

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JUNE 30, 2010

RE: Zannon Agricultural Preserve Contract and Consistency Rezone; 09AGP-00000-00024, 09AGP-00000-00025, 09RZN-00000-00011

Hearing on the request of Gail and Eugene Zannon, owners, to consider the following:

- a) **09AGP-00000-00024**, Zannon Agricultural Preserve Contract #1, [application filed on September 29, 2009] for creation of an 80 acre Agricultural Preserve and entering into an Agricultural Preserve Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Uniform Rules for Agricultural Preserves and Farmland Security Zones;
- b) **09AGP-00000-00025**, Zannon Agricultural Preserve Contract #2, [application filed on September 29, 2009] for creation of a 98.78 acre Agricultural Preserve and entering into an Agricultural Preserve Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Uniform Rules for Agricultural Preserves and Farmland Security Zones;
- c) **09RZN-00000-00011** [application filed on September 29, 2009] proposing to rezone 178.78 acres from U (Ordinance 661) to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code;

and to determine that the project is exempt pursuant to Sections 15317 and 15061(b)(3) of the State Guidelines for Implementation of the California Environmental Quality Act. The sites are identified as AP Nos. 149-170-044 and 149-230-060 located near Foothill Road, west of Highway 33, in the Cuyama/Ventucopa area, Fifth Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of June 30, 2010, Commissioner Blough moved, seconded by Commissioner Valencia and carried by a vote of 5 to 0 to:

1. Recommend that the Board of Supervisors make the required findings for 09RZN-00000-00011 specified in Attachment A of the staff report, dated June 18, 2010, including CEQA findings.
2. Recommend that the Board of Supervisors approve the exemption pursuant to CEQA Section 15061(b)(3) included as Attachment B of the staff report, dated June 18, 2010.
3. Recommend that the Board of Supervisors adopt:
 - a. 09RZN-00000-00011, rezoning the properties from U to AG-II-100;
 - b. Ordinance Zoning Map Amendment for Assessor's Parcel Numbers 149-170-044 and 149-230-060, amending the Inland Zoning Map for the Cuyama Valley Rural Areas Zones (Draft Ordinance included as Attachment C of the staff report, dated June 18, 2010);

REVISIONS TO THE STAFF REPORT

Section 1.0 Request modified as follows:

Hearing on the request of Gail and Eugene Zannon, owners, to consider the following:

- a) ~~09AGP-00000-00024, Zannon Agricultural Preserve Contract #1, [application filed on September 29, 2009] for creation of an 80-acre Agricultural Preserve and entering into an Agricultural Preserve Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Uniform Rules for Agricultural Preserves and Farmland Security Zones;~~
- b) ~~09AGP-00000-00025, Zannon Agricultural Preserve Contract #2, [application filed on September 29, 2009] for creation of a 98.78-acre Agricultural Preserve and entering into an Agricultural Preserve Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Uniform Rules for Agricultural Preserves and Farmland Security Zones;~~

Section 2.0 Recommendations and Procedures modified as follows:

Follow the procedures outlined below and conditionally approve Case No. 09AGP-00000-00024, 09AGP-00000-00025, and 09RZN-00000-00011 marked "Officially Accepted, County of Santa Barbara June 30, 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 ~~09AGP-00000-00024, 09AGP-00000-00025 and 09RZN-00000-00011~~ 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 ~~15317~~ and 15061(b)(3) included as Attachment B.
3. Recommend that the Board of Supervisors adopt:
 - a. 09RZN-00000-00011, rezoning the properties from U to AG-II-100;
 - b. Ordinance Zoning Map Amendment for Assessor's Parcel Numbers 149-170-044 and 149-230-060, amending the Inland Zoning Map for the Cuyama Valley Rural Areas Zones (Draft Ordinance included as Attachment C);
 - c. ~~09AGP-00000-00024 and 09AGP-00000-00025, creating two prime preserves and entering into two Williamson Act contracts.~~

REVISIONS TO THE FINDINGS (ATTACHMENT A)

Finding 1.0 is modified as follows:

1.0 CEQA FINDINGS

The project is found to be exempt from environmental review pursuant to CEQA Guidelines Sections 15061 and ~~15317~~. 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 Land Use and Development Code. The project does not involve any development and the subject parcel does not include environmental resources of critical concern. ~~Furthermore, Section 15317 exempts Williamson Act (Agricultural Preserves Contracts) from CEQA.~~ Please see Attachment B, Notice of Exemptions.

Finding 2.2 is modified as follows:

~~2.2 AGRICULTURAL PRESERVES~~

~~2.2.1 The proposed Agricultural Preserve is consistent with the Santa Barbara County Comprehensive and General Plan Land Use Designations.~~

~~The project is consistent with the requirements of the Comprehensive Plan as evidenced by the discussion in Section 6.2 of this report.~~

~~2.2.2 The proposed Agricultural Preserve is consistent with the Uniform Rules for Agricultural Preserves and Farmland Security Zones under the terms of the California Conservation Act of 1965.~~

~~On April 2, 2010 the Agricultural Preserve Advisory Committee reviewed both proposed projects. The Committee found 09AGP-00000-00025 consistent with the Uniform Rules and~~

~~09AGP-00000-00024 consistent with the Uniform Rules contingent on obtaining a recorded water sharing agreement. A recorded water sharing agreement has since been obtained. The Committee reviewed 09AGP-00000-00025 again on June 4, 2010 and determined parcel validity for Assessor's Parcel Number 149-230-060 does not need to be determined for the parcel to enroll in the Agricultural Preserve Program. Therefore, 09AGP-00000-00024 and 09AGP-00000-00025 are considered consistent with the Uniform Rules.~~

REVISIONS TO THE ENVIRONMENTAL REVIEW NOTICE OF EXEMPTION (ATTACHMENT B)

Modification to Attachment B as follows:

Exempt Status: (Check one)

☐ Ministerial

☐ Statutory

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

☐ Emergency Project

☒ XX 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.

Cite specific CEQA Guideline Section: 15317, [Establishment of an Agricultural Preserve]

This section exempts the establishment of agricultural preserves under the Williamson Act. The creation of an Agricultural Preserve will not cause a significant environmental impact to the surrounding area. The project site has adequate water, and other facilities. The project is currently used for the cultivation of pistachio trees. The project will an increase the demand on existing services, will not result in the loss of any existing native vegetation, will not require extensive grading or land alteration, nor will it impact any biological, archaeological or other sensitive environmental resources.

Sincerely,


Dianne M. Black

Secretary Planning Commission

cc: Case File:
Planning Commission File
Dianne M. Black, Director Development Review
Agent:
Owner:
Attorney:
Architect:
Deputy County Counsel
Planner

Attachments: **Attachment A – Findings**
 Attachment B – Environmental Review Notice of Exemption
 Attachment C – Ordinance to Rezone
 Attachment F - Planning Commission Rezone Resolution

DMB/dmv

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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 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: 149-170-044, 149-230-060 **Case No.:** 09AGP-00000-00024/09AGP-00000-00025/09RZN-00000-000011

Location: APN 149-170-044 is located near Foothill Road and APN 149-230-060 is located near Hwy 33, in the Cuyama/Ventucopa area;

Project Title: Zannon Agricultural Preserve and Rezone

Project Description: New Agricultural Preserve Contracts and 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

☒ XX 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 NUMBERS 149-170-044 and 149-230-060 FROM U, Unlimited Agriculture, 10 acres minimum parcel size unless parcel already exists TO AG-II-100, Agriculture, 100 acres minimum parcel size.

Case No. 09RZN-00000-00011

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 149-170-044 and 149-230-060 FROM U, Unlimited Agriculture, 10 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:

Zannon Agricultural Preserve Contract and Consistency Rezone; 09AGP-00000-00024, 09AGP-00000-00025, 09RZN-00000-00011

Attachment C – Ordinance to Rezone

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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 F: 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)
CODE, OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE, BY AMENDING)
THE COUNTY ZONING MAP BY CHANGING)
THE ZONING OF ASSESSOR'S PARCEL)
NUMBERS 149-170-044 and 149-230-060)
FROM U to AG-II-100)
_____)

RESOLUTION NO.: 10-02

CASE NO.: 09RZN-00000-00011

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 Numbers 149-170-044 and 149-230-060 from U to AG-II-100.


PASSED, APPROVED AND ADOPTED this June 30, 2010 by the following vote:

AYES: Cooney, Brown, Brooks, Valencia, Blough

NOES:

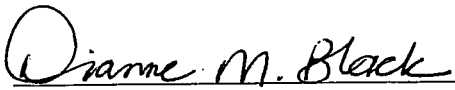
ABSTAIN:

ABSENT:



Cecilia Brown, Chair
Santa Barbara County Planning Commission

ATTEST:

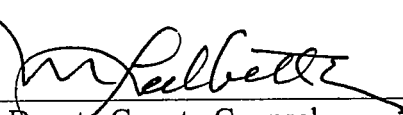


Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By



Deputy County Counsel