

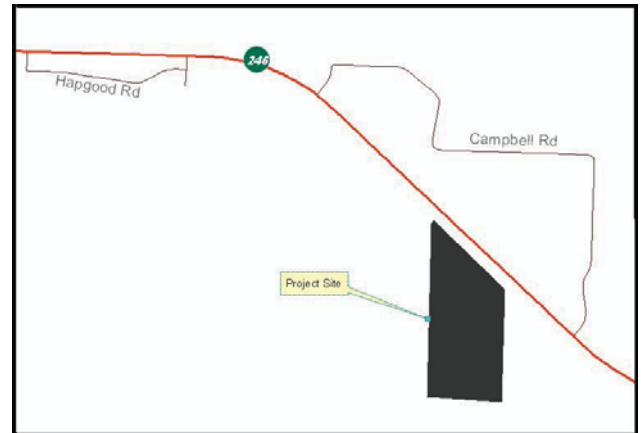
**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Consent Agenda**  
**Staff Report for ZF Vineyards LLC Consistency Rezone**

**Hearing Date: November 10, 2010**  
**Staff Report Date: October 22, 2010**  
**Case No.:10RZN-00000-00005**

**Division: Agricultural Planning**  
**Supervising Planner: Michael Hays**  
**Supervising Planner Phone #: 934-6923**  
**Staff Contact: Stephanie Stark**  
**Planner's Phone #: 681-5604**

**Environmental Document: Exempt CEQA 15061 (b) (3)[No possibility of Significant Effect]**

OWNER/APPLICANT:  
ZF Vineyards, LLC  
1000 Quail Street, Suite 290  
Newport Beach, CA 92660



This site is identified as Assessor's Parcel Number 099-160-067, 5180 E Hwy 246, in the Lompoc area, Fourth Supervisorial District.

Processing Deadline: 60 days from NOE

## 1.0 REQUEST

Hearing on the request of Steven Brown, agent for ZF Vineyards LLC, to consider the following:

- a) 10RZN-00000-00005 [application filed on September 1, 2010] proposing to rezone 70.63 acres from 100-AG (Ordinance 661) to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code;

and to accept the exemption pursuant to §15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act. The site is identified as Assessor's Parcel Number 099-160-067, 5180 E Hwy 246, in the Lompoc area, Fourth Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case No. 10RZN-00000-00005 marked "Officially Accepted, County of Santa Barbara September 1, 2010 County Planning Commission Attachment 1", 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 10RZN-00000-00005 specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors approve the exemption pursuant to CEQA Sections 15061(b)(3) included as Attachment B.
3. Recommend that the Board of Supervisors adopt:
  - a. 10RZN-00000-00005, rezoning the property from 100-AG to AG-II-100;
  - b. Ordinance Zoning Map Amendment for Assessor's Parcel Numbers 099-160-067, amending the Inland Zoning Map for the Lompoc Valley Rural Areas Zones (Draft Ordinance included as Attachment C);

## **3.0 JURISDICTION**

The subject parcel is zoned 100-AG under Ordinance 661 and wishes to enter into a Williamson Act contract. According to Rule 1-2 in the Uniform Rules for Agricultural Preserves and Farmland Security Zones, land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a consistency rezone request. By zoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program.

## **4.0 ISSUE SUMMARY**

The project proposes to rezone Assessor's Parcel Number 099-160-067 from 100-AG (Ordinance 661) to AG-II-100 (Land Use and Development Code) Zone Designation.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II
Ordinance, Zone	Ordinance 661, 100-AG
Assessor's Parcel Numbers	099-160-067
Site Size	70.63 acres total
Present Use & Development	The parcel contains no structures and is used to grow grapes.
Surrounding Uses/Zone(s)	<i>North: Agriculture/100-AG</i> <i>South: Agriculture/100-AG</i> <i>East: Agriculture/AG-II-100</i> <i>West: Agriculture/100-AG</i>
Access	A private easement off Highway 246
Other Site Information	none
Public Services	Water Supply: Private on-site water well Sewage: none Fire: S.B. County Fire Station 31

### 5.2 Description

The project proposes to rezone Assessor's Parcel Number 099-160-067 from 100-AG (Ordinance 661) to AG-II-100 (Land Use and Development Code) Zone Designation.

### 5.5 Background Information

Assessor's Parcel Number 099-160-067 is a legal parcel and contains no structures. The 70.63 acre property is used for irrigated agriculture and contains 35.7 acres of vineyards. By rezoning the property from 100-AG to AG-II-100 it would allow the property to qualify for a new Agricultural Preserve contract. Eligible land must have land use and zoning designations consistent with Agriculture, Mountainous, or Resource Management. 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".

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

The Rezone is 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. The rezone would not have a significant effect on the surrounding environment. The minimum parcel size and development potential would remain essentially the same under the proposed zone district. The rezone would allow the property to enter into an agricultural preserve contract, thereby supporting the existing agricultural operation and ensure long term use of the property is 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 they impact any biological, archaeological or other sensitive environmental resources. Therefore, the general rule exemption is appropriate for this project.

### **6.2 Comprehensive Plan Consistency**

The proposed project would be consistent with all applicable policies of the Comprehensive Plan. A Rezone to change the zoning from 100-AG to AG-II-100 would further the goals of the Agricultural Element and ensure consistency with all the Element's policies through the creation of an Agricultural Preserve. At present time no development is proposed in conjunction with the Rezone. The project would not impact existing resources or the services currently serving the site. Two parcels east of Assessor's Parcel Number 099-160-067 are currently designated AG-II-100, Agriculture with a minimum parcel size of at least 100 acres. The two parcels are 320.05 acres and 65.18 acres in size. Parcels to the north, south and west of Assessor's Parcel Number 099-160-067 are currently designated 100-AG and range in size from 200.04 acres to 3.3 acres. The minimum parcel size that would be permitted under the proposed zone district would be 100 acres. Therefore, the project is found to be consistent with all relevant policies of the Comprehensive Plan.

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

#### ***6.3.1 Compliance with Land Use and Development Code Requirements***

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 not create a spot zoning designation nor would it create additional development potential.

## **7.0 APPEALS PROCEDURE**

Zoning Map Amendments recommended for approval are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

### **ATTACHMENTS**

- A. Findings
- B. CEQA Exemption for Consistency Rezone
- C. Ordinance to Rezone
- D. Planning Commission Rezone Resolution
- E. Assessor's Parcel Zoning Map

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

The project is found to be exempt from environmental review pursuant to CEQA Guidelines Section 15061. CEQA Section 15061 applies only to projects which have the potential for causing a significant effect on the environment. The rezone would not have a significant effect on the environment. It is a legislative action that would 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 and the subject parcel does not include environmental resources of critical concern. Please see Attachment B, Notice of Exemptions.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 REZONE

##### 2.1.1 **That the Rezone 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 would 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 **That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Land Use and Development Code.**

Pursuant to the discussion in Sections 6.2 and 6.3 of this report, 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).

##### 2.1.3 **That the Rezone request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it will ensure consistency with the size of many of the surrounding parcels and ensure the project's consistency with the Uniform Rules for Agricultural Preserves and Farmland Security Zones. The proposed rezone also takes land out of antiquated regulations and makes the zoning consistent with the surrounding properties.

**ATTACHMENT B: ENVIRONMENTAL REVIEW**

**NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Stephanie Stark, Agricultural 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.

**APN:**099-160-067 **Case No.:** 10RZN-00000-000005

**Location:** APN 099-160-067 is located at 5180 E Hwy 246, in the Lompoc area

Project Title: ZF Vineyards LLC Rezone

Project Description: Consistency Rezone

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Planning and Development

Exempt Status: (Check one)

Ministerial

Statutory

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

Emergency Project

Categorical Exemption (§15317)

**Cite specific CEQA Guideline Section: Cite specific CEQA Guideline Section: 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. The rezone will not have a significant effect on surrounding environment. The project site has adequate water, and other facilities. The project will not increase the demand on existing services, will not result in the loss of any existing native vegetation, would not require extensive grading or land alteration, nor impact any biological, archaeological or other sensitive environmental resources. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.**

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.
- (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.
- (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.
- (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.
- (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.
- (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.

Lead Agency Contact Person: Stephanie Stark

Phone #: 681-5604

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

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

*Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.*

Distribution:     Hearing Support Staff  
                    Project file (when P&D permit is required)



**ATTACHMENT C: BOARD OF SUPERVISOR DRAFT ORDINANCE**

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBER 099-160-067 FROM 100-AG, AGRICULTURE, 100 ACRES MINIMUM PARCEL SIZE, TO AG-II-100, AGRICULTURE, 100 ACRES MINIMUM PARCEL SIZE.

Case No. 10RZN-00000-00005

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

**SECTION 1:**

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor's Parcel Numbers 099-160-067 FROM 100-AG, 100 acres minimum parcel size unless parcel already exists TO AG-II-100, Agriculture, 100 acres minimum parcel size as shown on Exhibit A.

**SECTION 2:**

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 3:**

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Daily Sound, 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 \_\_\_\_\_, 2010, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

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Janet Wolf, Chair  
Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM:

DENNIS MARSHALL  
County Counsel

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

**ATTACHMENT D: PLANNING COMMISSION RESOLUTION**

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 ) RESOLUTION NO.: \_\_\_\_\_  
CODE, OF CHAPTER 35 OF THE SANTA )  
BARBARA COUNTY CODE, BY AMENDING ) CASE NO.: 10RZN-00000-00005  
THE COUNTY ZONING MAP BY CHANGING )  
THE ZONING OF ASSESSOR’S PARCEL )  
NUMBER 099-160-067 FROM 100-AG, )  
AGRICULTURE, 100 ACRES MINIMUM )  
PARCEL SIZE, TO AG-II-100, AGRICULTURE, )  
100 ACRES MINIMUM PARCEL SIZE )  
\_\_\_\_\_ )

WITH REFERENCE TO THE FOLLOWING:

- A. 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; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance 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 Number 099-160-067 from 100-AG to AG-II-100.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Cecilia Brown, Chair  
Santa Barbara County Planning Commission

ATTEST:

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Dianne Black  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS MARSHALL  
COUNTY COUNSEL

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

**ATTACHMENT E: ASSESSOR PARCEL ZONING MAP**

**Assessor's Parcel Number 099-160-067**

