

ATTACHMENT 1: Agricultural Preserve Contract

Recording Requested by)
County of Santa Barbara)
_____)
When Recorded Return to the)
Clerk of the Board of Supervisors)
County of Santa Barbara)
105 East Anapamu Street)
Santa Barbara, California 93101)
_____)

SHORT FORM LAND CONSERVATION CONTRACT
Incorporating Board of Supervisors Resolutions and
Long Form Contract by Reference
11AGP-00000-00022

THIS LAND CONSERVATION CONTRACT, is made by and between Craig A. Makela and Cynthia S. Makela, Trustees of the Makela Living Trust dated April 8, 2003 hereinafter referred to as "OWNER" and the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, OWNER possesses certain real property situated in the County of Santa Barbara, State of California, hereinafter referred to as "THE SUBJECT PROPERTY," and more particularly described in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, THE SUBJECT PROPERTY is now devoted to agricultural uses and uses compatible therewith; and

WHEREAS, the parties hereto desire to create an "agricultural preserve," consisting of THE SUBJECT PROPERTY, to be established by COUNTY by resolution and by this contract,

and to be designated as the **Makela Agricultural Preserve Name, 11AGP-00000-00022, Assessor Parcel Number 081-230-028, 100.09 acres; with zoning of AG-II-100, and A-II-100** Comprehensive Plan designation restrictions.

NOW, THEREFORE, both OWNER and COUNTY, in consideration of the mutual promises, covenants and conditions to which reference is made herein and substantial public benefits to be derived therefrom, do hereby agree as follows:

FIRST: THE SUBJECT PROPERTY shall be subject to all restrictions and conditions adopted or to be adopted by resolutions and minute orders by the Board of Supervisors of the County of Santa Barbara, California, including without limitation those recorded on November 5, 1971, as Inst. No. 36187, Bk. 2371, pg. 404; January 3, 1972, as Inst. No. 57, Bk. 2381, page 794; October 30, 1974, as Instr. No. 38788, Bk. 2539, pg. 258; November 10, 1975, as Instr. Nos. 40442 and 40443, Bk. 2592, pgs. 1763 and 1767; December 11, 1975, as Instr. No. 44871, Bk. 2595, pg. 2134; May 20, 1977, as Reel No. 77-24881; July 11, 1977, Reel No. 77-34734; November 14, 1978, Reel No. 78-52990; October 15, 1980, Reel No. 80-41873, and November 2, 2007, Reel No. 2007-0077408 of the Official Records of the County of Santa Barbara, California, and IT IS MUTUALLY AGREED that the conditions and restrictions set forth in said resolutions and minute orders are adopted and incorporated herein and made a part hereof as though fully set forth herein at length, and the OWNER will observe and perform said provisions.

SECOND: In consideration of the promises, OWNER shall indemnify and save harmless COUNTY from and against any and all claims, liability, suits, damages, costs including reasonable attorney's fees, losses and expenses in any manner resulting from, arising out of, or

connected with the use of any Surveyor's Map depicting the preserve and the description of THE SUBJECT PROPERTY attached hereto.

THIRD: This Contract shall be effective as of the first day of January, 2013, and shall remain in effect for a period of ten (10) years from each succeeding January first.

IN WITNESS WHEREOF, the County of Santa Barbara has executed this Contract

on _____.

COUNTY OF SANTA BARBARA

BOARD OF SUPERVISORS

By: _____
DOREEN FARR, Chair

Attest:

CLERK OF THE BOARD

By: _____
Deputy Clerk

Approved As To Form:

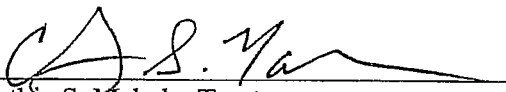
COUNTY COUNSEL, DENNIS A.

