

## **ATTACHMENT 1: Agricultural Preserve Contract**

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

**12AGP-00000-00024**

THIS LAND CONSERVATION CONTRACT, is made by and between EMF PROPERTIES, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 18.75% INTEREST; JAF PROPERTIES, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 18.75% INTEREST; R & B BAYVIEW PROPERTIES, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 18.75% INTEREST; TRIPLE J PROPERTIES, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 18.75% INTEREST AND BASIN INVESTMENTS, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 25.00% INTEREST hereinafter referred to as "OWNERS" 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 therewith; 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 **Basin Investments Agricultural Preserve, 12AGP-00000-00024,**  
**Assessor Parcel Number 129-120-014, -032, -034, -035, and -037, - acres; with zoning of AG-**  
**II-100, and A-II-100** 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, **2013**, 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: \_\_\_\_\_  
DOREEN FARR, Chair

Attest:

CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy Clerk

Approved As To Form:


COUNTY COUNSEL, DENNIS A.

MARSHALL

By:  \_\_\_\_\_  
Deputy County Counsel

OWNERS

EMF PROPERTIES, LLC  
A California limited liability company

BY:  \_\_\_\_\_  
Eric Freitas, Managing Member

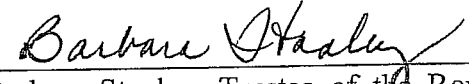
JAF PROPERTIES, LLC  
A California limited liability company

BY:  \_\_\_\_\_  
Jon Freitas, Managing Member

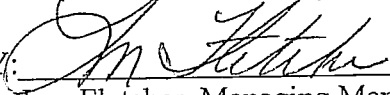
TRIPLE J PROPERTIES, LLC  
A California limited liability company

BY:  \_\_\_\_\_  
Joseph Jorge, Managing Member

R & B BAYVIEW PROPERTIES, LLC  
A California limited liability company

BY:  \_\_\_\_\_  
Barbara Stanley, Trustee of the Ron Myers  
and Barbara Stanley Family Trust, Managing  
Member

BASIN INVESTMENTS, LLC  
A California limited liability company

BY:  \_\_\_\_\_  
Lon Fletcher, Managing Member

## ACKNOWLEDGMENT

State of California

County of Santa Barbara )

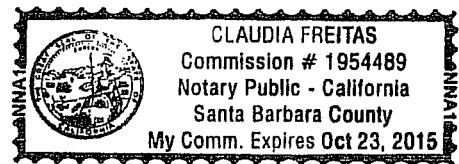
On October 29, 2012 before me, Claudia Freitas  
(insert name and title of the officer)

personally appeared Eric Freitas  
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



## ACKNOWLEDGMENT

State of California  
County of Santa Barbara )

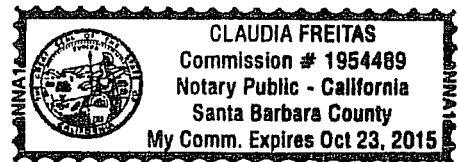
On October 29, 2012 before me, Claudia Freitas  
(insert name and title of the officer)

personally appeared Jon Freitas  
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



## ACKNOWLEDGMENT

State of California  
County of Santa Barbara )

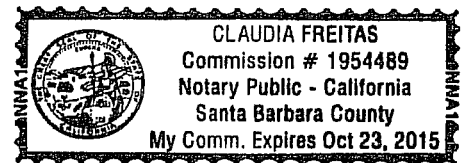
On October 29, 2012 before me, Claudia Freitas  
(insert name and title of the officer)

personally appeared Joseph Jorge,  
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)





## ACKNOWLEDGMENT

State of California  
County of Santa Barbara )

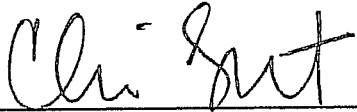
On October 30, 2012 before me, Claudia Freitas  
(insert name and title of the officer)

personally appeared Barbara Stanley,  
who 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.

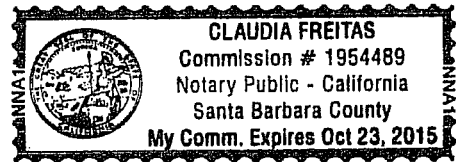
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



## ACKNOWLEDGMENT

State of California

County of Santa Barbara )

On Oct 29, 2012 before me, Martha R. Beas, Notary Public  
(insert name and title of the officer)

personally appeared LON Fletcher,  
who proved to me on the basis of satisfactory evidence to be the pers on(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 pers on(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Martha R Beas (Seal)



## **ATTACHMENT 2: Resolution Creating Agricultural Preserve**

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. 12- \_\_\_\_\_

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 Basin Investments Agricultural Preserve 12AGP-00000-00024 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 creation and contract execution 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 owners involved are:

EMF PROPERTIES, LLC; JAF PROPERTIES, LLC; TRIPLE J PROPERTIES, LLC; R & B BAYVIEW PROPERTIES, LLC; BASIN INVESTMENTS, LLC, PO Box 60, Guadalupe, CA 93434
- 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 \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
DOREEN FARR  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS MARSHALL  
County Counsel

By:   
Deputy County Counsel

## **ATTACHMENT 3: CEQA Exemption for Agricultural Preserve**

## **NOTICE OF EXEMPTION**

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Tammy Weber, 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.

