

# **SANTA BARBARA COUNTY PLANNING COMMISSION**

## **Staff Report for Haines Consistency Rezone**

**Hearing Date: January 7, 2015**  
**Staff Report Date: December 17, 2014**  
**Case No.: 14RZN-00000-00004**  
**Environmental Document:**  
**Exempt CEQA 15061 (b)(3)**  
**[No possibility of Significant Effect]**

**Deputy Director: Alice McCurdy**  
**Division: Development Review**  
**Supervising Planner: Anne Almy**  
**Supervising Planner Phone #: 568-2053**  
**Staff Contact: J. Ritterbeck**  
**Planner's Phone #: 568-3509**

### **OWNER:**

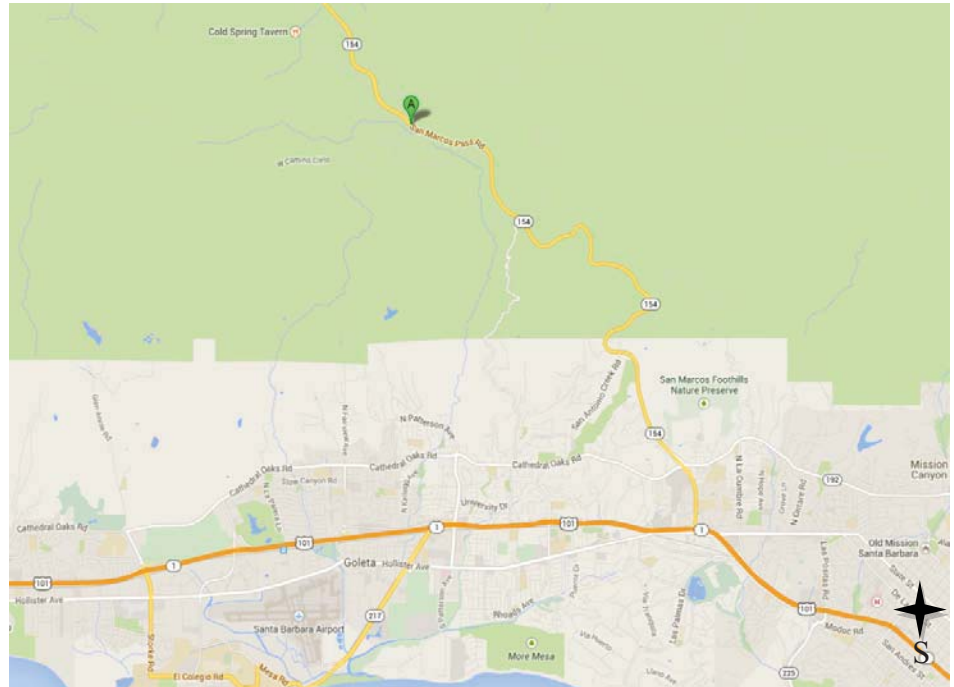
Roger and Nancy Haines  
2736 Painted Cave Road  
Santa Barbara, CA 93105  
(805) 967-9362

### **AGENT:**

Michelle Ellis  
Complete Wireless Consulting  
209 V Street  
Sacramento, CA 95818  
(916) 764-2454

### **APPLICANT:**

Verizon Wireless  
P.O. Box 11328  
St Petersburg, FL 33733  
(310) 260-7725



The project is located on a rural, inland parcel at 2937 San Marcos Pass Road. The site is identified as APN 153-080-008, and is located on the southern side of Highway 154, Second Supervisorial District.

Processing Deadline: 60 days from NOE  
FCC Shot Clock Deadline: December 28, 2014 *[Extended by Applicant To February 20, 2015]*

## **1.0 REQUEST**

Hearing on the request of Michelle Ellis, agent, for Verizon Wireless, applicant, and Roger and Nancy Haines, owners, to consider Case No. 14RZN-00000-00004 [application filed on December 10, 2014] proposing to rezone 3.2 acres from 40-AL-O under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code; and to determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), included as Attachment B.

The application involves AP No. 153-080-008, located approximately 6.5 miles north of the intersection Highways 154 and 192 and approximately 0.5 mi south from the summit of San Marcos Pass / Highway 154 Summit, Second Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case No. 14RZN-00000-00004 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 approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors determine the project is exempt pursuant to CEQA Section 15061(b)(3), as specified in Attachment B of this staff report.
3. Adopt the resolution in Attachment C recommending that the Board of Supervisors approve a rezone (14RZN-00000-00004) changing the zone district on the subject parcel from 40-AL-O (Ordinance 661) to AG-II-100 (County Land Use and Development Code).

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

## **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based on Section 35.80.020.35 of the County Land Use and Development Code which states that the Planning Commission reviews Rezones and provides a recommendation to the County Board of Supervisors who are the final decision makers for the project.

