

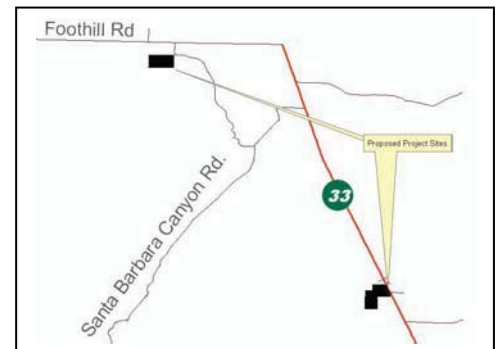
SANTA BARBARA COUNTY PLANNING COMMISSION
Consent Agenda
Staff Report for Zannon Agricultural Preserve and Rezone

Hearing Date: June 30, 2010
Staff Report Date: June 18, 2010
Case No.:09AGP-00000-00024
09AGP-00000-00025
09RZN-00000-00011

Division: Agricultural Planning
Supervising Planner: Michael Hays
Supervising Planner Phone #: 934-6923
Staff Contact: Stephanie Stark
Planner's Phone #: 681-5604

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

OWNER/APPLICANT:
Eugene and Gail Zannon
P.O. Box 21957
Santa Barbara, CA 93121



This site is identified as Assessor Parcel Numbers 149-170-044, 149-230-060, near Foothill Road and Hwy 33, in the Cuyama/Ventucopa area, Fifth Supervisorial District.

Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Gail and Eugene Zannon, owners, to consider the following:

- a) 09AGP-00000-00024, Zannon Agricultural Preserve Contract #1, [application filed on September 29, 2009] for creation of an 80 acre 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 Uniform Rules for Agricultural Preserves and Farmland Security Zones;
- b) 09AGP-00000-00025, Zannon Agricultural Preserve Contract #2, [application filed on September 29, 2009] for creation of a 98.78 acre 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 Uniform Rules for Agricultural Preserves and Farmland Security Zones;

- c) 09RZN-00000-00011 [application filed on September 29, 2009] proposing to rezone 178.78 acres from U (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 sites are identified as Assessor's Parcel Numbers 149-170-044 and 149-230-060 located near Foothill Road, west of Hwy 33, in the Cuyama/Ventucopa area, Fifth Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 09AGP-00000-00024, 09AGP-00000-00025, and 09RZN-00000-00011 marked "Officially Accepted, County of Santa Barbara June 30, 2010 County Planning Commission Attachment 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 make the required findings for 09AGP-00000-00024, 09AGP-00000-00025 and 09RZN-00000-00011 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. 09RZN-00000-00011, rezoning the properties from U to AG-II-100;
 - b. Ordinance Zoning Map Amendment for Assessor's Parcel Numbers 149-170-044 and 149-230-060, amending the Inland Zoning Map for the Cuyama Valley Rural Areas Zones (Draft Ordinance included as Attachment C);
 - c. 09AGP-00000-00024 and 09AGP-00000-00025, creating two prime preserves and entering into two Williamson Act contracts.

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. According to Rule 1-2 in the Uniform Rules for Agricultural Preserves and Farmland Security Zones, eligible land shall have zoning designations of Agriculture, Mountainous, or Resource Management. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a consistency rezone request.

4.0 ISSUE SUMMARY

The project consists of the placement of two parcels into two separate prime Agricultural Preserves. To ensure consistency with the Uniform Rules for Agricultural Preserves and Farmland Security Zones, both parcels would be rezoned from U to AG-II-100.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II
Ordinance, Zone	Ordinance 661, U
Assessor's Parcel Numbers	149-170-044/149-230-060
Site Size	80 acres/98.78 acres = 178.78 acres total
Present Use & Development	Both parcels are used to grow pistachios. One parcel contains a farm employee dwelling.
Surrounding Uses/Zone(s)	<i>North: Agriculture/AG-II-100</i> <i>South: Agriculture/U</i> <i>East: Agriculture/U</i> <i>West: Agriculture/U</i>
Access	Foothill Road via private easement/Highway 33
Other Site Information	none
Public Services	Water Supply: Private off-site water well/on-site water well Sewage: none Fire: S.B. County Fire Station 41

