



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: 11/27/07
Placement: Set Hearing on 12/11/07
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director
Director Planning and Development
Contact Info: Zoraida Abresch, Deputy Director, (934-6585)
Development Review - North County
SUBJECT: Tremper New Agricultural Preserve Contract and Rezone, Santa Maria Area

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

Set a hearing on December 11, 2007 at the request of Michael and Janis Tremper, owners, to consider Case Nos. 07RZN-00000-00011 and 07AGP-00000-00009 for approval of a rezone of 130 acres from U (Ordinance 661) to AG-II-100 in compliance with Section 35.104 of the County Land Use Development Code; and of the creation of a new nonprime agricultural preserve contract.

At the December 11, 2007 hearing, the Board of Supervisor's action should include the following:

- A. Approve the Rezone:
1. Adopt the required findings for 07RZN-00000-00011 as specified in Attachment A of the Planning Commission action letter dated October 10, 2007 (Attachment E) including CEQA findings;
 2. Accept the exemption, included as Attachment B of this board letter, dated October 10, 2007, pursuant to CEQA Section 15061(b)(3);

Auditor-Controller Concurrence

As to form: N/A

3. Adopt a Zoning Map Amendment for APN 131-030-049, amending the Inland Zoning Map for the Santa Maria Valley Rural Region Zoning District, included as Attachment A of this Board Letter;

B. Approve the creation of a new prime Agricultural Preserve Contract:

1. Accept the exemption, included as Attachment B of this board letter, pursuant to CEQA Sections 15317;
2. Execute an agreement, included as Attachment C of this board letter creating Agricultural Preserve, 07AGP-00000-00009; and,
3. Adopt a resolution, included as Attachment D of this board letter creating Agricultural Preserve, 07AGP-00000-00009.

The site is identified as Assessor Parcel Number 131-030-049 located off Highway 166 (Pine Canyon), in the Santa Maria area, Fifth Supervisorial District.

Summary Text:

At the Planning Commission hearing of October 10, 2007, the Commission voted to take action as stated above. The Planning Commission's October 10, 2007 Action Letter is included as Attachment E of this Board Letter, and the August 31, 2007, staff report is included as Attachment G of this Board Letter.

The proposed project consists of the placement of one legal parcel into one Agricultural Preserve. The parcel qualifies for enrollment into the preserve program as a "nonprime" preserve pursuant to Uniform Rule 6, Section I.C.1.a and meets the minimum 100 acres parcel size required for a nonprime preserve. The nonprime preserve would consist of approximately 130 acres. In addition, this project includes a rezone for Assessor's Parcel number 131-030-049 from the U (Ordinance 661) to the AG-II-100 (Land Use Development Code) Zone Designation.

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 that the legislative body shall hold a public hearing on the matter.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. Mailed notice required 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).

Fiscal and Facilities Impacts:

On November 14, 2006, the Board of Supervisors approved a revised fee schedule which eliminated specific categories of agricultural preserve application fees. Fees associated with new contracts have been waived by the Board of Supervisors. This fee schedule went into effect on January 13, 2007 (60 days after approval).

Funding for the contract review and preparation of this report is estimated to be \$1500.00, and is budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-290 of the adopted 2007 – 2008 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
Michael and Janis Tremper	Contract, Map
1381 Cielo Lane	
Nipomo CA 93444	

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

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

Attachments:

- A. Ordinance to Rezone
- B. CEQA Exemptions for Agricultural Preserve and Rezone
- C. Agricultural Preserve Contracts
- D. Resolution Creating Agricultural Preserve, 07AGP-00000-00009
- E. Planning Commission Action Letter, dated October 10, 2007
- F. Legal Description
- G. Staff Report, dated August 31, 2007
- H. Site Plan

Authored by:

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