



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 10, 2012
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department: Planning and Development
Director: Glenn Russell, Ph.D., Director, 568-2085
Contact Info: Doug Anthony, Deputy Director, 568-2046
Development Review Division – North County
**SUBJECT: NRG/OSR Agricultural Preserve Replacement Contract, Santa Maria area, Fifth
Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: No

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

1. Approve and authorize the Chair to execute one prime agricultural preserve replacement contract 11AGP-00000-00009, on a single 75.74-acre parcel located approximately 1 mile east of the intersection of Highway 101 and Betteravia Road, in the Santa Maria area as follows:
2. Execute the attached contract, included as Attachment 1 of this Board Letter, creating Agricultural Preserve, 11AGP-00000-00009; and,
3. Authorize recordation by the Clerk of the Board.
4. Find that the proposed action is an administrative activity, as described in 14 CCR 15378(b)(5), which will not result in direct or indirect physical changes in the environment and is therefore not a “project” as defined for purposes of the California Environmental Quality Act (CEQA).

Summary Text:

This parcel was originally part of a 244-acre site under Agricultural Preserve Contract 70-AP-94. In order to develop a 27-acre cooling and processing facility, the parcel was subdivided into three parcels in 2008. Subsequently, the lots were adjusted in 2010, so each parcel would contain an existing water well. The proposed NRG/OSR Agricultural Preserve Replacement Contract (11AGP-00000-00009) would be a prime preserve

consisting of one, 75.74-acre legal parcel (APN: 128-096-019), located approximately 1 mile east of the intersection of Highway 101 and Betteravia Road, no site address, Santa Maria area, Fifth Supervisorial District (Attachment 3). Approximately 74.74 acres of the 75.74-acre parcel are planted in row crops and the remaining one acre is used as an oil & gas battery tank storage area. The parcel is currently zoned AG-II-40 under the Land Use and Development Code. On March 2, 2012 the Agricultural Preserve Advisory Committee reviewed 11AGP-00000-00009 and determined this replacement contract to be consistent with the Uniform Rules.

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 Uniform Rules for Agricultural Preserves and Farmland Security Zones. 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: Yes

There are no fees associated with creation of agricultural-preserve contracts for applications accepted prior to May 5, 2012. The total estimated cost to process this agricultural preserve contract is approximately \$2,025.00, and is budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-316 of the adopted 2011/2012 fiscal year budget.

Clerk of the Board shall distribute copies of the recorded contract (with legal description and vicinity map) and Minute Order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Tammy Weber, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Owner: NRG Enterprises, L.P. and OSR Ranch, L.P., 1910 East Stowell Road, Santa Maria, CA 93454

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. The Clerk of the Board shall mail a notice to property owners within 300 feet of the project, including the real property owners, project applicant, and agencies expected to provide essential services shall be done at least 10 days prior to the hearing (Government Code Section 65091).

Attachments:

1. Agricultural Preserve Contract
2. Legal Description
3. Vicinity Map

Authored by:

Tammy Weber, Planner
Development Review North, Planning and Development Department

