing on the request of Mark McFarlin, agent for the owners Mr. and Mrs. Craig Makela, to consider Case No. 08RZN-00000-00010 [application filed September 19, 2008] proposing to rezone a single 100-acre parcel (APN: 081-230-028), from Unlimited Agricultural, 100-acre minimum lot area (U-100) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the Land Use Development Code (LUDC) § 35.21; and accept the Notice of Exemption pursuant to Section 15061(b)(3) of the “Guidelines for Implementation of California Environmental Quality Act.” The project is located at 12477 Calle Real, in the Gaviota Coast area of the County, Third Supervisorial District.

Arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All future development and proposed plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

#### **PROJECT SPECIFIC CONDITIONS**

2. **As-Built Land Use Permit Required.** An as-built Land Use Permit shall be approved and issued prior to resolution of the existing Zoning Violation, case number 04ZEV-00000-00026. The Land Use Permit is required in order to legalize the unpermitted construction of approx. 9,688 sq. ft. of residential and agricultural accessory structures currently located within the area of the subject parcel and to permit any additional new development proposed for construction.

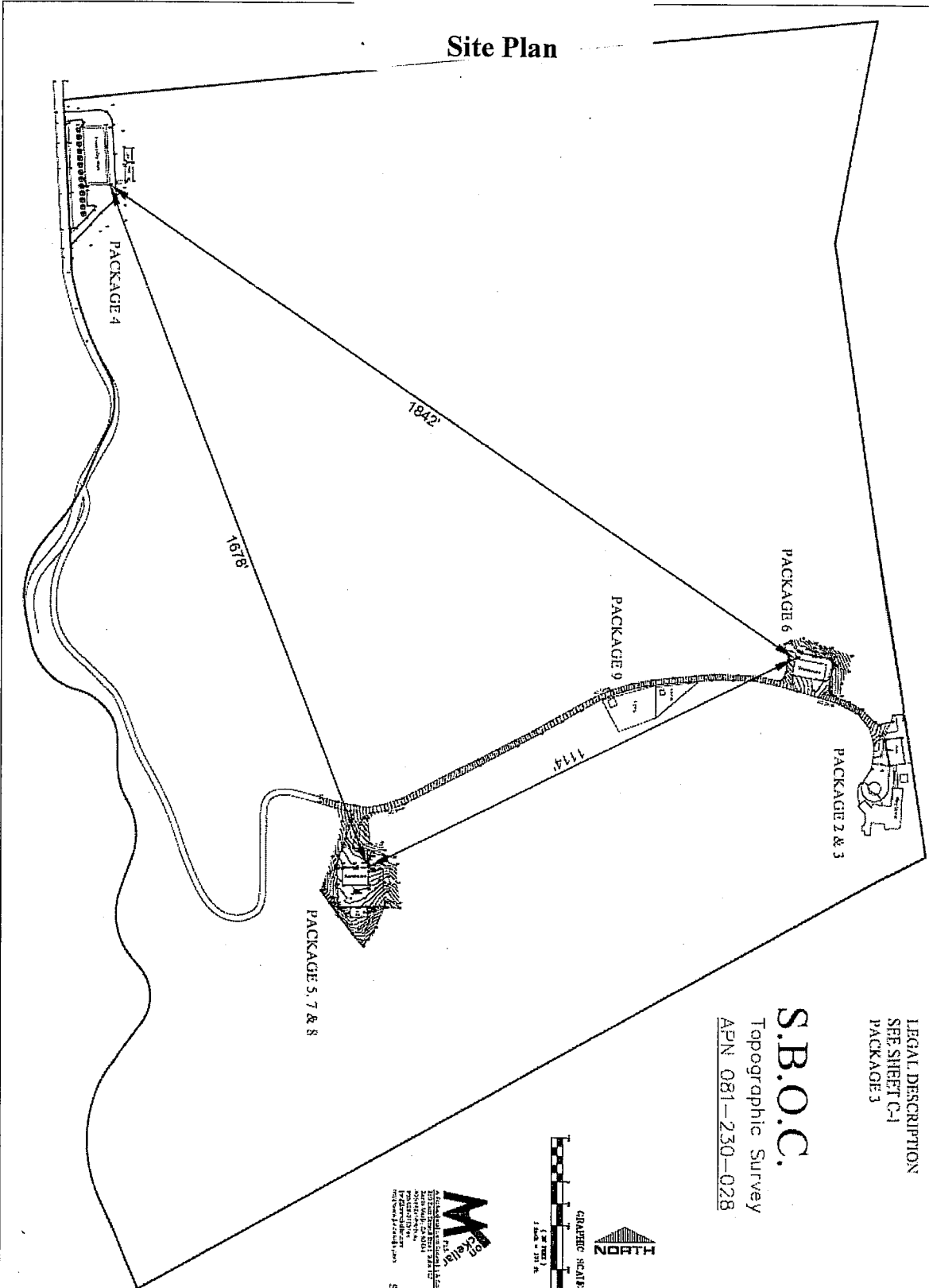


### **COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS**

- 3. Indemnity and Separation Clause.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this Lot Line Adjustment. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
  
- 4. Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

# ATTACHMENT F

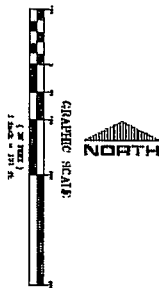
## Site Plan



LEGAL DESCRIPTION  
SEE SHEET C-1  
PACKAGE 3

**S.B.O.C.**

Topographic Survey  
APN 081-230-028



**M**  
M. J. O'Connell  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 10000  
SANTA MONICA, CA 90404  
PROFESSIONAL SEAL  
10/10/2010  
10/10/2010

Sheet 1 of 1

REVISIONS					
DATE					
BY					
DESCRIPTION					
NAME					
DATE					
PACKAGE 1	SITE PLAN (OVERALL)		MAKELA PROPERTY 12468 CALLE REAL GOLETA, CA		
T-2					