

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
805 568 2240

Agenda Number:

Prepared on: October 30, 2002
Department Name: Planning & Development
Department No.: 053
Agenda Date: November 12, 2002
Placement: Departmental
Estimate Time: 15 minutes
Continued Item: NO
If Yes, date from: N/A
Document FileName: F:\GROUP\Permitting\Case
Files\AP\1990s\99 cases\99ap009\BS
agenda letter.doc

TO: Board of Supervisors

FROM: Steven L. DeCamp
North County Deputy Director, Planning and Development

STAFF CONTACT: Noel Langle, Management Specialist
934-6264

SUBJECT: Dierberg Four L. P. (Investors of America) Comprehensive Plan
Amendment, Rezone and Agricultural Preserve Contract; Case Nos. 99-
GP-006, 99-RZ-006, and 99-AP-009

Recommendation:

That the Board of Supervisors:

- A. Accept the Planning Commission recommendations and approve the Comprehensive Plan Amendment and Rezone, Case Nos. 99-GP-006, 99-RZ-006:
1. Adopt the required findings for the project including CEQA findings (Attachment A);
 2. Accept the exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) (Attachment B);
 3. Adopt a resolution and approve 99-GP-006 designating the subject property as Agriculture II, 100 acres minimum parcel size (A-II-100) on the Comprehensive Plan (Attachment C); and,
 4. Adopt an ordinance and approve 99-RZ-006 to rezone the subject property as AG-II-100 (Case No. 99-RZ-005) under the Article III Zoning Ordinance (Attachment D).

B. Approve the creation of a new prime Agricultural Preserve Contract:

1. Accept the exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15317 (Attachment E);
2. Execute an agreement creating Agricultural Preserve, 99-AP-009 (Attachment F);
3. Adopt a resolution creating Agricultural Preserve, 99-AP-009 (Attachment G).

The application involves AP No. 129-180-023, -033 and -034, zoned Unlimited Agriculture (U) under Ordinance No. 661, located south of the intersection of Dominion Road and Orcutt-Garey Road, Garey area, Fifth Supervisorial District.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Comprehensive Plan Amendment and Rezone

At the Planning Commission hearing of September 16, 2002, the Commission adopted a resolution (Attachment H) recommending that your Board approve the requested general plan amendment and rezone. The Planning Commission's September 18, 2002 Action Letter and September 6, 2002 staff report (without attachments) are included as Attachments I and J, respectively, of this agenda letter.

Agricultural Preserve Contract

The creation of a new prime agricultural preserve (99-AP-009) consisting of 206 acres that are presently used primarily for vineyards. The property is currently zoned U under Ordinance 661, and is proposed to be rezoned to AG-II-100 under the Article III Zoning Ordinance.

Mandates and Service Levels:

Government Code §65355 requires that prior to adopting or amending a general plan that the legislative body shall hold at least one public hearing on the proposed amendment.

Government Code §658565 requires that upon receipt of an affirmative recommendation of the Planning Commission on a proposed rezoning that the legislative body shall hold a public hearing on the matter.

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program

having the goal of retaining land in an agricultural use. The County of Santa Barbara has adopted such a program which is codified under the Agricultural Preserve Program Uniform Rules. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary. Therefore, there are no state mandates associated with this program.

Fiscal and Facilities Impacts:

No fiscal impact associated with this request is expected. All cost of permit processing are the responsibility of the project applicant.

Special Instructions:

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

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

The Clerk of the Board shall record the Agricultural Preserve Contract with attached legal description with the County Recorder.

The Clerk of the Board will distribute copies of the Board minute order, recorded contract and agricultural preserve map as follows:

Minute Order, Contract and Map:

Planning & Development

Assessor

Applicant (Dierberg Four L. P. c/o James Dierberg, 39 Glen Eagles, St. Louis,
MO 63124)

Minute Order, Contract:

Surveyor

Concurrence:

County Counsel

Attachments:

A. Findings

- B. Environmental Document (General Plan Amendment/Rezone)
- C. Resolution to Approve General Plan Amendment (99-GP-006)
- D. Rezone Ordinance (99-RZ-006)
- E. Environmental Document (Agricultural Preserve)
- F. Agricultural Preserve Contract (99-AP-009)
- G. Agricultural Preserve Resolution
- H. Planning Commission Resolution General Plan Amendment (99-GP-006)
- I. Planning Commission Action Letter
- J. Planning Commission Staff Report

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

Accept the exemption for this project pursuant to CEQA Guidelines Section 15061, General Exemption, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The consistency rezoning of a parcel for placement into the Williamson Act (Agricultural Preserve) is not an activity that will have a significant effect on the environment.

2.0 LEGISLATIVE FINDINGS

2.1 Comprehensive Plan Amendment Finding (99-GP-006)

Pursuant to Government Code §65358(a), a Comprehensive Plan Amendment must be in the public interest. The Planning Commission and Board of Supervisors must make the following findings regarding the requested Comprehensive Plan amendment:

2.1.1 *The Comprehensive Plan Amendment is in the public interest*

The requested Comprehensive Plan amendment to change the land use designation on the property from A-II to A-II-100 is in the public interest as it will facilitate the entry of the property in the County's Land Conservation (Williamson) Act program. This will help enable the property to remain in open space and agricultural uses, thus fulfilling a fundamental goal of the County's Comprehensive Plan.

2.2 Rezone Findings (99-RZ-006)

Pursuant to §35-325.5, 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 the Board of Supervisors.

2.2.1 *That the Rezone request is in the interest of the general community welfare.*

The rezone is in the interest of the general community as it will help to preserve and protect existing agricultural land. By zoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program to support the continuation of the existing agricultural operation.

2.2.2 *That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.*

The proposed project would be consistent with all applicable policies of the Comprehensive Plan. The Comprehensive Plan Amendment and Rezone are required in order for the property to enroll in the Agricultural Preserve Program. This would further

the goals of the Agricultural Element and ensure consistency with the Element's policies, especially Policy I.D. (Agricultural Element p. 10) that states "*The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural protection programs.*"

The minimum parcel size that would be permitted under the proposed zone district would be 100 acres, consistent with the existing zone districts on the surrounding properties. Designating the property as A-II-100 and rezoning to AG-II-100 would also decrease the subdivision potential of the property. Under the existing A-II land use designation, the 154.37-acre parcel (APN 129-180-033 and -034) could potentially be divided into three lots, and the two legal lots totaling 206 acres could potentially be re-subdivided into five lots. Decreasing the subdivision potential would serve to advance the fundamental goal of the Land Use Element of the Comprehensive Plan (Land Use Element p. 80) relating to agriculture that states "*In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported.*"

The intent of the AG-II-100 Zone District is to designate and protect lands appropriate for long-term agricultural use. The proposed rezone would change the zoning from U (under Ordinance No. 661) to AG-II-100 (under Article III) and allow the parcel to qualify for entry into the agricultural preserve program. Existing development on the property is consistent as to use, development, setbacks, lot size, and all other requirements of the AG-II 100 Zone District. The project would not create a spot zoning designation nor would it create additional development potential. The group home would still be allowed by conditional use permit under the proposed AG-II-100 zone district.

Therefore, the project may be found consistent with all relevant policies of the Comprehensive Plan, the requirements of the Article III Zoning Ordinance and State law.

2.2.3 That the Rezone request is consistent with good zoning and planning practices.

The rezone is consistent with good zoning and planning practices because:

- The resultant minimum parcel size requirement will be consistent with the existing zoning of many of the surrounding parcels
- It will allow the property to enter into an Agricultural Preserve contract consistent with the Agricultural Preserve Uniform Rules, thus helping to insure that the property remains in agricultural production.
- It will reduce the potential for future subdivisions of the property, thus reducing urban pressures in the area, and decreasing the need for additional services.

ATTACHMENT B: ENVIRONMENTAL DOCUMENT (99-GP-006/99-RZ-006)

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Planning & Development

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.

Case No.: 99-GP-006, 99-RZ-006

APNs: 129-180-023, -033 & -034

Location: South of the intersection of Dominion Road and Orcutt-Garey Road, Garey area, Fifth Supervisorial District

Project Title: Dierberg Four L.P. Comprehensive Plan Amendment and Rezone

Project Description: A Comprehensive Plan Amendment to change the land use designation on the subject property from A-II to A-II-100 and a Rezone from U – Unlimited Agriculture (Ordinance 661) to the AG-II-100 (Article III) Zone Designation, to enable the subject property to participate in the County’s agricultural preserve program.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect [§15061(b)(3)]

Reasons to support exemption: 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 project site has adequate water. The project will not require an increase in 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. The project will also reduce the subdivision potential of the property. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

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

99-GP-006, 99-RZ-006 & 99-AP-009, Dierberg Four L.P.
B/S Hearing Date: November 12, 2002
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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

Case Files: 99-GP-006, 99-RZ-006

Date Filed by County Clerk

ATTACHMENT C: RESOLUTION TO APPROVE GENERAL PLAN AMENDMENT 99-GP-006

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING AN) RESOLUTION NO. 02- _____
AMENDMENT TO THE SANTA BARBARA) CASE NO. 99-GP-006
COMP 1 - COMPREHENSIVE PLAN)
COUNTYWIDE LAND USE ELEMENT MAP)
AND THE SANTA MARIA VALLEY RURAL)
REGION LAND USE DESIGNATIONS MAP)

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted a Comprehensive Plan for the County of Santa Barbara, consisting of a text and maps including COMP 1, Countywide Land Use Element Map.
- B. On October 27, 1998, by Resolution No. 90-406, the Board of Supervisors of the County of Santa Barbara adopted the Santa Maria Valley Rural Region Land Use Designations Map.
- C. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to adopt an amendment to the General Plan Land Use designation for Assessor Parcels Numbers 129-180-023, -033, and -034 by changing the Land Use Designation from A-II (Agriculture, 40 acre minimum parcel size) to A-II-100 (Agriculture, 100 acre minimum parcel size).
- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in a duly noticed public hearing pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code, on the proposed amendment, at which hearing the amendment was/were 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. Pursuant to the provisions of Section 65356 of the Government Code, the above described changes are hereby adopted as amendments to the Land Use Element of the Santa Barbara County Comprehensive Plan.

3. Pursuant to the provisions of Government Code Section 65357, the Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board.
4. Pursuant to the provisions of Government Code Section 65357 the Clerk of the Board is hereby authorized and directed to send endorsed copies of said COMP 1 and Santa Maria Valley Rural Region Land Use Designations maps to the planning agency of each city within this County.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2002, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

GAIL MARSHALL, Chair
Santa Barbara County Board of Supervisors

ATTEST:

MICHAEL F. BROWN
Clerk of the Board

By: _____
Deputy Clerk-Recorder

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT D: REZONE ORDINANCE

ARTICLE III ORDINANCE NO. _____

AN ORDINANCE REPEALING ALL ZONING MAPS AND ZONE DESIGNATIONS
ADOPTED PURSUANT TO THE PROVISIONS OF ORDINANCE 661
AS THEY APPLIED TO ASSESSOR'S PARCEL NUMBERS 129-180-023, -033 & -034 AND
ADOPTING A NEW ZONING MAP PURSUANT TO THE PROVISIONS OF SECTION 35-
204.50.2. ADOPTING NEW ZONING ORDINANCES AND MAPS, OF ARTICLE III OF
CHAPTER 35 OF THE CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING ZONING MAP IDENTIFIED AS
BOARD OF SUPERVISORS EXHIBIT NO. 35-204.50.2
TO REZONE ASSESSOR'S PARCEL NUMBERS 129-180-023, -033 & 034
FROM U to AG-II-100

Case No. 99-RZ-006

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

All zoning maps and zoning designations previously adopted under the provisions of Zoning Ordinance No. 661 and pursuant to provisions of Section 35-204, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California are hereby repealed as they relate to Assessor's Parcel Numbers 129-180-023, -033 and -034.

SECTION 2.

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts the Zoning Map identified as Board of Supervisors Exhibit No. 35-204.50.2 dated November 12, 2002, which rezones Assessor's Parcel Numbers 129-180-023, -033 and -034 from U to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3.

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-204.50.2 to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-204 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, 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 8th day of October, 2002, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

GAIL MARSHALL, Chair
Santa Barbara County Board of Supervisors

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel

ATTACHMENT E: ENVIRONMENTAL DOCUMENT (99-AP-009)

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Planning & Development

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.

Case No.: 99-AP-008

APNs: 129-180-023, -033 & -034

Location: South of the intersection of Dominion Road and Orcutt-Garey Road, Garey area, Fifth Supervisorial District.

Project Title: Dierberg Four L. P. Agricultural Preserve

Project Description: Creation of a New Agricultural Preserve

Exempt Status: (Check one)

Ministerial

Statutory

Categorical Exemption Section 15317, Establishment of an Agricultural Preserve

Emergency Project

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

Cite specific CEQA Guideline e). This section exempts the establishment of agricultural preserves under the Williamson Act. The creation of an Agricultural Preserve will not cause a significant environmental impact to the surrounding area. The project site has adequate water, and other facilities. The project is currently used for vineyards. The project will not require an increase in the demand on existing services, will not result in the loss of any existing native vegetation, will not require extensive grading or land alteration, nor will it impact any biological, archaeological or other sensitive environmental resources.

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

99-GP-006, 99-RZ-006 & 99-AP-009, Dierberg Four L.P.
B/S Hearing Date: 11/12/2002
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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: 99-AP-009

Date Filed by County Clerk

ATTACHMENT F: AGRICULTURAL PRESERVE CONTRACT

Recording Requested by)
County of Santa Barbara)
_____)
When Recorded Return to the)
Clerk of the Board of Supervisors)
County of Santa Barbara)
105 East Anapamu Street)
Santa Barbara, California 93101)
_____)

SHORT FORM LAND CONSERVATION CONTRACT

Incorporating Board of Supervisors Resolutions and
Long Form Contract by Reference

99-AP-009

THIS LAND CONSERVATION CONTRACT, by and between Dierberg Four L. P., a Delaware Limited Partnership hereinafter referred to as "OWNER" and the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, OWNER possesses certain real property situated in the County of Santa Barbara, State of California, hereinafter referred to as "THE SUBJECT PROPERTY," and more particularly described in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, THE SUBJECT PROPERTY is now devoted to agricultural uses and uses compatible thereto; and

WHEREAS, the parties hereto desire to create an "agricultural preserve," consisting of THE SUBJECT PROPERTY, to be established by COUNTY by resolution and by this contract, and to be designated as the Dierberg Four L. P. Agricultural Preserve, 99-AP-009, Assessor Parcel Numbers 129-180-023, -033 and -034, 206 acres; with zoning of AG-II-100, and A-II-100 Comprehensive Plan designation restrictions.

