

SANTA BARBARA COUNTY PLANNING COMMISSION
Consent Agenda
Staff Report for Pepe Rezone and Agricultural Preserve Contract

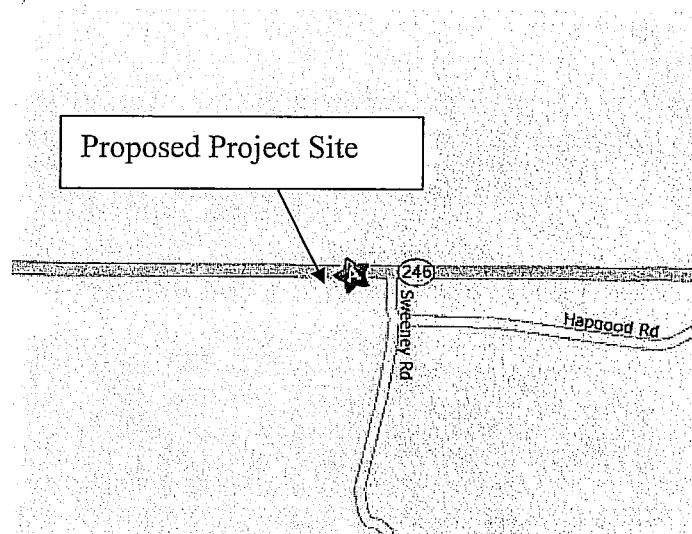
Hearing Date: August 12, 2009
Staff Report Date: June 25, 2009
Case No.: 09AGP-00000-00001, 09RZN-00000-00001

Deputy Director: Doug Anthony
Division – Development Review North
Staff Contact: F. Trotter-Cadena
Planner's Phone #: 934-6253
Supervising Planner: Alice McCurdy
Planner's Phone #: 934-6256

Environmental Document: Exempt CEQA
Section 15317 [Ag Preserves] and 15061(b)(3) [No Possibility of Significant Effect]

OWNER
Stephen Pepe
4777 East Highway 246
Lompoc, CA 93436
805 735-7867

AGENT
Jane Gray, Dudek
621 Chapala Street
Santa Barbara, CA 93101
805 963-0651 Ext: 3531



The site is identified as Assessor Parcel Number 099-100-037, located northeast at the intersection of Highway 246 and Gypsy Canyon Drive, known as 4477 East Highway 246, in the Lompoc area, Fourth Supervisorial District.

Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Jane Gray, Dudek, agent for the Stephen and Catherine Pepe, to consider the following:

- a) 09AGP-00000-00001 [application filed on January 29, 2009] 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) 09RZN-00000-00001 [application filed on January 29, 2009] proposing to rezone 40.98 acres from 100-AG (Ordinance 661) to AG-II-100 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 Guidelines for Implementation of the California Environmental Quality Act. The site is identified as Assessor Parcel Number 099-100-037, located northeast at the intersection of Highway 246 and Gypsy Canyon Drive, known as 4477 East Highway 246, in the Lompoc area, Fourth Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 09AGP-00000-00001 and 09RZN-00000-00001 marked "Officially Accepted, County of Santa Barbara August 12, 2009, County Planning Commission Exhibit 1", 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 09RZN-00000-00001 and 09AGP-00000-00001 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. 09RZN-00000-00001, rezoning the property from 100-AG to AG-II-100; and,
 - b. An Ordinance Zoning Map Amendment for 099-100-037, amending the Inland Zoning Map for the LompocValley Rural Areas Zones (Draft Ordinance included as Attachment C);
 - c. 09AGP-00000-00001, creating one prime preserve and entering into a Williamson Act 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 require 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 and Development Code.

