

LAND USE DEVELOPMENT CODE (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL 139-510-001

Case No. 07RZN-00000-00002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 139-510-001 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated _____, 2007, which redesignates Assessor's Parcel Number 139-510-001, from 40-AL-O to AG-II-40, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

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 4

Except as amended by this Ordinance, Section 35.14.020 of the Land Use Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, 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 _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Chair, Board of Supervisors
County of Santa Barbara
State of California

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena

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(s) 139-510-001

Case No.: 07AGP-00000-00004

Location: located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

Project Title: Kaufman Agricultural Preserve Contract

Project Description: Creation of a new Prime 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, sanitary and other facilities. The project is currently used for a horse operation. The project will not require an increase in 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.

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)

Date Filed by County Clerk

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(s): 139-510-001

Case No.: 07RZN-00000-00002

Location: located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

Project Title: Kaufman Rezone

Project Description: Rezone for the 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
- 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, sanitary and other facilities. The project will not require an increase in 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)

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
07AGP-00000-00004

THIS LAND CONSERVATION CONTRACT, by and between **Ernest T. Kaufmann and Monica Lynne Kaufmann, as trustees of the Kaufmann Family Trust created u/d/t/ dated November 21, 2006** 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 **Kaufmann Agricultural Preserve, 07AGP-00000-00004, Assessor Parcel Number 139-510-001, 40 acres; with zoning of AG-II-40, 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; and October 15, 1980, Reel No. 80-41873 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, 2008, 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 _____.

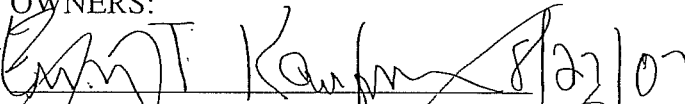
ATTEST:

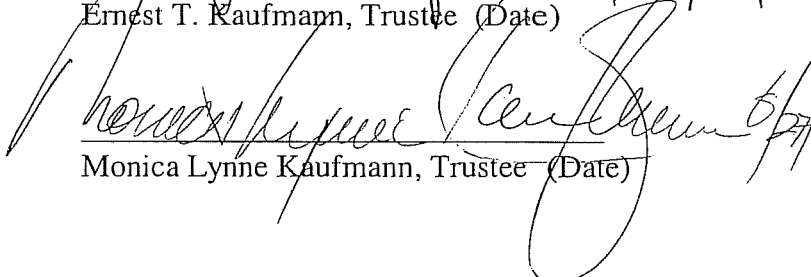
COUNTY OF SANTA BARBARA

CLERK OF THE BOARD

By: _____
Chairman, Board of Supervisors

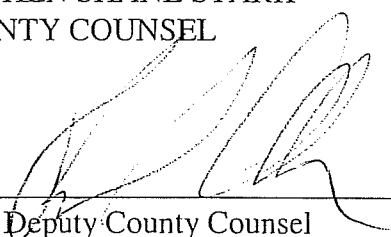
By: _____
Deputy Clerk

OWNERS:

Ernest T. Kaufmann, Trustee (Date)


Monica Lynne Kaufmann, Trustee (Date)

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: 
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

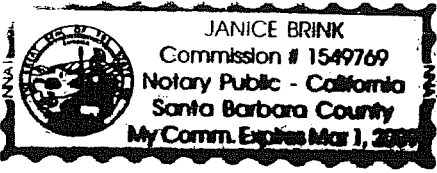
State of California

County of SANTA BARBARA }

On AUGUST 27, 2007 before me, JANICE BRINK NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared ERNEST T. KAUFMANN AND MONICA LYNNE KAUFMANN
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/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 Janice Brink
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

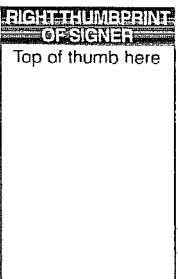
Document Date: AUGUST 27, 2007 Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

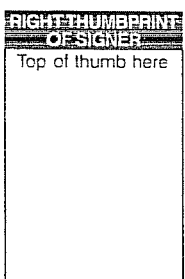
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

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
07AGP-00000-00004

THIS LAND CONSERVATION CONTRACT, by and between **Ernest T. Kaufmann and Monica Lynne Kaufmann**, as trustees of the **Kaufmann Family Trust** created **u/d/t/ dated November 21, 2006** 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 **Kaufmann Agricultural Preserve, 07AGP-00000-00004, Assessor Parcel Number 139-510-001, 40 acres; with zoning of AG-II-40, 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; and October 15, 1980, Reel No. 80-41873 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, 2008, 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 _____.

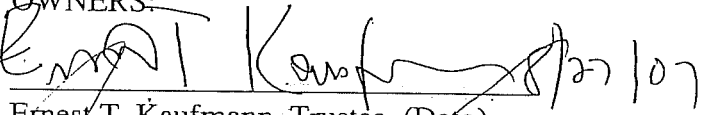
ATTEST:

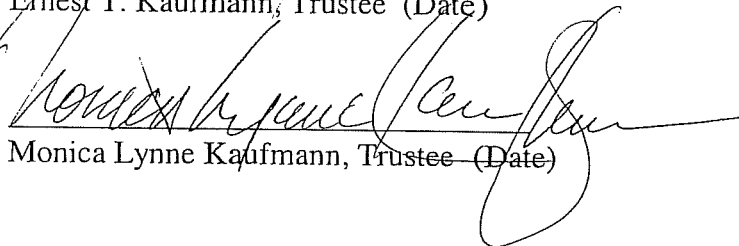
COUNTY OF SANTA BARBARA

CLERK OF THE BOARD

By: _____
Chairman, Board of Supervisors

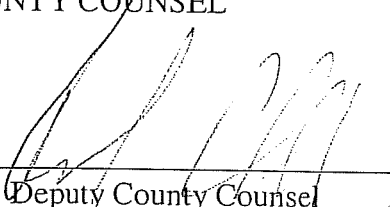
By: _____
Deputy Clerk

OWNERS:

Ernest T. Kaufmann, Trustee (Date)


Monica Lynne Kaufmann, Trustee (Date)

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: 
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

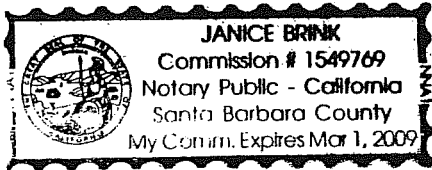
County of SANTA BARBARA

On AUGUST 27, 2007 before me, JANICE BRINK NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared ERNEST T. KAUFMANN AND MONICA LYNNE KAUFMANN
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/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 Janice Brink
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: AUGUST 27, 2007

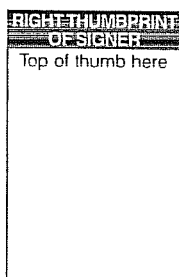
Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

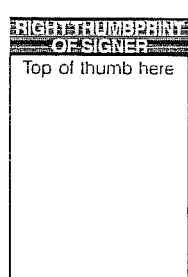
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

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. 07- _____
CASE NO.: 07AGP-00000-00004

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 following Agricultural preserve is hereby created and entering into an agricultural preserve contract in the County of Santa Barbara: Kaufmann Agricultural Preserve (07AGP-00000-00004)
- 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:

Ernest Kaufmann P.O. Box 385 Santa Ynez CA 93460
- 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 _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

BROOKS FIRESTONE
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:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF AUGUST 8, 2007

RE: *Kaufmann Rezone and Agricultural Preserve Contract, 07AGP-00000-00004, 07RZN-00000-00002*

Hearing on the request of Walter Alves, Alves Property Services, to consider the following [application filed on February 21, 2007]:

- a) **07AGP-00000-00004** 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) **07RZN-00000-00002** proposing to rezone 40 acres from 40-AL-0 (Ordinance 661) to AG-II-40 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 State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 139-510-001, located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of August 8, 2007 Commissioner Blough moved, seconded by Commissioner Valencia and carried by a vote of to 4-0 (Smyser absent) to recommend that the Board of Supervisors:

1. Adopt the required findings for 07RZN-00000-00002 and 07AGP-00000-00004 specified in Attachment A of the staff report dated July 10, 2007, including CEQA findings;
2. Approve the Exemption pursuant to CEQA Sections 15317 and 15061(b)(3) included as Attachment B of the staff report dated July 10, 2007; and
3. Adopt 07RZN-00000-00002, rezoning the property from 40-AL-O to AG-II-40 and 07AGP-00000-00004, creating one agricultural preserve and entering into an agricultural preserve contract.

