

## **ATTACHMENT 3: REZONE AND COC FINDINGS**

### **1.0 CEQA FINDINGS**

The County Board of Supervisors finds that the approval of the two consistency 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 Board of Supervisors 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parcels that are currently zoned Unlimited Agriculture (“U”) under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use & Development Code.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 CONDITIONAL CERTIFICATE OF COMPLIANCE FINDINGS**

Pursuant to Government Code §66499.35(b), the subject parcel has been found to have been created without the necessary County approval in 1960. The parcel was illegally created as a remainder parcel of a parcel created by the granting of a deed recorded on April 14, 1960 in Book 1733, Page 484 of Official Records (APN 079-080-014). While APN 079-080-014 was also illegally created, the owner obtained a Certificate of Compliance for that parcel in 2006 since its illegality was remedied by the issuance of development permits in the 1960s. The applicant did not own the subject property when the illegal creation of the parcel occurred in 1960. Therefore the applicable regulations are limited to those that were in effect at the time the applicant acquired the parcel. The current owner acquired the parcel in 1969; therefore the conditions of approval that have been placed on this Conditional Certificate of Compliance (as listed in Attachment 5-6 to the ~~board letter report~~ staff memorandum dated ~~June 23, 2015~~ August 20, 2015, and incorporated herein by reference) are based on zoning standards that would have been applicable to the division of the property in 1969. Said conditions are necessary for the protection of public health, safety and welfare and to ensure that any future development is consistent with the County's

Comprehensive Plan, including the Coastal Land Use Plan, and the Article II Coastal Zoning Ordinance.

## **2.3 COASTAL DEVELOPMENT PERMIT FINDINGS**

The following findings apply to the 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.