4.0 PROJECT INFORMATION

4.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II
Ordinance, Zone	Ordinance 661, 100-AG
Site Size	40.98 acres
Present Use & Development	The site is currently planted with vineyards, and olive orchard and developed with a single family dwelling, two farm employee trailers and a barn.
Surrounding Uses/Zone(s)	North: AG-II-100 South: 100-AG East: 100-AG West: AG-II-100
Access	Highway 246
Public Services	Water Supply: Private Water Well Sewage: Existing Septic System Fire: S. B. County Fire, Stn: 31

4.2 Description

The proposed project consists of the placement of one parcel into an Agricultural Preserve. The parcel qualifies for enrollment into the preserve program as a "prime" preserve pursuant to Uniform Rule 1, Section I.2.2.C and meets the minimum 40 acre parcel size required for a prime preserve. The prime preserve would consist of one parcel totaling 40.98 acres.

In addition, this project includes a rezone for Assessor's Parcel number 099-100-037 from the 100-AG (Ordinance 661) to the AG-II-100 (Land Use and Development Code) Zone Designation.

4.3 Background Information

The site is developed with a single family dwelling, two farm employee trailers and a barn. The site is currently planted with vineyards and an olive orchard.

5.0 PROJECT ANALYSIS

5.1 Environmental Review

The project may be found exempt from environmental review pursuant to Sections 15317 (Establishment of Agricultural Preserves and 15061(b)(3) General Rule) of the State CEQA Guidelines based on the determination that there is no possibility of significant effect.

5.2 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 100-AG to AG-II-100 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 100 acres. The minimum parcel size that would be permitted under the proposed zone district would be 100 acres. Since the parcel is only 40.98 acres it would be considered legal non-conforming as to size. Agricultural Element Policy I D states that the use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. Therefore, the project is found to be consistent with all relevant policies of the Comprehensive Plan.

5.3 Zoning: Land Use and Development Code Compliance

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-100 Zone District. The project would be consistent as to use, development, setbacks, and all requirements of the AG-II-100 Zone District, with the exception that the lot would remain legal nonconforming with respect to lot size. The project would not create a spot zoning designation nor would it create additional development potential.

5.4 Agricultural Preserve Advisory Committee

On March 6, 2009 the Agricultural Preserve Advisory Committee recommended approval of the proposed Agricultural Preserve Contract and Rezone and found the project consistent with the Uniform Rules.

6.0 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. CEQA Exemptions for Agricultural Preserve and Rezone
- C. Ordinance to Rezone
- D. Agricultural Preserve Contracts
- E. Resolution Creating Agricultural Preserve, 09AGP-00000-00001
- F. Planning Commission Rezone Resolution
- G. Legal Description
- H. Agricultural Preserve Advisory Committee Minutes of March 6, 2009
- I. Assessor Parcel Zoning Map
- J. Site Plan

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061 and 15317. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE

2.1.1 **The 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-100 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 and Development Code).

2.1.2 **The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.**

Pursuant to the discussion in Sections 5.2 and 5.3 of this report, the rezone is consistent with the Comprehensive Plan, the requirements of the Zoning Ordinance (Land Use and Development Code) and with State laws (Williamson Act).

2.1.3 **The request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it will ensure the project's consistency with the Agricultural Preserve Uniform Rules. The proposed rezone also takes land out of antiquated regulations and makes the zoning consistent with that of the surrounding properties.

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 5.2 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 proposed to be heard by the Agricultural Preserve Advisory Committee on March 6, 2009.

ATTACHMENT B: ENVIRONMENTAL REVIEW

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, Planning & Development

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: 099-100-037

Case No.: 09RZN-00000-00001

Location: 4777 East Highway 246

Project Title: Pepe Consistency Rezone

Project Description: Consistency Rezone

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Jane Gray, Dudek

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, and other services. The project will not increase 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.

There is no substantial evidence that there are unusual circumstances related to the project (including future activities) which would result 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.

- (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.
- (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.
- (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.
- (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.
- (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.