5.2 Description

The proposed project is an application for the placement of two parcels into two separate Agricultural Preserves. The parcels qualify for enrollment into the preserve program as prime preserves pursuant to Uniform Rule 1-2.2C and individually meet the minimum 40 acre parcel size required for a prime preserve. One preserve would include Assessor's Parcel Number 149-170-044, an 80 acre legal parcel. The other preserve would include Assessor's Parcel Number 149-230-060, a 98.78 acre parcel. The County Surveyor's Office has been unable to determine

validity for Assessor's Parcel Number 149-230-060. In addition, this project includes a rezone for Assessor's Parcel Numbers 149-170-044 and 149-230-060 from U (Ordinance 661) to AG-II-100 (Land Use and Development Code) Zone Designation.

5.5 Background Information

Both sites are fully planted with mature pistachio trees. Assessor's Parcel Number 149-170-044 is a legal parcel and contains no structures. Assessor's Parcel Number 149-230-060 contains one farm employee dwelling. The County Surveyor's Office cannot provide a determination regarding parcel validity on Assessor's Parcel Number 149-230-060 without a certificate of compliance application. Uniform Rule 1-2 Eligibility Requirements states: "Where a landowner applies to enroll their entire contiguous landholding in a single contract, and the landholding complies with these rules, the landowner 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 the parcel or parcels". The landowner is proposing to enroll their entire contiguous landholding (Assessor's Parcel Number 149-230-060) in a single contract and is not proposing development at this time. On June 4, 2010 the Agricultural Preserve Advisory Committee discussed the parcel validity issue and determined Assessor's Parcel Number 149-230-060 does not need to be a legal parcel to enroll in the Agricultural Preserve program. The landowner has been advised they will need to determine parcel validity should they choose to develop the parcel in the future.

The Agricultural Preserve Uniform Rule 1-2.1 requires eligible land to have land use and zoning designations consistent with Agriculture, Mountainous, or Resource Management. The rules states: "Interested landowners with ineligible land use or zoning designations should request and secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject to the provisions outlined in section 1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request". Uniform Rule 1-2.4D states: "In order for a parcel or group of parcels to be eligible for new and replacement contracts, the parcel(s) shall be zoned to the applicable zoning designation consistent with the qualifying preserve".

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 proposal would further support the agricultural use on both properties. The proposed project 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 U 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. Parcels north of Assessor's Parcel Number 149-170-044 are currently designated agricultural with a minimum parcel size of at least 100 acres. Parcels to the east, south and west of Assessor's Parcel Number 149-170-044 are currently designated U (Unlimited Agriculture). Parcels zoned U range in size from 40 acres to 280 acres. Parcels surrounding Assessor's Parcel Number 149-230-060 are zoned U with sizes ranging from 192 acres to less than one acre. The minimum parcel size that would be permitted under the proposed zone district would be 100 acres. Agricultural Element Policy I D states 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 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 April 2, 2010 the Agricultural Preserve Advisory Committee reviewed both proposed projects. The Committee found 09AGP-00000-00025 consistent with the Uniform Rules and

09AGP-00000-00024 consistent with the Uniform Rules contingent on obtaining a recorded water sharing agreement. A recorded water sharing agreement was obtained. On June 4, 2010 the Agricultural Preserve Advisory Committee reviewed 09AGP-00000-00024 again to discuss the issue of parcel validity. Based on Uniform Rule 1-2 Eligibility Requirements, the inability to determine parcel validity for Assessor's Parcel Number 149-230-060 does not preclude the parcel from being enrolled in the Agricultural Preserve Program. Therefore, both proposed projects are considered to be consistent with the Uniform Rules.

