



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Alice McCurdy, Deputy Director
Staff contact: Dana Eady, Planner *Alice McCurdy*

DATE: November 26, 2013

HEARING DATE: December 4, 2013

RE: Mosby Outdoor Sports & Recreation Facility and Consistency Rezone
Case Nos. 12RZN-00000-00003, 11CUP-00000-00032

At the November 13, 2013 hearing, the Planning Commission continued the proposed project to the December 4, 2013 hearing date, and directed staff to return with recommended Findings for denial of the project. The requested Findings for denial are included as Attachment A to this Memorandum and are based on the proposed project's incompatibility with surrounding agricultural activities. In addition, a CEQA Exemption for the denial of the proposed project is included as Attachment B, and a Comprehensive Plan Consistency analysis is included as Attachment C.

Background:

The Mosby Recreational Fields Consistency Rezone and Conditional Use Permit is a request by the property owner, Mr. Jim Mosby, to rezone two approximately 10-acre parcels from 40-AG to AG-II-40, and to permit existing unpermitted public recreational development and activities consisting of a paintball field (1.5-acres), a remote control car track (0.50-acres), and athletic fields used for soccer (4.5-acres).

These recreational uses were developed on the subject parcels and opened for public use between 2006 and 2011. Upon Planning & Development's receipt of a Zoning Violation complaint, the applicant applied for the subject permits in order to permit the existing uses under the Santa Barbara County Land Use and Development Code (LUDC).

Recommended Actions:

Staff recommends denial of Case Nos. 12RZN-00000-00003 and 11CUP-00000-00032 marked "Officially Accepted, County of Santa Barbara December 4, 2013 County Planning Commission Exhibit 1", based upon the project's inconsistency with the Comprehensive Plan, and based on the inability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings to deny the project specified in Attachment A of the staff memorandum dated November 19, 2013;
2. Recommend that the Board of Supervisors determine the project denial to be exempt from CEQA pursuant to Guideline Section 15270 (Attachment B of the staff memorandum dated November 19, 2013); and
3. Recommend that the Board of Supervisors deny the project (12RZN-00000-00003, 11CUP-00000-00032).

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

Attachments:

- A. Findings
- B. CEQA Section 15270 Exemption
- C. Comprehensive Plan Consistency

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA Exemption

The Board of Supervisors finds that the denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE FINDINGS

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 findings. However, as a result of the recommendation for project denial, only those findings which cannot be made are discussed below.

2.1.1 The request is in the interests of the general community welfare.

The unpermitted active public recreational uses consisting of soccer fields, a paintball field, and a remote-controlled car track are located directly adjacent to agriculturally zoned property under cultivation. There are no permanent buffers established between the existing active public recreation, and adjacent agricultural operations. The proposed rezone would facilitate the approval of a project located on agriculturally zoned property without the establishment of permanent buffers between proposed recreational uses and agriculturally designated property, including properties that are in active production. The close proximity of these active public recreational uses to active agriculture without the establishment of permanent buffers creates land use conflicts which would adversely impact agricultural operations by threatening the long-term agricultural productivity on surrounding parcels. Therefore, approval of the rezone is not in the interests of the general community welfare.

2.1.2 The request is consistent with good zoning and planning practices.

The unpermitted active public recreational uses consisting of soccer fields, a paintball field, and a remote-controlled car track are located directly adjacent to active agricultural operations which are under cultivation (flowers). The close proximity of these active public recreational uses to active agriculture without the establishment of permanent buffers creates land use conflicts which would adversely impact agricultural operations by threatening the long-term agricultural productivity on surrounding parcels. Therefore, approval of the proposed rezone is not consistent with good zoning and planning practices.

2.2 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the findings, as applicable. However, as a result of the recommendation for project denial, only those findings which cannot be made are discussed below.