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, Planning & Development

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: 099-100-037

Case No.: 09AGP-00000-00001

Location: 4777 East Highway 246

Project Title: Pepe Agricultural Preserve Contract

Project Description: The proposed project consists of the placement of one parcel into an Agricultural Preserve. The parcel qualifies for enrollment into the preserve program as a "prime" preserve pursuant to Uniform Rule 1, Section I.2.2.C and meets the minimum 40 acres parcel size required for a prime preserve. The prime preserve would consist of one parcel totaling 40.98 acres.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Jane Gray, Dudek

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemptions
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: Reasons to support exemption findings: 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, and other facilities. The project is currently used for the cultivation of row crops. The project will not cause an 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 related to the project (including future activities) which would result 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:

- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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.

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: _____.

ATTACHMENT C: BOARD OF SUPERVISOR DRAFT ORDINANCE

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBER 099-100-037 FROM 100-AG, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size.

Case No. 09RZN-00000-00001

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

SECTION 1:

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor's Parcel Number 099-100-037 from 100-AG, Agriculture, 100 acres minimum parcel size to AG-II-100, Agriculture, 100 acres minimum parcel size as shown on Exhibit 1.

SECTION 2:

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 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together 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 _____, 2009, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOSEPH CENTENO, 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:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT D: AGRICULTURAL PRESERVE CONTRACTS

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

09AGP-00000-00001

THIS LAND CONSERVATION CONTRACT, by and between **Stephen P. Pepe** and/or **Catherine Anna Pepe**, Trustees U/D/T/ dated July 23, 1997, as restated on March 23, 2007, F/B/O the **Pepe Family California Restated Trust** 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 **Pepe Agricultural Preserve, 09AGP-00000-00001, Assessor Parcel Number 099-100-037, 40.98 acres; with zoning of AG-II-100, 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; 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, 2010, 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: _____
Joseph Centeno, Chairman,
Board of Supervisors

OWNERS:

Stephen P. Pepe 5/12/09
Stephen P. Pepe, Trustee (Date)

Catherine Anna Pepe
Catherine Anna Pepe, Trustee (Date) 5/12/09

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

(see attached certificate).

By: [Signature]
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara }

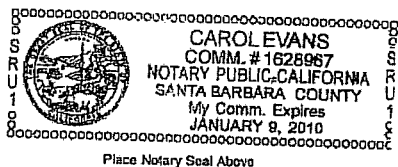
On May 12, 2009 before me, Carol Evans, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Stephen P. Pepe and Catherine Anna Pepe
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 Carol Evans
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: _____

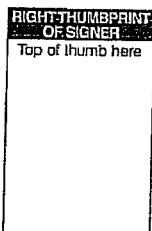
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

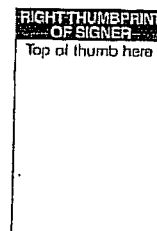
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

ATTACHMENT E

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) <u>PRESERVE CONTRACT</u>)	RESOLUTION NO. 09- CASE NO.: 09AGP-00000-00001
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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 Pepe Agricultural Preserve (09AGP-00000-000001) 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 "1" 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:

Stephen and Catherine Pepe, 4777 East Highway 246, Lompoc CA 93436

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 _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

JOSEPH CENTENO
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:

DENNIS A. MARSHALL
County Counsel
By: _____
Deputy County Counsel

ATTACHMENT F: PLANNING COMMISSION RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)
TO THE BOARD OF SUPERVISORS THAT)
AN ORDINANCE BE APPROVED AMENDING)
SECTION 35-1, THE SANTA BARBARA)
COUNTY LAND USE AND DEVELOPMENT) RESOLUTION NO.: _____
CODE, OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE, BY AMENDING) CASE NO.: 09RZN-00000-00001
THE COUNTY ZONING MAP BY CHANGING)
THE ZONING OF ASSESSOR'S PARCEL)
NUMBER 099-100-037 FROM 100-AG to AG-II-100)
_____)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 2, 1979, by Ordinance 3100, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by changing the zoning of Assessor's Parcel Number 099-100-037 from 100-AG to AG-II-100.