7.0 APPEALS PROCEDURE

Zoning Map Amendments and Agricultural Preserve Contacts 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 Preserves and Rezone
- C. Ordinance to Rezone
- D. Agricultural Preserve Contacts
- E. Resolution Creating Agricultural Preserve, 09AGP-00000-00024/09AGP-00000-00025
- F. Planning Commission Rezone Resolution
- G. Legal Descriptions
- H. Agricultural Preserve Advisory Committee Minutes of April 2, 2010 and June 4, 2010
- I. Assessor Parcel Zoning Maps
- J. Site Plans

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 Land Use and Development Code.

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 Uniform Rules for Agricultural Preserves and Farmland Security Zones. 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 Uniform Rules for Agricultural Preserves and Farmland Security Zones under the terms of the California Conservation Act of 1965.

On April 2, 2010 the Agricultural Preserve Advisory Committee reviewed both proposed projects. The Committee found 09AGP-00000-00025 consistent with the Uniform Rules and 09AGP-00000-00024 consistent with the Uniform Rules contingent on obtaining a recorded water sharing agreement. A recorded water sharing agreement has since been obtained. The Committee reviewed 09AGP-00000-00025 again on June 4, 2010 and determined parcel validity for Assessor's Parcel Number 149-230-060 does not need to be determined for the parcel to enroll in the Agricultural Preserve Program. Therefore, 09AGP-00000-00024 and 09AGP-00000-00025 are considered consistent with the Uniform Rules.

ATTACHMENT B: ENVIRONMENTAL REVIEW

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Stephanie Stark, Agricultural 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: 149-170-044, 149-230-060 **Case No.:** 09AGP-00000-00024/09AGP-00000-00025/09RZN-00000-000011

Location: APN 149-170-044 is located near Foothill Road and APN 149-230-060 is located near Hwy 33, in the Cuyama/Ventucopa area;

Project Title: Zannon Agricultural Preserve and Rezone

Project Description: New Agricultural Preserve Contracts and 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

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

☐ Emergency Project

☒ XX Categorical Exemption (§15317)

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.

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 pistachio trees. 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: Stephanie Stark

Phone #: 681-5604

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 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 149-170-044 and 149-230-060 FROM U, Unlimited Agriculture, 10 acres minimum parcel size unless parcel already exists TO AG-II-100, Agriculture, 100 acres minimum parcel size.

Case No. 09RZN-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 149-170-044 and 149-230-060 FROM U, Unlimited Agriculture, 10 acres minimum parcel size unless parcel already exists TO AG-II-100, Agriculture, 100 acres minimum parcel size 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 Daily Sound, 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 _____, 2010, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Janet Wolf, 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 D: AGRICULTURAL PRESERVE CONTRACTS

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

09AGP-00000-00024

THIS LAND CONSERVATION CONTRACT, by and between **Eugene Zannon and Gail Zannon, Husband and Wife as Joint Tenants** hereinafter referred to as "OWNER" and the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

W I T N E S S E T H:

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 Zannon Agricultural Preserves and Rezone, #: 09AGP-00000-00024, 09AGP-00000-00025, 09RZN-00000-00011

this contract, and to be designated as the **Zannon New Agricultural Preserve #1, 09AGP-00000-00024, Assessor Parcel Number 149-170-044, 80 acres; with zoning of AG-II-100 and 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, **2011** 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: _____
Janet Wolf, Chair

Attest:

CLERK OF THE BOARD

By: _____
Deputy Clerk

Approved As To Form:

COUNTY COUNSEL, DENNIS A.
MARSHALL

By: _____
Deputy County Counsel

OWNERS

EUGENE ZANNON AND GAIL
ZANNON, HUSBAND AND WIFE AS
JOINT TENANTS

By: _____
Eugene Zannon, Owner

By: _____
Gail Zannon, Owner

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

09AGP-00000-00025

THIS LAND CONSERVATION CONTRACT, by and between **E.F. Zannon**
(Anacapa Fund Pension/Profit Trust) 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 **Zannon New Agricultural Preserve #2, 09AGP-00000-00025, Assessor Parcel Number 149-170-060, 98.78 acres; with zoning of AG-II-100 and 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, **2011** 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: _____
Janet Wolf, Chair

Attest:

