

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for Serena San Marcos LLC Consistency Rezone**  
**Consent Agenda**

**Hearing Date: October 29, 2014**  
**Staff Report Date: September 16, 2014**  
**Case No.: 14RZN-00000-00002**  
**Environmental Document:**  
**Exempt CEQA 15061 (b)(3)**  
**[No possibility of Significant Effect]**

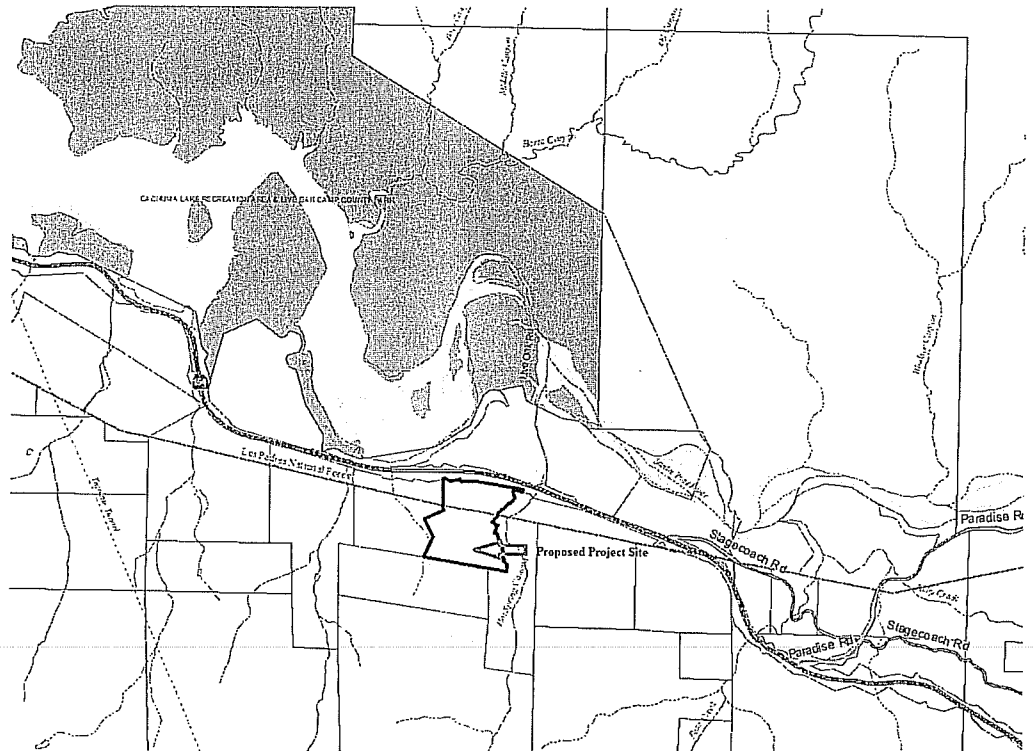
**Deputy Director: Alice McCurdy**  
**Division: Development Review**  
**Supervising Planner: Zoraida Abresch**  
**Supervising Planner Phone #: 934-6585**  
**Staff Contact: Florence Trotter-Cadena**  
**Planner's Phone #: 934-6253**

**OWNER:**

Paul and Serena Kusserow  
Serena San Marcos, LLC  
780 San Ysidro Road  
Santa Barbara, CA 93108

**AGENT/ATTORNEY:**

Jack L. Collison  
1610 Oak Street, Suite 106  
Solvang, CA 93463  
(805) 688-8606



This site is identified as Assessor Parcel Numbers 079-030-019, and -020, located approximately 1,500 feet southwest of the intersection of Live Oak Road and Highway 154, in the Santa Ynez area, Third Supervisorial District.

Processing Deadline: 60 days from NOE

## 1.0 REQUEST

Hearing on the request of Jack Collison, Attorney, for Paul and Serena Kusserow, Serena San Marcos, LLC, owners, to consider Case No. 14RZN-00000-00002 [application filed on June 9, 2014] proposing to rezone 103.80 acres from 100-AG under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code; and to

determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section §15061(b)(3), included as Attachment B.