PASSED, APPROVED AND ADOPTED this _____, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT G: LEGAL DESCRIPTIONS

09AGP-00000-00001

Title No. 06-77100348-C-DL
Locate No. CACTI7742-7742-4771-0077100348

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SANTA BARBARA, STATE OF CA AND IS DESCRIBED AS FOLLOWS:

Beginning a the Northwest corner of Government Lot 3 of Section 22, Township 7 North, Range 33 West, SBB&M.; thence South 0° 18' 34" West 698.72 feet to a point; thence North 86° 12' 24" West 978.65 feet to a point; thence South 4° 18' 36" West 158.31 feet to a point; thence South 31° 36' 36" West 144.02 feet to the point of beginning of the following described parcel of land; thence South 0° 17' 29" West along a line perpendicular to the North line of State Highway No. 246, a distance of 1690.0 feet, more or less, to a point on the said North line of said State Highway No. 246; thence continuing on said last mentioned bearing to a point in the South line of the land described in the Deed dated August 10, 1935, executed by Security First National Bank of Los Angeles to Frank Silva, et ux., recorded August 21, 1935, in Book 339, Page 475, Official Records of said County; thence North 89° 42' 31" West along said last mentioned Silva and Luis Southerly line, a distance of 1340 feet, more or less, to a point which is 1481.86 feet Easterly from the Southwest corner of said Silva and Luis Tract; thence North 0° 17' 29" East on a line perpendicular to the Northerly line of said State Highway No. 246, to a point on the Northerly line of said State Highway No. 246; thence continuing North 0° 17' 29" East on said perpendicular line, distance of 1440 feet, more or less, to a point on the Northerly line of said Silva and Luis Property; thence in an Easterly direction, along a Northerly and Northwesterly line of said Silva and Luis Property, North 87° 20' 36" East 699.10 feet to an angle point in said line of said Silva and Luis Property; thence continuing on said Silva and Luis Tract line, North 71° 50' 36" East 669.62 feet to an angle point in said line and the point of beginning.

Excepting all oil and mineral rights in, under and on said land.

ALSO EXCEPTING therefrom that portion as taken by the State of California, in the Final Order of Condemnation recorded July 13, 1971 as Instrument No. 21819 in Book 2355, Page 153, Official Records.

APN: 099-100-37

APPROVED AS TO FORM
AND SURVEY CONTENT

5/19/09

Deputy County Surveyor

FOR:

MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 12/31/10



ATTACHMENT H: AGRICULTURAL PRESERVE MINUTES FROM MARCH 6, 2009

6.4 Agricultural Preserve Advisory Committee

VI. NEW ITEMS:

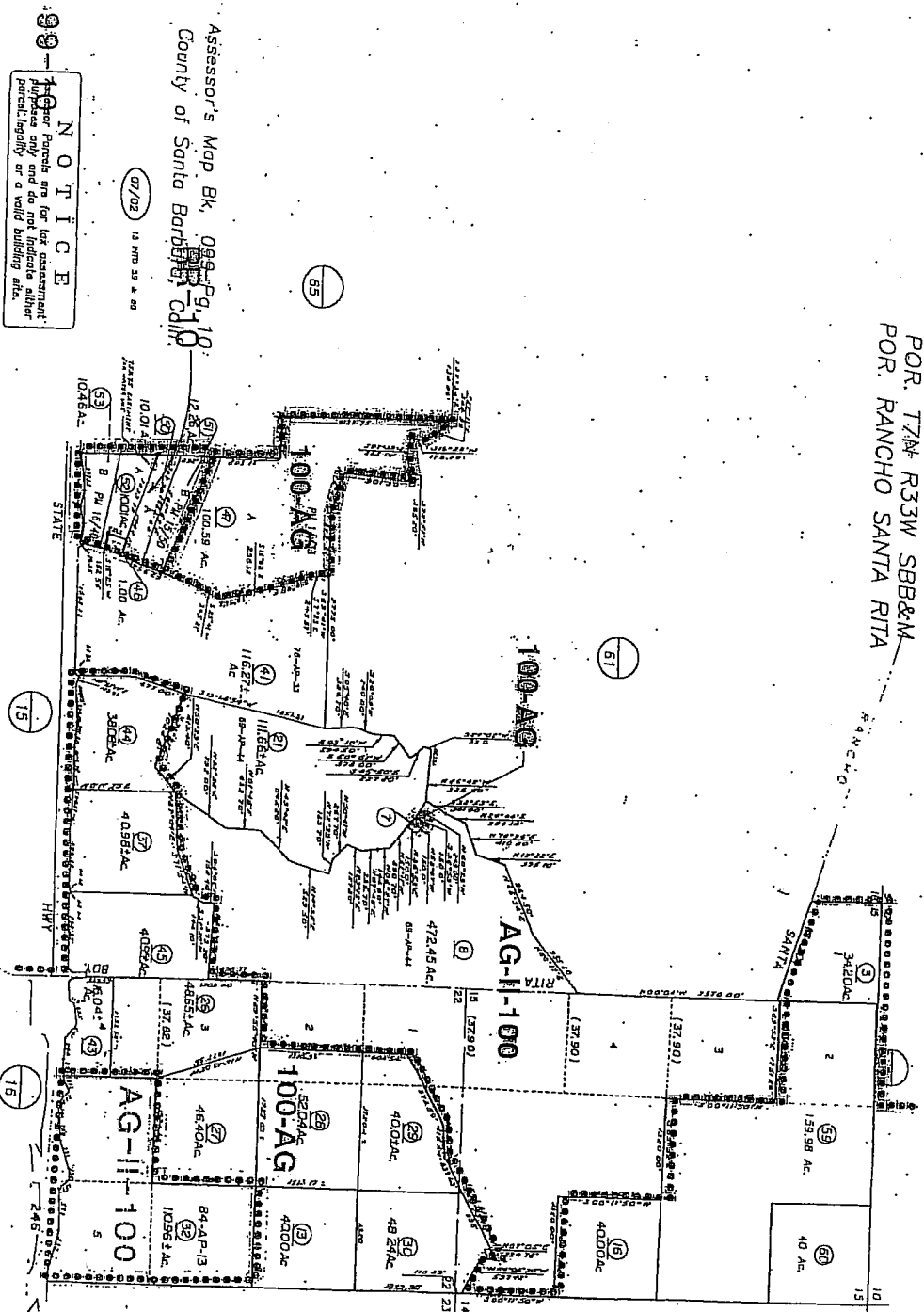
4. **Pepe New Contract and Rezone Lompoc**
09AGP-00000-00001, 09RZN-00000-00001 Florence Trotter-Cadena, Planner
(805) 934-6253

Consider the request of Jane Gray, agent for the owners Stephen & Catherine Pepe, of Case Nos. 09AGP-00000-00001 and 09RZN-00000-00001 regarding a new contract, rezone and its consistency with the Uniform Rules. The property is 40.98 acres identified as Assessor's Parcel Number 099-100-037, zoned 100-AG with an A-II Comprehensive Plan designation located approximately 1,800 feet northeast of the intersection of Highway 246 and Gypsy Canyon in the Lompoc area, Fourth Supervisorial District.

ACTION: Emmons moved, seconded by Hammock, and carried by a vote of 4 to 0 to find the item consistent with the Uniform Rules.

