

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 093-060-022, -024 FROM 100-AL-O, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size.

Case No. 08RZN-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 093-060-022, -024 FROM 100-AL-O, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size 093-060-022, -024 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 Santa Barbara News-Press, 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 _____, 2008, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SALUD CARBAJAL, Chair
Board of Supervisors
County of Santa Barbara

**ATTACHMENT A
ORDINANCE TO REZONE**

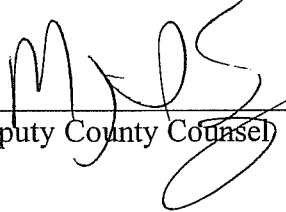
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By  _____
Deputy County Counsel

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, 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: 093-060-022 and -024

Case No.: 08RZN-00000-00011

Location: located at Central Avenue, between Union Sugar and De Wolfe Avenues, in the Lompoc area, Fourth Supervisorial District.

Project Title: Witt Agricultural Preserve Contract

Project Description: 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

Categorical Exemption

Emergency Project

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

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.

Lead Agency Contact Person: Florence Trotter-Cadena

Phone #: (805) 934-6253

Department/Division Representative: F. Trotter-Cadena Date: 11-12-08

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)

ENVIRONMENTAL REVIEW

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, 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: 093-060-008, -022, and -024

Case No.: 08AGP-00000-00038

Location: located at Central Avenue, between Union Sugar and De Wolfe Avenues, in the Lompoc area, Fourth Supervisorial District.

Project Title: Witt Agricultural Preserve Contract

Project Description: Creation of a new Agricultural Preserve Contract

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

Categorical Exemption

Emergency Project

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

Cite specific CEQA Guideline Section: 15317, [Establishment 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 row crops. 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.
- (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: F. Trotter Cadena Phone #: (805) 934-6253

Department/Division Representative: F. Trotter Cadena Date: 11-12-08

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)

Date Filed by County Clerk

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

08AGP-00000-00038

THIS LAND CONSERVATION CONTRACT, by and between **Kelley Elmore Witt Family Limited Partnership, a California Limited Partnership** 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 thereto; 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 **Kelley Elmore Witt Family Limited Partnership Agricultural Preserve, 08AGP-00000-00038, Assessor Parcel Numbers 093-060-008, -022, -024, 154 acres; replacing all of 78-AP-014 with zoning of AG-II-100, and AC/A-II 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, 2009, 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 _____.

ATTEST:
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA
By: _____
Salud Carbajal, Chairman,
Board of Supervisors

By: _____
Deputy Clerk

OWNERS:

Kelley Elmore Witt Family Limited Partnership, a California limited partnership

By: Kelley Elmore Witt LLC, a California limited liability company, General Partner

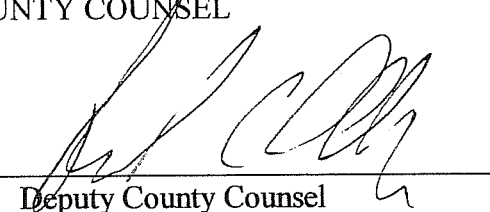
By: Robert M. Witt
Robert M. Witt, Trustee of the Robert and Kelley Witt Family Trust (Schedule B) U/A dated 1/21/97, Member/Manager (Date)

By: Kelley Witt
Kelley E. Witt, Trustee of the Robert and Kelley Witt Family Trust (Schedule B) U/A dated 1/21/97, Member/Manager (Date)

By: Andrew E. Witt
Andrew E. Witt, Member/Manager (Date)

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By: 
Deputy County Counsel

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara }

On 10/9/2008 before me, Erin M Kolpak
Date Here Insert Name and Title of the Officer

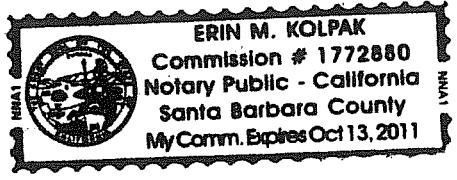
personally appeared Robert M Witt and Kelley E Witt
Name(s) of Signer(s)

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 Erin M Kolpak
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

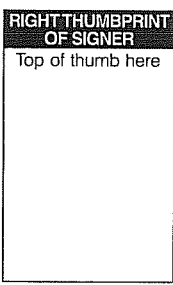
Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