APNs: 129-120-014, -032, -034, -035, & -037

Case No.: 12AGP-00000-00024

Location: Telephone and Clark Road (no site address), Orcutt area

Project Title: Basin Investments Agricultural Preserve

Project Description: New Agricultural Preserve Contract

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Barbara Stanley

Exempt Status: (Check one)

- ☐ Ministerial
- ☐ Statutory
- ☐ No Possibility of Significant Effect [§15061(b,3)]
- ☐ Emergency Project
- ☒ XX Categorical Exemption (§15317)

**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 vineyard cultivation. The project will not 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.

Exception (a) does not apply since this is a Class 17 exemption.

- (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.

The proposed project is for the placement of property into the Williamson Act Program (Agricultural Preserve). Upon approval of the Agricultural Preserve contract the parcel size would remain unchanged. It would not result in an increase in development potential. It would not result in an increase in subdivision potential. The parcel would continue their current agricultural operations. The cumulative impact of successive projects of this type in the same place, over time, would not be 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.**

There are no unusual circumstances surrounding the proposed project and there is not a reasonable possibility that the project would 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.**

The proposed project does not include any physical development and would not be visible from a designated scenic highway. The project would not result in damage to scenic resources, including but not limited to, trees, historic buildings, or rock outcroppings.

- (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.**

The project is not 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.**

No construction, demolition or development is proposed as a part of the project and the project would not result in any substantial adverse change in the significance of a historical resource.

Lead Agency Contact Person: Tammy Weber

Phone #: 934-6254

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 4: Legal Description with Assessor Map**

Exhibit A  
Agricultural Preserve Contract

12 AGP-00000-00024

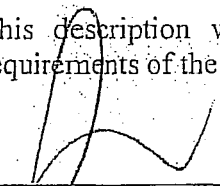
APN 129-120-014, 037, 032, 034, 035

Being all that portion of the North one-half of Section 8, Township 9 North, Range 33 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the official plat thereof, described as Lot One of Lot Line Adjustment 07LLA-00000-00001 recorded November 23, 2009 as Instrument No. 2009-70350 Official Records, in the office of the County Recorder of said County and State.

Containing 163.37 gross acres more or less

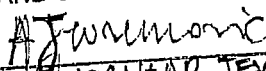
End of Description

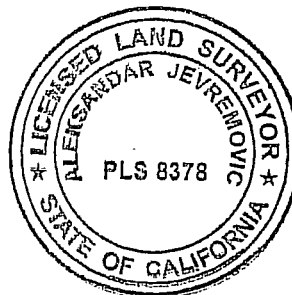
This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act this 29th day of August, 2012.

  
Jon McKellar  
PLS 7578



APPROVED AS TO FORM  
AND SURVEY CONTENT

  
ALEKSANDAR JEVREMOVIC  
COUNTY SURVEYOR  
LICENSE EXP. 12/31/13



10/30/12

129-12

APN: 129-120-014; -032; -034; 035, 037



LD/12

## **ATTACHMENT 5: Vicinity Map**

# Basin Agricultural Preserve

Lot 1 of Lot Line Adjustment 07 LLA-00000-00001 recorded November 23, 2009, as Instrument No. 2009-0070350 Official Records, in the office of the County Recorder, County of Santa Barbara, State of California

## Owner

ENF Properties, LLC  
JAF Properties, LLC  
R & B Bayview Properties, LLC  
Triple J Properties, LLC  
Basin Investments, LLC  
PO Box 60  
Crescent City, CA 93914

## Agent

Daryl Swank  
Rural Planning Concepts  
2634 Airport Drive  
Santa Maria, CA 93455  
805-934-5700

## Parcel Statistics

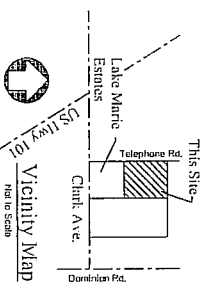
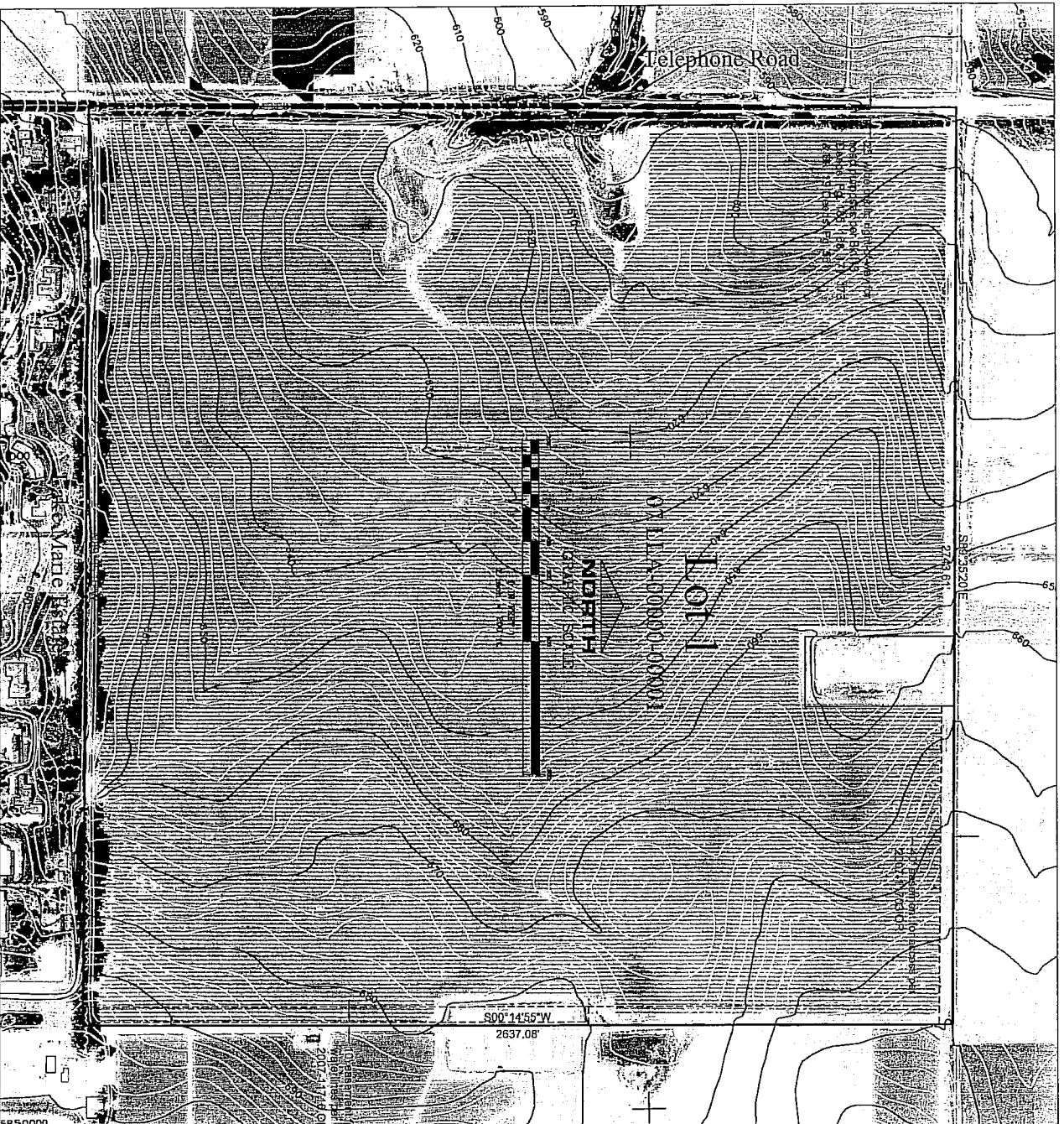
Lot 1 (07 LLA-00000-00001) 163.37 acres +/-  
APN 129-120-014  
APN 129-120-037  
APN 129-120-032  
APN 129-120-034  
APN 129-120-035

## Utilities

Water California Cities  
Sewer Septic  
Electric Pacific Gas & Electric  
Gas Southern California Gas  
Cable Comcast  
Telephone Verizon

## Zoning

Ag-II-10



## Surveyor's Statement

This site plan was prepared by me in conformity with the requirements of the Professional Land Surveyor's Act, this 29th day of August, 2012. Topographic data shown herein was derived from the 38 County Flood Control Act mapping for the Santa Maria Valley. Boundary data is calculated from the map filed in Book 46 of Records of Survey, Page 57. Aerial photography was derived from Google Earth images.

Jon McKellar  
PLS 7378



A Professional Land Surveying & Consulting Company  
2065 South Street, Suite 107  
Santa Maria, CA 93455  
805-934-1895 fax  
805-934-9713 fax  
j-m@jonmckellar.com  
http://www.jonmckellar.com