

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: May 10, 2005
Department Name: P&D
Department No.: 053
Agenda Date: 5/24/05
Placement: Departmental
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If Yes, date from:
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning and Development

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

SUBJECT: Mid Coast Cooling, Inc. Consistency Rezone and Conditional Use Permit
05RZN-00000-00001 and 05CUP-00000-00015

Recommendation(s):

That the Board of Supervisors consider the recommendation of the Planning Commission regarding the request of Dan Chattham and:

1. Adopt the required findings for 05RZN-00000-00001 and 05CUP-00000-00015, including CEQA findings, specified in Attachment A of the Planning Commission Action Letter dated April 7, 2005.
2. Accept the Exemption pursuant to CEQA Section 15061 (b, 3) specified in Attachment B of the Planning Commission staff report dated March 25, 2005.
3. Adopt an Ordinance included as Attachment C to this report amending the Inland Zoning Map for the Santa Maria Valley Rural Region Zoning District for APN 128-097-001 & -002, from 10-AG to AG-II-100.

4. Approve 05CUP-00000-00015 subject to the conditions included as Attachment C of the Planning Commission Action Letter dated April 7, 2005.

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

Alignment with Board Strategic Plan:

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

Executive Summary and Discussion:

Background information On May 26, 2004, the applicant submitted an application for an agricultural cooling facility expansion on the subject parcels, which have outdated Land Use and Zoning Designations. The Land Use Designation of Agriculture (A) predates the County-wide Comprehensive Plan update of 1980; Ordinance 661 is an outdated Zoning Ordinance that still applies to approximately 3,808 parcels (781,286 acres) within the County. Although the majority of the Ordinance was repealed in 1984, the agricultural zone districts (e.g., AG, AL, and U) remain in effect and govern the permitted and conditionally permitted uses of property that remains zoned under Ordinance 661. The permit process, however, is governed by Article III.

Pursuant to current County administrative practices, all parcels with outdated Land Use and Zoning Designations seeking approval of a discretionary permit application must be rezoned and redesignated under current ordinances and comprehensive plans at the County's expense. Therefore, the Consistency Rezone and Conditional Use Permit are being processed concurrently.

The requirement for the General Plan Amendment was waived because the Land Use Element states that "Agricultural zoning is consistent with all general plan land use designations..." Therefore, the proposed zoning designation of AG-II-100 would be consistent with the A General Plan designation. The project is located in the Santa Maria Valley Rural Region immediately east of Highway 101, which was not included in the 1980 Comprehensive Plan update. A future General Plan Amendment intended to update the land use designation of the entire area is expected to occur in the future.

The proposed Consistency Rezone would bring the property under current zoning ordinance designations and would facilitate the continuation and intensification of appropriate agricultural uses on the subject parcels.

Proposed project The Conditional Use Permit would allow a phased expansion of an existing agricultural cooling facility for the processing of produce grown on and off the premises preparatory to wholesale or retail sale and shipment in their natural form on APN 128-097-001. The Conditional

Use Permit would allow the phased expansion of approximately 42,000 square feet. Phase I would add approximately 30,000 square feet of cooler space, expand the existing loading dock, add attached permanent office space and restrooms, and remove two temporary offices and a storage shed. Phases II and III would add approximately 6,750 and 6,000 square feet of cooler space, respectively. Project phasing details are shown on the following table. All utility and access arrangements, except septic, would remain the same.

Structure	Existing	Phase I	Phase II	Phase III
Cooler and Staging Area	12,048			
Cooler Storage	8,438	29,550	6,750	6,000
Covered Staging Area	3,600			
Loading Dock	1,588	400		
Storage Shed 1	4,800			
Storage Shed 2	1,200			
Storage Shed 3	280			
Storage Shed 4	180	-180		
Storage Shed 5	111	-111		
Temp. Office Space	500	-500		
Perm. Office Space		420		
Farm Temp. Office	385	-385		
Restroom		64		
Total Square Footage	33,130	62,388	69,138	75,138

Grading - Grading required in support of the proposed expansion would require the importation of approximately 10,000 yd³ of fill.

Access - An existing paved 20 foot wide private driveway would continue to provide vehicular access via Betteravia Road.

Water/Wastewater - The facility would continue to utilize an on-site private well for fresh water. A proposed private system for septic disposal would serve the proposed restrooms.

