



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Jeff Wilson, Deputy Director
Staff contact: Dana Eady, Planner

DATE: May 11, 2017

HEARING DATE: May 31, 2017

RE: Rancho La Laguna Tentative Tract Map & State Small Water System
Case Nos. 06TRM-00000-00002/TM 14,709; 16CUP-00000-00030

1.0 Background

The Rancho La Laguna Vesting Tentative Tract Map and State Small Water System project is a request to subdivide a 3,951-acre lot zoned AG-II-100 into 13 lots ranging in size from 160-acres to 605-acres. The proposed State Small Water System would provide water to future domestic uses located within the proposed Residential Development Envelope (RDE) located on each lot.

At the April 26, 2017 hearing, the Planning Commission continued the project to the May 31, 2017 hearing date, and directed staff to return with Findings for denial of the project. The requested Findings for denial are included as Attachment A to this Memorandum and are based on the proposed project's inconsistency with Policies contained in the Santa Barbara County Comprehensive Plan Agricultural Element which are discussed in Section 2.0 of this memorandum, as well as the project's impacts to the environment. A CEQA Exemption for the denial of the proposed project is included as Attachment B.

2.0 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>AGRICULTURAL ELEMENT</i>	
<p><i>Goal I: Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</i></p> <p><i>Policy I.A. The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</i></p> <p><i>GOAL II. Agricultural lands shall be protected from adverse urban influence.</i></p> <p><i>Policy II.D. 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><i>GOAL III. Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.</i></p> <p><i>Policy III.A. Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.</i></p>	<p>Inconsistent: The project site is located within a remote rural area of the County and is primarily utilized for agricultural cultivation/farming and cattle grazing. The proposed project would subdivide the existing 3,951-acre lot zoned AG-II-100 (agriculture, 100 acre minimum lot size) into 13 lots ranging in size from 160-acres to 605-acres. Each lot would contain a Residential Development Envelope (RDE) in which future residential development consisting of a single family dwelling and accessory structures would be located. Agricultural uses and structures could be located outside of the RDEs.</p> <p>The proposed project has the potential to create conflicts between the existing agricultural operations and future residential uses which would be developed on the new lots. According to the Santa Barbara County Comprehensive Plan Agricultural Element, adverse urban influences to agriculture include conflicts between urban and agricultural uses. These conflicts could occur as a result of the future development of residential structures and uses within the RDEs that are located adjacent to areas of the site which have been historically utilized for agricultural cultivation. For example, the location of the RDEs on lots 1-3, 5, 7, 12 and 13 are all within close proximity to areas on the site which have been historically farmed in row crops. Specifically, the boundary of the proposed RDEs on lots 3 and 7 are approximately 50 feet from the edge of existing cultivated fields. Future residential development and uses located in such close proximity to cultivated agriculture would create conflicts between the two uses, as the common nuisances associated with cultivated agriculture (e.g. pesticides, noise, dust, odors, etc.) would</p>

REQUIREMENT	DISCUSSION
	<p>be experienced by residents living in these areas. These types of conflicts could lead to adverse modifications or reductions in the existing agricultural operations on the site which would violate the integrity and discourage the expansion of the existing agricultural operations on the project site.</p> <p>The proposed subdivision would not assure and enhance the existing agricultural operations on the site since these operations would be separated onto smaller lots which may be owned and operated by separate property owners. In addition, the acreages that are proposed for lots 1, 2, 5, 6, 12, and 13 are significantly smaller and are not consistent with the acreages of the surrounding adjacent parcels located northeast, southeast and southwest of the project site. Installing utilities such as the proposed State Small Water System, as well as access roads to serve each of the new lots may lead to additional development in this rural area since it would remove the impediments to growth which are currently in place (lack of utilities and access). The removal of these impediments could also encourage further subdivision of agriculturally zoned land located adjacent to the project site due to its perceived subdivided value.</p> <p>According to the Santa Barbara County Comprehensive Plan Open Space Element, subdividing larger ranches into smaller lots raises surrounding land values and taxes to levels which make it difficult to preserve agriculture in the County. The increased land values resulting from the proposed subdivision may lead to an increase in the speculative value of adjacent agricultural lands based on its perceived subdivided value making it less economically viable for agricultural uses. According to the Agricultural Element, once the economic viability for agricultural uses on</p>

REQUIREMENT	DISCUSSION
	agricultural land is lost, there is inherently increased pressure for further division of the property and ultimate conversion of the agricultural land to urban uses. Therefore, the proposed project would not be consistent with these Agricultural Element goals and policies.

3.0 Recommended Actions

Staff recommends denial of Case Nos. 06TRM-00000-00002/TM 14,709 and 16CUP-00000-00030 marked "Officially Accepted, County of Santa Barbara May 31, 2017, County Planning Commission Exhibits A-B", based upon the project’s inconsistency with the Comprehensive Plan, and based on the inability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for denial of the project (Case Nos. 06TRM-00000-00002/TM 14,709, 16CUP-00000-00030), including CEQA findings (Attachment A);
2. Determine that denial of the project (Case Nos. 06TRM-00000-00002/TM 14,709, 16CUP-00000-00030) is exempt from CEQA pursuant to CEQA Guidelines Section 15270, included in the attached Notice of Exemption (Attachment B); and
3. Deny the project (Case Nos. 06TRM-00000-00002/TM 14,709, 16CUP-00000-00030).

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

Attachments:

- A. Findings
- B. CEQA Section 15270 Exemption

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA Exemption

The Planning Commission finds that the denial of the proposed project (Case Nos. 06TRM-00000-00002/TM 14,709, 16CUP-00000-00030) is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the findings, as applicable. However, as a result of the recommendation for project denial, only those findings which cannot be made are discussed below.

2.1.4 **The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

As discussed in Section 2.0, Comprehensive Plan Consistency, of the Planning Commission staff memorandum dated May 11, 2017, incorporated herein by reference, the Tentative Tract Map for which the proposed State Small Water System will serve is inconsistent with the Santa Barbara County Comprehensive Plan Agricultural Element. Therefore, the proposed State Small Water System is also not consistent with the Comprehensive Plan and this finding cannot be made.

2.2 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)

A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Rancho La Laguna Vesting Tentative Tract map, Case No. 06TRM-00000-00002/TM 14,709. However, as a result of the recommendation for project denial, only those findings which cannot be made are discussed below.

2. State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to

Article 8 (commencing with §65450) of Chapter 3 of Division 1.

As discussed in Section 2.0, Comprehensive Plan Consistency, of the Planning Commission staff memorandum dated May 11, 2017, incorporated herein by reference, the proposed project is inconsistent with the Santa Barbara County Comprehensive Plan Agricultural Element. Therefore this finding cannot be made.

3. State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if it makes any of the following findings:

a. The proposed map is not consistent with applicable general and specific plans as specified in §66451.

As discussed in Section 2.0, Comprehensive Plan Consistency, of the Planning Commission staff memorandum dated May 11, 2017, incorporated herein by reference, the proposed project is inconsistent with the Santa Barbara County Comprehensive Plan Agricultural Element. Therefore, this finding can be made and the County shall deny approval of the tentative map.

e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The future development of residential structures and uses, access roads, driveways, and utilities on the project site are likely to result in direct and indirect impacts to wildlife habitat. In addition to the direct removal of vegetation for the future development of single family dwellings and accessory structures, the location of additional agricultural development throughout the project site is likely to fragment habitats and impact wildlife corridors. Therefore, this finding can be made and the county shall deny approval of the tentative map.

2.3 TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)

A. The following findings shall be cause for disapproval of a tentative map but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant. As a result of the recommendation for project denial, only those findings which cannot be made are discussed below.

6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.

As discussed in Section 2.0, Comprehensive Plan Consistency, of the Planning

Commission staff memorandum dated May 11, 2017, incorporated herein by reference, the proposed project is inconsistent with the Santa Barbara County Comprehensive Plan Agricultural Element. There are no circumstances which warrant approval of the tentative map in spite of the inconsistency with the Comprehensive Plan. Therefore, this finding can be made and the tentative map shall not be approved.

ATTACHMENT B

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Dana Eady, Santa Barbara County Planning and Development Department

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.

APN(s): 133-080-026
133-080-036
133-080-037 (portion)

Case Nos.: 06TRM-00000-00002/TM 14,709
16CUP-00000-00030

Location: The site is located approximately 7.5 miles north of the town of Los Olivos and 7.5 miles northeast of the town of Los Alamos, in the Third and Fifth Supervisorial Districts.

Project Title: Rancho La Laguna Vesting Tentative Tract Map & State Small Water System

Project Applicant: Susan Petrovich, agent/attorney

Project Description: Disapproval of the Rancho La Laguna Vesting Tentative Tract Map & State Small Water System which includes the following: 1) a Vesting Tentative Tract Map to subdivide 3,951-acres into 13 lots ranging in size from 160-acres to 605-acres on property zoned AG-II-100; and 2) A Minor Conditional Use Permit for a State Small Water System with a total of 14 connections and the installation of appurtenant equipment and water utility lines in compliance with Section 35.82.060 of the County Land Use and Development Code, on property zoned AG-II-100.

Name of Public Agency Denying Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Santa Barbara County Planning & Development

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section 15270 of the CEQA Guidelines (Projects which are disapproved).

Reasons to support exemption findings: CEQA Section 15270 states that “CEQA does not apply to projects which a public agency rejects or disapproves.”

The proposed project would allow for the subdivision of 3,951-acres into 13 lots ranging in size from 160-acres to 605-acres in size as well as the installation of a new State Small Water System to serve future domestic uses developed on the new lots. Based on the project’s inconsistency with the Santa Barbara County Comprehensive Plan Agricultural Element, and its likelihood to impact the environment, staff is unable to recommend approval of the project as proposed.

Lead Agency Contact Person: Dana Eady Phone #: (805) 934-6266

Department/Division Representative:  Date: May 11, 2017

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____