The attached findings reflect the Planning Commission's actions of August 8, 2007.

Planning Commission Hearing of August 8, 2007
Kaufmann Rezone and Agricultural Preserve Contract
07AGP-00000-00004, 07RZN-00000-00002
Page 2

Sincerely,

Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 07RZN-00000-00002, 07AGP-00000-00004
Planning Commission File
Records Management
Owner: Ernest Kaufmann, P.O. Box 385, Santa Ynez CA 93460
Agent: Walter Alves, P.O. Box 931, Solvang, CA 93464
County Chief Appraiser
County Surveyor
Supervisor Firestone, Third District
Commissioner Symser, Third District
Mary Ann Slutzky, Deputy County Counsel
Florence Trotter-Cadena, Planner

Attachments: Findings

DMB:cnm

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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. Pursuant to CEQA Section 15061 applies only to projects which have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. 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-40 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 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 Development Code) and with State laws.

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.

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 consistent with the requirements of the Uniform Rules as indicated by the discussion presented in Section 6.4 of this report and the recommendation made by the Agricultural Preserve Advisory Committee

Agricultural Preserve

07AGP-00000-00004

Parcel "A" of Parcel Map 13,513 in the County of Santa Barbara, State of California, as shown on Parcel Map filed in Book 35, Pages 9 and 10 of Parcel Maps in the Office of the County Recorder of said County.

APPROVED AS TO FORM
AND SURVEY CONTENT

Edmund R. Villa

FOR: MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 12/31/08



ATTACHMENT F
LEGAL DESCRIPTION



APN: 139-510-001



MESA VERDE RD

REFUGIO RD

Not to Scale



Kaufman Agricultural

Agricultural Preserve No:
07AGP-00000-00004

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
Staff Report for Kaufman Rezone and Agricultural Preserve Contract

Hearing Date: August 8, 2007

Staff Report Date: July 10, 2007

North

Case No.:07AGP-00000-00004, 07RZN-00000-00002

Deputy Director: Zoraida Abresch

Division: Development Review -

Staff Contact: F. Trotter-Cadena

Supervising Planner: Alice McCurdy

Environmental Document: Exempt CEQA Section 15317 Planner's Phone #: 934-6253

[Ag Preserves] and 15061(b)(3) [No Possibility of Significant Effect]

OWNER

Ernest Kaufman

P.O. Box 385

Santa Ynez CA 93460

688-0949

AGENT

Walter Alves

Alves Property Services

P.O. Box 931

Solvang CA 93464-0931

693-1257



The site is identified as Assessor Parcel Number 139-510-001, located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

Application Complete: March 20, 2007

Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Walter Alves, Alves Property Services, to consider the following:

- a) 07AGP-00000-00004 [application filed on February 21, 2007] 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) 07RZN-00000-00002 [application filed on February 21, 2007] proposing to rezone 40 acres from 40-AL-0 (Ordinance 661) to AG-II-40 in compliance with Section 35.104 of the County Land Use and Development;

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 Number 139-510-001, located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 07AGP-00000-00004, 07RZN-00000-00002 marked "Officially Accepted, County of Santa Barbara August 8, 2007 County Planning Commission Attachment G", 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 07RZN-00000-00002 and 07AGP-00000-00004 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. 07RZN-00000-00002, rezoning the property from 40-AL-O to AG-II-40; and
 - b. 07AGP-00000-00004, creating one agricultural preserve and entering into an agricultural preserve 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 requires 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 Development Code. A rezone must be approved by the Planning Commission and forwarded to the Board of Supervisors for final approval.

4.0 ISSUE SUMMARY

The project consists of the placement of one legal parcel into one Agricultural Preserve. To ensure consistency with the Uniform Rules the parcel for the prime preserve must be rezoned from 40-AL-0 and AG-II-40.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II-40
Ordinance, Zone	Ordinance 661, 40-AL-O
Site Size	40.02 acres
Present Use & Development	The site is currently developed with oat hay and vineyards
Surrounding Uses/Zone(s)	North: AG-I-20 South: AG-II-100 East: 40-AL-O West: AG-II-100
Access	Mesa Verde Road
Public Services	Water Supply: Santa Ynez River Water Conservation Dist. Sewage: None Fire: S.B. County Fire Stn: #32

5.2 Description

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 "prime" preserve pursuant to Uniform Rule 1, Section I.2.2 and meets the minimum 40 acres parcel size required for a prime preserve. The prime preserve would consist of approximately 40.02 acres. In addition, this project involves a rezone for Assessor's Parcel number 139-510-001 from the 40-AL-O (Ordinance 661) to the AG-II-40 (Land Use Development Code) Zone Designation.

5.3 Background Information

The site is currently developed with oat hay and vineyards.

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, sanitary and other facilities. The project is an 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, would not require extensive grading or land alteration, nor would it 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 40-AL-O to AG-II-40 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 20 acres. Agricultural Element Policy I D states that the use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The Agricultural Element also encourages the County to explore and support other agricultural protection programs. 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-40 Zone District. The project would be consistent as to use, development, setbacks, lot size and all requirements of the AG-II-40 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 6, 2007 the Agricultural Preserve Advisory Committee recommended approval of the Agricultural Preserve Contract and a Rezone for the proposed project and found it consistent 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. Notice of Exemptions
- C. Agricultural Preserve Contract Resolution
- D. Board of Supervisors Draft Ordinance
- E. APN Page with zoning
- F. Agricultural Preserve Advisory Committee Minutes dated April 6, 2007
- G. 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. Pursuant to CEQA Section 15061 applies only to projects which have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. 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-40 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 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 Development Code) and with State laws.

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.

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 consistent with the requirements of the Uniform Rules as indicated by the discussion presented in Section 6.4 of this report and the recommendation made by the Agricultural Preserve Advisory Committee.

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(s): 139-510-001

Case No.: 07RZN-00000-00002

Location: located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

Project Title: Kaufman Rezone

Project Description: Rezone for the 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
- 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, sanitary and other facilities. The project will not require an increase in 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: _____ 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

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena

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(s) 139-510-001

Case No.: 07AGP-00000-00004

Location: located approximately 3/4 mile southeast of the intersection of Refugio and Mesa Verde Roads, Santa Ynez area, Third Supervisorial District.

Project Title: Kaufman Agricultural Preserve Contract

Project Description: Creation of a new Prime 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

XX 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, sanitary and other facilities. The project is currently used for a horse operation. The project will not require an increase in 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.

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: AGRICULTURAL PRESERVE RESOLUTION

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF THE CREATION)	RESOLUTION NO. 07-
OF AN AGRICULTURAL PRESERVE)	CASE NO.: 07AGP-00000-00004
AND ENTERING INTO AN AGRICULTURAL)	
<u>PRESERVE CONTRACT</u>)	

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 following Agricultural preserve is hereby created and entering into an agricultural preserve contract in the County of Santa Barbara: Kaufman Agricultural Preserve (07AGP-00000-00004)

- 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.

- 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:

Ernest Kaufman P.O. Box 385 Santa Ynez CA 93460

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 _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

BROOKS FIRESTONE
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:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT D: ORDINANCE

LAND USE DEVELOPMENT CODE (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL 139-510-001

Case No. 07RZN-00000-00002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 139-510-001 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated _____, 2007, which redesignates Assessor's Parcel Number 139-510-001, from 40-AL-O to AG-II-40, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

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 4

Except as amended by this Ordinance, Section 35.14.020 of the Land Use Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, 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 _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

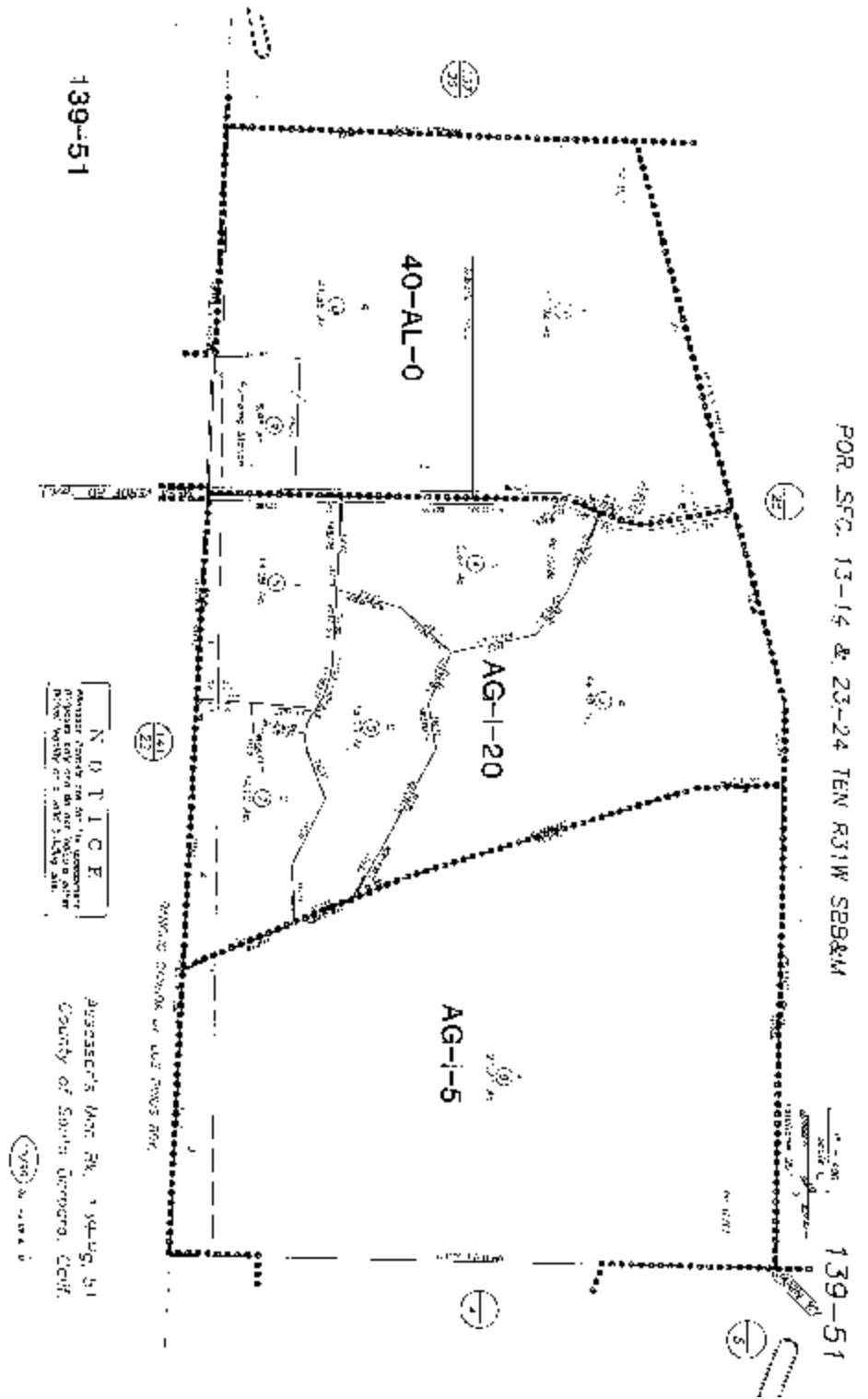
By: _____
Deputy Clerk

Chair, Board of Supervisors
County of Santa Barbara
State of California

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT E: ASSESSOR PARCEL PAGE WITH ZONING



NOTICE
 Assessor's Office for the Town of
 South Ferris, Michigan
 10000 W. 10th St. S.E.
 Ferris, MI 49731

ASSESSOR'S MAP No. 139-51
 County of South Ferris, Mich.
 (750) 2-1111

ATTACHMENT F: AGRICULTURAL PRESERVE MINUTES DATED APRIL 6, 2007

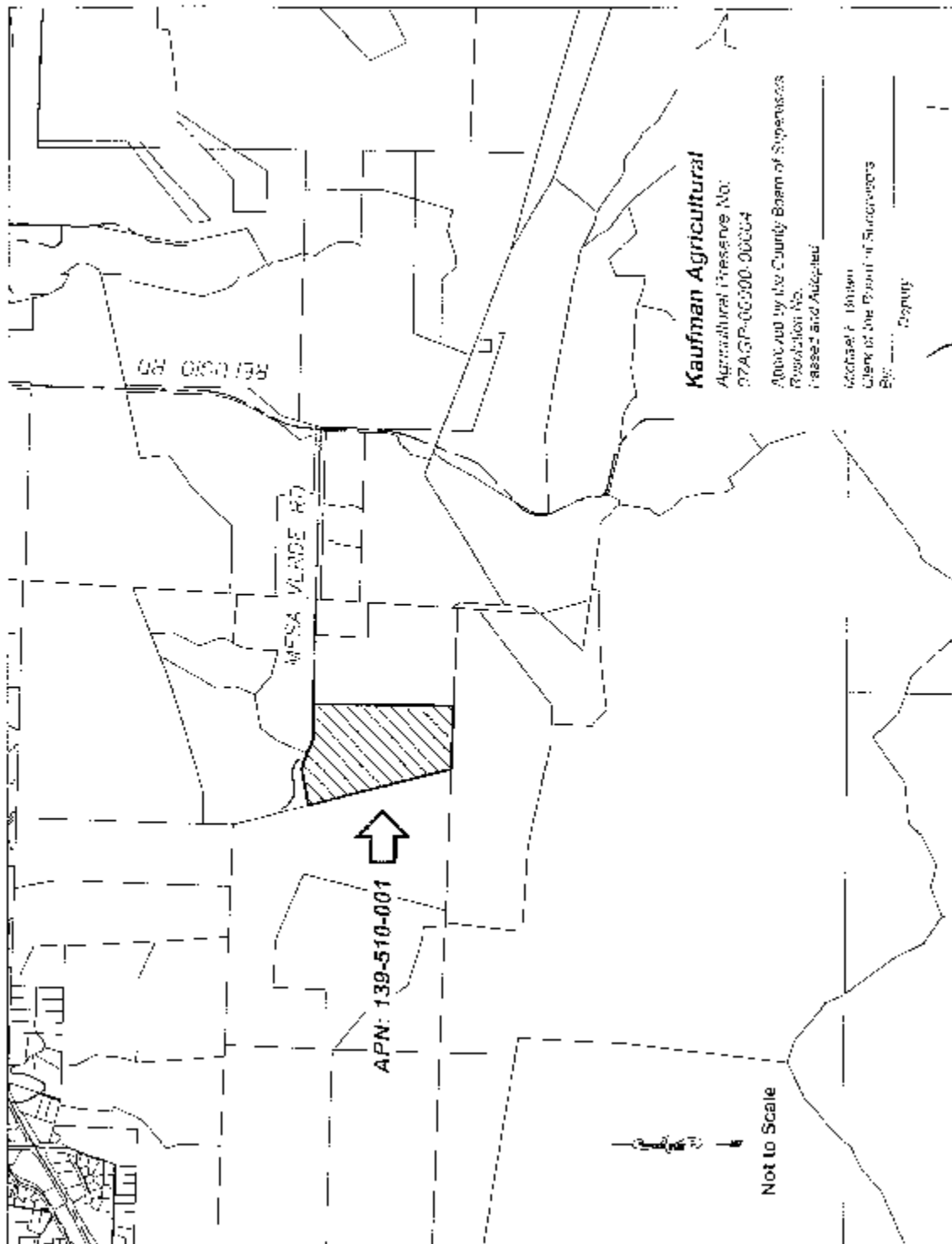
3. **07AGP-00000-00004**
07RZN-00000-00002 **Kaufman Family Trust** **Solvang**
Florence Trotter-Cadena, Planner (805) 934-6253

Consider the request of Alves Property, agent for the owner, Kaufman Family Trust, for Case Numbers 07AGP-00000-00004 and 07RZN-00000-00002 regarding a new contract and rezone from 40-AL-0 to AG-II-40 and its consistency with the Uniform Rules. The property is a 40 acre parcel shown as Assessor's Parcel Number 139-510-001, zoned 40-AL-0 with an A-II-40 Comprehensive Plan designation; located approximately ¾ mile southeast of the intersection of Refugio Road and Mesa Verde Road in the Solvang area, Third Supervisorial District.