CLERK OF THE BOARD

By: _____
Deputy Clerk

Approved As To Form:

COUNTY COUNSEL, DENNIS A.
MARSHALL

By: _____
Deputy County Counsel

OWNERS

E.F. ZANNON (ANACAPA FUND
PENSION/PROFIT TRUST)

By: _____
Eugene Zannon, Owner

By: _____
Gail Zannon, Owner

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. 09-
CASE NO.: 09AGP-00000-00024
09AGP-00000-00025

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 Zannon Agricultural Preserve #1 (09AGP-00000-000024) and Zannon Agricultural Preserve #2 (09AGP-00000-000025) 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:

Gail and Eugene Zannon, P.O. Box 21957, Santa Barbara, CA 93121

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 _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

JANET WOLF
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
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 149-170-044 and 149-230-060
FROM U to AG-II-100

RESOLUTION NO.: _____

CASE NO.: 09RZN-00000-00011

WITH REFERENCE TO THE FOLLOWING:

- A. On September 29, 1958 by Ordinance 971, 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 Numbers 149-170-044 and 149-230-060 from U to AG-II-100.

PASSED, APPROVED AND ADOPTED this _____, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Brown, Chair

Santa Barbara County Planning Commission

Zannon Agricultural Preserves and Rezone, #: 09AGP-00000-00024, 09AGP-00000-00025, 09RZN-00000-00011

ATTEST:

Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT G: LEGAL DESCRIPTIONS

Agricultural Preserve
09AEP-00000-00024

EXHIBIT 'B' OWNERS: EUGENE AND GAIL ZANNON, HUSBAND AND WIFE AS JOINT TENANTS

File No.: 4201-3364905 (LC)
Property: 10 Highway 33, Cuyama, CA

PARCEL 2: (APN: 149-170-44)

THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 25 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM AN UNDIVIDED $\frac{1}{6}$ INTEREST OF ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS WITHIN OR UNDERLYING SAID LANDS AS DISTRIBUTED TO WILFRED E. CAWELTI BY DECREE OF DISTRIBUTION OF THE ESTATE OF GERTRUDE E. CAWELTI UPON THE CONDITIONS CONTAINED THEREIN.

ALSO EXCEPTING THEREFROM AN UNDIVIDED $\frac{5}{12}$ THS INTEREST IN ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS WITHIN OR UNDERLYING SAID LANDS, AS RESERVED BY HAROLD CAWELTI, LAURANCE CAWELTI, ROBERT CAWELTI, JANICE ROTHWELL AND FRANK CAWELTI, BY DEED RECORDED FEBRUARY 27, 1975, AS INSTRUMENT NO. 5898 IN THE OFFICE OF THE COUNTY RECORDER.

ALSO EXCEPTING THEREFROM $\frac{5}{24}$ THS INTEREST IN ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS WITHIN OR UNDERLYING SAID LANDS, AS RESERVED BY NORMAN E. HAHN, ET UX., BY DEED RECORDED NOVEMBER 5, 1976 AS INSTRUMENT NO. 47637 IN BOOK 2632, PAGE 2255 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM $\frac{5}{24}$ THS INTEREST IN ALL OIL, GAS, HYDROCARBON SUBSTANCES AND MINERALS WITHIN OR UNDERLYING SAID LANDS, AS RESERVED BY ALAN D. PRICE ET AL, BY DEED RECORDED MAY 21, 1980, AS INSTRUMENT NO. 20363 OF OFFICIAL RECORDS.