ATTACHMENT I: ASSESSOR PARCEL ZONING MAP

POR. T7&E R33W SBB&M
 POR. RANCHO SANTA RITA



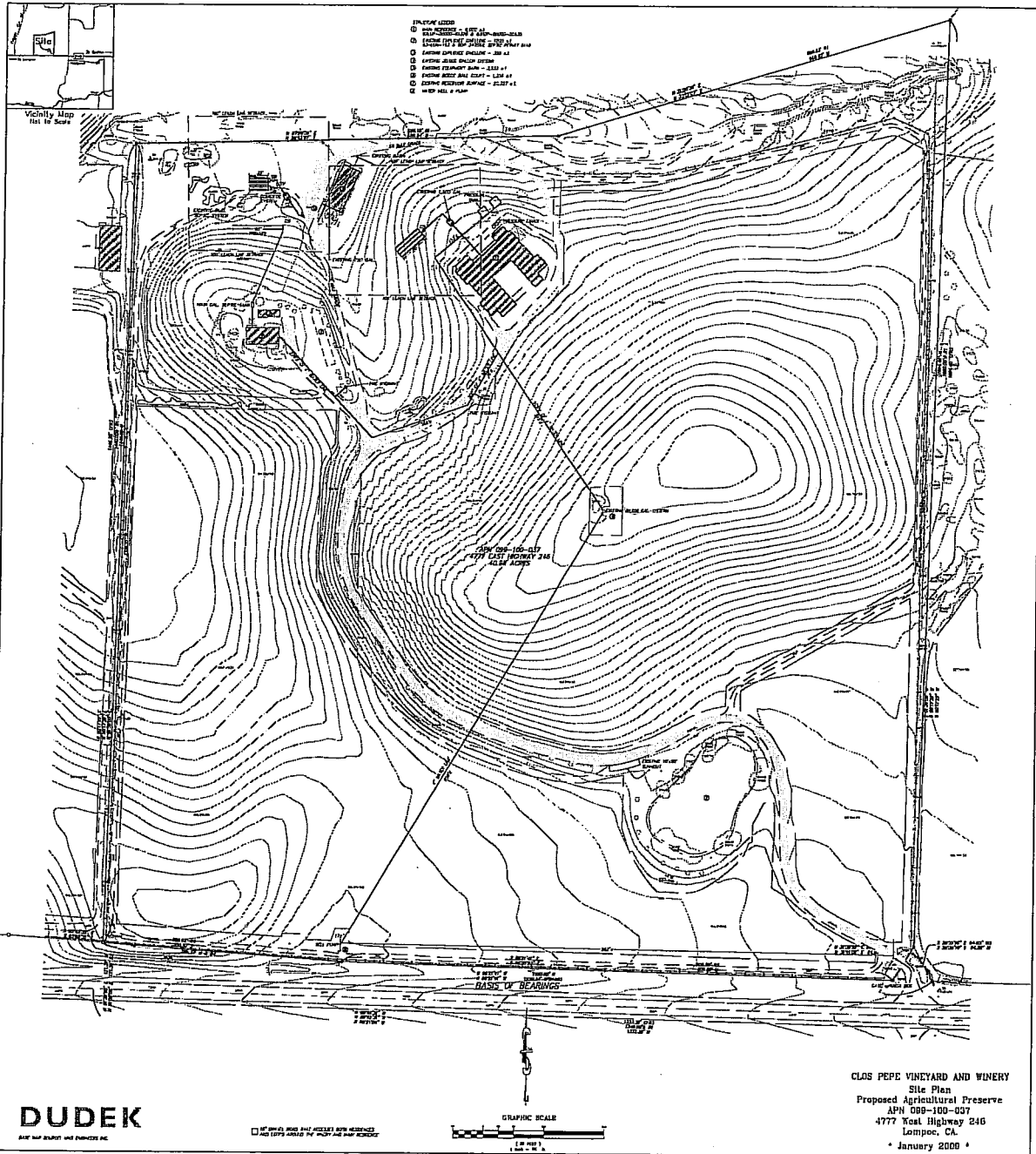
Assessor's Map Bk. 099-Pg. 10
 County of Santa Barbara, CA

07/02 10 WITH 33 & 80

NOTICE
 All parcel numbers are for tax assessment purposes only and do not indicate either ownership or a valid building site.

099-10

ATTACHMENT J: SITE PLAN



DUDEK
 SITE MAP REPORT AND SERVICES INC.

□ 10' SPACING - 10' 10" 10"
 □ 20' SPACING - 20' 20" 20"