2.2.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The subject 9.99 (APN 099-141-016) and 9.50 (APN 099-141-017) gross acre parcels are located on the northwest side of Highway 246 approximately 0.5 miles northeast of the City of Lompoc and the intersection of Highway 1 and Highway 246. The project site is located adjacent to active agricultural cultivation with cultivated fields (flowers) located within 100 feet of the subject property.

The close proximity of these active public recreational uses to cultivated agriculture creates land use conflicts which would adversely impact agricultural operations by threatening the long-term agricultural productivity on surrounding parcels. The small size of the parcels precludes the ability to provide adequate buffers onsite to separate the recreational uses from the surrounding agricultural uses. Therefore, the project site is not adequate in terms of location and physical characteristics to accommodate the type of use and level of proposed development, and the project is not consistent with this finding.

2.2.2 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

The close proximity of existing agricultural operations to the existing and proposed active public recreational activities would introduce land use conflicts which would be detrimental to the general welfare, comfort, health, and safety of sensitive receptors (i.e. children and adults utilizing the recreation facility). Therefore, the project is not consistent with this finding.

2.2.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

The unpermitted active public recreational uses consisting of soccer fields, a paintball field, and a remote-controlled car track are located directly adjacent to agriculturally zoned property under cultivation. There are no permanent buffers

established between the existing active public recreation, and adjacent agricultural operations. The close proximity of these active public recreational uses to active agriculture without the establishment of permanent buffers creates land use conflicts which would adversely impact agricultural operations by threatening the long-term agricultural productivity on surrounding parcels. As a result, the project would not comply with the Lompoc Area Goals and Comprehensive Plan Land Use Element Policies discussed in Attachment C.

2.2.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

The close proximity of active public recreational uses to cultivated agriculture would introduce land use conflicts which are incompatible with, and insubordinate to, surrounding agricultural activities in a designated Rural area of the County. The small size of the parcels precludes the ability to provide adequate buffers onsite to separate the recreational uses from the surrounding agricultural uses. Therefore, the proposed use is not compatible with or subordinate to the rural character of the area, and the project is not consistent with this finding.

ATTACHMENT B

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Dana Eady, Santa Barbara County Planning and Development Department

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(s): 099-141-016, 099-141-017

Case No.: 12RZN-00000-00003
11CUP-00000-00032

Location: The project site is located approximately ½ mile northeast of the City of Lompoc, known as 625 E. Highway 246, Fourth Supervisorial District.

Project Title: Mosby Consistency Rezone and Outdoor Sports and Recreation Facility

Project Applicant: Mr. James Mosby

Project Description: Disapproval of the Mosby Consistency Rezone and Outdoor Sports and Recreation Facility which includes the following: 1) a consistency rezone to update the zoning of the subject parcels from General Agriculture, 40-acre minimum lot area (40-AG) under the outdated Zoning Ordinance No. 661 to Agriculture, II, 40-acre minimum lot area (AG-II-40) under the current Santa Barbara County Land Use and Development Code (LUDC); and 2) A Conditional Use Permit to allow for existing outdoor recreational development and activities consisting of a 1.5-acre paintball field, two (2) athletic fields used totaling approximately 4.5-acres, and a 0.50-acre remote control car track.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Santa Barbara County Planning & Development

Exempt Status: (Check one)

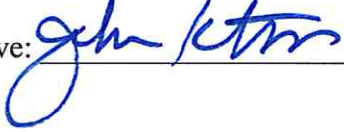
- ☐ Ministerial
- ☒ Statutory Exemption
- ☐ Categorical Exemption
- ☐ Emergency Project
- ☐ Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section 15270 of the CEQA Guidelines (Projects which are disapproved).

Reasons to support exemption findings: CEQA Section 15270 states that “CEQA does not apply to projects which a public agency rejects or disapproves.”

The proposed project would permit existing development and uses consisting of the following: 1) 1.5-acre paintball field, 2) two athletic fields totaling approximately 4.5-acres, and 3) a 0.50-acre remote control car track. Based on land use incompatibility between the proposed recreational uses and existing adjacent agricultural operations, staff is unable to recommend approval of the project as proposed.

Lead Agency Contact Person: Dana Eady Phone #: (805) 934-6266

Department/Division Representative:  Date: 11-26-13

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____

ATTACHMENT C:

COMPREHENSIVE PLAN CONSISTENCY

REQUIREMENT	DISCUSSION
<i>LAND USE ELEMENT</i>	
<p><i>Land Use Development Policy 3</i></p> <p>No urban development shall be permitted beyond boundaries of land designated for urban uses except in neighborhoods in rural areas.</p>	<p>Inconsistent: The proposed project would convert agricultural lands which are not located in a designated rural neighborhood to urban type recreational uses. Suitable areas for the proposed uses currently exist within the City of Lompoc. Therefore, the proposed project is not consistent with this Policy.</p>
<p><u>Lompoc Area Community Goals</u></p> <p><i>Land Use</i></p> <p><i>The unique character of the area should be protected and enhanced with particular emphasis on protection of agricultural lands, grazing lands, and natural amenities.</i></p> <p><i>Prime agricultural lands should be preserved for agricultural use only. Preservation of lesser grades of presently producing or potential agricultural land should be actively encouraged.</i></p>	<p>Inconsistent: The recreational facility would continue to be visible to travelers from Highway 246. The project site is located along one of the main entrance corridors coming into the City of Lompoc and is located on the urban fringe of the City.</p> <p>Section 35.43.240 of the Land Use and Development Code allows for outdoor sports and recreational facilities on agriculturally zoned parcels with the approval of a Conditional Use Permit. However, the unpermitted recreational uses, consisting of soccer fields, a paintball field, and a remote-controlled car track, are located directly adjacent to active agricultural operations.</p> <p>The close proximity of these active public recreational uses to active agriculture without the establishment of permanent buffers creates land use conflicts which would adversely impact agricultural operations by threatening the long-term agricultural productivity on surrounding parcels. The project also has the potential to adversely affect sensitive receptors (i.e. adults and children) using the recreational facilities. Therefore, the proposed project is not consistent with these Lompoc area community goals.</p>
<i>AGRICULTURAL ELEMENT</i>	
<p><i>GOAL I: Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa</i></p>	<p>Inconsistent: The unpermitted recreational uses consisting of soccer fields, a paintball field, and a remote-controlled car track are</p>

REQUIREMENT	DISCUSSION
<p><i>Barbara Country. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</i></p> <p><i>Policy I.A.</i> <i>The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</i></p> <p><i>Policy I.E.</i> <i>The County shall recognize that the generation of noise, smoke, odor, and dust is a natural consequence of the normal agricultural practices provided that agriculturalists exercise reasonable measures to minimize such effects.</i></p> <p><i>Policy I.F.</i> <i>The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.</i></p> <p><i>GOAL II.</i> <i>Agricultural lands shall be protected from adverse urban influence.</i></p> <p><i>Policy II.D.</i> <i>Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.</i></p> <p><i>GOAL III.</i> <i>Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.</i></p> <p><i>Policy III.A.</i> <i>Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.</i></p>	<p>located directly adjacent to active agricultural operations. There are no permanent buffers established between the existing active public recreation, and adjacent agricultural operations.</p> <p>The close proximity of these active public recreational uses to active agriculture without the establishment of permanent buffers creates land use conflicts which would adversely impact agricultural operations by threatening the long-term agricultural productivity on surrounding parcels.</p> <p>The small size of the parcels precludes the ability to provide adequate buffers onsite to separate the recreational uses from the surrounding agricultural uses.</p> <p>The proposed project would convert agricultural lands, which could be used for high agricultural productivity, to an urban level of use and influence. Suitable areas for the proposed uses currently exist within the City of Lompoc.</p> <p>Therefore, the proposed project would impair the agricultural productivity of the land, and would not be consistent with these Agricultural Element goals and policies.</p>