MARSHALL

By:  _____
Deputy County Counsel

OWNERS

BY:  _____
Craig A. Makela, Trustee

BY:  _____
Cynthia S. Makela, Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SANTA BARBARA

On _____ before me, JOYCE KALTON
Date Here Insert Name and Title of the Officer

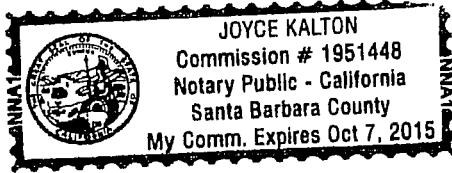
personally appeared CRAIG A. MAKELA
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Joyce Kalton
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: SHORT FORM LAND CONSERVATION CONTRACT

Document Date: _____ Number of Pages: THREE

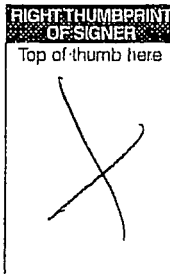
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: CRAIG A. MAKELA

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

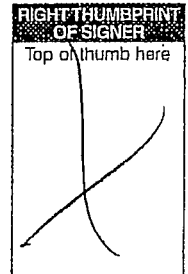
Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



ATTACHMENT 2: Resolution Creating Agricultural Preserve

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF THE CREATION
OF AN AGRICULTURAL PRESERVE
AND ENTERING INTO AN AGRICULTURAL
PRESERVE CONTRACT

RESOLUTION NO. 12- _____

IT IS HEREBY RESOLVED AS FOLLOWS:

- A. Pursuant to the California Land Conservation Act of 1965 (the Williamson Act), (Government Code Sections 51200 et seq.), the Makela Agricultural Preserve 11AGP-00000-00022 is hereby created and an agricultural preserve contract in the County of Santa Barbara is hereby entered into.
- B. A map of the preserve is filed in the Office of the Santa Barbara County Surveyor, and the preserve land is described in Exhibit "A" attached to the Short Form Land Conservation Contract.
- C. This agricultural preserve shall be administered pursuant to the California Land Conservation Act of 1965 and the Uniform Rules for Agricultural Preserves and Farmland Security Zones adopted by this Board pursuant to said Act.
- D. The Clerk of the Board shall endorse the fact of this creation and contract execution and the date thereof on said Surveyor map and shall record this Short Form Land Conservation Contract (Short Form Contract) with description attached at the Office of the Santa Barbara County Recorder. In addition, the Clerk of the Board shall forward to the following interested parties copies of documents as follows:
 1. To the County Recorder, a copy of the Surveyor's map;
 2. To the property owners, a duplicate original copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map;
 3. To the Planning and Development Department, a conformed copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map;
 4. To the Assessor, a certified copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map; and
 5. To the Surveyor, a certified copy of the Short Form Contract.
- E. The property owners involved is:

Craig A. and Cynthia S. Makela, 12477 Calle Real, Goleta CA 93117
- F. The Chairperson and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this ___ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

DOREEN FARR
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS MARSHALL
County Counsel

By: 
Deputy County Counsel

ATTACHMENT 3: CEQA Exemption for Agricultural Preserve

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Tammy Weber, 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: 081-230-028

Case No.: 11AGP-00000-00022

Location: 12477 Calle Real, in the Gaviota area

Project Title: Makela Agricultural Preserve

Project Description: New Agricultural Preserve Contract

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Mark McFarlin

Exempt Status: (Check one)

Ministerial

Statutory

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

Emergency Project

Categorical Exemption (§15317)

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 olives and chardonnay grapes. The project will not 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.

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.**

Exception (a) does not apply since this is a Class 17 exemption.

- (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.**

The proposed project is for the placement of property into the Williamson Act Program (Agricultural Preserve). Upon approval of the Agricultural Preserve contract the parcel size would remain unchanged. It would not result in an increase in development potential. It would not result in an increase in subdivision potential. The parcel would continue their current agricultural operations. The cumulative impact of successive projects of this type in the same place, over time, would not be 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.**

There are no unusual circumstances surrounding the proposed project and there is not a reasonable possibility that the project would 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.**

The proposed project does not include any physical development and would not be visible from a designated scenic highway. The project would not result in damage to scenic resources, including but not limited to, trees, historic buildings, or rock outcroppings.

- (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.**

The project is not 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.**

No construction, demolition or development is proposed as a part of the project and the project would not result in any substantial adverse change in the significance of a historical resource.

Lead Agency Contact Person: Tammy Weber

Phone #: 934-6254

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 4: Legal Description with Assessor Map

AGRICULTURAL PRESERVE

11AGP-00000-00022

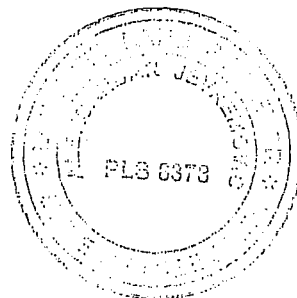
Parcel "B" as set forth on map entitled "A Portion of Tract 4 of Rancho Canada del Corral, as shown in Book 3, Page 22 of Maps and Surveys," in the County of Santa Barbara, State of California, as per map filed in Book 115, Pages 34 and 35 of Record of Surveys, in the office of the County Recorder of said County.

APN 081-230-028

APPROVED AS TO FORM
AND SURVEY CONTENT

A. J. E., Deputy for:

MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 12/31/12



12/19/2011

Agricultural Preserve 11AGP-00000-00022

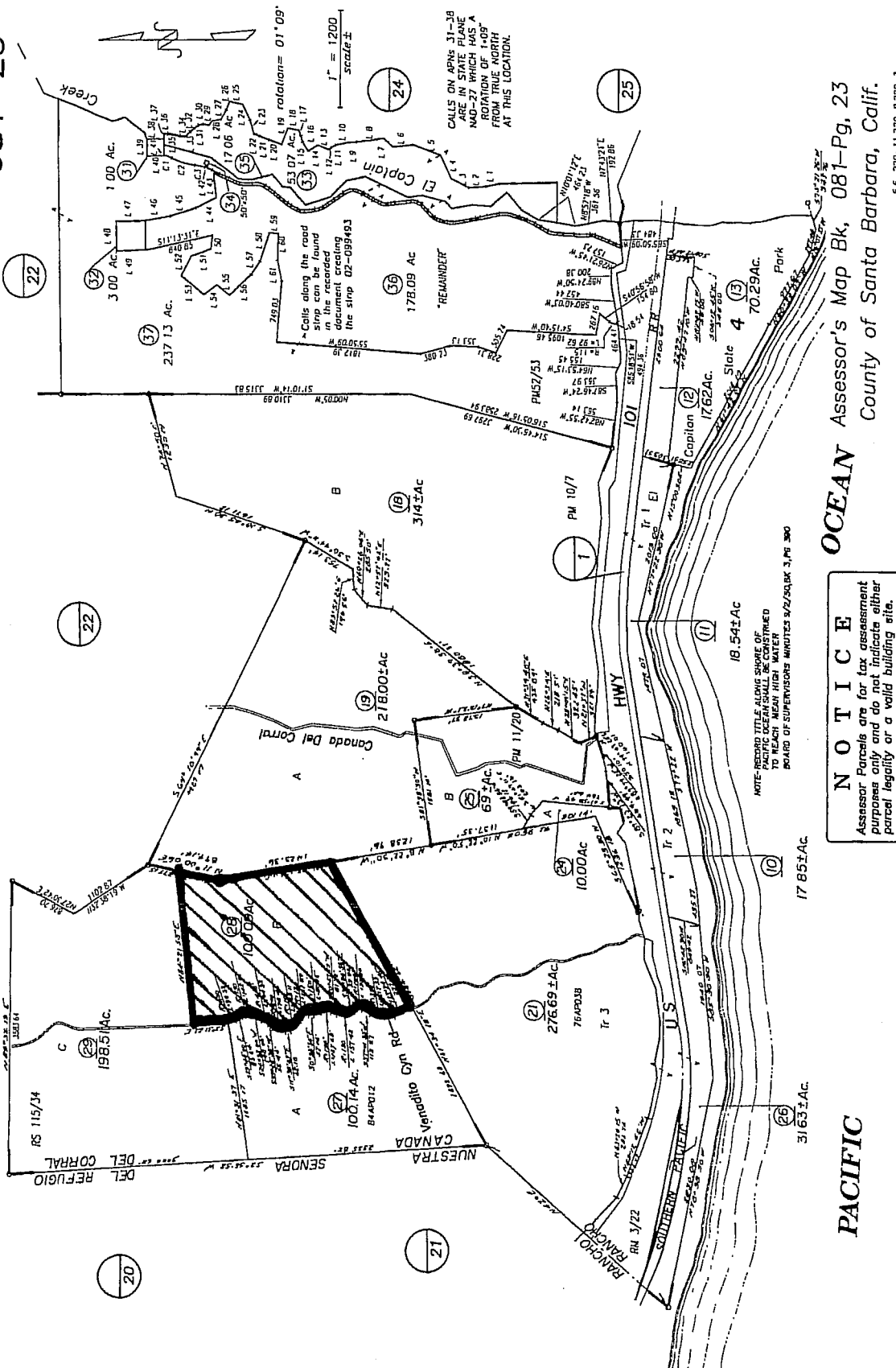
APN 081-230-028

POR. RANCHO CANADA DEL CORRAL

081-23

NO	BEARING	DISTANCE
L1	N105°55'56"W	174.50
L2	N107°06'00"W	214.57
L3	N82°27'46"E	312.08
L4	N72°40'01"E	361.18
L5	N72°40'01"E	361.18
L6	N43°39'02"E	732.43
L7	N5°46'35"W	338.05
L8	N7°40'06"W	607.17
L9	N7°40'06"W	607.17
L10	N72°40'01"E	58.22
L11	N72°40'01"E	58.22
L12	N72°40'01"E	58.22
L13	N72°40'01"E	58.22
L14	N72°40'01"E	58.22
L15	N58°50'25"E	372.74
L16	N58°50'25"E	372.74
L17	N58°50'25"E	372.74
L18	N58°50'25"E	372.74
L19	N58°50'25"E	372.74
L20	N58°50'25"E	372.74
L21	N58°50'25"E	372.74
L22	N58°50'25"E	372.74
L23	N58°50'25"E	372.74
L24	N58°50'25"E	372.74
L25	N58°50'25"E	372.74
L26	N58°50'25"E	372.74
L27	N58°50'25"E	372.74
L28	N58°50'25"E	372.74
L29	N58°50'25"E	372.74
L30	N58°50'25"E	372.74
L31	N58°50'25"E	372.74
L32	N58°50'25"E	372.74
L33	N58°50'25"E	372.74
L34	N58°50'25"E	372.74
L35	N58°50'25"E	372.74
L36	N58°50'25"E	372.74
L37	N58°50'25"E	372.74
L38	N58°50'25"E	372.74
L39	N58°50'25"E	372.74
L40	N58°50'25"E	372.74
L41	N58°50'25"E	372.74
L42	N58°50'25"E	372.74
L43	N58°50'25"E	372.74
L44	N58°50'25"E	372.74
L45	N58°50'25"E	372.74
L46	N58°50'25"E	372.74
L47	N58°50'25"E	372.74
L48	N58°50'25"E	372.74
L49	N58°50'25"E	372.74
L50	N58°50'25"E	372.74
L51	N58°50'25"E	372.74
L52	N58°50'25"E	372.74
L53	N58°50'25"E	372.74
L54	N58°50'25"E	372.74
L55	N58°50'25"E	372.74
L56	N58°50'25"E	372.74
L57	N58°50'25"E	372.74
L58	N58°50'25"E	372.74
L59	N58°50'25"E	372.74
L60	N58°50'25"E	372.74
L61	N58°50'25"E	372.74

NO	CURVE TABLE	LENGTH
C1	471.05	103.00
C2	251.95	292.28
C3	866.81	723.15



NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

OCEAN Assessor's Map Bk, 081-Pg. 23
 County of Santa Barbara, Calif.

/ / 1903 R.M. Bk. 3 , Pg. 22 , Tract "That part of Rancho Canada Del Corral belonging to the estate of Bruno Erella deceased"

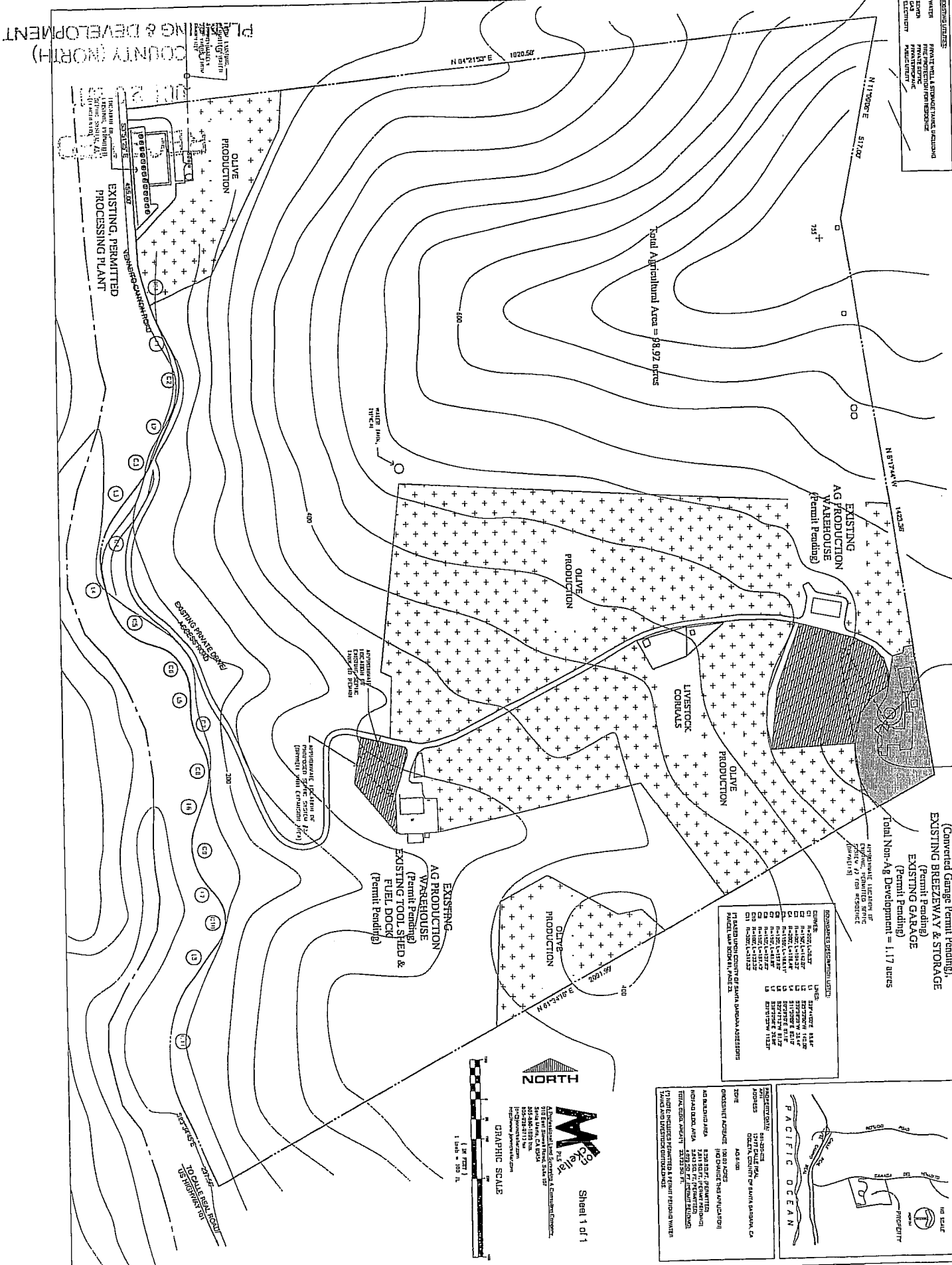
5.6, 226-11, 226-6, 226-3
 226-05 renumbered to 31
 226-09 renumbered to 32
 226-10 renumbered to 34
 240-38 into 38 and par. of 240-44

CALLS ON APNS 31-38 ARE IN STATE PLANE NAD-27 WHICH HAS A ROTATION OF 01°09' FROM THE NORTH AT THIS LOCATION.

CALLS ALONG THE ROAD SIPS MAY BE FOUND IN THE RECORDED DOCUMENT CREATING THE SIPS 02-089493

NOTE: RECORD TITLE ALONG SHORE OF RIVER TO REACH MEAN HIGH WATER BOARD OF SUPERVISORS MINUTES 9/2/2008, P. 30

ATTACHMENT 5: Vicinity Map



PLANNING & DEVELOPMENT

DATE	10/20/01
SCALE	AS SHOWN
DRAWN	ML
CHECK	ML
DATE	11/05/01
PROJECT	T-1

AGRICULTURAL PRESERVE APPLICATION
 APN# 081-00-028

MAKELA PROPERTY
 12477 CALLE REAL
 GOLETA, CA

OVERALL SITE PLAN

MAKELA PROPERTY
 12477 CALLE REAL
 GOLETA, CA

REVISIONS

NO.	DESCRIPTION	DATE

MAKELA PROPERTY
 12477 CALLE REAL
 GOLETA, CA

REVISIONS

NO.	DESCRIPTION	DATE

EXISTING, PERMITTED RESIDENCE
 (Converted Garage Permit Pending)
 EXISTING BREEZEWAY & STORAGE
 (Permit Pending)
 EXISTING GARAGE
 (Permit Pending)

Total Non-Ag Development = 1.17 acres

apportionate location of
 existing residential services
 (shown as is)

EXISTING AG PRODUCTION
 WAREHOUSE
 (Permit Pending)

EXISTING AG PRODUCTION
 WAREHOUSE
 (Permit Pending)

EXISTING TOOL SHED &
 FUEL DOCK
 (Permit Pending)

LIVESTOCK
 CORNELS
 PRODUCTION

OLIVE
 PRODUCTION

OLIVE
 PRODUCTION

OLIVE
 PRODUCTION

OLIVE
 PRODUCTION

- LEGEND
- | | |
|---------------------------|-------------------------------------|
| 1. Hatched Area | 1. LIVESTOCK CORNELS PRODUCTION |
| 2. Cross-hatched Area | 2. OLIVE PRODUCTION |
| 3. Dotted Area | 3. OLIVE PRODUCTION |
| 4. Stippled Area | 4. OLIVE PRODUCTION |
| 5. Horizontal Lines | 5. EXISTING GARAGE |
| 6. Vertical Lines | 6. EXISTING AG PRODUCTION WAREHOUSE |
| 7. Diagonal Lines (TL-BR) | 7. EXISTING TOOL SHED & FUEL DOCK |
| 8. Diagonal Lines (BL-TL) | 8. EXISTING BREEZEWAY & STORAGE |
| 9. White Area | 9. EXISTING, PERMITTED RESIDENCE |

VICINITY MAP

PACIFIC OCEAN

APPLICANT'S LOTS 1-21

EXISTING POWER LINES

ROAD 150 FEET WIDE TO ADJACENT PROPERTY

ROAD 30 FEET WIDE TO ADJACENT PROPERTY

ROAD 30 FEET WIDE TO ADJACENT PROPERTY

MAKELA PROPERTY

12477 CALLE REAL

GOLETA, CA

APPLICANT'S LOTS 1-21

EXISTING POWER LINES

ROAD 150 FEET WIDE TO ADJACENT PROPERTY

ROAD 30 FEET WIDE TO ADJACENT PROPERTY

ROAD 30 FEET WIDE TO ADJACENT PROPERTY

MAKELA PROPERTY

12477 CALLE REAL

GOLETA, CA

REVISIONS

NO.	DESCRIPTION	DATE