The application involves AP Nos. 079-030-019, and -020, located approximately 1,500 feet southwest of the intersection of Live Oak Road and Highway 154, in the Santa Ynez area, Third Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case No. 14RZN-00000-00002 marked "Officially Accepted, County of Santa Barbara October 29, 2014 County Planning Commission Attachment D", 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 make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors determine the project is exempt pursuant to CEQA Section 15061(b)(3); exemption included as Attachment B.
3. Adopt the resolution in Attachment C recommending that the Board of Supervisors approve a rezone (14RZN-00000-00002) changing the zone district on the subject parcels from 100-AG (Ordinance 661) to AG-II-100 (Land Use and Development Code).

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

## **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based on Section 35.80.020.35 of the County Land Use and Development Code which states that the Planning Commission reviews Rezones and provides a recommendation to the County Board of Supervisors who are the final decision makers for the project.

## **4.0 ISSUE SUMMARY**

In order to qualify for an agricultural preserve, eligible land must have land use and zoning designations consistent with Agriculture, Mountainous Area, or Resource Management. In addition, Uniform Rule 1-2.1. states: "Interested landowners with ineligible land use or zoning designations should request and secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject

to the provisions outlined in Section 1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request". Therefore, rezoning the property from 100-AG to AG-II-100 would allow the property to qualify for a new Agricultural Preserve contract.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Rural area, A-II, Agriculture, 40 acre minimum parcel size
Ordinance, Zone	Ordinance 661, 100-AG, Agriculture, 100 acre minimum parcel size
Site Size	103.80 acres
Present Use & Development	The site is currently planted with Olive trees, vineyards, and lavender. The site is also leased to a local bee keeper.
Surrounding Uses/Zone(s)	North: AG-II-100, Agriculture, San Marcos Golf Course South: 100-AG, Agriculture, Recreation Open Space East: 100-AG, Agriculture West: 100-AG, Agriculture
Access	Highway 154
Public Services	Water Supply: Private Water Wells Sewage: Proposed Private Septic System Fire: S. B. County Fire, Stn: 32 Police Services: County Sheriff

### 5.2 Description

The project proposes to rezone a single 103.80-acre legal parcel, comprised of two Assessor's Parcel Numbers 079-030-019, and -020, from an Agriculture, 100-AG zone designation (under Ordinance 661) to an Agriculture, AG-II-100 zone designation (under the Land Use and Development Code). Seven acres of the site are currently planted with Olive trees, vineyards, and lavender. Although the owners have cleared an additional 20 acres for planting of olive trees and lavender, the owners have deferred planting the additional acreage due to the severe drought. The site is also leased to a local bee keeper.

### 5.3 Background Information

The parcel was created by TPM 13,348. Aside from agricultural production the site is currently undeveloped.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The proposed Rezone has been deemed exempt from environmental review pursuant to CEQA Guidelines under Section 15061(b)(3) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 minimum parcel size and development potential would remain essentially the same under the proposed zone district; there would be no increase in subdivision potential. The rezone would allow the property to enter into an agricultural preserve contract, thereby supporting the existing agricultural operation and ensuring long term use of the property for agriculture. The proposed project would not increase the demand on existing services, would not result in the loss of any existing native vegetation, and would not require extensive grading or land alteration, nor would it impact any biological, archaeological or other sensitive environmental resources. Therefore, the common sense exemption is appropriate for this project.

### 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><i>Land Use Element Designation</i></p> <p><i>A-II-100: Agriculture I, 100-acre minimum size</i></p>	<p><b>Consistent:</b> The subject parcel is 103.80 acres gross/net. The proposed rezone from 100-AG to AG-II-100 would allow the parcel to enter into the Agricultural Preserve Program per the requirements of Uniform Rule 1. Therefore, the proposed project is consistent with the land use designation.</p>

<p><b><i>Agricultural Element, Goal I:</i></b></p> <p><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.</i></p> <p><b><i>Agricultural Element, Goal I</i></b></p> <p><b>Policy ID:</b> <i>The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.</i></p> <p><b><i>Agricultural Element, Goal II</i></b></p> <p><i>Agricultural lands shall be protected from adverse urban influence</i></p> <p><b><i>Agricultural Element, Policy II.D</i></b></p> <p><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><i>Land Use Element, Santa Ynez Area Goals, Agriculture</i></b></p> <p><i>Agriculture should be preserved and protected as one of the primary economic bases of the Valley.</i></p>	<p><b>Consistent:</b> The subject parcel is approximately 103.80 acres gross/net and contains a total of seven acres of vineyards, olive trees and lavender. Although the owners have cleared an additional 20 acres for planting of olive trees and lavender, the owners have deferred planting the additional acreage due to the severe drought. In addition, the site is also leased to a local bee keeper for the raising of bees. The owners have applied for a consistency rezone and a new agricultural preserve contract which supports the agricultural use of the property. A Rezone to change the zoning from 100-AG to AG-II-100 would allow the property to enter into the Agricultural Preserve program and would further the goals of the Agricultural Element and promote and protect the continuation of agricultural activities on the property through the creation of an Agricultural Preserve. The current agricultural activities would not be affected by the proposed project. Therefore the project, as proposed, remains in conformance with the provisions set forth in the Agricultural and Land Use Element.</p>
--	---

### 6.3 Zoning: Land Use and Development Code Compliance

The intent of the AG-II Zone District is to designate and protect lands appropriate for long-term agricultural use. The proposed rezone is consistent with the intent of the AG-II-100 Zone District by allowing the parcel to be eligible for an agricultural preserve contract. The project would be consistent as to use, development, setbacks, lot size and all requirements of the AG-II-100 Zone District. The project would bring the property under a modern zoning designation and would not create additional development potential.

#### **6.4 Agricultural Preserve Advisory Committee**

On August 8, 2014, the Agricultural Preserve Advisory Committee found the new Agricultural Preserve contract consistent with the Uniform Rules.

#### **6.5 Public Input**

No issues were raised by the public as part of the proposed project.

### **7.0 APPEALS PROCEDURE**

Pursuant to Government Code Section 65856, a Zoning Map Amendment recommended for approval is automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required. A Zoning Map Amendment denied by the Commission may be appealed to the Board of Supervisors within 5 days following the action of the Commission.

### **ATTACHMENTS**

- A. Findings
  - B. CEQA Exemption 15061 (b)(3)
  - C. Planning Commission Rezone Resolution and Exhibit 1: Ordinance to Rezone
  - D. Site Plan
-

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

The Planning Commission finds the proposed project exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b)(3). CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. It is a legislative action that will replace an outdated agricultural zone district under Ordinance 661 with a comparable agricultural zone district under the Land Use and Development Code. The project does not involve any development. Please see Attachment B, Notice of Exemption.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 REZONE

- A. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

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

The rezone is in the interest of the general community as it will preserve and protect existing agricultural land. By zoning the property to AG-II-100 it will allow the property to enter into the Agricultural Preserve Program and ensure that agricultural use will be maintained under the current zoning ordinance (Land Use and Development Code).

##### 2.1.2 **The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.**

Pursuant to the discussion in Sections 6.2 and 6.3 of this report dated September 16, 2014, herein incorporated by reference, the rezone is consistent with the Comprehensive Plan, the requirements of the Zoning Ordinance (Land Use and Development Code) and with State laws (Williamson Act). The rezone does not involve an amendment to the Local Coastal Program.

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

The rezone is consistent with good zoning and planning practice because it will ensure the project's consistency with the Uniform Rules for Agricultural Preserves and Farmland Security Zones. The rezone also updates antiquated regulations and makes the zoning consistent with the surrounding properties.





**ATTACHMENT B: ENVIRONMENTAL DOCUMENT**

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Florence Trotter-Cadena, Planner

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.

**APNs:** 079-030-019, and -020

**Case No.:** 14RZN-00000-00002

**Location:** located approximately 1,500 feet southwest of the intersection of Live Oak Road and Highway 154, in the Santa Ynez area, Third Supervisorial District.

**Project Title:** Serena San Marcos, LLC Rezone

**Project Applicant:** Paul and Serena Kusserow

**Project Description:** Consistency Rezone for a New Agricultural Preserve Contract

**Name of Public Agency Approving Project:** Santa Barbara County

**Name of Person or Agency Carrying Out Project:** Paul and Serena Kusserow

**Exempt Status:** (Check one)

Ministerial

Statutory Exemption

Categorical Exemption

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

Emergency Project

Declared Emergency

**Cite specific CEQA and/or CEQA Guideline: 15061(b)(3), [No Possibility of Significant Effect]** 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. 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 proposed project is to rezone the property from 100-AG to AG-II-100, which would not result in any new development. The rezone would allow the property to enter into an agricultural preserve contract, thereby supporting the existing agricultural operation and ensuring long term use of the property for agriculture. The minimum parcel size and development potential would remain essentially the same under the proposed zone district; there would be no increase in subdivision potential. The rezone would allow the property to enter into an agricultural preserve contract, thereby supporting the existing agricultural operation and ensuring long term use of the property for agriculture. The proposed project would not increase

the demand on existing services, would not result in the loss of any existing native vegetation, and would not require extensive grading or land alteration, nor would it impact any biological, archaeological or other sensitive environmental resources. Therefore, the common sense exemption is appropriate for this project.

There is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment.

Lead Agency Contact Person: Florence Trotter-Cadena Phone #: 934-6253

Department/Division Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Acceptance Date: \_\_\_\_\_

distribution: Hearing Support Staff

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

**ATTACHMENT C:**  
**PLANNING COMMISSION 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 THAT AN ORDINANCE BE APPROVED AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE, BY AMENDING THE COUNTY ZONING MAP BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBERS 079-030-019, and -020 FROM 100-AG, AGRICULTURE, 100 ACRES MINIMUM PARCEL SIZE, TO AG-II-100, AGRICULTURE, 100 ACRES MINIMUM PARCEL SIZE

Resolution No. \_\_\_\_\_

CASE NO.: 14RZN-00000-00002

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on February 28, 1977 by Ordinance 2928, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and
- B. WHEREAS, the Planning Commission recommends that the Board of Supervisors repeal all zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps", of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, as they relate to Assessor's Parcel Numbers 079-030-019, and -020.
- C. WHEREAS the County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code on the proposed amendments to a zoning ordinance, at which hearing the proposed amendments were explained and comments invited from persons in attendance.
- D. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the zoning map amendment to the applicable general and specific plans, which is hereby identified as necessary to qualify for a new Agricultural Preserve contract. Eligible land must have land use and zoning designations consistent with Agriculture, Mountainous, or Resource Management to protect agricultural lands within the existing designated Rural area of the County consistent with the General Comprehensive Plan.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by changing the zoning of Assessor's Parcel Numbers 079-030-019, and -020 from 100-AG to AG-II-100 based on the findings included as Attachment A of the Planning Commission staff report dated September 16, 2014.
2. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
DANIEL BLOUGH, Chair  
Santa Barbara County Planning Commission

ATTEST:

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

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

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

EXHIBIT: 1. Ordinance

**EXHIBIT 1**

LAND USE AND DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBERS 079-030-019, and -020

Case No. 14RZN-00000-00002

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 Sections 35.14.020 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 Numbers 079-030-019, and -020 shown on the map attached hereto as Exhibit A and incorporated by reference.

**SECTION 2:**

Pursuant to the provisions of Section 35.14-020, "Adopting New Zoning Ordinances and Maps," of the Land Use and Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated (date of Board of Supervisors Approval), which redesignates Assessor's Parcel Numbers 079-030-019, and -020 from 100-AG, Agriculture, 100 acres minimum parcel size, to AG-II-100, Agriculture, 100 acres minimum parcel size, 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, as exhibited in Exhibit A, and which is made 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 A to show that said map has been adopted by this Board.

**SECTION 4:**

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development 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 Newspress, 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 \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
, Chair  
Board of Supervisors  
County of Santa Barbara

ATTEST:

MONA MIYASATO  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
County Counsel

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