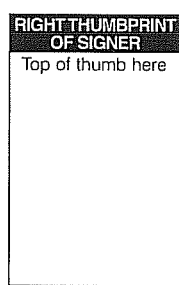
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On October 10, 2008 before me, Steven Simpson, Notary Public

Date

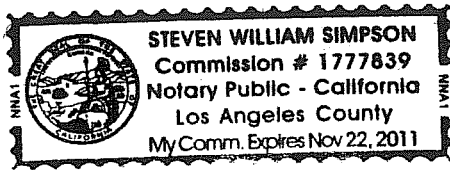
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Andrew E. Witt

Name(s) of Signer(s)

personally known to me

(or proved to me on the basis of satisfactory evidence)



to be the person(s) whose name(s) (s) 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.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature

Signature of Notary Public

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: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

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. 08-
CASE NO.: 08AGP-00000-00038

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 Kelley Elmore Witt Family Limited Partnership Agricultural Preserve (08AGP-00000-0000383) 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, Attachment A, hereby incorporated by reference.
- 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 adoption 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 owner involved is:
- Kelley Elmore Witt Family Limited Partnership 1200 Union Sugar Avenue Lompoc CA 93436
- 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.

**ATTACHMENT D
RESOLUTION FOR
AGRICULTURAL PRESERVE**

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

SALUD CABRAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel

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 093-060-022 and -024 FROM 100-AL-O)
to AG-II-100)
_____)

RESOLUTION NO.: _____

CASE NO.: 08RZN-00000-00011

WITH REFERENCE TO THE FOLLOWING:

- A. On January 23, 1974, by Ordinance 2540, 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, Attachment A, 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 093-060-022 and -024 from 100-AL-O to AG-II-100 based on the findings included as Attachment B.

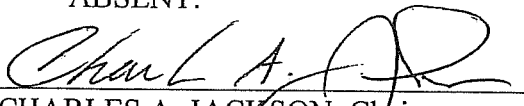
PASSED, APPROVED AND ADOPTED this _____, 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

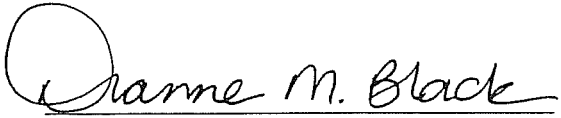
ABSENT:



CHARLES A. JACKSON, Chair
Santa Barbara County Planning Commission

ATTACHMENT F
PLANNING COMMISSION
REZONE RESOLUTION

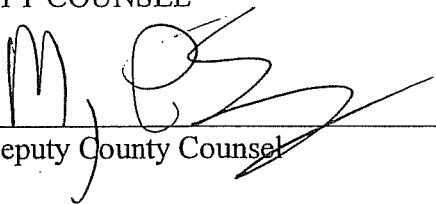
ATTEST:



Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By 
Deputy County Counsel

AGRICULTURAL PRESERVE

08AGP-00000-00038

PARCEL ONE:

The South half of Farm Lot 55 of the Ranchos Lompoc and Mission Vieja, in the County of Santa Barbara, State of California, according to the map thereof filed in Book 1, Page 45 of Maps and Surveys, record of said County

APN 093-060-008

PARCEL TWO:

The Westerly 1320 feet of the South half of Farm Lot 60 of the Subdivision of the Ranchos Lompoc and Mission Vieja, as shown on a map thereof filed in Book 1, Page 45 of Maps and Surveys, and the field notes of said subdivision being recorded in Book S, Pages 138 to 216 inclusive of Deeds, records of said County

APN 093-060-022

PARCEL THREE:

The South one-half of Farm Lot 60 of the Subdivision of the Ranchos Lompoc and Mission Vieja, as shown on the map thereof filed in Book 1, Page 45 of Maps and Surveys, in the Office of the County Recorder of said County, and the field notes of said subdivision being recorded in Book "S", Pages 138 to 216 inclusive of Deeds, records of said County

EXCEPTING therefrom the Westerly 1320 feet on said property, more particularly described in the deed to Warren C. Brown recorded April 6, 1962

APN 093-060-024

APPROVED AS TO FORM
AND SURVEY CONTENT

For:

Edmund R. Villa
MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 12/31/08

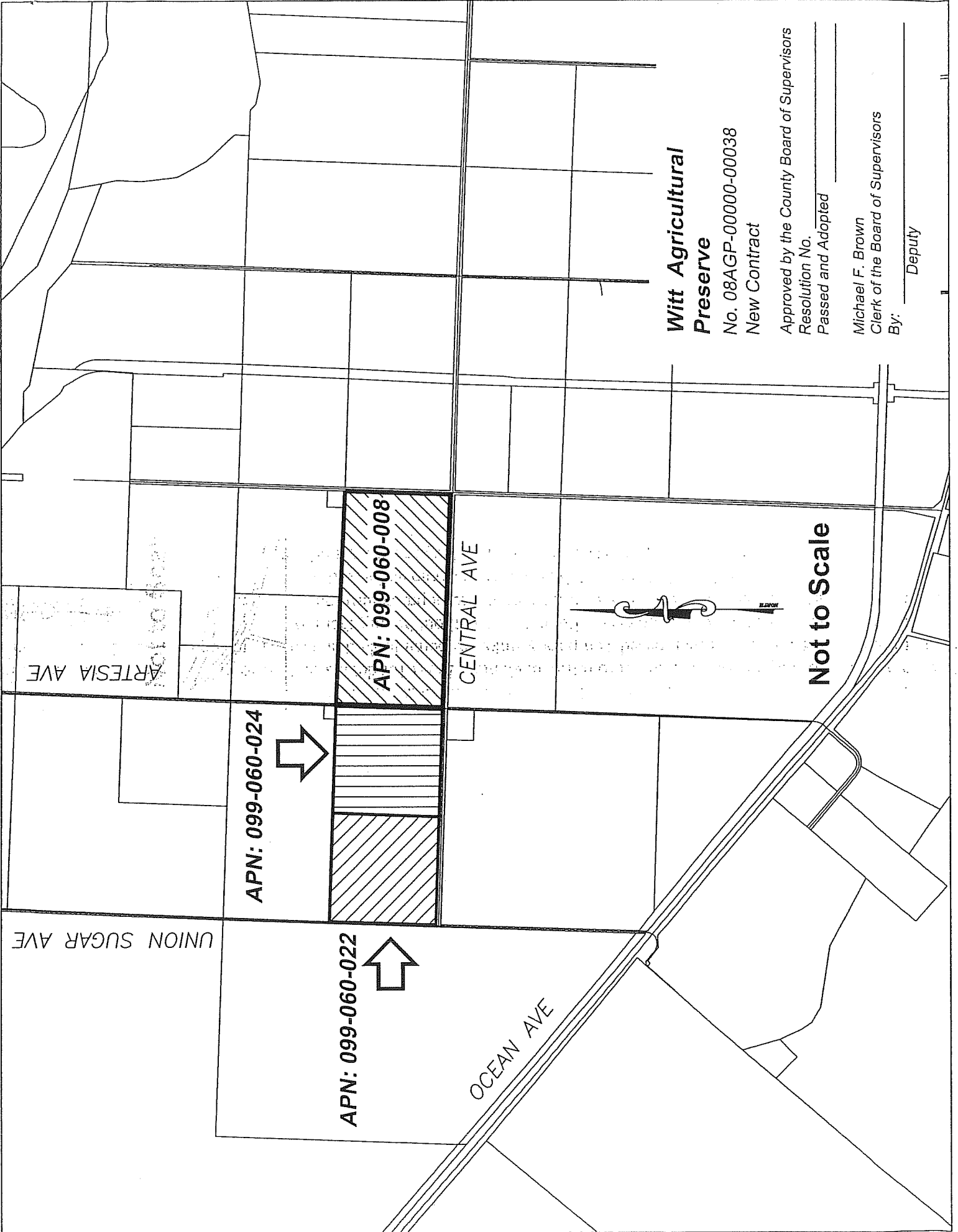
*Deputy County
Surveyor*



08AN38

APN 093-60-008,-022,-024

ATTACHMENT G
LEGAL DESCRIPTION



**Witt Agricultural
Preserve**

No. 08AGP-00000-00038
New Contract

Approved by the County Board of Supervisors
Resolution No. _____
Passed and Adopted _____

Michael F. Brown
Clerk of the Board of Supervisors
By: _____ Deputy

SANTA BARBARA COUNTY PLANNING COMMISSION

Consent Agenda

Staff Report for Witt Rezone and Agricultural Preserve Contract

Hearing Date: November 12, 2008
Staff Report Date: October 22, 2008
Case No.:08AGP-00000-00038, 08RZN-00000-00011

^{ZA}
Deputy Director: Zoraida Abresch
Division – Development Review North
Staff Contact: F. Trotter-Cadena
Supervising Planner: Alice McCurdy
Planner's Phone #: 934-6253

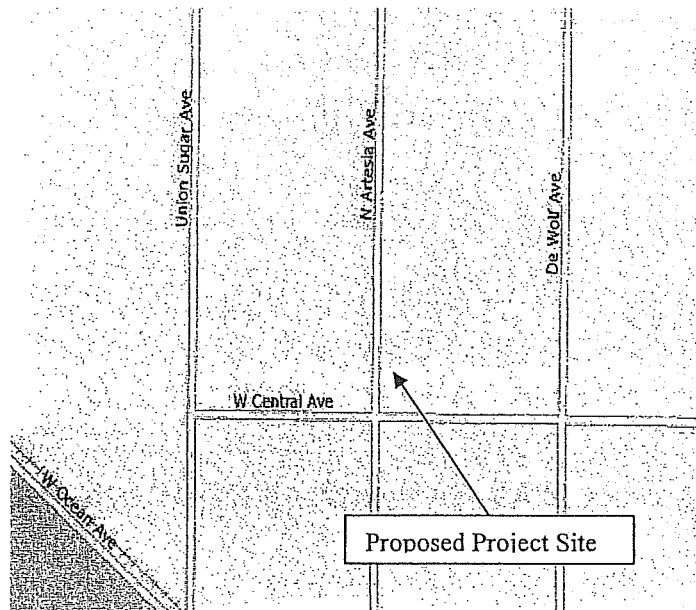
Environmental Document: Exempt CEQA Section 15317 [Ag Preserves] and 15061(b)(3) [No Possibility of Significant Effect]

OWNER

Kelley Elmore Witt
Family Limited Partnership
1200 Union Sugar Avenue
Lompoc CA 93436
805 737-9040

AGENT

Gregory Faulkner
Rebecca Eggeman
Mullen and Henzel
112 East Victoria Street
Santa Barbara CA 93101
805 966-1501



The site is identified as Assessor Parcel Numbers 093-060-008, -022, -024, located on Central Avenue between Union Sugar and DeWolfe Avenues, in the Lompoc area, Fourth Supervisorial District.

Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Rebecca Eggeman, agent for the Kelley Elmore Witt Family Limited Partnership, to consider the following:

- a) 08AGP-00000-00038 [application filed on September 30, 2008] for creation of an 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 Santa Barbara County Uniform Rules;

- b) 08RZN-00000-00011 [application filed on September 30, 2008] proposing to rezone 154 acres from 100-AL-O (Ordinance 661) to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code;

and to accept the exemptions pursuant to §15317 and §15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act. The site is identified as Assessor Parcel Numbers 093-060-008, -022, and -024, located on Central Avenue between Union Sugar and DeWolfe Avenues, in the Lompoc area, Fourth Supervisorial District

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 08AGP-00000-00038 and 08RZN-00000-00011 marked "Officially Accepted, County of Santa Barbara November 12, 2008, County Planning Commission Exhibit 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 adopt the required findings for 08RZN-00000-00011 and 08AGP-00000-00038 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. 08RZN-00000-00011, rezoning the property from 100-AL-O to AG-II-100; and,
 - b. Adopt an Ordinance Zoning Map Amendment for 093-060-022, and -024, amending the Inland Zoning Map for the LompocValley Rural Areas Zones (Draft Ordinance included as Attachment C);
 - c. 08AGP-00000-00038, creating one prime preserve and entering into a Williamson Act contract.

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

3.0 JURISDICTION

The Williamson Act requires all new agricultural preserve contracts to be reviewed by the Planning Commission and forwarded to the Board of Supervisors for final approval. The

proposed rezone is required by the Santa Barbara County Uniform Rules which require new land coming into the program to be zoned AG-I or AG-II with a minimum of 40 acres for a prime preserve under the Land Use and Development Code.

4.0 ISSUE SUMMARY

The project consists of the placement of three parcels into one Agricultural Preserve. To ensure consistency with the Uniform Rules the parcel for the prime preserve would be rezoned from 100-AL-O to AG-II-100.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II
Ordinance, Zone	Ordinance 661, 100-AL-O
Site Size	154 acres
Present Use & Development	The site is currently used for vegetable crops with no existing structures
Surrounding Uses/Zone(s)	North: AG-II-100 South: AG-II-100 East: AG-II-100 West: AG-II-100
Access	Central Avenue
Public Services	Water Supply: Private Water Well Sewage: None Fire: S. B. County Fire, Stn: 51

5.2 Description

The proposed project consists of the placement of three parcels into one Agricultural Preserve. The parcels qualify for enrollment into the preserve program as a "prime" preserve pursuant to Uniform Rule 1, Section I.2.2.C and together meet the minimum 40 acres parcel size required for a prime preserve. The prime preserve would consist of three parcels totaling approximately 154 acres (093-060-008 – 76.70 acres, 093-060-022 – 38.9 acres and 093-060-024 = 38.9 acres).

In addition, this project includes a rezone for Assessor's Parcel numbers 093-060-022, and -024 from the 100-AL-O (Ordinance 661) to the AG-II-100 (Land Use and Development Code) Zone Designation. The third parcel Assessor Parcel number 093-060-008 is currently under an agricultural preserve contract 78-AP-014 and is zoned AG-II-100.

5.3 Background Information

The site is currently used for vegetable crops. There are currently no structures on site. The Agricultural Preserve Uniform Rule 1-2 Eligibility states: "Where a landowner applies to enroll their entire contiguous landholding in a single contract, and the landholding complies with these rules, the land owner shall not be required to provide a certificate of compliance or other evidence that the landholding is a legally created parcel or parcels." Documentation of parcel validity will be required should the landowner make a request for development on any of the three parcels. At the present time parcel validity has not been completed on Assessor's Parcel numbers 093-060-008, -022 and -024. The owner is placing all three parcels under one contract to comply with Uniform Rule 1-2 Eligibility.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The proposed Agricultural Preserve was found to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15317. This section specifically exempts the establishment of Agricultural Preserves from environmental review. The rezone is also 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. The rezone would not have a significant effect on the surrounding environment, nor would the creation of an Agricultural Preserve. The minimum parcel size and development potential would remain essentially the same under the proposed zone district. The project site has adequate water, and other facilities. The project's existing agricultural operation and the proposals would further support this use. The proposed projects would not increase the demand on existing services, would not result in the loss of any existing native vegetation, and would not require extensive grading or land alteration, nor would they impact any biological, archaeological or other sensitive environmental resources. Therefore, the categorical and general rule exemptions are appropriate for this project.

6.2 Comprehensive Plan Consistency

The proposed project would be consistent with all applicable policies of the Comprehensive Plan. The creation of an Agricultural Preserve and a Rezone to change the zoning from 100-AL-O to AG-II-100 would further the goals of the Agricultural Element and ensure consistency with all the Element's policies. At present time no development is proposed in conjunction with the creation of the Agricultural Preserve. The project would not impact existing resources or the services currently serving the site. All surrounding property is currently designated agricultural with a minimum parcel size of at least 100 acres. The minimum parcel size that would be permitted under the proposed zone district would be 100 acres. Agricultural Element Policy I D states that the use of the Williamson Act (Agricultural Preserve Program) shall be strongly

encouraged and supported. Therefore, the project is found to be consistent with all relevant policies of the Comprehensive Plan.

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

The intent of the AG-II Zone District is to designate and protect lands appropriate for long-term agricultural use. The proposed agricultural preserve and rezone are consistent with the intent of the AG-II-100 Zone District. The project would be consistent as to use, development, setbacks, lot size (due to legal non-conforming as to size) and all requirements of the AG-II-100 Zone District. The project would not create a spot zoning designation nor would it create additional development potential.

6.4 Agricultural Preserve Advisory Committee

On November 7, 2008 the Agricultural Preserve Advisory Committee will review the proposed project for consistency with the Uniform Rules.

7.0 APPEALS PROCEDURE

Zoning Map Amendments and Agricultural Preserve Contracts recommended for approval are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

ATTACHMENTS

- A. Findings
- B. CEQA Exemptions for Agricultural Preserve and Rezone
- C. Ordinance to Rezone
- D. Agricultural Preserve Contracts
- E. Resolution Creating Agricultural Preserve, 08AGP-00000-00038
- F. Planning Commission Rezone Resolution
- G. Legal Description
- H. Agricultural Preserve Advisory Committee Minutes of November 7, 2008
- I. Assessor Parcel Zoning Map
- J. Site Plan

ATTACHMENT A: FINDINGS

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.

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 Article III Zoning Ordinance.**

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 Agricultural Preserve Uniform Rules. The proposed rezone also takes land out of antiquated regulations and makes the zoning consistent with the surrounding properties.

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 Santa Barbara County Uniform Rules under the terms of the California Conservation Act of 1965.

The agricultural preserve with the rezone amendment is proposed to be heard by the Agricultural Preserve Advisory Committee on November 7, 2008.

ATTACHMENT B: ENVIRONMENTAL REVIEW

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, 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: 093-060-022, and -024

Case No.: 08RZN-00000-00011

Location: located at Central Avenue, between Union Sugar and De Wolfe Avenues, in the Lompoc area, Fourth Supervisorial District.

Project Title: Witt Agricultural Preserve Contract

Project Description: 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

Categorical Exemption

Emergency Project

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

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.

Lead Agency Contact Person: Florence Trotter-Cadena

Phone #: (805) 934-6253

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)

ENVIRONMENTAL REVIEW

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, 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: 093-060-008, -022, and -024

Case No.: 08AGP-00000-00038

Location: located at Central Avenue, between Union Sugar and De Wolfe Avenues, in the Lompoc area, Fourth Supervisorial District.

Project Title: Witt Agricultural Preserve Contract

Project Description: Creation of a new Agricultural Preserve Contract

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

Categorical Exemption

Emergency Project

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

Cite specific CEQA Guideline Section: 15317, [Establishment 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 row crops. 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.

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: _____ Phone #: (805) _____

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)

Date Filed by County Clerk

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 093-060-022, and -024 FROM 100-AL-O, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size.

Case No. 08RZN-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 093-060-022, and -024 FROM 100-AL-O, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size 093-060-022 and -024 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 Santa Barbara News-Press, 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 _____, 2008, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SALUD CARBAJAL, Chair
Board of Supervisors
County of Santa Barbara

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

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

08AGP-00000-00038

THIS LAND CONSERVATION CONTRACT, by and between **Kelley Elmore Witt Family Limited Partnership, a California Limited Partnership** 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 thereto; 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 **Kelley Elmore Witt Family Limited Partnership Agricultural Preserve, 08AGP-00000-00038, Assessor Parcel Numbers 093-060-008, -022, -024, 154 acres; replacing all of 78-AP-014 with zoning of AG-II-100, and AC/A-II 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, 2009, 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 _____.

ATTEST:

CLERK OF THE BOARD

By: _____
Deputy Clerk

COUNTY OF SANTA BARBARA

By: _____
Salud Carbajal, Chairman,
Board of Supervisors

OWNERS:

Kelley Elmore Witt Family Limited Partnership, a California limited partnership

By: Kelley Elmore Witt LLC, a California limited liability company, General Partner

By: Robert M. Witt
Robert M. Witt, Trustee of the Robert and Kelley Witt Family Trust (Schedule B) U/A dated 1/21/97, Member/Manager (Date)

By: Kelley Witt
Kelley E. Witt, Trustee of the Robert and Kelley Witt Family Trust (Schedule B) U/A dated 1/21/97, Member/Manager (Date)

By: Andrew E. Witt
Andrew E. Witt, Member/Manager (Date)

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By: _____
Deputy County Counsel

G:\GROUP\PERMITTING\Case Files\AGP\08 cases\08AGP-00000-00038 Witt\08AGP00038contracts.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

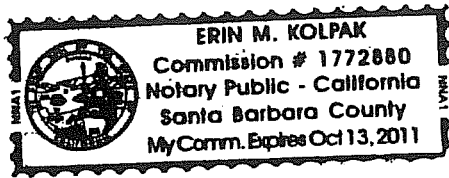
On 10/9/2008 before me, Erin M Kolpak
Date Here Insert Name and Title of the Officer

personally appeared Robert M Witt and Kelley E Witt
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.



Place Notary Seal Above

Signature Erin M Kolpak
Signature of Notary Public

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

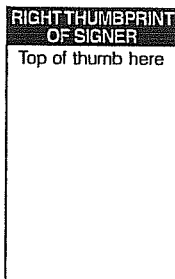
Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

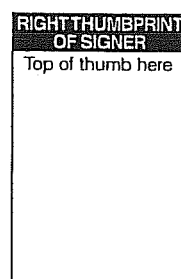
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On October 10, 2008 before me, Steven Simpson, Notary Public

Date

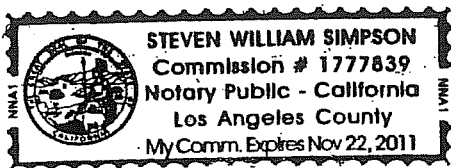
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Andrew E. Witt

Name(s) of Signer(s)

personally known to me

(or proved to me on the basis of satisfactory evidence)



to be the person(s) whose name(s) is 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.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature

Signature of Notary Public

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

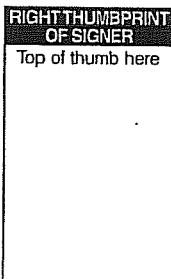
Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

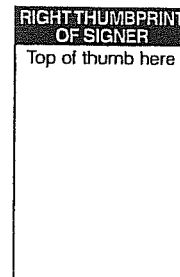
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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 E
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. 08-
CASE NO.: 08AGP-00000-00038

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 Kelley Elmore Witt Family Limited Partnership Agricultural Preserve (08AGP-00000-000038) 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 adoption 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 owner involved is:

Kelley Elmore Witt Family Limited Partnership, 1200 Union Sugar Avenue, Lompoc CA
93436

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 _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

SALUD CABRAJAL
Chair, Board of Supervisors
County of Santa Barbara

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) RESOLUTION NO.: _____
CODE, OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE, BY AMENDING) CASE NO.: 08RZN-00000-00011
THE COUNTY ZONING MAP BY CHANGING)
THE ZONING OF ASSESSOR'S PARCEL)
NUMBER 093-060-022, and -024 FROM 100-AL-O)
to AG-II-100)
_____)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 2, 1979, by Ordinance 3100, 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 Number 093-060-022, and -024 from 100-AL-O to AG-II-100.

PASSED, APPROVED AND ADOPTED this _____, 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHARLES A. JACKSON, Chair
Santa Barbara County Planning Commission

ATTACHMENT F
PLANNING COMMISSION REZONE
RESOLUTION

ATTEST:

Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

LEGAL DESCRIPTION

PARCEL ONE:

The South half of Farm Lot 55 of the Ranchos Lompoc and Mission Vieja, in the County of Santa Barbara, State of California, according to the map thereof filed in Book 1, Page 45 of Maps and Surveys, records of said County.

Except therefrom of the oil, gas, gasoline, asphaltum, and other hydrocarbons of whatever category lying below 500 feet from the surface with no rights of surface entry as granted to SMV Minerals, Inc., a California Corporation in deed recorded June 15, 1972 as Instrument No. 22088 in Book 2406, Page 199 of Official Records.

APN#93-060-08

PARCEL TWO:

The Westerly 1320 feet of the South half of Farm Lot 60 of the Subdivision of the Ranchos Lompoc and Mission Vieja, as shown on a map thereof filed in Book 1, Page 45 of Maps and Surveys, and the field notes of said subdivision being recorded in Book S, Pages 138 to 216 inclusive of Deeds, records of said County.

APN#93-060-22

PARCEL THREE:

The South one-half of Farm Lot 60 of the Subdivision of the Ranchos Lompoc and Mission Vieja, as shown on the map thereof filed in Book 1, Page 45 of Maps and Surveys, in the Office of the County Recorder of said County; and the field notes of said subdivision being recorded in Book "S", Pages 138 to 216 inclusive of Deeds, records of said County.

EXCEPTING therefrom the Westerly 1320 feet on said property, more particularly described in the deed to Warren C. Brown recorded April 6, 1962.

APN#93-060-24

ATTACHMENT H: AGRICULTURAL PRESERVE MINUTES FROM NOVEMBER 7,
2008

6.4 Agricultural Preserve Advisory Committee




VI. NEW ITEMS:

2. 78-AP-014 Witt New Ag Contract/Rezone Lompoc
08AGP-00000-00038, 08RZN-00000-00011 Florence Trotter-Cadena, Planner (805)
934-6253

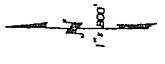
Consider the request of Rebecca Eggeman & Gregory Faulkner, Mullen and Henzel, agents for the owner, Kelly Elmore Witt Family Trust Limited Partnership, of Case Nos. 08AGP-00000-00038 and 08RZN-00000-00011 regarding a new contract, rezone and its consistency with the Uniform Rules. The property is 154 acres identified as Assessor's Parcel Numbers 093-060-008, -022 and -024, zoned AG-II-100 and 100-AL-0 with an AC and A-II Comprehensive Plan designations located at on Central Avenue, between Union Sugar and DeWolfe Avenues in the Lompoc area, Fourth Supervisorial District.

ACTION: Emmons moved, seconded by Karamitsos, and carried by a vote of 4 to 0 to find this item consistent with the Uniform Rules, based on the existing planting and the size of the proposed contract.

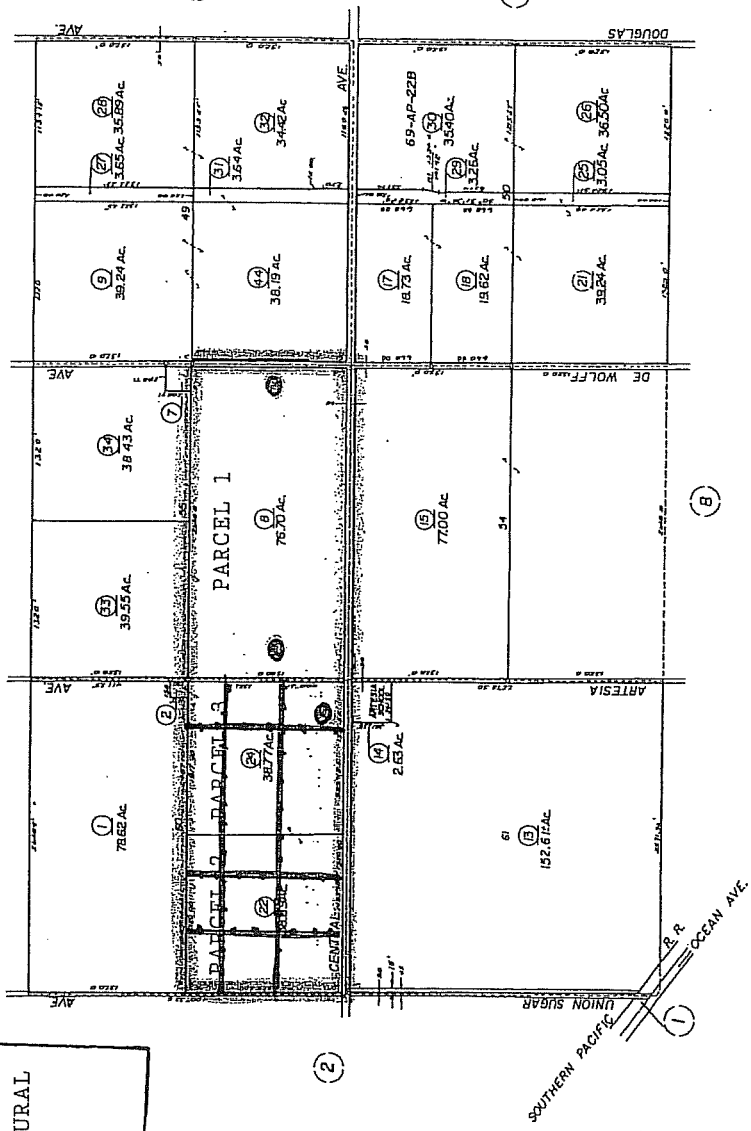
KEY

-  WATER WELL
-  DIRT ROAD
-  PROPOSED AGRICULTURAL PRESERVE BOUNDARY

93-06



RANCHO LOMPOC



County of Santa Barbara, Calif.
 Assessor's Map Bk. 93 - Pg. 06
 5/8/89
 COUNTY OF SANTA BARBARA
 COUNTY CLERK'S OFFICE

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

R M Bk. 1, Pg 45 - Lompoc Farm Lots

**ATTACHMENT I
 SITE PLAN**