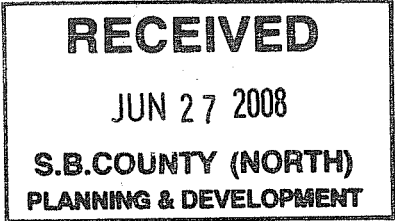




BOARD OF SUPERVISORS
AGENDA LETTER

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 Time: 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: Diamond Agricultural Preserve Replacement Contract, Santa Maria area

County Counsel Concurrence

As to form: No

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

That the Board of Supervisors:

Consider Case No. 08AGP-00000-00007 for approval of an agricultural preserve replacement contract for Mr. and Mrs. Victor and RoseMary Diamond.

The Board of Supervisors action should include the following:

- A. Approve and direct execution and recordation by the Clerk of the Board of new contract 08AGP-00000-00007, replacing a portion of the original Agricultural Preserve 73-AP-011. The replacement contract involves Assessor's Parcel number 129-020-008, located approximately 1 mile northeast of the intersection of Orcutt-Garey and Dominion Roads, in the Santa Maria area, Fifth Supervisorial District.

Summary Text:

The subject property has been in an agricultural preserve (73-AP-011) since January 1, 1973. The original preserve was approximately 158.74 acres and was comprised of two parcels. The original agricultural preserve will go into non-renewal by the landowners on December 31, 2008. The landowners have indicated that the request is for estate planning purposes. The current replacement contract is for 138.74 acres that are currently

used for row crops, horse boarding and grazing. The remainder parcel of 20 acres will proceed under non-renewal.

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
Victor and RoseMary Diamond	Contract, Map
3530 Dominion Road	
Santa Maria CA 93454	

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

08AGP-00000-00007

THIS LAND CONSERVATION CONTRACT, by and between **Victor A. Diamond and Rosemary Diamond, Trustees of the Diamond Family Trust dated February 10, 1998** 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 **Diamond Agricultural Preserve, 08AGP-00000-00007, Assessor Parcel Number 129-020-008, 138.74 acres; replacing a portion of 73-AP-11 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

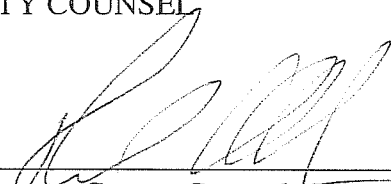
COUNTY OF SANTA BARBARA
By: _____
Chairman, Board of Supervisors

OWNERS:
Victor A. Diamond 4-1-08
Victor A. Diamond, Trustee (Date)

Rosemary Diamond 4-1-08
Rosemary Diamond, Trustee (Date)

APPROVED AS TO FORM:

DANIEL J. WALLACE
COUNTY COUNSEL

By: 
Deputy County Counsel

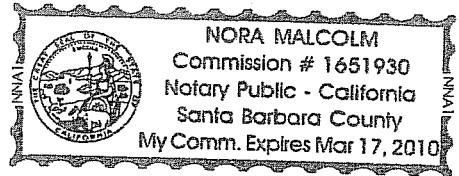
CALIFORNIA NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS
COUNTY OF SANTA BARBARA)

On April 1, 2008, before me, Nora Malcolm, Notary Public, personally appeared Victor A. Diamond and Rosemary Diamond, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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 Nora Malcolm

[For Notary Seal or Stamp]

AGRICULTURAL PRESERVE

08AGP-00000-00007

The south half of the southeast quarter, the southeast quarter of the southwest quarter, and the north half of the southwest quarter of the southwest quarter, all in Section 34, Township 10 North, Range 33 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat of said land approved by the Surveyor general July 3, 1873.

Except the interest in the Westerly portion of said land granted to the County of Santa Barbara, by deed recorded in Book 4, Page 558 of Deeds.

APPROVED AS TO FORM
AND SURVEY CONTENT
Deputy County Surveyor
Edmund R. Villa
For: MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. *12/31/08*

