

COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Dana Carmichael, Planner (x6266)
John Karamitsos, Supervising Planner (x6255)

DATE: April 14, 2010

RE: Sweeney Canyon, LLC Development Plan & Consistency Rezone
(09DVP-00000-00005 / 09RZN-00000-00004)

The purpose of this memorandum is to provide the following revisions (as indicated by ~~strike-through~~ and underline) to the Staff Report, dated March 26, 2010:

1. Request (p.1): change AG-II-100 to AG-II-40.
2. Recommendation and Procedures (p.2): add a recommendation for the proposed rezone.
3. Attachment A: Findings:
 - Development Plan Findings, (p. A-5): add two additional findings regarding reductions in setbacks, and acreage requirements for special events.
 - CEQA Findings (p. A-1): revise Findings 1.2 (No Significant Effect), and 1.4 (Environmental Reporting and Monitoring Program).

I. Request:

Hearing on the request of Tish Beltranena of MNS Engineers, Inc. agent for Sweeney Canyon, LLC, owner, to consider Case Nos. 09RZN-00000-00004, & 09DVP-00000-00005 [applications filed on February 25, 2009] proposing to rezone 10.04 acres from 40-AG to AG-II-~~40100~~ in compliance with Chapter 35.104 of the County Land Use and Development Code; and approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code to develop a new winery of approximately 21,500 square feet and;

II. Recommendations and Procedures:

Follow the procedures outlined below and conditionally approve Case Nos. 09RZN-00000-00004 & 09DVP-00000-00005 marked "Officially Accepted, County of Santa Barbara, April 14, 2010, County Planning Commission Exhibit 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 the project specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors adopt the Negative Declaration and adopt the mitigation monitoring program contained in the conditions of approval.
3. Recommend that the Board of Supervisors adopt a Rezone Ordinance (Attachment D) for APN 099-150-063, amending the Inland Zoning Map.
4. Recommend that the Board of Supervisors approve the project subject to the conditions included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

III. Additional Findings for Approval (Development Plan Findings, Attachment A):

3.1.9. The setbacks may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or Article 35.2 (Zones and Allowable Land Uses).

- (1) **There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., Soil Conservation Service Class I and II).**
- (2) **The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.**
- (3) **The setback reduction is proposed for a legally constructed existing structure, and as indicated below.**
 - a. **It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and**
 - b. **The use of the structure as part of a winery operation shall not adversely affect neighboring properties.**
- (4) **The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.**

The winery will be setback approximately 113 feet from the northwest property line (APN 099-141-019) which is 87 feet less than the required setback of 200 feet. The nearest existing residence is located approximately 300 feet to the south, which is 100 feet less than the required setback of 400 feet. Planning and Development supports the reduced setbacks pursuant to LUDC Section 35.42.280 which allow the Review Authority to grant reduced setbacks. APN 099-141-019 is a County owned property which is currently developed with a commercial road yard operation. A existing storage building of approximately 2,400 sq. ft. will be relocated approximately 300 feet from the existing single family residence on the adjacent parcel to the south. Approximately 2

acres of planted vineyard will be located between the storage structure and single family residence.

Winery building "A" will be located approximately 400 feet from this residence, which meets the required setback. The special events will occur on weekends only between the hours of 11:00 a.m. and 7:00 p.m. with all amplified music ceasing by 6:00 p.m. Crushing and processing activities associated with wine production will occur inside the proposed winery buildings or in covered outdoor areas with adequate buffers including buildings, and vineyard to shield residences to the south and northeast from noise generated from the project. Therefore, the project will not result in adverse impacts to neighboring properties. The winery location was chosen in order to minimize potentially significant impacts to the Santa Ynez River. The project is consistent with this finding.

3.1.10 Special Event Site Area: The minimum winery premises area on which a special event may occur is 20 acres. However, this requirement may be reduced by the decision-maker with jurisdiction over the project upon a determination that the character of the area, access, and the type of special event make a 20-acre winery premises site area unnecessary.

The project site is approximately 10.04 acres in size. The subject parcel is able to provide adequate access and parking area to serve the special events. The project reduces the number of special events (10 instead of 12), and a maximum attendees (100 instead of 200) from the LUDC standard. Therefore, a reduction in the 20 acre minimum site area on which a special event may occur is consistent with this finding.

IV. CEQA Findings

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record, including the initial study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) ~~15091(d)~~ require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.