## **4.0 ISSUE SUMMARY**

Ordinance 661 did not contemplate telecommunication facilities. Hence, for sites zoned under Ordinance 661, no telecommunications facilities are allowed. The subject parcel is proposed to host a Verizon Wireless telecommunications facility. In order to provide for this use, the site needs to be rezoned to a zone district under the County Land Use and Development Code that is both consistent with the site's Comprehensive Plan Land Use Designation and allows for placement of telecommunications facilities. In the instant case, the site's Comprehensive Plan Land Use Designation is Agriculture II (A-II-100). Telecommunications are allowed in agricultural zone districts under the LUDC. As such, the proposal is to rezone the site to AG-II-100.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Comprehensive Plan Designation	Rural, Inland, Agriculture II (A-II-100), Minimum parcel size- 100 acres
Ordinance / Zone	Ordinance 661 / 40-A-O (Agriculture: 40-acre minimum parcel size), with an Oil Drilling/Combining Overlay
Site Size	3.2-acres [net] (legal parcel, nonconforming as to size)
Present Use & Development	Currently developed with a single-family dwelling and two small storage sheds. No agricultural activities occur on the lot.
Surrounding Uses / Zoning	<b>North:</b> Vacant / MT-100 [ <i>Mountainous Area</i> ] <b>South:</b> Vacant / RR-20 [ <i>Residential</i> ] <b>East:</b> Vacant / RR-5 [ <i>Residential</i> ] <b>West:</b> Residential / 40-A-O [ <i>Agriculture</i> ]
Access	Private access drive off of San Marcos Pass Road (Hwy 154)
Public Services	<b>Water:</b> N/A <b>Sewage:</b> N/A <b>Fire:</b> Santa Barbara County Fire Department <b>Police:</b> Santa Barbara County Sheriff's Department

### 5.2 Description

The project is a consistency rezone of a single 3.2 acre legal parcel, Assessor's Parcel Number 153-080-008, from a Limited Agricultural District, 40-AL-O zone designation (under Ordinance 661) to the Agriculture, AG-II-100 zone designation under the County LUDC.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The proposed Rezone has been deemed exempt from environmental review pursuant to CEQA Guidelines under Section 15061(b)(3) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The minimum parcel size and development potential would remain essentially the same under the proposed zone district as there would be no increase in subdivision potential.

However, the consistency rezone would allow for the permitting of modern uses not contemplated under Ordinance 661 but desired by the County. The parcel is currently developed with a single family dwelling, which is a principally permitted use under the proposed zoning. The consistency rezone would not increase the demand on existing services, would not result in

the loss of any existing native vegetation, and would not require grading or land alteration, nor would it impact any biological, archaeological or other sensitive environmental resources. Therefore, the common sense exemption (i.e. CEQA section 15061) is appropriate for this project.

## 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<b><i>Land Use Element Designation</i></b>  <i>A-II-100: Agriculture I, 100-acre minimum size</i>	<b>Consistent:</b> The subject parcel is 3.2 acres (net); it supports a single family residence and does not include agricultural uses. The proposed rezone from 40-A-O to AG-II-100 would update the current zoning to a modern zone district which is consistent with the site's agricultural Comprehensive Plan Land Use designation. Therefore, the proposed consistency rezone is consistent with the land use designation.

## 6.3 Zoning: Land Use and Development Code Compliance

County Land Use and Development Code Section 35.10.20.B states “the Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan”. The Land Use Designation for this parcel is Agriculture- II. The proposed rezone to the AG-II-100 Zone District would be consistent with the Comprehensive Plan. Therefore the project is compliant with the County Land Use and Development Code. The parcel is currently developed with a single family dwelling which is a principally permitted use under the AG-II-Zone District. The project would bring the property under a modern zoning designation and would allow the permitting of modern uses not contemplated under the antiquated zone district.

## 6.4 Public Input

No issues were raised by the public as part of the proposed project.

## 7.0 APPEALS PROCEDURE

Pursuant to Government Code Section 65856, a Zoning Map Amendment recommended for approval is automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required. A Zoning Map Amendment denied by the Commission may be appealed to the Board of Supervisors within 5 days following the action of the Commission.

## **ATTACHMENTS**

- A. Findings
- B. CEQA Exemption 15061 (b)(3)
- C. Planning Commission Rezone Resolution and Exhibit 1: Ordinance to Rezone

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

The Planning Commission finds the proposed project exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b)(3). CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed project is a legislative action that will replace an outdated agricultural zone district under Ordinance 661 with an agricultural zone district under the Land Use and Development Code. The project does not involve any development. Please see Attachment B, Notice of Exemption.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 REZONE**

- A.** 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:

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

The rezone is in the interest of the general community as it would update the subject parcel's zoning from Ordinance 661 to zoning under the County's Land Use and Development Plan. Ordinance 661 is outdated and does not provide for telecommunications facilities. The subject parcel has been identified as an ideal site for a telecommunications facility. Telecommunication facilities are considered critical structures by emergency services and are also in the public interest as more and more residents of the County use telecommunication devices for their health and safety as well as for their personal and professional needs.

##### **2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.**

Pursuant to the discussion in Sections 6.2 and 6.3 of this report dated September 16, 2014, herein incorporated by reference, the rezone is consistent with the Comprehensive Plan and with the requirements of the Zoning Ordinance (Land Use and Development Code) and with State Land Use Law requiring vertical consistency between an agency's Comprehensive Plan and its Zoning Ordinance. The rezone does not involve an amendment to the Local Coastal Program.

**2.1.3 The request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it updates antiquated regulations and allows for modern uses not contemplated under the antiquated regulations to be permitted on the subject lot consistent with current zoning.

## **ATTACHMENT B: ENVIRONMENTAL DOCUMENT**

### **NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Anne Almy, Supervising 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.

**APNs:** 153-080-008

**Case No.:** 14RZN-00000-00004

**Location:** located approximately 6.5 miles north of the intersection Highways 154 and 192 and approximately 0.5 mi south from the summit of San Marcos Pass / Highway 154 Summit, Second Supervisorial District.

**Project Title:** Haines Rezone

**Project Applicant:** Roger and Nancy Haines

**Project Description:** Consistency Rezone from the antiquated Ordinance 661 to the current Land Use and Development Code

**Name of Public Agency Approving Project:** Santa Barbara County

**Name of Person or Agency Carrying Out Project:** Roger and Nancy Haines

**Exempt Status:** (Check one)

- ☐ Ministerial
- ☐ Statutory Exemption
- ☐ Categorical Exemption
- ☒ XX No Possibility of Significant Effect [§15061(b)(3)]
- ☐ Emergency Project
- ☐ Declared Emergency

**Cite specific CEQA and/or CEQA Guideline:** 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. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The minimum parcel size and development potential would remain essentially the same under the proposed zone district as there would be no increase in subdivision potential. However, the consistency rezone would allow for the permitting of modern uses not contemplated under Ordinance 661 but desired by the County. The parcel is currently developed with a single family dwelling, which is a principally permitted use under the proposed zoning. The consistency rezone would not increase the demand on existing services, would not result in the loss of any existing native vegetation, and would not require grading or land alteration, nor



would it impact any biological, archaeological or other sensitive environmental resources. Therefore, the common sense exemption (i.e. CEQA section 15061) is appropriate for this project.

There is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment.

Lead Agency Contact Person: J. Ritterbeck

Phone #: 568-3509

Department/Division Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Acceptance Date: \_\_\_\_\_

distribution: Hearing Support Staff

Date Filed by County Clerk: \_\_\_\_\_.

**ATTACHMENT C:**  
**PLANNING COMMISSION RESOLUTION AND ORDINANCE**

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  
NUMBER 153-080-008 FROM 40-AL-O, LIMITED  
AGRICULTURE, 40 ACRE MINIMUM PARCEL  
SIZE, TO AG-II-100, AGRICULTURE, 100 ACRE  
MINIMUM PARCEL SIZE

Resolution No. \_\_\_\_\_

CASE NO.: 14RZN-00000-00004

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on February 28, 1977 by Ordinance 2928, 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
- B. WHEREAS, the Planning Commission recommends that the Board of Supervisors repeal all zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35.104 "Adoption of New Zoning Maps", of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, as they relate to Assessor's Parcel Number 153-080-008.
- C. WHEREAS the County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code on the proposed amendments to a zoning ordinance, at which hearing the proposed amendments were explained and comments invited from persons in attendance.
- D. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the zoning map amendment to the applicable general and specific plans, which is hereby identified as updating the antiquated zoning to current zoning to allow modern uses such as telecommunication facilities to be permitted on the property.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, 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 Number 153-080-008 from 40-AL-O to AG-II-100 based on the findings included as Attachment A of the Planning Commission staff report dated January 7, 2014.
2. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
CECILIA BROWN, Chair  
Santa Barbara County Planning Commission

ATTEST:

\_\_\_\_\_  
DIANNE BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBIT: 1. Ordinance

## **EXHIBIT 1**

### LAND USE AND DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBER 153-080-008

Case No. 14RZN-00000-00004

The Board of Supervisors of the County of Santa Barbara ordains as follows:

#### **SECTION 1:**

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35.104 "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they relate to Assessor's Parcel Number 153-080-008 shown on the map attached hereto as Exhibit A and incorporated by reference.

#### **SECTION 2:**

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of the Land Use and Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated (date of Board of Supervisors Approval), which rezones Assessor's Parcel Number 153-080-008 from 40-AL-O, Limited Agriculture, 40 acre minimum parcel size, to AG-II-100, Agriculture, 100 acre minimum parcel size, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

#### **SECTION 3:**

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 4:**

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, 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 \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
Janet Wolf, Chair  
Board of Supervisors  
County of Santa Barbara

ATTEST:

MONA MIYASATO  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel