



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: October 6, 2009
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Director, (805) 568-2085
Director
Contact Info: Doug Anthony, Deputy Director, (805) 568-2046
SUBJECT: Pepe New Agricultural Preserve and Rezone, Lompoc area

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

Auditor-Controller Concurrence

As to form: N/A

Consider the request of the Jane Gray, Dudek and Associates, agent for the Stephen and Catherine Pepe, owners, for the creation of a new prime agricultural preserve contract, Case No. 09AGP-00000-00001, and a consistency rezone, Case No. 09RZN-00000-00001.

The Board of Supervisors action should include the following:

- A. Approve the Rezone:
1. Adopt the required findings for 09RZN-00000-00001 specified in Attachment A of the Planning Commission action letter dated August 12, 2009, (included herein as Exhibit 5) including CEQA findings;
 2. Accept the exemption, included as Exhibit 2 of this board letter, dated August 12, 2009, pursuant to CEQA Section 15061(b)(3);
 3. Adopt Zoning Map Amendment for 099-100-037, amending the Inland Zoning Map from 100-AG, (Ordinance 661), to AG-II-100 (Land Use and Development Code) for the Lompoc Valley Rural Areas Zones included herein as Exhibit 1 of this Board Letter;
- B. Approve the creation of a new prime Agricultural Preserve Contract:

1. Adopt the required findings for 09AGP-00000-00001 specified in Attachment A of the Planning Commission action letter dated August 12, 2009 (included herein as Exhibit 5) including CEQA findings;
2. Accept the exemption, included herein as Exhibit 2 of this board letter, dated August 12, 2009, pursuant to CEQA Section 15317;
3. Execute an agreement, included as Exhibit 3 of this board letter creating Agricultural Preserve, 09AGP-00000-00001; and,
4. Adopt a resolution, included as Exhibit 4 of this board letter creating Agricultural Preserve, 09AGP-00000-00001.

The site is identified as Assessor Parcel Number 099-100-037, located northeast at the intersection of Highway 246 and Gypsy Canyon Drive, known as 4477 East Highway 246, in the Lompoc area, Fourth Supervisorial District.

Summary Text:

At the Planning Commission hearing of August 12, 2009 the Commission voted unanimously to recommend the foregoing action to the Board of Supervisors. The Planning Commission's August 12, 2009 Action Letter is included as Exhibit 5 of this Board Letter, and the June 25, 2009 staff report is included herein as Exhibit 8 of this Board Letter.

The proposed prime agricultural preserve (09AGP-00000-00001) would consist of 40.98 acres used for vineyards and olive orchard. The property is currently zoned 100-AG under Ordinance 661, and is proposed to be rezoned to AG-II-100 under the Land Use and Development Code. Since the parcel is only 40.98 acres it would be considered legal non-conforming as to size. On March 6, 2009 the Agricultural Preserve Advisory Committee recommended approval of the proposed Agricultural Preserve Contract and Rezone and found the project consistent with the Uniform Rules.

Background:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land in an agricultural use. The County of Santa Barbara has adopted such a program which is codified under the Agricultural Preserve Program Uniform Rules. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary. Therefore, there are no state mandates associated with this program.

Government Code §658565 requires that upon receipt of an affirmative recommendation of the Planning Commission on a proposed rezoning, the legislative body shall hold a public hearing on the matter.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

There are no fees associated with new contracts. The cost for the contract review and preparation of this report is estimated to be \$3000.00, and is budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-312 of the adopted 2009– 2010 fiscal year budget.

Special Instructions:

Please distribute copies of the recorded contract with attached legal descriptions and copies of the Board of Supervisors Minute Order as follows:

Florence Trotter-Cadena, P&D	Contract, Map
Assessor	Contract, Map
Surveyor	Contract
Clerk	Contract
Stephen and Catherine Pepe	Contract, Map
4777 East Highway 246	
Lompoc, CA 93436	

The Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Hearing Support Section, Attn: David Villalobos.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. The Clerk of the Board shall mail a notice to property owners within 300 feet of the project, including the real property owners, project applicant, and agencies expected to provide essential services shall be done at least 10 days prior to the hearing (Government Code Section 65091) and publish a notice in the Santa Barbara Daily Sound.

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

Exhibits

1. Ordinance to Rezone
2. CEQA Exemptions for Agricultural Preserve and Rezone
3. Agricultural Preserve Contracts
4. Resolution Creating Agricultural Preserve, 09AGP-00000-00001
5. Planning Commission Action Letter, dated August 12, 2009
6. Planning Commission Rezone Resolution
7. Legal Description
8. Staff Report, dated June 25, 2009
9. Site Plan

Authored by:

Florence Trotter-Cadena, Senior Planner, 805-934-6253
Development Review Division – North, Planning and Development Department