A.P.N. 149-170-44

APPROVED AS TO FORM
AND SURVEY CONTENT

Deputy for: Michael B. Emmons
MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 2/31/10



Agricultural Preserve
09AGP-00000-00025

LEGAL DESCRIPTION:

TOWNSHIP TRACT 67 OF TOWNSHIP 9 NORTH, RANGE 24 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF FILED DECEMBER 27, 1928 IN THE DISTRICT LAND OFFICE.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO HICKEY BROTHERS COMPANY, A CORP., BY THE DEED RECORDED FEBRUARY 20, 1928 AS INSTRUMENT NO. 1708 IN BOOK 137, PAGE 105 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/3 INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS IN, TO AND UNDER SAID REAL PROPERTY, BUT WITHOUT ANY RIGHT TO THE USE OF SURFACE OF SAID LAND FOR THE OBTAINING OF SUCH OIL, GAS OR OTHER MINERALS AS RESERVED IN THE DEED RECORD APRIL 15, 1959 AS INSTRUMENT NO. 11770 IN BOOK 1615, PAGE 462 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SANTA BARBARA BY THE DEED RECORDED DECEMBER 27, 1972 AS INSTRUMENT NO. 50584 IN BOOK 2439, PAGE 429 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SANTA BARBARA BY DEED RECORDED OCTOBER 7, 1973 AS INSTRUMENT NO. 46298 IN BOOK 2491, PAGE 1340 OF OFFICIAL RECORDS.

RESERVING AND EXCEPTING THEREFROM ALL OIL, GAS AND OTHER MINERAL RIGHTS IN, TO AND UNDER SAID REAL PROPERTY, BUT WITHOUT ANY RIGHT TO USE OF SURFACE OF SAID LAND FOR THE OBTAINING OF SUCH OIL, GAS OR OTHER MINERALS.

APPROVED AS TO FORM
AND SURVEY CONTENT

Michael B. Emmons, Deputy for:
MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 2/31/10



ATTACHMENT H: AGRICULTURAL PRESERVE MINUTES

FROM THE APRIL 2, 2010 MEETING

5. **Zannon New Ag Preserve Contract #1 and Consistency Rezone, Cuyama**
09AGP-00000-00024/ Stephanie Stark, Planner (805) 681-5604
09RZN-00000-00011

Consider the request of Gail Zannon owner, of Case Nos. 09AGP-00000-00024, 09RZN-00000-00011 regarding a new agricultural preserve contract and consistency rezone and its consistency with the Uniform Rules. The property is 80 acres identified as Assessor's Parcel Number 149-170-044, zoned U with an A-II Comprehensive Plan designation located near the intersection of Foothill Road and Santa Barbara Canyon Road in the Cuyama area, Fifth Supervisorial District.

Emmons moved, seconded by Hammock and carried by a vote of 3 to 0 (Curtis absent) to: find the project consistent with the Uniform Rules contingent on the recorded document No. 80-20363.

6. **Zannon New Ag Preserve Contract #2 and Consistency Rezone, Cuyama**
09AGP-00000-00025/ Stephanie Stark, Planner (805) 681-5604
09RZN-00000-00011

Consider the request of Gail Zannon owner, of Case Nos. 09AGP-00000-00025, 09RZN-00000-00011 regarding a new agricultural preserve contract and consistency rezone and its consistency with the Uniform Rule. The property is 98.78 acres identified as Assessor's Parcel Number 149-230-060 zoned U an A-II Comprehensive Plan designation located off Highway 33 in the Cuyama area, Fifth Supervisorial District.

Emmons moved, seconded by Hammock and carried by a vote of 3 to 0 (Curtis absent), to: find the project consistent with the Uniform Rules.

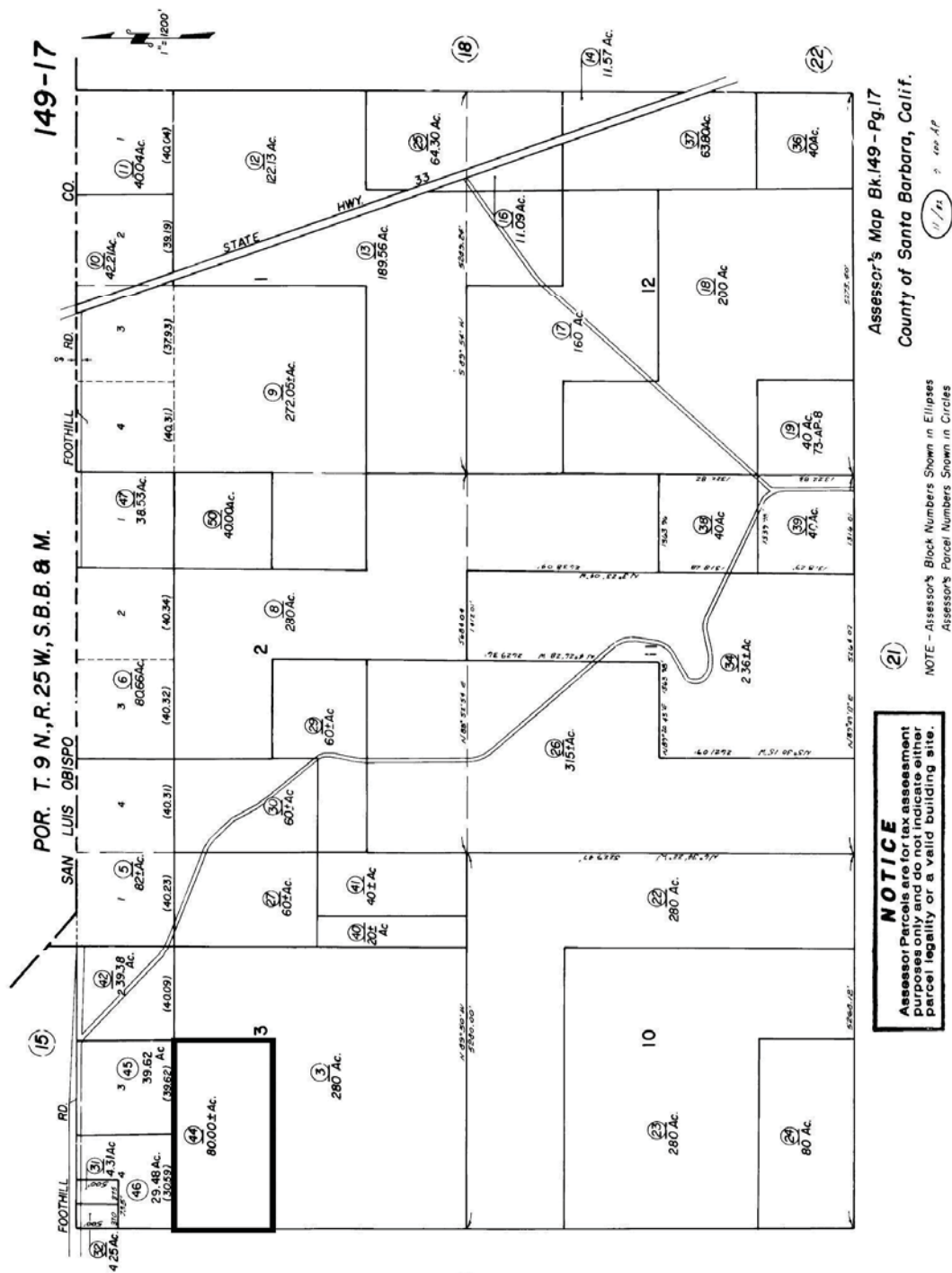
FROM THE JUNE 4, 2010 MEETING

1. **Zannon New Ag Preserve Contract #2 and Consistency Rezone, Cuyama**
09AGP-00000-00025 Stephanie Stark, Planner (805) 681-5604
09RZN-00000-00011

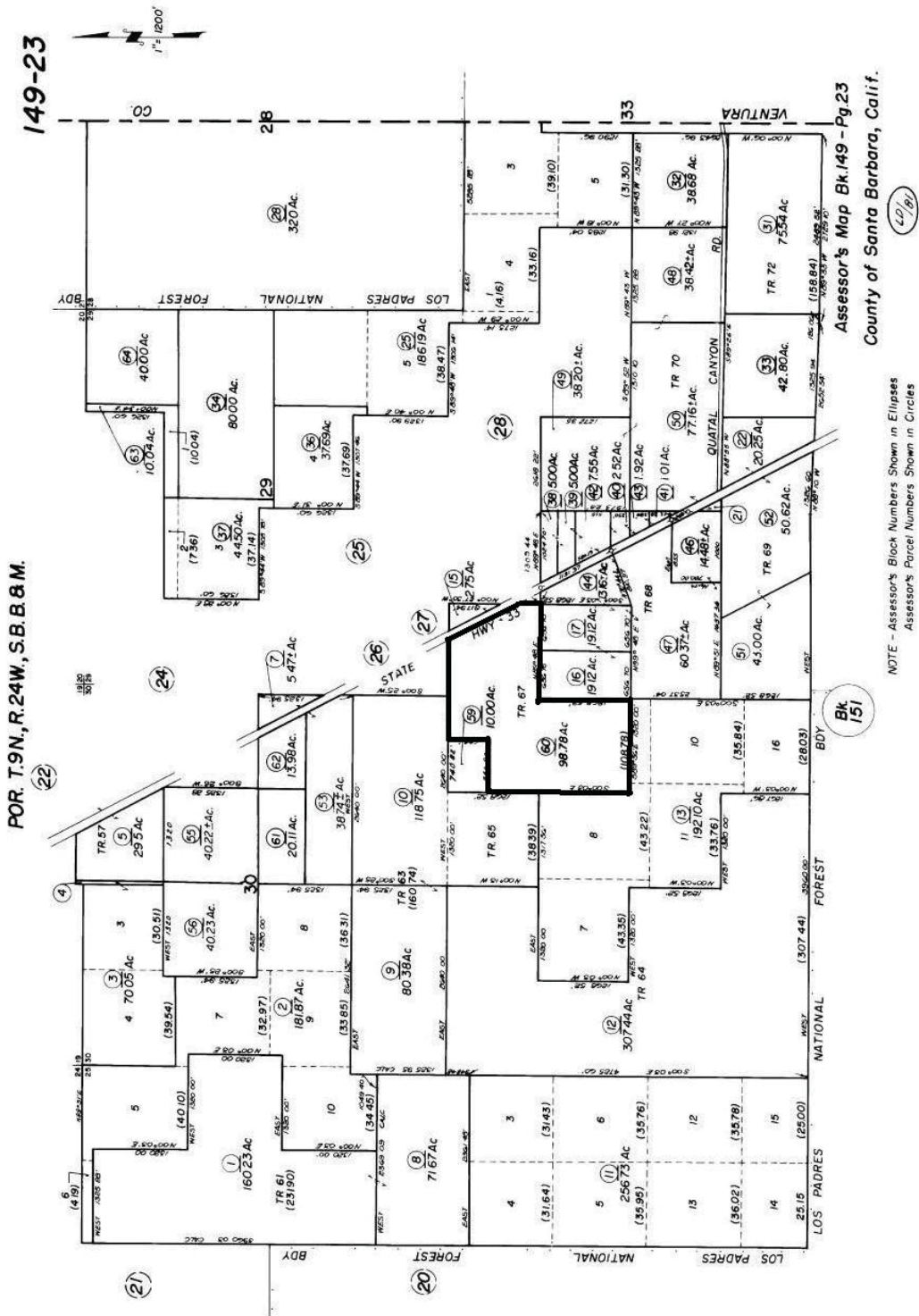
Consider the request of Gail Zannon owner, of Case Nos. 09AGP-00000-00025, 09RZN-00000-00011 regarding clarification of Uniform Rule 1-2. Does the subject parcel need to be a legal parcel to be eligible for a new agricultural preserve contract and consistency with the Uniform Rules? The property is 98.78 acres identified as Assessor's Parcel Number 149-230-060 zoned U with an A-II Comprehensive Plan designation located off Highway 33 in the Cuyama area, Fifth Supervisorial District. **(Continued from 4/2/10)**

Emmons moved, seconded by Curtis and carried by a vote of 4 to 0 to find the project consistent with the Uniform Rules. This finding does not conclude that this is a legal parcel.

09AGP-00000-00024
Assessor's Parcel Number 149-170-044



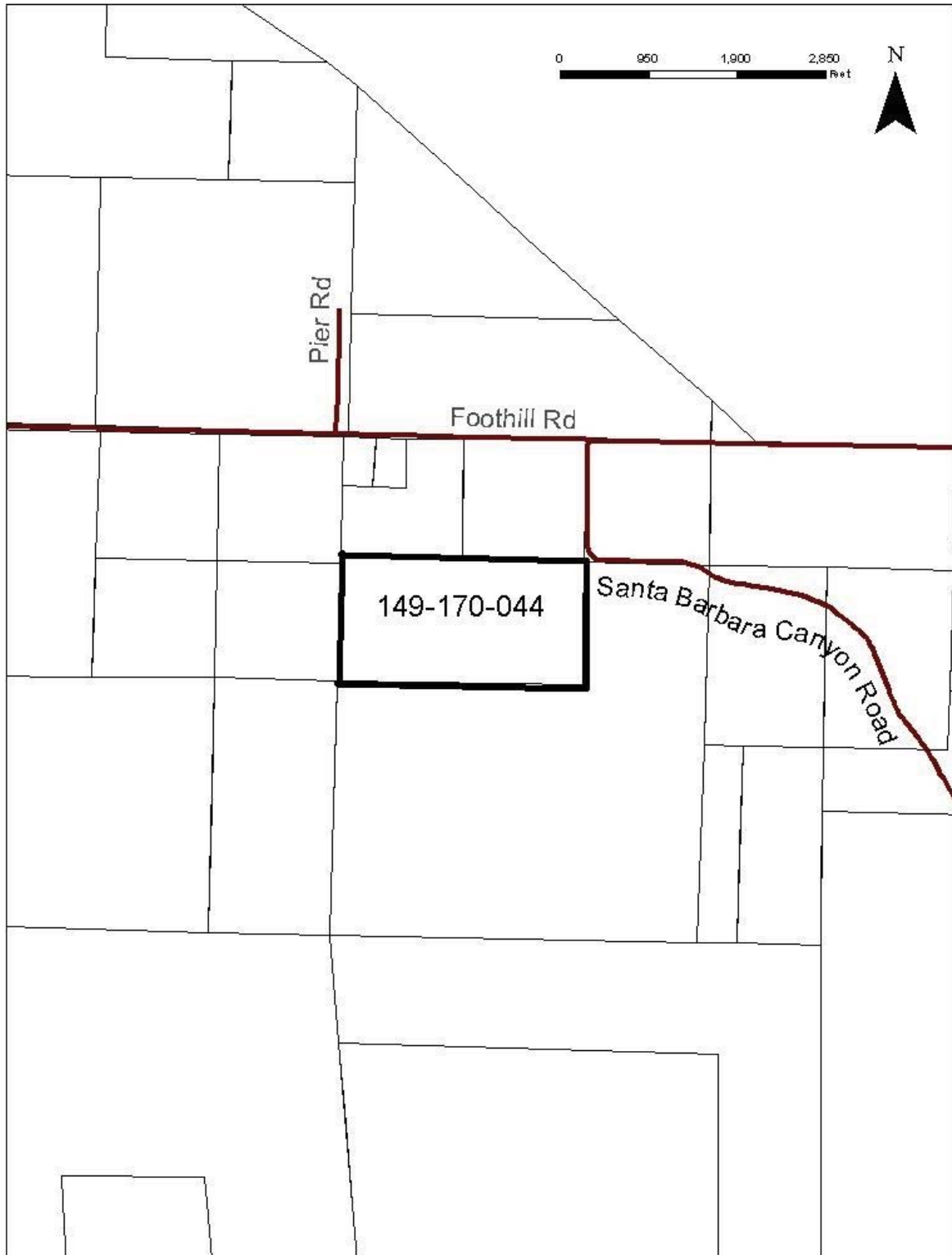
09AGP-00000-00025
Assessor's Parcel Number 149-230-060



ATTACHMENT J: SITE PLAN

09AGP-00000-00024

Assessor's Parcel Number 149-170-044



09AGP-00000-00025
Assessor's Parcel Number 149-230-060

