

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:

Prepared on: June 3, 2004
Department Name: Planning and Development
Department No.: 053
Agenda Date: June 22, 2004
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\AGP\02 cases\02agp-00000-00029\BSFinalLetter.DOC

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Florence Trotter-Cadena
934-6253

SUBJECT: Cancellation of a .2 acre portion of 101-050-006 of Agricultural Preserve Contract 70-AP-076B; Case No. 02AGP-00000-00029

Recommendation(s):

That the Board of Supervisors:

- A. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
- B. Accept the exemption, included as Attachment B pursuant to CEQA Section 15061 (b)(3).
- C. Grant final approval of the cancellation of a .2 acre portion of an existing agricultural preserve contract (70-AP-076B) based on 1) payment of the cancellation fees, and b) acceptance of the additional findings that cancellation is in the public interest (see Executive Summary below).
- D. Accept Planning and Development's verification that cancellation fees have been paid.
- E. Direct the Auditor/Controller to transmit the cancellation fees to the State Controller for deposit in the Soil Conservation Fund. Said transfer of funds shall occur within 80 days of the Board's final action.

The application involves Assessor Parcel Number 101-050-006, located approximately 1 mile east of the intersection of Tepusquet and Foxen Canyon Roads, known as 6601 Foxen Canyon Road, Santa Maria area, Fifth Supervisorial District.

(Estimated length of hearing: 30 minutes)

Alignment with Board Strategic Plan:

Law or Business Necessity

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Granting final approval for cancellation of a .2 acre portion of 70-AP-076B is found to be in the public interest in that the .2 acre portion currently has a caretaker's trailer on site and was inadvertently placed on the Battaglia parcel which is currently under contract. The caretaker's trailer is for protection and maintenance of the San Ramon Chapel and Cemetery which is both a State and County historical landmark. The Board of Supervisors, Planning Commission and the Agricultural Preserve Advisory Committee have determined the cancellation is in the public interest.

The Planning Commission considered and recommended approval of the requested .2 acre cancellation of 70-AP-076B (02AGP-00000-00029) on December 10, 2003. On May 28, 2002, a petition was filed with your Board and referred to Planning and Development for consideration. The cancellation has been reviewed by Planning and Development, the Assessor's Office and the Agricultural Preserve Advisory Committee. A summary of project issues and Planning Commission deliberations is attached to the Board letter.

Mandates and Service Levels:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish procedures for cancellation of an agricultural preserve contract. 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 for cancellation of agricultural preserve contracts.

Fiscal and Facilities Impacts:

The costs associated with the cancellation of the .2 acre portion shall be paid by the landowner, prior to final approval by the Board of Supervisors. The County Assessor's Office determines the fees on the land for full cash value as though it were free of contractual restrictions. This assessment will mitigate any impact to the County by canceling this portion of the preserve.

Special Instructions:

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

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

Concurrence:

County Counsel

Attachments:

- A. Planning Commission Action Letter, dated December 22, 2003
- B. Planning Commission Staff Report, dated October 29, 2003
- C. Tentative Certificate of Cancellation
- D. Auditor-Controller's Office Verification of Deposit