ACTION: **Giorgi moved, seconded by Karamitsos, and carried by a vote of 5 to 0 (Gillette and Hammock absent) to find this item consistent with the Uniform Rules.**

- **Counsel provided the Williamson Act Advisory Contract to agent, Walt Alves.**

ATTACHMENT G: SITE PLAN

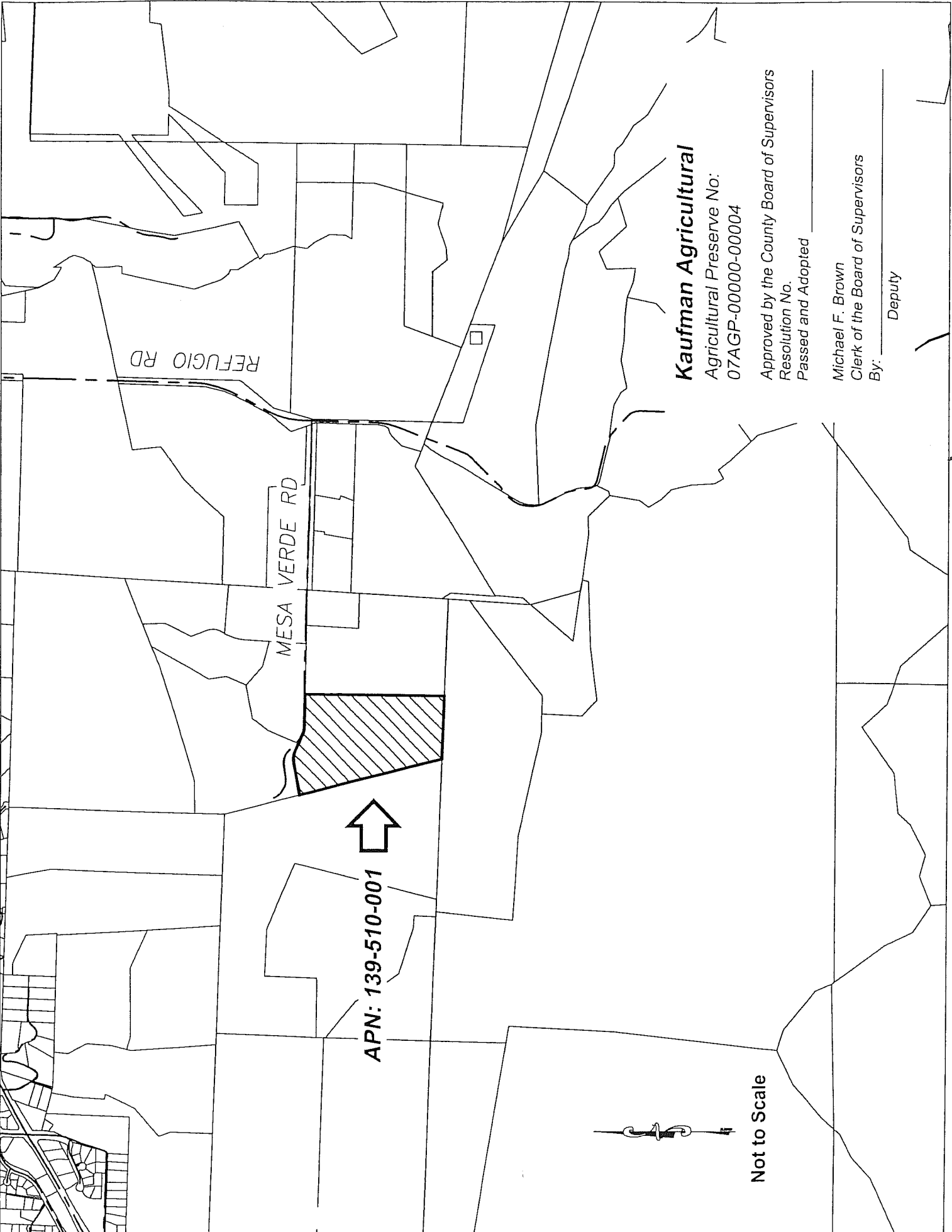



Kaufman Agricultural

Agricultural Preserve No:
07AGP-00300-00004

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

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



APN: 139-510-001 

MESA VERDE RD

REFUGIO RD

Kaufman Agricultural

Agricultural Preserve No:
07AGP-00000-00004

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

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



Not to Scale