NOW, THEREFORE, both OWNER and COUNTY, in consideration of the mutual promises, covenants and conditions to which reference is made herein and substantial public benefits to be derived therefrom, do hereby agree as follows:

FIRST: THE SUBJECT PROPERTY shall be subject to all restrictions and conditions adopted or to be adopted by resolutions and minute orders by the Board of Supervisors of the County of Santa Barbara, California, including without limitation those recorded on November 5, 1971, as Instrument No. 36187, Book 2371, Page 404; January 3, 1972, as Instrument No. 57, Book 2381, Page 794; October 30, 1974, as Instrument No. 38788, Book 2539, Page 258; November 10, 1975, as Instrument Nos. 40442 and 40443, Book 2592, Pages 1763 and 1767; December 11, 1975, as Instrument No. 44871, Book 2595, Page 2134; May 20, 1977, as Reel No. 77-24881; July 11, 1977, Reel No. 77-34734; November 14, 1978, Reel No. 78-52990; and October 15, 1980, Reel No. 80-41873 of the Official Records of the County of Santa Barbara, California, and IT IS MUTUALLY AGREED that the conditions and restrictions set forth in said resolutions and minute orders are adopted and incorporated herein and made a part hereof as though fully set forth herein at length, and the OWNER will observe and perform said provisions.

SECOND: In consideration of the promises, OWNER shall indemnify and save harmless COUNTY from and against any and all claims, liability, suits, damages, costs

including reasonable attorney's fees, losses and expenses in any manner resulting from, arising out of, or connected with the use of any Surveyor's Map depicting the preserve and the description of THE SUBJECT PROPERTY attached hereto.

THIRD: This Contract shall be effective as of the first day of January, 2003, and shall remain in effect for a period of ten (10) years from each succeeding January first.

IN WITNESS WHEREOF, the County of Santa Barbara has executed this Contract on _____.

ATTEST:

COUNTY OF SANTA BARBARA

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
GAIL MARSHALL, Chair
Board of Supervisors

By: _____
Deputy Clerk

OWNERS:

(Date)

(Date)

(Date)

(Date)

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel

ATTACHMENT G: AGRICULTURAL PRESERVE RESOLUTION

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF THE CREATION)
OF AN AGRICULTURAL PRESERVE)
AND APPROVAL OF A SHORT FORM)
LAND CONTRACT

RESOLUTION NO. 02- _____
CASE NO. 99-AP-009

_____)

IT IS HEREBY RESOLVED AS FOLLOWS:

I. A. Pursuant to the California Land Conservation Act of 1965 (the Williamson Act), (Government Code Sections 51200 et seq.), the Short Form Land Contract is hereby approved and the following Agricultural Preserve is hereby created in the County of Santa Barbara: Dierberg Four L. P. Agricultural Preserve (99-AP-009)

B. A map of the preserve is filed in the Office of the Santa Barbara County Surveyor, and the preserve land is described in Exhibit "A" attached to the Short Form Land Conservation Contract.

C. This agricultural preserve shall be administered pursuant to the California Land Conservation Act of 1965 and the Uniform Rules adopted by this Board pursuant to said Act.

D. The Clerk of the Board shall endorse the fact of this adoption and the date thereof on said Surveyor map and shall record this Short Form Land Conservation Contract (Short Form Contract) with description attached at the Office of the Santa Barbara County Recorder. In addition, the Clerk of the Board shall forward to the following interested parties copies of documents as follows:

- 1) To the County Recorder, a copy of the Surveyor's maps;
- 2) To the property owners, a duplicate original copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's maps;
- 3) To the Department of Planning and Development, a conformed copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's maps;
- 4) To the Assessor, a certified copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's maps; and
- 5) To the Surveyor, a certified copy of the Short Form Contract.

The property owners involved are:

Dierberg Four L. P., c/o James Dierberg, 39 Glen Eagles, St. Louis MO 63124

II. The Chairperson and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2002, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

GAIL MARSHALL, Chair
Santa Barbara County Board of Supervisors
State of California

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel

ATTACHMENT H: PLANNING COMMISSION RESOLUTION

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY COMP 1 – COMPREHENSIVE PLAN) RESOLUTION NO.:
COUNTYWIDE LAND USE ELEMENT MAP) CASE NO.: 99-GP-006
AND THE SANTA MARIA VALLEY RURAL)
REGION LAND USE DESIGNATION MAP)

WITH REFERENCE TO THE FOLLOWING:

A. On December 22, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Comprehensive Plan; and

B. On October 27, 1998, by Resolution No. 98-406, the Board of Supervisors of the County of Santa Barbara adopted the Santa Maria Valley Rural Region Land Use Designations Map.

C. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to adopt an amendment to the General Plan Land Use designation for Assessor Parcels Numbers 129-180-023, -033, and -034 by changing the Land Use Designation from A-II to A-II-100.

D. The proposed amendment is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.

E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were 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. Pursuant to 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 of this Commission.

4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this 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 Planning Commission.

PASSED, APPROVED AND ADOPTED this September 18, 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Joseph Valencia
Chair of the Commission

ATTEST:

Rita Bright
Secretary to the Commission

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT I: PLANNING COMMISSION ACTION LETTER

October 4, 2002

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF SEPTEMBER 18,

2002

RE: *Dierberg Four L.P. Comprehensive Plan Amendment and Consistency Rezone, 99-GP-006, 99-RZ-006*

Hearing on the request of James Dierberg, Dierberg Four Limited Partnership, to consider the following [applications filed on June 24, 1999]:

- a) **99-GP-006** proposing to amend the Santa Maria Valley Rural Region Comprehensive Plan Land Use Designations Map by changing the Land Use Designation from A-II to A-II-100 property Zoned U-Unlimited Agriculture under Ordinance No. 661;
- b) **99-RZ-006** proposing to rezone 206 acres from U-Unlimited Agriculture under Ordinance No. 661 to A-II-100 under the provisions of Santa Barbara County Code Chapter 35 of Article III;

and to accept the Exemption pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves **AP Nos. 129-180-023, -033 and -034**, located 5,000 feet east of the intersection of Dominion Road and Orcutt-Garey Road, Orcutt area, Fifth Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of September 18, 2002, Commissioner Oberdeck moved, seconded by Commissioner Tillman and carried by a vote of 5-0 to recommend that the Board of Supervisors:

- 1. Adopt the required findings for the project specified in Attachment A of the staff report dated September 6, 2002, including CEQA findings;
- 2. Accept the exemption, included as Attachment B of the staff report dated September 6, 2002, pursuant to CEQA Section 15061(b)(3);
- 3. Adopt an ordinance to zone the subject property as AG-II-100 (Case No. 99-RZ-006) under the Article III zoning ordinance; and

4. Adopt a resolution to designate the subject property as Agriculture II, 100 acres minimum parcel size (A-II-100) on the Santa Maria Valley Rural Region Comprehensive Plan Land Use Designations Map (Case No. 99-GP-006).

Sincerely,

Rita Bright
Secretary to the Planning Commission

cc: Case File: 99-GP-006, 99-RZ-006
Planning Commission File
Lisa Martin, Planning Technician
Owner: James Dierberg, Dierberg Four L.P., 39 Glen Eagles, St. Louise, MO 63124
County Chief Appraiser
County Surveyor
Commissioner Oberdeck, Fifth District
David Allen, Deputy County Counsel
Noel Langle, Management Specialist
Barbara Phillips, North County Reference Binder

**Attachments: Findings
Planning Commission Resolution No. 02-7 (99-GP-006)**

RB:cm

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ATTACHMENT J: PLANNING COMMISSION STAFF REPORT

SANTA BARBARA COUNTY PLANNING COMMISSION Staff Report for Dierberg Four L.P. Comprehensive Plan Amendment and Consistency Rezone

Hearing Date: September 18, 2002
Staff Report Date: September 6, 2002
Case No.: 99-GP-006 & 99-RZ-006

Supervisorial District: Fifth
Staff: Noel Langle
Phone No.: 934-6264

Environmental Document: Exempt, CEQA Guidelines Section 15061(b)(3) [No Possibility of Significant Effect]

OWNER/AGENT:

Dierberg Four L.P.
James Dierberg
39 Glen Eagles
St. Louis, MO 63124
(314) 854-4664



Assessor Parcel Numbers 129-180-023, -033 & -034, located south of the intersection of Dominion Road and Orcutt-Garey Road, Garey area, Fifth Supervisorial District.

1.0 REQUEST

Hearing on the request of James Dierberg, Dierberg Four L.P., to consider:

1. Case No. 99-GP-006 (application filed 6/24/99) to amend the Comprehensive Plan to change the land use designation from A-II, Rural Agriculture, 40 acre minimum parcel size, to A-II-100, Rural Agriculture, 100 acre minimum parcel.
2. Case No. 99-RZ-006 (application filed 6/24/99) to rezone the property from "U" Unlimited Agriculture under the provisions of Ordinance No. 661 to AG-II-100, Agriculture-II, 100 acre minimum parcel size pursuant to Section 35-325 of Article III of Chapter 35 of the Santa Barbara County Code.

Applications Complete: February 4, 2000

Processing Deadline: The project is a legislative act not subject to the Permit Streamlining Act.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 99-GP-006 and 99-RZ-006 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 adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Accept the exemption, included as Attachment B, pursuant to CEQA Section 15061(b)(3).
3. Recommend that the Board of Supervisors adopt an ordinance to zone the subject property as AG-II-100 (Case No. 99-RZ-006) under the Article III zoning ordinance.
4. Adopt a resolution recommending that the Board of Supervisors designate the subject property as Agriculture II, 100 acres minimum parcel size (A-II-100) on the Santa Maria Valley Rural Region Comprehensive Plan Land Use Designations Map (Case No. 99-GP-006).

Refer to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

Pursuant to the Government Code, the Planning Commission, as the designated planning agency, acts as an advisory body to the Board of Supervisors for legislative acts including Comprehensive Plan amendments and zone changes.

4.0 ISSUE SUMMARY

The applicant seeks to enter the subject property into the County's Agricultural Preserve Program. The proposed Comprehensive Plan Amendment and Rezone is required by Uniform Rule No. 6 of the Santa Barbara County Agricultural Preserve Uniform Rules to Implement the Land Conservation (Williamson) Act that requires property entering the agriculture preserve program, and located outside the Coastal Zone, to have a Comprehensive Plan designation of Mountainous Area (MA), A-II or A-I, and be zoned AG-I-40, AG-II-40 or AG-II-100 under the Article III zoning ordinance.

An agricultural preserve contract (99-AP-009) has been filed and will be forwarded to the Board of Supervisors for approval along with the Comprehensive Plan Amendment and Rezone. Agricultural preserve contracts are not within the jurisdiction of the Planning Commission.

5.0 PROJECT INFORMATION

5.1 Site Information

Comprehensive Plan Designation	Rural area, A-II, Agricultural, 40 acre minimum lot size
Zoning Ordinance, Zone District	Ordinance No. 661, U - Unlimited Agriculture
Site Size	206 acres
Present Use & Development	Existing vineyards. Existing special care home. No other development is proposed.
Surrounding Uses/Zoning	North: Agriculture, U (Ordinance 661)/AG-II-100 South: Agriculture, AG-II-100 East: Agriculture, U/AG-II-100 West: Agriculture, U/AG-II-100
Access	Orcutt-Garey Road
Public Services	Water Supply: Private water system Sewage: Individual sewage disposal system Fire: County of Santa Barbara, Station 22, Tiffany Park Police: Santa Barbara County Sheriff's Department

5.2 Description

A Comprehensive Plan Amendment to change the land use designation on the subject property from A-II to A-II-100 and a Rezone from U – Unlimited Agriculture (Ordinance 661) to the AG-II-100 (Article III) zone to enable the subject property to participate in the County’s agricultural preserve program.

5.3 Background Information

Assessor’s Parcel No. 129-180-023 (51.67 acres) was created by Parcel Map 11,996. APN 129-180-033 and -034 together (154.37.acres) constitute one legal lot established by the recordation of a Certificate of Voluntary Merger (Instrument No. 2002-0063157, recorded June 28, 2002). Both lots are partially planted in vineyards. A residence located on APN 129-180-033 is currently operating as a special care home pursuant to a conditional use permit (96-CP-033). No other permits have been issued on the subject parcels. No additional development is proposed as part of this Comprehensive Plan Amendment or rezone. Water is supplied by an existing private water system. An individual sewage disposal system serves the special care home.

6.0 PROJECT ANALYSIS

6.1 Agricultural Viability

One hundred and fifty of the combined 206 acres are planted with vineyards. The special care home and surrounding grounds occupies approximately five acres. The remaining 51 acres are not conducive for agriculture due to topography. The predominate soil type on the property is Garey Sandy loam (GaC2;) which is considered a Class III soil. The soil is suited for dryland crops, some irrigated crops, and rangeland. Permeability is slow, surface runoff is medium and the erosion hazard

is moderate to high. Fertility is low. An existing well located on the property produces 250 gallons/minute for the irrigation of the vineyards.

A review of the property's agricultural viability was conducted employing the County's Environmental Thresholds and Guidelines Manual. The review looks at the value of a site's agricultural suitability and productivity by using a weighted point allocation system that assigns relative values to particular characteristics of a site's agricultural productivity (e.g. soil type, water supply). The assignment of 60 or more points indicates an agriculturally viable parcel. The results for this project indicate that the combined parcels would be agriculturally viable.

Agricultural Viability		
Criteria	Description	Points (Range)
PARCEL SIZE	Total: 206 acres	11 (11-12)
SOIL CLASS	Class III approx. 100 percent	9 (8-10)
WATER AVAILABILITY	Private well	13 (12-15)
AGRICULTURAL SUITABILITY Crops Grazing (irrigated pasture)	Highly suitable for irrigated field, orchard, vineyard Low suitability for pasture or range	10 (8-10)
EXISTING LAND USE	Active agricultural production (vineyard)	5 (5)
COMP PLAN DESIGNATION	A-II	5 (5)
ADJACENT LAND USES	Surrounded by agricultural operations or open space in a region with adequate agricultural support uses	9 (9-10)
AGRICULTURAL PRESERVE POTENTIAL	Can qualify for prime preserve by itself.	6 (5-7)
COMBINED AGRICULTURAL OPERATION	Not a combined operation.	0 (0)
TOTAL POINTS		68

6.2 Environmental Review

The proposed amendment to the Comprehensive Plan and zone district would not have the potential to cause a significant effect on the surrounding environment and therefore is exempt from environmental review under §15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The existing parcel sizes and development potential would not change as a result of the proposed designations. The project site contains an existing vineyard operation and the proposed project would further support this use. The proposed project would not require an increase in the demand on existing services, nor would it impact any biological, archaeological or other sensitive environmental resources. The project

will reduce the potential for subdivision of the subject properties. Therefore, the proposed CEQA exemption is appropriate for this project.

6.3 Comprehensive Plan Consistency

The proposed project would be consistent with all applicable policies of the Comprehensive Plan. The Comprehensive Plan Amendment and Rezone are required in order for the property to enroll in the Agricultural Preserve Program. This would further the goals of the Agricultural Element and ensure consistency with the Element's policies, especially Policy I.D. (Agricultural Element p. 10) that states "*The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural protection programs.*"

The minimum parcel size that would be permitted under the proposed zone district would be 100 acres, consistent with the existing zone districts on the surrounding properties. Designating the property as A-II-100 and rezoning to AG-II-100 would also decrease the subdivision potential of the property. Under the existing A-II land use designation, the 154.37-acre parcel (APN 129-180-033 and -034) could potentially be divided into three lots, and the two legal lots totaling 206 acres could potentially be re-subdivided into five lots. Decreasing the subdivision potential would serve to advance the fundamental goal of the Land Use Element of the Comprehensive Plan (Land Use Element p. 80) relating to agriculture that states "*In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported.*"

Therefore, the project may be found consistent with all relevant policies of the Comprehensive Plan.

6.4 Ordinance Compliance

The intent of the AG-II-100 Zone District is to designate and protect lands appropriate for long-term agricultural use. The proposed rezone would change the zoning from U (under Ordinance No. 661) to AG-II-100 (under Article III) and allow the parcel to qualify for entry into the agricultural preserve program. Existing development on the property is consistent as to use, development, setbacks, lot size, and all other requirements of the AG-II 100 Zone District. The project would not create a spot zoning designation nor would it create additional development potential. The group home would still be allowed by conditional use permit under the proposed AG-II-100 zone district.

6.5 Agricultural Preserve Advisory Committee

The Agricultural Preserve Advisory Committee (APAC) reviewed the property on June 4, 1999 and concluded that it would be eligible to enter into an agricultural preserve provided the property was designated on the Comprehensive Plan and zoned consistent with the requirements

of Uniform Rule 6. Uniform Rule. The APAC recommended that the property be zoned AG-II-100 consistent with the minimum parcel size requirements of the surrounding agricultural preserve properties.

During subsequent review of the project, it was discovered that APN 129-180-033, originally not included in this request, was illegally divided from APN 129-180-034. Therefore, processing of these applications was suspended until the applicant legally merged the two parcels together. This occurred on June 28, 2002 when the County Surveyor recorded a Certificate of Voluntary Merger. However, this merger further complicated the situation as APN 129-180-033 contains an existing special care facility that the APAC had not previously considered. On August 9, 2002, the APAC again reviewed the request with the inclusion of APN 129-180-033 and the special care facility. The Committee determined that the property is eligible to enter into an agricultural preserve contract as they consider the special care home to qualify as the main residence. The special care home and underlying property will not enjoy a property tax reduction based on entering into an agricultural preserve contract as it will be assessed based on its existing use.

7.0 APPEALS PROCEDURE

The recommendation of the Planning Commission on the Comprehensive Plan Amendments is automatically forwarded to the Board of Supervisors for final action. A rezone request recommended for approval is also automatically forwarded to the Board of Supervisors for final action. However, a rezone request recommended for denial is not forwarded to the Board unless an appeal is filed. This appeal, with the required fee, must be filed with the Clerk of the Board within the ten calendar days following final action by the Planning Commission.

ATTACHMENTS

- A. Findings
- B. Notice of Exemption
- C. Rezone Ordinance (99-RZ-006)
- D. Comprehensive Plan Resolution (99-GP-006)
- E. Property Location
- F. Regional Zoning
- G. Regional Comprehensive Plan Map

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

Accept the exemption for this project pursuant to CEQA Guidelines Section 15061, General Exemption, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The consistency rezoning of a parcel for placement into the Williamson Act (Agricultural Preserve) is not an activity that will have a significant effect on the environment.

2.0 LEGISLATIVE FINDINGS

2.1 Comprehensive Plan Amendment Finding (99-GP-006)

Pursuant to Government Code §65358(a), a Comprehensive Plan Amendment must be in the public interest. The Planning Commission and Board of Supervisors must make the following findings regarding the requested Comprehensive Plan amendment:

2.1.1 The Comprehensive Plan Amendment is in the public interest

The requested Comprehensive Plan amendment to change the land use designation on the property from A-II to A-II-100 is in the public interest as it will facilitate the entry of the property in the County's Land Conservation (Williamson) Act program. This will help enable the property to remain in open space and agricultural uses, thus fulfilling a fundamental goal of the County's Comprehensive Plan.

2.2 Rezone Findings (99-RZ-006)

Pursuant to §35-325.5, 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 the Board of Supervisors.

2.2.1 That the Rezone request is in the interest of the general community welfare.

The rezone is in the interest of the general community as it will help to preserve and protect existing agricultural land. By zoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program to support the continuation of the existing agricultural operation.

2.2.2 That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.

Pursuant to the discussion in §§ 6.3 and 6.4 of this staff report, the rezone is consistent with the Comprehensive Plan, the requirements of the Article III Zoning Ordinance and State law.

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

The rezone is consistent with good zoning and planning practices because:

- The resultant minimum parcel size requirement will be consistent with the existing zoning of many of the surrounding parcels
- It will allow the property to enter into an Agricultural Preserve contract consistent with the Agricultural Preserve Uniform Rules, thus helping to insure that the property remains in agricultural production.
- It will reduce the potential for future subdivisions of the property, thus reducing urban pressures in the area, and decreasing the need for additional services.

ATTACHMENT B: ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Planning & Development

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.

Case No.: 99-GP-006, 99-RZ-006

APNs: 129-180-023, -033 & -034

Location: South of the intersection of Dominion Road and Orcutt Garey-Road, Garey area, Fifth Supervisorial District

Project Title: Dierberg Four L.P. Comprehensive Plan Amendment and Rezone

Project Description: A Comprehensive Plan Amendment to change the land use designation on the subject property from A-II to A-II-100 and a Rezone from U – Unlimited Agriculture (Ordinance 661) to the AG-II-100 (Article III) Zone Designation, to enable the subject property to participate in the County’s agricultural preserve program.

Exempt Status: (Check one)

Ministerial

Statutory

Categorical Exemption

Emergency Project

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

Reasons to support exemption: 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 project site has adequate water. The project will not require an increase in 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. The project will also reduce the subdivision potential of the property. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

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

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ATTACHMENT C: REZONE ORDINANCE

ARTICLE III ORDINANCE NO.

AN ORDINANCE REPEALING ALL ZONING MAPS AND ZONE DESIGNATIONS
ADOPTED PURSUANT TO THE PROVISIONS OF ORDINANCE 661
AS THEY APPLIED TO ASSESSOR'S PARCEL NUMBERS 129-180-023, -033 & -034 AND
ADOPTING A NEW ZONING MAP PURSUANT TO THE PROVISIONS OF SECTION 35-
204.50.2. ADOPTING NEW ZONING ORDINANCES AND MAPS, OF ARTICLE III OF
CHAPTER 35 OF THE CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING ZONING MAP IDENTIFIED AS
BOARD OF SUPERVISORS EXHIBIT NO. 35-204.50.2
TO REZONE ASSESSOR'S PARCEL NUMBERS 129-180-023, -033 & 034
FROM U to AG-II-100

Case No. 99-RZ-006

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

All zoning maps and zoning designations previously adopted under the provisions of Zoning Ordinance No. 661 and pursuant to provisions of Section 35-204, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California are hereby repealed as they relate to Assessor's Parcel Numbers 129-180-023, -033 and -034.

SECTION 2.

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts the Zoning Map identified as Board of Supervisors Exhibit No. 35-204.50.2 dated October 8, 2002, which rezones Assessor's Parcel Numbers 129-180-023, -033 and -034 from U to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3.

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-204.50.2 to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-204 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, 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 8th day of October, 2002, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

GAIL MARSHALL, Chair
Santa Barbara County Board of Supervisors

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By:
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel

ATTACHMENT D: COMPREHENSIVE PLAN RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)	
AMENDMENTS TO THE SANTA BARBARA)	
COUNTY COMP 1 – COMPREHENSIVE PLAN)	RESOLUTION NO.:
COUNTYWIDE LAND USE ELEMENT MAP)	CASE NO.: 99-GP-006
AND THE SANTA MARIA VALLEY RURAL)	
REGION LAND USE DESIGNATION MAP)	

WITH REFERENCE TO THE FOLLOWING:

A. On December 22, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Comprehensive Plan; and

B. On October 27, 1998, by Resolution No. 98-406, the Board of Supervisors of the County of Santa Barbara adopted the Santa Maria Valley Rural Region Land Use Designations Map.

C. It is now deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to adopt an amendment to the General Plan Land Use designation for Assessor Parcels Numbers 129-180-023, -033, and -034 by changing the Land Use Designation from A-II to A-II-100.

D. The proposed amendment is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.

E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were 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. Pursuant to 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 of this Commission.

4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this 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 Planning Commission.

PASSED, APPROVED AND ADOPTED this September 18, 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Joseph Valencia
Chair of the Commission

ATTEST:

Rita Bright
Secretary to the Commission

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel