



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: July 8, 2008
Placement: Administrative
Estimated Tme: 2 minutes
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: Santa Rita Ridge Estates LLC Agricultural Preserve Replacement Contract, Lompoc area

County Counsel Concurrence

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

Consider Case No. 07AGP-00000-00016 for approval of an agricultural preserve replacement contract for Santa Rita Ridge Estates LLC.

The Board of Supervisors action should include the following:

- A. Approve and direct execution and recordation by the Clerk of the Board of a replacement contract 07AGP-00000-00016, replacing a portion of the original Agricultural Preserve 70-AP-114B. The replacement contract involves Assessor's Parcel numbers 099-110-054 (portion of), 099-160-030 (portion of) and 099-180-002 (portion of) located southwest of the intersection of Campbell Road and Highway 246, in the Lompoc area, Fourth Supervisorial District.

Summary Text:

The subject property has been in an agricultural preserve (70-AP-114B) since January 1, 1979. This parcel is approximately 169 acres used for cattle grazing. The property owner has decided to place each of the individual parcels currently under contract (70-AP-114B) into separate agricultural preserve contracts.

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.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

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 replacement 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 \$1000.00, 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:

P&D	Contract, Map
Assessor	Contract, Map
Surveyor	Contract
Clerk	Contract
Santa Rita Ridge Estates LLC	Contract, Map
P.O. Box 3989	
Napa CA 94558	

Attachments:

1. Agricultural Preserve Contracts
2. Legal Descriptions
3. Vicinity Map

Authored by:

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

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-00000-00016

THIS LAND CONSERVATION CONTRACT, by and between **Santa Rita Ridge Estates, LLC, a Delaware limited liability company** 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 **Santa Rita Ridge Estates LLC Agricultural Preserve Name, 07AGP-00000-00016, Assessor Parcel Number 099-160-030 (portion of) and 099-110-054 (portion of), 099-180-002 (portion of), 169 acres; replacing a portion of 70-AP-114B with zoning of AG-II-100, and AC 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

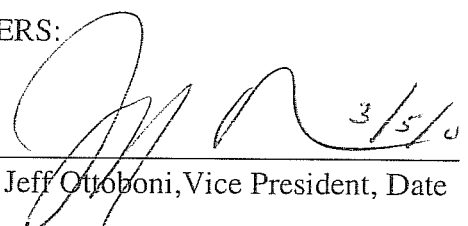
reasonable attorney's fees, losses and expenses in any manner resulting from, arising out of, or connected with the use of any Surveyor's Map depicting the preserve and the description of THE SUBJECT PROPERTY attached hereto.

THIRD: This Contract shall be effective as of the first day of January, 2009, 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:
CLERK OF THE BOARD
By: _____
Deputy Clerk

COUNTY OF SANTA BARBARA
By: _____
Chairman, Board of Supervisors

OWNERS:
By:  3/5/09
Jeff Ottoboni, Vice President, Date
Santa Rita Ridge Estates, LLC,


APPROVED AS TO FORM:

DANIEL J. WALLACE
COUNTY COUNSEL

By: Merrifether Farms, LLC
Sole Member

By: Premier Pacific Vineyards, L.P.,
Manager

By: Premier Pacific Vineyards, Inc.,
General Partner

By: 
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Napa }

On March 5, 2008 before me, Janet Wedekind, Notary Public,
Date Here Insert Name and Title of the Officer

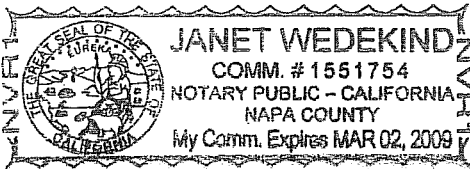
personally appeared Jeff Ottoboni
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

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: _____

Document Date: _____ Number of Pages: _____

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: _____

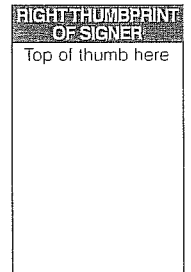
Signer Is Representing: _____



Signer's Name: _____

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

Signer Is Representing: _____



Agricultural Preserve
No. 07AGP-00000-00016

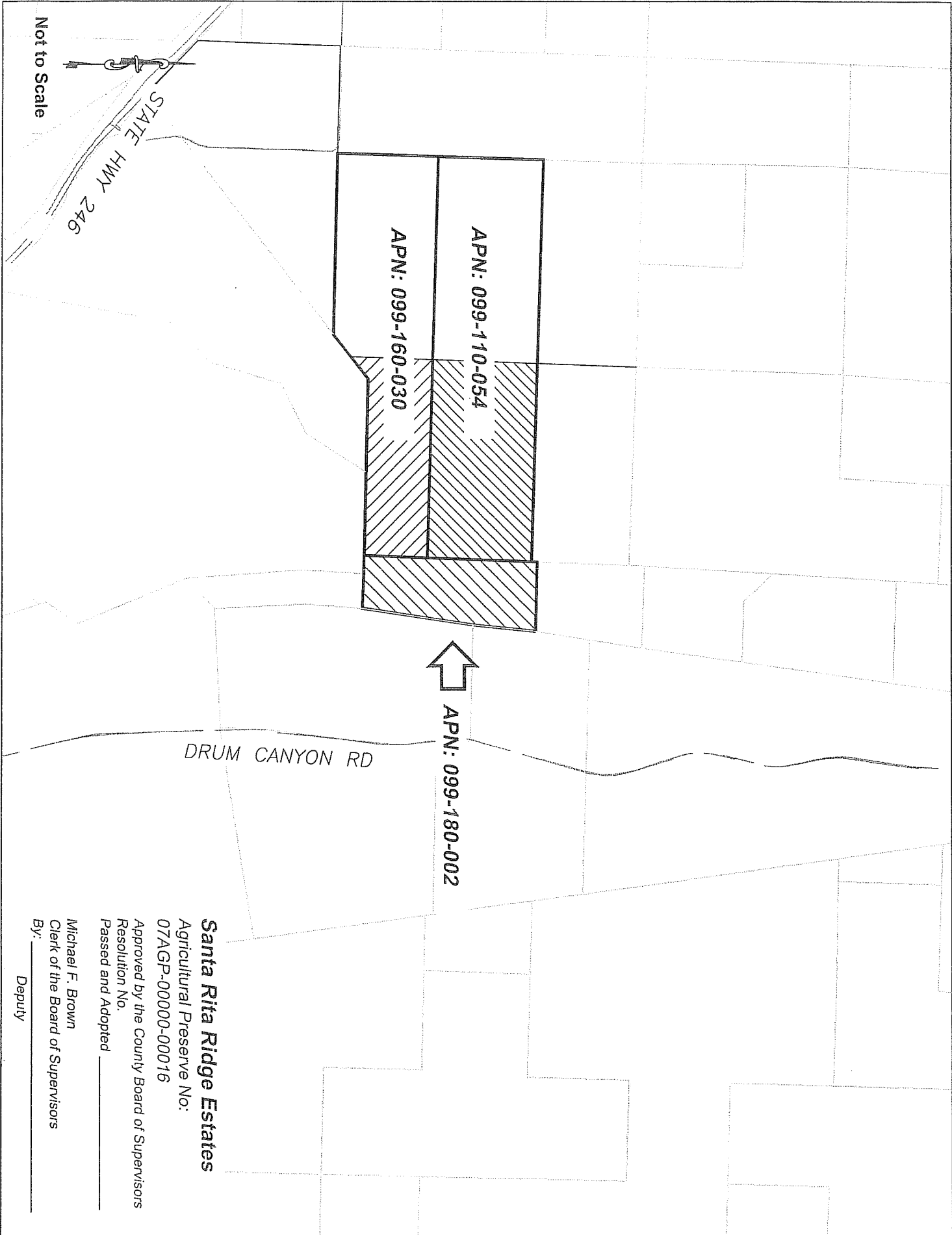
That certain parcel of land in the County of Santa Barbara, State of California,
described as follows:

Government Lot 7 in Section 19 and Government Lot 4 in Section 30, both in
Township 7 North, Range 32 West, San Bernardino Base and Meridian, and the
south half of the southeast quarter of Section 24, and Government Lots 6 and 7 in
Section 25, both in Township 7 North, Range 33 West, San Bernardino Base and
Meridian.

Containing 169 acres more or less.



APPROVED AS TO FORM
AND SURVEY CONTENT
Deputy County Surveyor
Edmund R. Villa
FOR: MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. _____



Santa Rita Ridge Estates

Agricultural Preserve No:
07AGP-00000-00016
Approved by the County Board of Supervisors
Resolution No. _____
Passed and Adopted _____

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