

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: September 26, 2005
Department Name: P&D
Department No.: 053
Agenda Date: October 11, 2005
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: September 13, 2005
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\TPM\02 cases\02tpm-00000-00011\hearing and Staff report\Silverado Board letter.DOC

TO: Board of Supervisors

FROM: Dianne Meester, Interim Director
Planning and Development

STAFF CONTACT: Lilly Feher, Planner (934-6283)
John Karamitsos, Supervising Planner (934-6255)
Development Review Division – North County

SUBJECT: Silverado Los Alamos Vineyards, LLC Consistency Rezone, Tentative Parcel Map, and Conditional Use Permit
02RZN-00000-00006, TPM 14,605/02TPM-00000-00011, and
04CUP-00000-00076

Recommendation(s):

That the Board of Supervisors consider the recommendation of the Planning Commission regarding the request of Tish Beltranena and:

1. Adopt the required findings, including CEQA findings, specified in Attachment A of the Planning Commission Action Letter dated August 30, 2005, included as Attachment B of this report.
2. Approve the Negative Declaration included as Attachment D of the staff report dated July 29, 2005 and revised at the August 10, 2005 Planning Commission hearing, included as Attachment A of this report, and adopt the mitigation monitoring program contained in the conditions of approval;
3. Adopt the Ordinance Rezone for APN 101-080-062, amending the San Antonio Creek Rural Region Zoning Map (Exhibit #35-204.120.3), included as Attachment C of this report;

4. Approve 02TPM-00000-00011 subject to the conditions included as Attachment B of the Planning Commission Action Letter dated August 30, 2005.
5. Approve 04CUP-00000-00076 subject to the conditions included as Attachment C of the Planning Commission Action Letter dated August 30, 2005.

The application involves Assessor Parcel Numbers 128-097-001 & -002, known as 1750 East Betteravia Road, Santa Maria area, Fifth Supervisorial District.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Background information Ordinance 661 is an outdated Zoning Ordinance that still applies to approximately 3,808 parcels (781,286 acres) within the rural areas of the County. A 2.71-acre portion (an easement for a railroad right-of-way) of the 683.78 acre subject parcel, was inadvertently omitted when Ordinance 661 was repealed in 1984 within most of the surrounding areas, and the majority of the parcel was rezoned from 100-AG under Ordinance 661 to AG-II-100 under Article III.

On June 24, 2002, the applicant submitted an application for an agricultural land division. Pursuant to current County administrative practices, all parcels with outdated Zoning Designations seeking approval of a discretionary permit application must be rezoned and redesignated under current ordinances and comprehensive plans at the County's expense. The proposed Consistency Rezone would bring the 2.71 acre portion of the subject parcel under current zoning ordinance designations.

On November 5, 2004, the Agricultural Preserve Advisory Committee determined that an application to legalize the farm employee dwellings would be required in order for the Tentative Parcel Map application to be consistent with the Agricultural Preserve Uniform Rules. On November 11, 2004, the applicants submitted an application for a Conditional Use Permit to legalize the two farm employee dwellings. Therefore, the Consistency Rezone, Tentative Parcel Map, and Conditional Use Permit are being processed concurrently.

Proposed project The Tentative Parcel Map would subdivide a 683.76-acre legal parcel zoned AG-II-100 under Article III and 100-AG under Ordinance 661, into four parcels, each with proposed building envelopes. All future development, including water, sewer disposal services, and other utilities, would be limited to these envelopes.

Proposed parcel 1: 125.025 acres gross and net
1.5-acre building envelope

68 acres of vineyard

Proposed parcel 2: 188.837 acres gross and net
1.5-acre building envelope
126.8 acres of vineyard

Proposed parcel 3: 113.905 acres gross and net
1.5-acre building envelope
68.6 acres of vineyard

Proposed parcel 4: 255.993 acres gross and 254.667 acres net
2-acre building envelope
223.9 acres of vineyard

The existing legal lot is subject to Agricultural Preserve Contract 71-AP-35. Approval of the parcel map would require submittal of Williamson Act replacement contracts for each of the four (4) parcels.

Access to each proposed parcel would be provided by easements along existing ranch roads. A 20' wide bridge for access from Highway 135 across San Antonio Creek was approved for the subject property. Water well #5 (50' sanitary seal) would be located on proposed parcel 4 and would also provide water to proposed parcels 1, 2, and 3 through a multi-parcel domestic water system. Sanitary services would be provided by private septic systems.

