

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

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

PLANNING COMMISSION
HEARING OF APRIL 29, 2015

RE: *Las Varas Ranch Project; 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006, 07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, 15CDP-00000-00028*

Hearing on the request of Susan Petrovich, agent for the applicant to consider Case Nos. 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006 [applications filed on February 28, 2005], 07RZN-00000-00006 [application filed on May 8, 2007], 07RZN-00000-00007 [application filed on May 22, 2007], 07CUP-00000-00057 [application filed on July 19, 2007], 11COC-00000-00001 [application filed on December 2, 2011], 11CDP-00000-00078 [application filed on December 6, 2011], 15CDP-00000-00026, 15CDP-00000-00027, and 15CDP-00000-00028 [applications filed on April 7, 2015] for:

- a) Approval of two rezones of approximately 1,238 acres from Unlimited Agriculture (U) under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code;
- b) Approval of a Tentative Parcel Map and associated Coastal Development Permit in compliance with County Code Chapter 21 and Section 35-169 of the Article II Coastal Zoning Ordinance to divide 404 acres into 3 lots of 100 acres, 147 acres and 157 acres, on property zoned AG-II-100;
- c) Approval of a Conditional Certificate of Compliance and associated Coastal Development Permit to legalize the creation of a 94-acre lot, in compliance with Section 66499.35 of the State Subdivision Map Act and Section 35-169 of the Article II Coastal Zoning Ordinance, in an area zoned AG-II-100;
- d) Approval of a Lot Line Adjustment and associated Coastal Development Permit in compliance with Section 21-90 of County Code Chapter 21 and Section 35-169 of the Article II Coastal Zoning Ordinance, to adjust lines between 3 lots of 8 acres, 11 acres and 94 acres to reconfigure into 2 lots of 55 and 58 acres, on property located in the AG-II-100 Zone;
- e) Approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust lines between 4 lots of 740 acres, 281 acres, 242 acres, and 1 acre to reconfigure into 2 lots of 1,115 acres and 150 acres, on property located in the AG-II-100 Zone;

- f) Approval of a Conditional Use Permit to allow installation of a private shared water system in compliance with Section 35-172 of the Article II Coastal Zoning Ordinance and Section 35.82.060 of the County Land Use and Development Code, on property zoned AG-II-100; and
- g) Approval of a Coastal Development Permit to allow installation of a private shared water system in the coastal zone in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance on property zoned AG-II-100;

and to certify the Environmental Impact Report (10EIR-00000-00005) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant and unavoidable effects on Biological Resources are anticipated; significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics/Visual Resources, Agricultural Resources, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Hazardous Materials, Land Use, Recreation, Transportation/Circulation, and Water Resources. The EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara. The EIR is available for review on P&D's website at <http://www.sbcountyplanning.org/projects/05TPM-00002/index.cfm>. The EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara. The applications involve APNs 079-080-001, -002, -009, -012, -013, -014, -022, and 081-240-003 and -014 (total of 1,784 acres) located at 10045 Calle Real in the Gaviota area, Third Supervisorial District. (Continued from 1/18/12, 2/08/12, 7/30/14, and 9/23/14)

Dear Ms. Petrovich:

At the Planning Commission hearing of April 29, 2015, the Planning Commission took the following actions:

1. For the Rezones, Conditional Certificate of Compliance and associated Coastal Development Permit (Case Nos. 07RZN-00000-00006, 07RZN-00000-00007, 11COC-00000-00001, and 15CDP-00000-00028), Commissioner Hartmann moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to:
 - a. Recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A, including CEQA findings;
 - b. Adopt a Resolution and recommend that the Board of Supervisors approve and adopt an ordinance amending the zoning map for the subject parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 (Attachment B);
 - c. Recommend that the Board of Supervisors determine the rezones and conditional certificate of compliance exempt from CEQA pursuant to CEQA Guideline Sections 15061(b)(3) and 15305, included in the attached Notice of Exemption (Attachment C); and
 - d. Recommend that the Board of Supervisors approve the Rezones (07RZN-00000-00007 and 07RZN-00000-00006) and Conditional Certificate of Compliance and accompanying Coastal Development Permit (11COC-00000-00001 and 15CDP-00000-00028).

Planning Commission Hearing of April 29, 2015

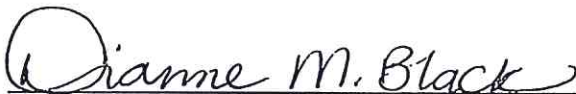
Las Varas Ranch Project; 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006, 07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, 15CDP-00000-00028

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2. For the Lot Line Adjustments, Tentative Parcel Map, Conditional Use Permit, and associated Coastal Development Permits (Case Nos. 05LLA-00000-00005, 05LLA-00000-00006, 05TPM-00000-00002, 07CUP-00000-00057, 11CDP-00000-00078, 15CDP-00000-00026, and 15CDP-00000-00027), Commissioner Hartmann moved, seconded by Commissioner Cooney and carried by a vote of 3 to 2 to (Commissioners Ferini and Blough voted no):
 - a. Recommend that the Board of Supervisors make the required findings for denial of the project specified in Attachment D, including CEQA findings;
 - b. Recommend that the Board of Supervisors determine the project is exempt from CEQA pursuant to CEQA Guideline Section 15270, included in the attached Notice of Exemption (Attachment E); and
 - c. Recommend that the Board of Supervisors deny the project (Case Nos. 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057, 11CDP-00000-00078, 15CDP-00000-00026, and 15CDP-00000-00027).

The attached findings and environmental documents reflect the Planning Commission's actions of April 29, 2015.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006, 07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, 15CDP-00000-00028

Planning Commission File

Dianne M. Black, Assistant Director

Applicant: Susan Petrovich, Brownstein Hyatt Farber Schreck LLP, 21 E. Carrillo Street, Santa Barbara, CA 93101

Applicant: Paul Van Leer, RR 2, Box 234-A, Goleta, CA 93117

Claude Garciacelay, Community Services Department

Doreen Farr, Third District Supervisor

Joan Hartmann, Third District Planning Commissioner

Rachel van Mullem, County Counsel

Jenna Richardson, Deputy County Counsel

Alex Tuttle, Planner

Attachments: Attachment A – Rezone, COC, CDP Findings
Attachment B – Rezone Resolution
Attachment C – Rezone, COC, CDP Notice of Exemption

Planning Commission Hearing of April 29, 2015

Las Varas Ranch Project; 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006,
07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-
00000-00027, 15CDP-00000-00028

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Attachment D – LLA, TPM, CUP, CDP Findings
Attachment E – LLA, TPM, CUP, CDP Notice of Exemption

DMB/dmv

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ATTACHMENT A: REZONE AND COC FINDINGS

1.0 CEQA FINDINGS

The County Planning Commission finds that the approval of the consistency rezone for the two rezone applications, 07RZN-00000-00006 and 07RZN-00000-00007, is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). CEQA Section 15061(b)(3) confirms that CEQA does not apply to projects which do not have the potential to cause a significant effect on the environment. The County Planning Commission also finds that the approval of the Conditional Certificate of Compliance is exempt from CEQA pursuant to CEQA Guidelines Section 15305. CEQA Section 15305 confirms that minor alterations in land use limitations are exempt from CEQA. Please see Attachment E, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENT TO THE DEVELOPMENT CODE AND ZONING MAP FINDINGS

The following findings apply to the two rezone applications, 07RZN-00000-00006 and 07RZN-00000-00007.

A. **Findings required for all Amendments to the County Land Use and Development Code, the Local Coastal Program, and the County Zoning Map.** 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:

1. The request is in the interests of the general community welfare.

The project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture (“U”) under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use & Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. The two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. Such *consistency rezones* are in the interests of the general community welfare because they ensure that the parcels are appropriately zoned and subject to applicable modern zoning ordinances and regulations in effect. These ordinances and regulations are in place, at least in part, to protect the general welfare of the community.

2. The request is consistent with the Comprehensive Plan, the requirements of the

State planning and zoning laws, and this Development Code.

The rezones would update the zoning of the subject parcels consistent with current governing ordinances and the designation in the Comprehensive Plan. The rezones would not change the operation of the ranch or result in the potential for greater development of the ranch than what would otherwise be allowed. The rezones would facilitate the continued use of the parcels for agriculture as the primary use, which would be consistent with County policies calling for the preservation agriculture and protection of agriculture from conversion to non-agricultural uses, such as Policy II.D and III.A of the County's Agricultural Element. As such, the request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and the County Land Use and Development Code. Therefore, this finding can be made.

3. The request is consistent with good zoning and planning practices.

The project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture ("U") under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use and Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate modern zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. The two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. As such, the rezones are consistent with good zoning and planning practices.

2.2 COASTAL DEVELOPMENT PERMIT FINDINGS

The following findings apply to CDP that accompanies the Conditional Certificate of Compliance (15CDP-00000-00028).

2.6.1 Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

No development is currently proposed as part of the Conditional Certificate of Compliance. Therefore, this finding does not apply.

2.6.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the

approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:

1. The proposed development conforms:

- a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

No development is currently proposed as part of the Conditional Certificate of Compliance. Therefore, this finding does not apply.

2. The proposed development is located on a legally created lot.

The Conditional Certificate of Compliance would establish the legality of the subject lot for the purposes of sale, lease or finance. No development is currently proposed as part of the Conditional Certificate of Compliance.

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The subject property is in compliance with all laws, rules and regulations of the Article II Coastal Zoning Ordinance. There are no outstanding violations on the subject property and the subject property is currently undeveloped. Therefore, this finding can be made.

4. The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

No development is currently proposed as part of the Conditional Certificate of Compliance. Therefore, this finding does not apply.

5. The proposed development will be compatible with the established physical scale of the area.

No development is currently proposed as part of the Conditional Certificate of Compliance. Therefore, this finding does not apply.

6. The proposed development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

No development is currently proposed as part of the Conditional Certificate of Compliance. Therefore, this finding does not apply.

2.6.3 Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay. In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay zone, the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.

No development is currently proposed as part of the Conditional Certificate of Compliance. Therefore, this finding does not apply.

Attachment B

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 FOR ASSESSOR'S PARCEL)
NUMBERS 081-240-049, 079-080-002 AND)
PORTIONS OF 079-080-001, 079-080-022, AND)
079-080-009 FROM U TO AG-II-100.)

RESOLUTION NO.: 15 -06

CASE NOS.: 07RZN-00000-00006
07RZN-00000-00007

WITH REFERENCE TO THE FOLLOWING:

- A. 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 081-240-049, 079-080-002 and the inland portions of Assessor's Parcel Numbers 079-080-001, 079-080-022 and 079-080-009.
- B. On September 29, 1958 by Ordinance 971, 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.
- C. 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 because Ordinance Number 661 is now obsolete and has been replaced by the County Land Use & Development Code.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture ("U") under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use & Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. The two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. As such, the rezones are in the interests of the general community welfare.

2. The rezones would update the zoning of the subject parcels consistent with current governing ordinances and the designation in the Comprehensive Plan. Therefore, the request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and the County Land Use and Development Code.
3. The project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture ("U") under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use and Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. The two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. As such, the rezones are consistent with good zoning and planning practices.
4. For the reasons stated above, 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 081-240-049, 079-080-002 and the inland portions of 079-080-001, 079-080-022 and 079-080-009 from Unlimited Agriculture (U) under Ordinance 661 to AG-II-100 based on the findings included as Attachment A of the Planning Commission staff report dated July 10, 2014.
5. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

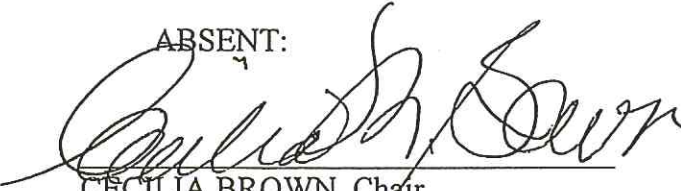
PASSED, APPROVED AND ADOPTED this April 29, 2015 by the following vote:

AYES: Cooney, Brown, Hartmann, Ferini, and Blough

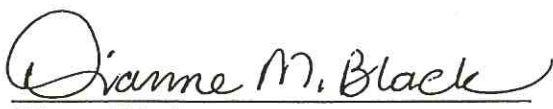
NOES:

ABSTAIN:

ABSENT:

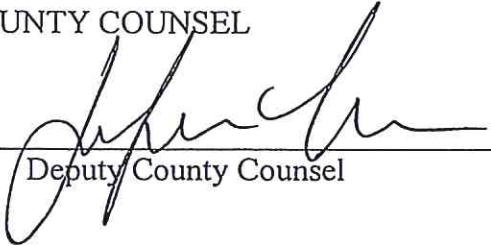

CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:


Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By  _____
Deputy County Counsel

LAND USE DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. _____

AN ORDINANCE TO AMMEND ASSESSOR PARCEL NUMBERS 081-240-049, 079-080-002 AND THE INLAND PORTIONS OF ASSESSOR PARCEL NUMBERS 079-080-001, 079-080-022 AND 079-080-009
Case Nos. 07RZN-00000-00006 and 07RZN-00000-00007

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 related to Assessor's Parcel Numbers 081-240-049, 079-080-002 and the inland portions of Assessor's Parcel Numbers 079-080-001, 079-080-022 and 079-080-009 as 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 Land Use 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 _____, which amends Assessor's Parcel Numbers 081-240-049, 079-080-002 and the inland portions of Assessor's Parcel Numbers 079-080-001, 079-080-022 and 079-080-009 from Unlimited Agriculture (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, 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 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 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 _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MONA MIYASATO
Clerk of the Board of Supervisors

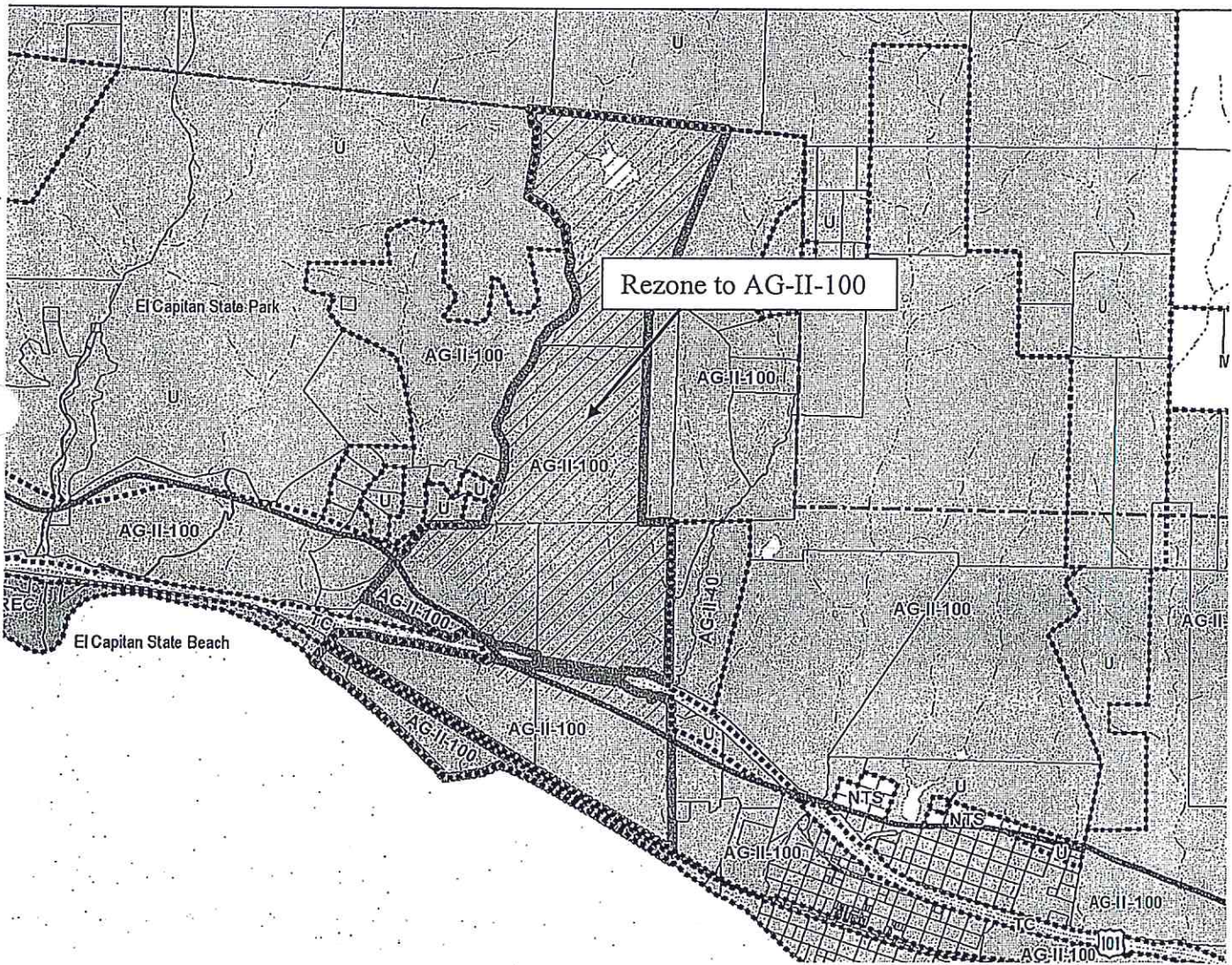
By: _____
Deputy Clerk

Janet Wolf, Chair, Board of Supervisors
County of Santa Barbara
State of California

MICHAEL GHIZZONI
County Counsel

By: _____
Deputy County Counsel

Exhibit A ZONING MAP



ATTACHMENT C - NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Alex Tuttle, Planning and Development Department

APNs: 079-080-001, -002, -009, -013, -022, and 081-240-049

Case Nos.: 07RZN-00000-00006, 07RZN-00000-00007, 11COC-00000-00001, 15CDP-00000-00028

Location: 10045 Calle Real, Gaviota, CA 93117

Project Title: Las Varas Ranch Project – Consistency Rezone and Conditional Certificate of Compliance

Project Description: Approval of two rezones of approximately 1,238 acres from Unlimited Agriculture (U) under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code, and approval of a Conditional Certificate of Compliance on a 94-acre lot zoned AG-II-100.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person/Agency Carrying Out Project: Paul Van Leer, Ranch Manager

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption(s)
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Sections:

The rezones can be found exempt from environmental review based upon Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The Conditional Certificate of Compliance can be found exempt from environmental review based upon Section 15305 of the California Environmental Quality Act (CEQA) Guidelines.

Reasons to support exemption findings: Section 15061(b)(3) 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 project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture (“U”) under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use and Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. Therefore, the two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. The rezones are not associated with any physical development and would not change the operation of the ranch

or result in the potential for greater development of the ranch than what would otherwise be allowed. Therefore, the common sense exemption is appropriate as there is no possibility of a significant environmental effect.

The proposed Conditional Certificate of Compliance, can be found exempt from environmental review pursuant to CEQA Guidelines §15305. Class five consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. The proposed Conditional Certificate of Compliance would validate the existing, illegally created lot for the purposes of sale, lease or finance. The subject parcel contains slopes of less than 20 percent. No new development is proposed as part of this project. The proposed project would not change the land use designation or intensity of use of the parcel. There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The subject parcel is not located in an area that contains any designated, precisely mapped, and officially adopted environmental resource of hazardous or critical concern. The proposed project would allow for the validation of the subject parcel for the purposes of sale, lease, or finance. No development is proposed with or would be approved as a part of this project.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed project is for a Conditional Certificate of Compliance to validate an existing, illegally created lot. It would not result in an increase in subdivision potential. The existing parcel would continue the current agricultural use. The cumulative impact of successive projects of this type in the same place, over time, would not be significant.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

There are no unusual circumstances surrounding the proposed project and there is not a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings,**

rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The proposed project does not include any physical development and would not be visible from a designated scenic highway. The project would not result in damage to scenic resources, including but not limited to, trees, historic buildings, or rock outcroppings.

- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

No construction, demolition or development is proposed as a part of the project and the project would not result in any substantial adverse change in the significance of a historical resource.

Lead Agency Contact Person: Alex Tuttle

Phone #: (805) 884-6844 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.

ATTACHMENT D: FINDINGS

1.0 CEQA FINDINGS

The County Planning Commission finds that the denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270 [Projects Which are Disapproved]. CEQA Section 15270 confirms that CEQA does not apply to projects which a public agency rejects or disapproves. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 LOT LINE ADJUSTMENT FINDINGS (COUNTY CODE CHAPTER 21, ARTICLE II, AND COUNTY LUDC)

Pursuant to Chapter 21, Article II, and the County LUDC, Lot Line Adjustments shall only be approved if all of the findings for approval can be made. The following findings, which apply to the two Lot Line Adjustment applications (Case Nos. 05LLA-00000-00005 and 05LLA-00000-00006), and which apply equally to both the originally proposed project and the recommended hybrid alternative project, cannot be made.

A. **Finding required for all Lot Line Adjustments.** In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), Section 35-134 of Article II, and Section 35.30.110 of the County LUDC, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

1. **The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.**

The Lot Line Adjustments are not in conformity with the County General Plan as they would facilitate development that would be inconsistent with local and state policies which require the preservation of agricultural resources, and the protection of significant biological and visual resources. There are numerous policies regarding the preservation and protection of agricultural land, including California Coastal Act policies, and policies of the Coastal Land Use Plan and County Agricultural Element. These include policies, such as Coastal Act Policy 30241, Coastal Land Use Policies 8-2 and 8-4, and Agricultural Element Policy II.D, adopted to prevent the conversion of agricultural land to non-agricultural uses and to maintain the maximum amount of prime agricultural land in agricultural production. Associated future residential development within the lots that are subject to the Lot Line Adjustments would result in potential conflicts with these policies. This would occur from future conversion and fragmentation of agricultural lands and introduction of significant land use conflicts by situating potentially large residential estates across and amongst existing productive cattle grazing and orchard operations. Such residential development would substantially increase the potential for grazing operations to be discontinued,

especially on the coastal portions of the property where the parcels are smaller and there would be greater potential for conflicts between the cattle and residential uses. Noncommercial agriculture that could occur outside of the designated development envelopes in unlimited amounts, such as private horse stables and riding arenas, would compete with ongoing commercial agricultural operations and result in existing commercial agricultural productivity being diminished, which is inconsistent with Coastal Act Policy 30241 and Agricultural Element Policy II.D. This is especially true for the Lot Line Adjustment affecting the bluff-top parcels, which has the potential to increase the intensity of residential development and associated uses by considerably increasing the size of one of the existing parcels.

Several state and local policies call for the protection of and avoidance of impacts to sensitive biological resources, including but not limited to Coastal Act Policy 30240 and Coastal Land Use Plan Policies 2-11, 9-18, and 9-36. Introduced pets, along with equestrian and off-road vehicle use by future residents and guests could degrade habitat and disrupt normal wildlife activity, resulting in a potentially significant effect on the continued use of the remaining open space outside of development envelopes for roosting, nesting, and/or foraging habitat for bird and other wildlife species. Non-commercial agriculture, such as private horse stables and riding arenas that are commonly developed with large rural estates, will also potentially convert and degrade habitat and adversely affect species abundance and diversity by further fragmenting foraging areas and wildlife movement routes. Significant amounts of native vegetation are present within the project site. The large residential development envelopes and accessory non-commercial agriculture that could occur outside of the development envelopes would potentially result in significant amounts of native vegetation being degraded or disturbed, inconsistent with Policy 9-36 of the Coastal Land Use Plan.

Coastal Act Policy 30251 calls for the scenic and visual qualities of coastal areas to be protected as a resource of public importance and for new development to be subordinate to the character of its setting. The Lot Line Adjustment covering the bluff-top parcels involves a portion of the coastline that is of significant scenic value and importance to the public. The Lot Line Adjustment has the potential to increase the intensity of residential development and associated uses by considerably increasing the size of one of the existing parcels. Future residential development on these lots would have the potential to degrade the visual qualities of this significant visual resource. This could also occur from the introduction of agricultural development outside of the residential development envelopes that are accessory to the residential use and commonly associated with large residential estates, such as private horse stables and riding arenas and agricultural employee dwellings.

Due to the policy inconsistencies discussed above, this finding cannot be made.

2.2 TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)

Pursuant to Chapter 21, Tentative Parcel Maps shall only be approved if all of the findings for approval can be made. The following findings for approval, which apply to Case No. 05TPM-00000-00002 (including the project as originally proposed and the recommended hybrid alternative project), cannot be made.

A. The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

- 1. Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;**

Policy 8-4 of the Coastal Land Use Plan requires the County, as a requirement for approval of any proposed land division of agricultural land, to make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division. Coastal Act Policy 30241 requires that the maximum amount of prime agricultural land shall be maintained in agricultural production and that conflicts between agricultural land and urban uses be minimized to assure the protection of the area's agricultural economy. The Tentative Parcel Map (TPM) would intensify residential development on existing productive agricultural land by creating one new lot in between the highway and railroad that could support a large residential compound. Future residential development on this lot, in conjunction with the other two lots reconfigured through the TPM, would diminish the long-term agricultural productivity of the property and would result in the potential for land use conflicts between residential uses and ongoing productive agricultural activities. Land would be removed from the existing commercial grazing operation to accommodate future residential development, and residential uses, including the introduction of private non-commercial agricultural activities such as private horse stables and riding arenas, could result in additional productive agricultural land being removed from commercial production.

Several state and local policies call for the protection of and avoidance of impacts to sensitive biological resources, including but not limited to Coastal Act Policy 30240 and Coastal Land Use Plan Policies 2-11, 9-18, and 9-36. The creation of one new lot south of the highway would introduce additional residential development, along with associated residential uses (e.g. pets, equestrian and off-road vehicle use by future residents and guests) that could degrade habitat and disrupt normal wildlife activity, resulting in a potentially significant effect on the continued use of the remaining open space outside of development envelopes for roosting, nesting, and/or foraging habitat for bird and other wildlife species. Non-commercial agriculture, such as private horse stables and riding arenas that are commonly developed with large rural estates, will also potentially convert and degrade habitat and adversely affect species abundance

and diversity by further fragmenting foraging areas and wildlife movement routes. Significant amounts of native vegetation are present within the project site. The large residential development envelopes and accessory non-commercial agriculture that could occur outside of the development envelopes would potentially result in significant amounts of native vegetation being degraded or disturbed, inconsistent with Policy 9-36 of the Coastal Land Use Plan.

Coastal Act Policy 30251 calls for the scenic and visual qualities of coastal areas to be protected as a resource of public importance and for new development to be subordinate to the character of its setting. Creation of a new lot south of the highway would introduce additional development within a view corridor overlay area and within a portion of the coastline that is of significant value and importance to the public. Future residential development on this newly created lot would have the potential to degrade the visual qualities of this significant visual resource. This could also occur from the introduction of agricultural development outside of the residential development envelopes that are accessory to the residential use, such as private horse stables and riding arenas and agricultural employee dwellings. Further, Policy 4-9 of the Coastal Land Use Plan calls for the siting of structures to preserve unobstructed views of the ocean from the highway and to cluster development to the maximum extent feasible. Future residential development on the newly created lot, along with any further development on the other two lots (including the potential for non-commercial agricultural development outside of the residential development envelopes such as horse barns and agricultural employee dwellings), would preclude the potential to cluster development in order preserve unobstructed broad views of the ocean given the configuration of the lots.

Therefore, the TPM is not in conformance with the County's Comprehensive Plan policies requiring the protection of agriculture, biological resources, and important visual resources, both as it applies to the original proposed project and the hybrid alternative project.

- B. A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 *et seq.*, the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.**

As discussed in Findings 2.1.A.1 and 2.2.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan. Therefore, this finding cannot be made.

2.3 SUBDIVISION MAP ACT FINDINGS

- A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the Tentative Parcel Map (Case No. 05TPM-00000-00002) shall only be approved if all**

of the required findings for approval can be made. The following findings of the Subdivision Map Act cannot be made:

1. **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 Findings 2.1.A.1 and 2.2.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan, both as it applies to the original proposed project and the hybrid alternative project. Therefore, this finding cannot be made.

2. **State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:**

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

As discussed in Findings 2.1.A.1 and 2.2.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan, both as it applies to the original proposed project and the hybrid alternative project. Therefore, this finding cannot be made.

- b. **The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

As discussed in Findings 2.1.A.1 and 2.2.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan, both as it applies to the original proposed project and the hybrid alternative project. Therefore, this finding cannot be made.

- c. **The site is not physically suitable for the type of development proposed.**

The land to be subdivided totals approximately 400 acres and is proposed to be divided into three lots totaling 100 acres, 147 acres, and 157 acres, respectively, with the lot lines following existing north-south trending drainages. Creation of the lots would break up an existing agricultural operation and result in future residential development of a portion of the site that is currently devoted to agricultural activities and is devoid of any development (Proposed Parcel 3). Siting estate-style residential development on proposed Parcel 3 immediately adjacent to two highly productive avocado orchards, with active grazing encompassing the unplanted portions of the site, would significantly impair the continued viability of the agricultural operation. This would be the case for both the originally proposed project and the hybrid project alternative.

2.4 CUP FINDINGS

Pursuant to Article II (the Coastal Zoning Ordinance) and the County Land Use & Development Code, a Conditional Use Permit shall not be approved unless all of the required findings for approval can be made. The following findings, which apply to the proposed private shared water system that would serve all seven proposed lots located within the coastal zone boundaries and inland portions of the County (Case No. 07CUP-00000-00057), cannot be made.

- A. Findings required for all Conditional Use Permits - Coastal.** In compliance with Section 35-172.8 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the review authority shall first make all of the following findings:

- 1. That the project is in conformance with the applicable provisions and policies of Article II and the Coastal Land Use Plan.**

As discussed in Findings 2.1.A.1 and 2.2.A.1 above, the project, inclusive of the private shared water system that is necessary to facilitate future residential development, is inconsistent with policies of the County's Comprehensive Plan, including the Coastal Land Use Plan. Therefore, this finding cannot be made.

- B. Findings required for all Conditional Use Permits - Inland.** 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 following findings:

- 1. 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 Findings 2.1.A.1 and 2.2.A.1 above, the project, inclusive of the private shared water system that is necessary to facilitate future residential development, is inconsistent with policies of the County's Comprehensive Plan. Therefore, this finding cannot be made.

2.5 COASTAL DEVELOPMENT PERMIT FINDINGS

The following findings apply to the portion of the private shared water system located in the coastal zone under Case No. 11CDP-00000-00078, as well as the CDPs that accompany the Lot Line Adjustment (15CDP-00000-00027), and Tentative Parcel Map (15CDP-00000-00026). Pursuant to Section 35-169 of Article II [Coastal Zoning Ordinance], a Coastal Development Permit shall only be approved if all of the findings for approval can be made. The following finding cannot be made:

- 2.5.1 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In**

compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
 - b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Findings 2.1.A.1 and 2.2.A.1 above, the project, inclusive of the private shared water system that is necessary to facilitate future residential development, is inconsistent with policies of the County's Comprehensive Plan, including the Coastal Land Use Plan. Therefore, this finding cannot be made.

ATTACHMENT E - NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Alex Tuttle, Planning and Development Department

APNs: 079-080-001, -002, -009, -012, -013, -014, -022, and 081-240-003 and -014

Case Nos.: 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057, 11CDP-00000-00078, 15CDP-00000-00026, and 15CDP-00000-00027

Location: 10045 Calle Real, Gaviota, CA 93117

Project Title: Las Varas Ranch Project Denial

Project Description: The proposed project involves a reconfiguration of existing parcels within Las Varas Ranch on the Gaviota Coast, as well as the identification of residential development envelopes within each newly configured lot. No residential development is currently proposed, though infrastructure including development of a private shared water system and access road improvements would be constructed as part of the current proposed project. The project includes nine lots comprising 1,784 acres, seven of which are considered residentially developable. The proposed project including mergers, lot line adjustments, and a tentative parcel map would result in a total of seven lots, two lots north of the highway and five lots south of the highway. The project has the effect of shifting one developable lot from the north side of the highway to the south side of the highway.

Name of Public Agency Denying Project: County of Santa Barbara

Name of Person/Agency Proposing Project: Paul Van Leer, Ranch Manager

Exempt Status:

- Ministerial
 Statutory Exemption
 Categorical Exemption(s)
 Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Sections:

The denial of the project can be found exempt from environmental review based upon Section 15270 [Projects Which Are Disapproved] of the California Environmental Quality Act (CEQA) Guidelines.

Reasons to support exemption findings: CEQA does not apply to a project which a public agency rejects or disapproves.

Lead Agency Contact Person: Alex Tuttle

Phone #: (805) 884-6844 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____