



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and  
Development  
Department No.: 053  
For Agenda Of: February 26, 2008  
Placement: Set Hearing on:  
March 11, 2008  
Departmental  
Estimated Tme: 30 minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department John Baker, Director  
Director Planning and Development  
Contact Info: Zoraida Abresch, Deputy Director, (934-6585)  
Development Review - North County  
**SUBJECT: DeWerd Rezone, Los Olivos Area**

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**County Counsel Concurrence**

As to form: N/A

**Other Concurrence:** N/A

As to form: No

**Recommended Actions:**

**Auditor-Controller Concurrence**

As to form: N/A

That the Board of Supervisors:

On February 26, 2008, set a hearing for March 11, 2008 at the request of Mr. and Mrs. Jourdi DeWerd, owners, to consider Case No. 07RZN-00000-00015 for approval of a consistency rezone on three parcels (APN's 133-151-050, -051, -052), from General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661, to Agriculture II, 40-acre minimum lot area (AG-II-40) under § 35.104 of the County Land Use Development Code, located north of State Hwy. 154 at Foxen Canyon Rd., in the Los Olivos area, Third Supervisorial District.

At the March 11, 2008 hearing, the Board of Supervisor's action should include the following:

1. Adopt the required findings for 07RZN-00000-00015 as specified in Attachment A of the Planning Commission action letter dated November 28, 2007 (Attachment C) including CEQA findings;
2. Accept the exemption, included as Attachment B of this Board Agenda Report, dated November 6, 2007, pursuant to CEQA § 15061(b)(3) and 15305; and

3. Adopt a Zoning Map Amendment for APN's 133-151-050, -051, -052, amending the Inland Zoning Map for the Santa Ynez Valley Rural Region Zoning District, included as Attachment A of this Board Letter;

### **Summary Text:**

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

On July 31, 2007, Planning and Development received an application for a Land Use Development Code (LUDC) Zoning Map Amendment, formerly known as a Consistency Rezone under Article III. The project proposes to rezone three parcels, consisting of: Parcel A (APN: 133-151-050) a 20.67-acre parcel; Parcel B (APN: 133-151-051) a 8.69-acre parcel; and Parcel C (APN: 133-151-052) a 6.95-acre parcel; from General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the LUDC § 35.21. The site is located at 3345 Foxen Canyon Rd., in the Los Olivos area.

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

At the Planning Commission hearing of November 28, 2007, the Commission voted 5-0 to recommend that the Board of Supervisors approve the consistency rezone. The Planning Commission Action Letter (November 28, 2007) and the Staff Report (November 9, 2007), are included as Attachments C & D of this Board Letter.

#### **C. Issue Summary**

1. Santa Ynez Valley Community Plan: The proposed rezone is a legislative action that would replace an outdated agricultural zoning district under Zoning Ordinance No. 661 with an equivalent agricultural zoning district under the Land Use Development Code which matches the existing Comprehensive Plan designation for the parcel. Current restrictions on rezones within the Santa Ynez Valley Community Plan area do not apply to consistency rezones. The current draft Santa Ynez Valley Community Plan (dated September 26, 2006), would rezone these parcels into an AG-II-40 designation. A site plan reflecting these designations is included in the attached staff report to the Planning Commission as Attachments D & E.

2. Anticipated Winery Application: The applicants requested a consultation with Planning and Development (06CNS-00000-00123) on December 8, 2006 for a determination on the most appropriate route to develop a winery on their property. After reviewing their submittal, Planning and Development made the determination that a Zoning Map Amendment would be needed, as tasting rooms are not an allowable use under Ordinance 661. In most cases the Zoning Map Amendment and the Winery Development Plan would be processed concurrently. In this case the applicants have requested to separate the two applications due to the time it takes to prepare the information needed for all winery departmental requirements (e.g. Fire Department, Roads Division, Environmental Health Services and Planning & Development). Following the rezone the applicant would be able to submit a winery application under any of the three tiers identified in the LUDC §35.42.270.

**Background:**

The three parcels are under the 40-acre minimum in both current and past ordinances. The owner has legal Certificates of Compliance for each parcel (Parcel A: 02-CC-29; Parcel B: 00-CC-13; Parcel C: 00-CC-14).

**Fiscal and Facilities Impacts:**

The costs to process this rezone are borne by the applicant. Funding for project review and preparation of this report is estimated to be \$2,541.00, and is budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-290 of the adopted 2007 – 2008 fiscal year budget.

**Special Instructions:**

Clerk of the Board shall publish a legal notice in the Santa Barbara News-Press and the Santa Ynez News and shall complete the mailed noticing requirements for the project at least ten (10) days prior to the February 26, 2008 hearing (mailing labels attached).

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

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

**Attachments:**

- A. Ordinance
- B. CEQA Exemptions for Rezone, dated November 6, 2007
- C. Planning Commission Action Letter, dated November 28, 2007
- D. Planning Commission Staff Report, dated November 9, 2007

**Authored by:**

Tammy Weber, Planner I  
Development Review Division – North, Planning and Development Department