Electric/Telephone/Etc. - The proposed facility would utilize the existing electric and telephone service.

The concurrent Consistency Rezone would rezone the parcels from Agriculture-10 (10-AG) under Ordinance 661 to Agriculture II, 100 acre minimum lot size (AG-II-100) under Article III. The Consistency Rezone would change the minimum allowable parcel size of the property from 10 acres to 100 acres.

Environmental Review The proposed Consistency Rezone and Conditional Use Permit have been determined to be exempt from the California Environmental Quality Act pursuant to

CEQA Guidelines Sections 15061 (b, 3) [No Possibility of Significant Effect]. The Consistency Rezone would replace an obsolete Ordinance 661 agricultural designation with an Article III designation.

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

Planning Commission Hearing On April 4, 2005, the Planning Commission recommended that your Board approve of the Consistency Rezone and Conditional Use Permit. The Planning Commission staff report dated March 25, 2005 and Action Letter dated April 7, 2005 are attached as Attachments A and B, respectively. There was no public testimony or controversy raised at the Planning Commission hearing of April 4, 2005 regarding consideration of the proposed Mid Coast Cooling, Inc. project. The Planning Commission recommended minor changes to the findings as outlined in the attached Planning Commission Action Letter dated April 7, 2005.

The project site consists of 99 acres (APN 1) and 10 acres (APN 2). Due to the AG-II-100 zoning designation of the parcels to the north and west, staff recommended that the subject parcels are rezoned AG-II-100 to prevent spot zoning. The 77 acre parcel to the north and the two 40 acre parcels to the west are zoned AG-II-100; and the 40 acre agricultural field and 80 acre parcel used for petroleum and oil production and a 210 acre irrigated field to the south zoned 10-AG in Ordinance 661. During the Planning Commission's discussion regarding the appropriateness of the proposed AG-II-100 zoning designation, the efficiency of reviewing and rezoning the entire vicinity, which also contains land use designations that predate the 1980 plan, as opposed to parcel by parcel, was mentioned. The Planning Commission stated that it would be appropriate to review and rezone the area systematically to ensure consistency and to avoid inefficiency. Comprehensive consistency rezones are proposed in the Comprehensive Planning's work program.

Mandates and Service Levels:

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

Fiscal and Facilities Impacts:

The costs associated with processing the Conditional Use Permit are reimbursed by the applicant. Since the County requires update of the Ordinance 661 zoning on the parcel, the Consistency Rezone costs are borne by the Department per Board direction. These funds are

budgeted in the Permitting and Compliance program of the Development Review North division on page D-293 of the adopted 04/05 fiscal year budget.

Special Instructions:

The Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Hearing Support Section, Attn: Cintia Mendoza.

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

Attachments:

- A. Planning Commission staff report dated March 25, 2005
- B. Planning Commission Action letter dated April 7, 2005
- C. Rezone Ordinance

ATTACHMENT C

ARTICLE III (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE REPEALING ALL ZONING MAPS AND ZONE DESIGNATIONS
ADOPTED PURSUANT TO THE PROVISIONS OF ORDINANCE 661
AS THEY APPLIED TO ASSESSOR'S PARCEL NUMBERS
128-097-001 & 128-097-002, AND
ADOPTING NEW ZONING ORDINANCES AND MAPS, OF ARTICLE III OF CHAPTER 35
OF THE CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING A ZONING MAP IDENTIFIED AS 35-204.50.9
AMENDING THE SANTA MARIA RURAL REGION ZONING DISTRICTS INLAND
SECTION ART. III AND ORD. 661

BOARD OF SUPERVISORS EXHIBIT NO. 35-204.50.9
TO REZONE ASSESSOR'S PARCEL NUMBERS 128-097-001 & 128-097-002
FROM 10-AG TO AG-II-100.

Case No. 05RZN-00000-00001

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Zoning Ordinance No. 661 and pursuant to provisions of Sections 35-101 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they relate to Assessor's Parcel Numbers 128-097-001 & 128-097-002

SECTION 2

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts the Zoning Maps identified as Board of Supervisors Exhibit No. 35-204.50.9, dated _____, 2005, which rezones Assessor's Parcel Numbers 128-097-001 & 128-097-002 from 10-AG to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Maps were specifically and fully set out and described therein.

SECTION 3

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-204.50.9, to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-204 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2005, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

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

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel