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PRICE, POSTEL & PARMA LLP

JAMES H. HURLEY, JR.
J. TERRY SCHWARTZ
DAVID W. VAN HORNE
PETER D. SLAUGHTER
DOUGLAS D. ROSSI
ERIC P. HVOLBØLL
CRAIG A. PARTON
CLYDE E. WULLBRANDT
KENNETH J. PONTIFEX
CHRISTOPHER E. HASKELL
TIMOTHY E. METZINGER
TODD A. AMSPOKER
MARK S. MANION
MELISSA J. FASSETT
IAN M. FISHER
SHEREEF MOHARRAM
SAM ZODEH
KRISTEN M.R. BLABEY
LESLEY E. CUNNINGHAM
DARRYL C. HOTTINGER

COUNSELLORS AT LAW
200 EAST CARRILLO STREET, SUITE 400
SANTA BARBARA, CALIFORNIA
93101-2190

MAILING ADDRESS P. O. BOX 99
SANTA BARBARA, CA 93102-0099

TELEPHONE (805) 962-0011
FACSIMILE (805) 965-3978

OF COUNSEL
ARTHUR R. GAUDI
DANIEL C. DAVID
SUSAN M. BASHAM
STEVEN K. MCGUIRE

RETIRED PARTNERS
GERALD S. THEDE
DAVID K. HUGHES

OUR FILE NUMBER
18867.2

October 2, 2009

Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, California 93101

Re: Santa Ynez Valley Community Plan –
Request for Elimination of Downzone
Mills Property (APN 139-510-008)

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Dear Members of the Board:

We represent Ken and Mary Lloyd Mills, the owners of an 121 acre undeveloped parcel south of and behind the Janin Acres development in Santa Ynez. The Mills family has lived on the adjacent property in Janin Acres since 1972. To create a buffer between their mostly 1 acre neighborhood and the active farming operations to the south, they purchased the subject property and another adjacent 5 acre parcel which they also still own. At the time of the Mills' purchase the subject property was zoned for further 1-acre subdivision, and their purchase included a 60-foot wide easement to access the potential subdivision from Mesa Verde Road to the south. The Mills agreed to a voluntary re-zone in with the goal of extinguishing the previously anticipated smaller residential lots in favor of larger, more compatible "ranchette" style development. Since then the parcel has remained as AG-I-5, and the Mills have maintained the property in its undeveloped state as part of their family investment portfolio. The property is located entirely behind and south of the Janin Acres subdivision, and access to the property is via private easements, which the Mills have also paid to protect and maintain. They have also maintained property fences and kept the property mowed, and also allowed its use and enjoyment by their neighbors.

The Mills property is now included in the Downzone Alternative from the existing AG-I-5 zoning designation to AG-II-40 in the Final EIR of the currently proposed Santa Ynez Valley Community Plan (the Plan). However, the property has none of the characteristics to justify such a zone designation change. The stated goals of the Plan are to protect the rural character of the Valley, maintain community separation, and preserve agricultural viability. The downzoning of the Mills property will not serve to meet any of these goals as the property is not a gateway or connector site between townships, is not even visible from public roadways, and has previously been down-zoned to serve as a transition property between the 1-acre properties to the north and larger properties to the south. We therefore request that the property be removed from consideration for downzoning.

As you can see from the attached map, the Mills property's 5 acre zoning is a clear and logical transition between the 1 acre Janin Acres development to the north, and the AG-I-20 zoned parcels to the South along Mesa Verde Road currently within the "inner-rural" area. Despite the logic of the current zoning, as part of the Community Plan process, County staff had originally recommended to the General Plan Advisory Committee (GPAC) downzoning of the parcel, first to AG-II-100, then to AG-II-40, and then to AG-I-20. In addition, staff recommended an adjustment of the urban/rural boundary to exclude the Mills property from the inner-rural area and so further reduce any potential for future subdivision.

After numerous meetings and public testimony, the Mills were assured during the last of the GPAC meetings in 2004 that the proposed changes would not move forward, and that the property would retain its AG-I-5 zoning designation. The GPAC concurred that development of 5-acre ranchettes would be appropriate for the site, and would be consistent with a stated policy of the Plan Update to provide for logical zoning transitions from urban to rural development. In fact, "urbanization" is defined in the Land Use Plan as those greater than .2 units/acre (1 unit per 5 acres) while the "inner-rural" area is defined as areas adjacent to urban areas but are limited to rural uses such as agriculture, recreation, and ranchette development, etc. Clearly, retention of the existing AG-I-5 designation is perfectly suited as the logical transitional designation between the residential densities to north, transitioning to AG-I-20 parcels to the south, and the rural, 40 acre and larger parcels further to the south and to the east.

Retention of the property within the urban boundary, with its AG-I-5 transitional zoning, is in fact discussed in the 2004 Plan initiation staff report and was included by the Board of Supervisors as part of the 2004 initiated Plan (see attached excerpt of July 1, 2004 Board Letter). However, while the site was formally removed from consideration for adjustment of urban boundary or downzoning, it was later included for study as a "Heritage Site" even though it met none of the basic criteria for inclusion in the overlay. Again, it is not a gateway parcel, it is not visible from any public roadway or trail, and it does not function as a separator between townships. We were told in 2006 that such inclusion was solely to provide for a more thorough analysis of the "Heritage Site" concept. Such analysis never occurred, however, all Heritage Site parcels were recommended to be downzoned. As to the Mills property, this recommendation is absent any logical relationship to the stated goals of the plan and in direct conflict with the Board of Supervisors initiated Plan. The only apparent reason to impose this rezone is to make the parcel appear consistent with AG-II, farmed parcels to the east and west. However, it will still be bordered on the north by a fully developed subdivision of one acre parcels, with no buffer or transition. To the south, extending to the north side of Mesa Verde Road, properties currently zoned AG-I-20 as part of the logical transition were previously subdivided to below 20 acres, and so will become non-conforming as to both size and use (AG-I going to AG-II).

Those properties to the south are mostly fully developed, though the downzone would eliminate the opportunity for residential second units on those properties, or make non-conforming those that already exist. The one existing 40 acre parcel is fully developed with a thoroughbred horse breeding facility, and so not a likely candidate for subdivision, no matter what the zoning. Instead, that parcel can further develop commercial-type AG-II agricultural uses that are usually buffered by transitional zoning.

While the Downzone Alternative eliminates that transitional buffer, there is no analysis of the typical, well known urban/rural conflicts that almost certainly will result.

These facts have been provided to staff and the Planning Commission, both verbally and in writing, throughout the planning process. In response, the Commission at its June 3, 2009 meeting directed staff to further re-evaluate the appropriateness of the proposed downzone. However, there is no discussion in the current Board letter related to the Mills parcel or any of the issues we have consistently raised over the past six years. Again, retention of the AG-I designation on the Mills parcel is best suited to maintain a transition between urban uses to the north the rural agriculture to the south and east. The parcel does not meet the standards for downzoning for the reasons stated above and should therefore retain its existing land use and zone designation of AG-I-5. Moreover, in its July 1, 2004 direction concerning the rural boundary, the Board of Supervisors found that the existing AG-I designation is appropriate and the parcel should remain within the inner-rural area given the location adjacent to the residential subdivision to the north. A change to an AG-II designation instead would invite greater and potentially significant land use incompatibilities.

As we have noted in previous testimony, the concept for certain downzones or Heritage Site designation may be valuable tools and should be considered for other areas of the Valley, particularly those parcels that in fact serve as "Valley Gateways". However, the Mills parcel is not such a site, and should retain its existing well-considered zoning. Downzoning of the parcel will have virtually no benefit to the community, particularly in the context of a nearly 47,000 acre plan, but will dramatically and unfairly reduce the property value for one family, which has been an excellent land steward, from the potential for 24 parcels down to only three. This proposed downzone seems a perverse penalty for holding the property undivided all these years, and can only result in sending the unfortunate message to other property owners to subdivide their land as quickly as possible. We urge you to instead leave the zoning and urban/rural boundary as is in the area of the Mills property, and instead focus on true gateway and other highly visible parcels.

Thank you for your consideration.

Very truly yours,



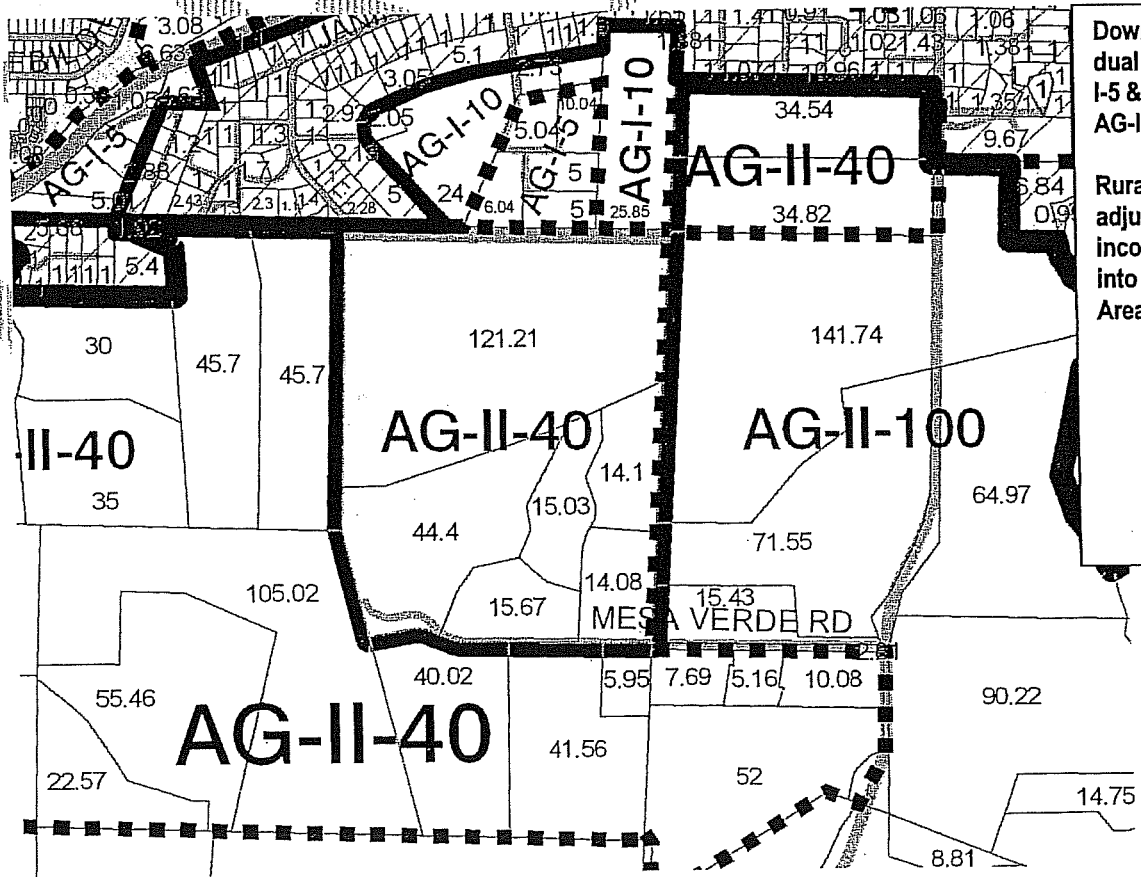
C. E. Chip Wullbrandt
for PRICE, POSTEL & PARMA LLP

CEW:cp
Enclosure

cc: Ken and Lloyd Mills
Dianne Black, Director, Development Services
Derek Johnson, Director, Long Range Planning
Justin Feek, Planner



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Downzone from dual zoning of AG-I-5 & AG-I-20 to AG-II-40.

Rural boundary adjustment to incorporate Area 1 into the Rural Area.

Mills Parcel

- 121.21 acres and Undeveloped.
- Currently Zoned AG-I-5 (Urban/Inner-Rural).
- Immediately south of Janin Acres Subdivision.
- Not visible from any public road.
- Not a Gateway Parcel.
- Existing zoning provides a logical transition between 1-10 acres parcels to the north and 5-40 acres to the south.
- Existing AG-I designation is compatible with E-1 zoning.
- 5 acre parcels are not urban
- Site has adequate services and infrastructure.
- GPAC recommended and BOS approved excluding parcel from consideration.

