



**BOARD OF SUPERVISORS    Agenda Number:**  
**AGENDA LETTER**

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

**Department Name:** Planning and Development  
**Department No.:** 053  
**For Agenda Of:** 05/13/08  
**Placement:** Set Hearing  
**Estimated Tme:** 30 minutes on 06/03/08  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department John Baker, Director  
Director(s) Planning & Development Department  
Contact Info: Dave Ward, Deputy Director  
Development Review, South County  
(805) 568-2520

**SUBJECT: Melliar-Smith/Moser Ordinance 661 Consistency Rezone and Lot Line Adjustment**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: No

**Other Concurrence:**

As to form: No

**Recommended Actions:** That the Board of Supervisors:

On May 13, 2008, set a hearing for June 3, 2008 (Departmental Agenda) at the request of P. Michael Melliar-Smith and Louise Moser, owners, to consider the following:

- a) **Case No. 06RZN-00000-00008** [application filed on November 1, 2006] to rezone 64.20 acres (Assessor's Parcel Numbers 081-040-047 and 081-040-049) from General Agriculture, 100-acre minimum lot area (100-AG) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the County Land Use & Development Code (LUDC);
- b) **Case No. 05LLA-00000-00009** [application filed on June 1, 2005] for a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust the existing lot lines between Assessor's Parcel Numbers 081-040-047 and 081-040-049, to reconfigure into one lot of 20.00 acres and one lot of 44.20 acres, on property located in the 100-AG zone under Ordinance 661.

The application involves Assessor's Parcel Numbers 081-040-047 and 081-040-049, located at 2375 Refugio Road in the Gaviota area, Third Supervisorial District.

At the June 3, 2008 hearing, the Board of Supervisor's action should include the following:

1. Adopt the required findings for the proposed rezone, Case No. 06RZN-00000-00008, specified in the Santa Barbara County Planning Commission action letter (Attachment A), dated February 27, 2008, including the California Environmental Quality Act (CEQA) findings;
2. Adopt the required findings for the proposed Lot Line Adjustment, Case No. 05LLA-00000-00009, specified in the Santa Barbara County Planning Commission action letter (Attachment A), dated February 27, 2008, including the California Environmental Quality Act (CEQA) findings;
3. Accept 80-EIR-03 as adequate Environmental Review for Case No. 06RZN-00000-00008 pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act;
4. Accept the Notice of Exemption for Case No. 05LLA-00000-00009, pursuant to Section 15305(a) of the Guidelines for Implementation of California Environmental Quality Act, included as Attachment C;
5. Approve Lot Line Adjustment, Case No. 05LLA-00000-00009, subject to the conditions specified in the Santa Barbara County Planning Commission action letter (Attachment A), dated February 27, 2008; and,
6. Adopt Rezone Ordinance 06RZN-00000-00008 amending the Inland Zoning Map (Attachment-D) to rezone APNs 081-040-047 and 081-040-049 from 100-AG under Zoning Ordinance No. 661 to AG-II-100 under the County Land Use and Development Code.

### **Summary Text:**

#### **A. Proposed Project**

The project is for a consistency rezone and a lot line adjustment between two existing parcels that total 66.40 acres in size. The lot line adjustment request is to reconfigure one existing lot of 44.20 acres (Parcel A, Assessor's Parcel Number 081-040-049) and one existing lot of 20.0 acres (Parcel B, APN 081-040-047) into two new lot configurations, but not change the resultant parcel sizes of 44.20 acres (Parcel A) and 20.0 acres (Parcel B).

Both existing parcels are currently zoned 100-AG under Ordinance 661. As required under the Ordinance 661 consistency rezone program, a rezone application was also submitted. The proposed project will rezone the two parcels from General Agriculture, 100-acre minimum lot area (100-AG) under Zoning Ordinance 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the County Land Use and Development Code (LUDC). The site is located at 2375 Refugio Road in the Goleta area.

#### **B. Planning Commission Action**

At the Planning Commission hearing of February 27, 2008, the Commission voted 5-0 to recommend that the Board of Supervisors approve the lot line adjustment and the consistency rezone. The Planning Commission Action Letter and the Staff Report are included as Attachments A and B of this Board Letter.

## **C. Issue Summary**

1. Development Envelopes. The project site is in an area containing steep slopes and sensitive biological resources that constrains the amount and location of future development on both parcels. The biological resources and geological issues are discussed in more detail in the February 27, 2008 Planning Commission Staff Report. The proposed lot line adjustment is conditioned to require development envelopes on both proposed parcels in order to protect biological resources and to avoid slopes greater than 20%. Designation of the development envelopes will be subject to recordation, concurrent with the filing of the Lot Line Adjustment.
  
2. California Environmental Quality Act (CEQA).

### 2.1 Rezone

The CEQA determination for the proposed consistency rezone was changed from the General Exemption (Section 15061(b)(3)), to Section 15162, based upon research performed by staff prior to the Planning Commission hearing, and discussion by the Planning Commissioners at the hearing. Per CEQA Guidelines Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless substantial changes are proposed which will require major revisions of the previous EIR, or unless information of substantial importance is discovered, which was not known when the previous EIR was certified.

An Environmental Impact Report (EIR) was prepared for the Land Use Element of the Comprehensive Plan (80-EIR-3). The zoning designations of the Land Use and Development Code implement the land use designations stated in the Land Use Element. The environmental impacts of the land use designations were examined in 80-EIR-3.

The proposed rezone from Ordinance 661, 100-Ag to Ag-II-100 under the Land Use and Development Code would not have significant environmental impacts requiring revisions to the previously prepared EIR and no new information of substantial importance has been discovered requiring a change to 80-EIR-3. Therefore, 80-EIR-03 and would remain adequate Environmental Review for the proposed rezone

### 2.2 Lot Line Adjustment

A Revised CEQA exemption is included with this Board Letter for the proposed Lot Line Adjustment. The County Planning Commission requested that the CEQA exemption include a discussion regarding the exceptions to the Section 15305(a) exemption. This discussion is now included as part of Attachment C.

## **Background:**

The two subject parcels are under the 100-acre minimum parcel size required by both current and past ordinances. Existing Parcel A (APN 081-040-049) is a legal parcel per a Certificate of Compliance recorded as Instrument No. 2005-0107963. Parcel A is vacant. Existing Parcel B (APN 081-040-047) was created by Parcel Map 11,810, approved on April 12, 1973, and is a legal parcel. Parcel B is currently developed with a single-family residence. Both parcels are agriculturally zoned, but do not have active or historical agricultural uses.

**Fiscal and Facilities Impacts:**

Budgeted: Yes The costs to process the lot line adjustment are borne by the applicant. The costs to process the rezone are borne by the Planning & Development Department, according to the Board of Supervisor's direction. Permit revenues are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page 286 of the adopted 2007-2008 fiscal year budget. There are no facilities impacts.

**Special Instructions:**

Clerk of the Board shall publish a legal notice in the Santa Barbara News-Press and the Santa Ynez News and shall complete the mailed noticing requirements for the project at least ten (10) days prior to the June 3, 2008 hearing.

The Clerk of the Board shall forward a copy of the Minute Order to the Planning and Development Department, Hearing Support Section, Attention: David Villalobos.

The Planning and Development Department will prepare the final action letter and notify all interested parties of the Board of Supervisors' final action.

**Attachments:**

- A. Planning Commission Action Letter, including Findings and Conditions of Approval, dated February 27, 2008
- B. Planning Commission Staff Report, dated February 8, 2008
- C. California Environmental Quality Act (CEQA) Exemption for Lot Line Adjustment
- D. Rezone Ordinance (06RZN-00000-00008) and Zoning Map

**Authored by:**

Nicole Mashore, Planner II and Selena Buoni, Planner II  
Development Review Division South, Planning and Development Department

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