The minor Conditional Use Permit would legalize two existing farm employee dwellings of 1,375 square feet (employee dwelling A) and 1,021 square feet (employee dwelling B) built in 1910. Both farm employee dwellings would be located on proposed parcel 4. Water would be provided by an existing onsite private well (water well #5). Sanitary services would be provided by existing septic systems. Access would be provided via Highway 135 to existing ranch roads. The farm employee dwellings would be located within the proposed building envelope of proposed parcel 4.

Environmental Review A Mitigated Negative Declaration, 05NGD-00000-00015, was prepared for the project and is included in the staff report as Attachment D. 05NGD-00000-00015 identified potentially significant, but mitigable impacts to: 1) Aesthetics/visual resources; 2) Biological resources; 3) Archaeological resources; and 4) Geologic processes.

An analysis was conducted on potential impacts to agricultural resources, which revealed that the proposed lot line adjustment creates an additional agriculturally valuable parcel without decreasing the productivity and suitability of the other two parcels. The reconfigured design creates three agriculturally designated parcels capable of supporting productive agriculture operations onsite. Impacts would be less than significant.

Comprehensive Plan Consistency A review of the proposed rezone project's consistency with applicable policies of the Comprehensive Plan determined that the project would be consistent with the requirements of Land Use Policy No. 4, which requires that adequate services be available to serve new development. The project would also be consistent with applicable development policies of the Land Use Element and Agricultural Element.

Planning Commission Hearing On August 10, 2005, the Planning Commission recommended that your Board approve of the Consistency Rezone, Tentative Parcel Map, and Conditional Use Permit. The Planning Commission staff report dated July 29, 2005 and Action Letter dated August 30, 2005 are attached as Attachments A and B, respectively. At the Planning Commission hearing of August 10, 2005, a condition of approval was added requiring Agricultural Preserve replacement contracts for each of the proposed parcels. Staff and County Counsel also recommended minor changes to the findings and conditions of approval as outlined in the attached Planning Commission Action Letter dated August 30, 2005.

At the hearing, the Planning Commission expressed concern regarding the possible loss of the existing vineyard operations on the approximate 683 acre parcel, and a general discussion regarding the loss of existing, productive agricultural land due to parcelization ensued.

The Planning Commission also discussed the inefficiency of requiring your Board's approval for the project due to the requirement to rezone the 2.71 acre portion of the subject parcel and offered possible suggestions to expedite the process, including placing consistency rezones on the administrative agenda.

Mandates and Service Levels:

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. Mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least ten days prior to the hearing (Government Code Section 65091).

Fiscal and Facilities Impacts:

The costs associated with processing the Tentative Parcel Map and Conditional Use Permit are reimbursed by the applicant. Since the County requires update of the Ordinance 661 zoning on the parcel, the Consistency Rezone costs are borne by the Department per Board direction. These funds are budgeted in the Permitting and Compliance program of the Development Review North division on page D-293 of the adopted 04/05 fiscal year budget.

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.

Silverado Los Alamos Vineyards, LLC Consistency Rezone, Tentative Parcel Map, and Conditional Use Permit
02RZN-00000-00006, TPM 14,605 / 02TPM-00000-00011 & 04CUP-0000-00076

Hearing Date: October 11, 2005

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

Attachments:

- A. Planning Commission staff report dated July 29, 2005, including Negative Declaration 05NGD-00000-00015
- B. Planning Commission Action letter dated August 30, 2005
- C. Rezone Ordinance

ATTACHMENT C

ARTICLE III (REZONE ONLY)

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 NUMBER
101-080-062, AND
ADOPTING NEW ZONING ORDINANCES AND MAPS, OF ARTICLE III OF CHAPTER 35
OF THE CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING A ZONING MAP IDENTIFIED AS 35-204.120.3
AMENDING THE SAN ANTONIO CREEK RURAL REGION ZONING DISTRICTS
ART. III AND ORD. 661

BOARD OF SUPERVISORS EXHIBIT NO. 35-204.120.3
TO REZONE ASSESSOR'S PARCEL NUMBER 101-080-062 FROM 100-AG TO AG-II-100.

Case No. 02RZN-00000-00006

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 Sections 35-101 and 35-516, "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 Number 101-080-062

SECTION 2

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts the Zoning Maps identified as Board of Supervisors Exhibit No. 35-204.120.3, dated _____, 2005, which rezones Assessor's Parcel Number 101-080-062 from 100-AG 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 Maps 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. 35-204.120.3, to show that said map has been adopted by this Board.

SECTION 4

Silverado Los Alamos Vineyards, LLC Consistency Rezone
02RZN-00000-00006
Hearing Date: October 11, 2005

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 ____ day of _____, 2005, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

Susan Rose, Chairperson
Board of Supervisors of the County of Santa Barbara
State of California

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel