

ATTACHMENT ____

ORDINANCE NO. _____

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 153-020-013 FROM 100-AG, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size.

Case No. 08RZN-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 153-020-013 FROM 100-AG, Agriculture, 100 acres minimum parcel size TO AG-II-100, Agriculture, 100 acres minimum parcel size as shown on Exhibit A.

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 _____, 2008, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Exhibit A
Ordinance to Rezone

SALUD CARBAJAL, 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 MARSHALL
County Counsel

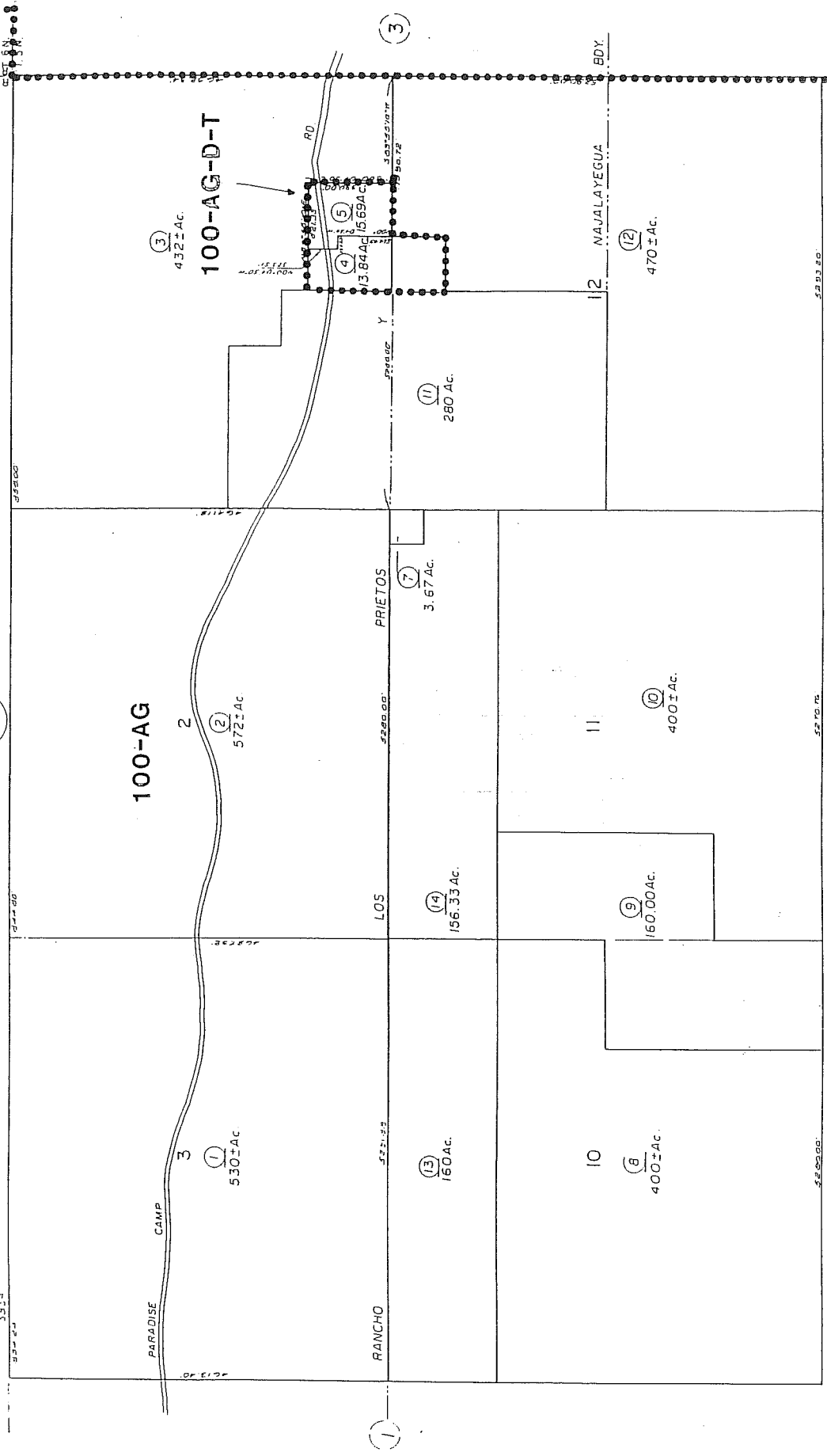
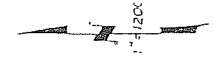
By 
Deputy County Counsel

Attachment: Exhibit A

1.5 N., R. 28 W., S. 6. B. & M.
 POR. RANCHO LOS PRIETOS Y NAJALAYEGUA

Tax Area Code

153-02



153-02

Assessor's Map Bk. 153 - Pg. 02
 County of Santa Barbara, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.

(11/68)

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, 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.

APN(s): 153-020-013

Case No.: 08RZN-00000-00001

Location: located off Hwy 154 east on Paradise Rd approximately 3 miles past Los Prietos campground and right on Sunshine Lane, Santa Ynez area, Third Supervisorial District.

Project Title: Sandoval Rezone

Project Description: Rezone for the Creation of a new Agricultural Preserve Contract

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Planning and Development

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. Per the Environmental Health Services Division restroom facilities are not required unless it is specifically requested by the landowner or special events are proposed. In addition, the Building Division does not require restroom facilities unless development is proposed. The project will not require an increase in 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. Access would remain from Sunshine Lane. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

Lead Agency Contact Person: Florence Trotter-Cadena Phone #: (805)934-6253

Department/Division Representative: Florence Trotter-Cadena Date: 6-25-08

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

Exhibit B
CEQA Exemptions for
Agricultural Preserve and
Rezone

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena

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(s): 153-020-013

Case No.: 08AGP-00000-00001

Location: located off Hwy 154 east on Paradise Rd approximately 3 miles past Los Prietos campground and right on Sunshine Lane, Santa Ynez area, Third Supervisorial District.

Project Title: Sandoval Recreation Preserve Contract

Project Description: Creation of a new Williamson Act Contract for a Recreation Preserve Contract

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Planning and Development

Exempt Status: (Check one)

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

Cite specific CEQA Guideline Section: 15317, [Establishment Agricultural Preserve]

This section exempts the establishment of agricultural preserves under the Williamson Act. The creation of a Recreation Preserve will not cause a significant environmental impact to the surrounding area. The project site has adequate water, sanitary and other facilities. The project will not require an increase in 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. Access would remain from Sunshine Lane.

Lead Agency Contact Person: Florence Trotter-Cadena Phone #: (805) 934-6253

Department/Division Representative: F. Trotter-Cadena Date: 10-25-08

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

Exhibit B
CEQA Exemptions for
Agricultural Preserve and
Rezone

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-00000-00001

THIS LAND CONSERVATION CONTRACT, by and between **Kevin D. Lafferty and Cristina P. Sandoval, husband and wife as community property with right of survivorship** 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 **Sandoval Agricultural Preserve, 08AGP-00000-00001, Assessor Parcel Number 153-020-013, 160 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, 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 _____.

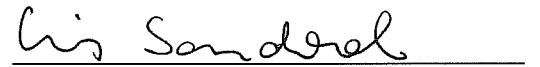
ATTEST:
CLERK OF THE BOARD

By: _____
Deputy Clerk

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

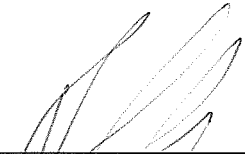
OWNERS:
 5/8/08

Kevin D. Lafferty, Individually (Date)


Cristina P. Sandoval, Individually (Date)

APPROVED AS TO FORM:

DANIEL J. WALLACE
COUNTY COUNSEL

By:  _____
Deputy County Counsel

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Santa Barbara } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

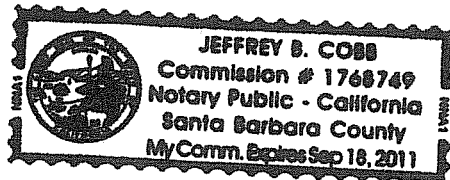
6 _____

Signature of Document Signer No. 1 [Handwritten Signature]

Signature of Document Signer No. 2 (if any) _____

State of California
 County of Santa Barbara

Subscribed and sworn to (or affirmed) before me on this 8th
 day of MAY, 2008, by KEVIN D. LAFFERTY,
 proved to me on the basis of satisfactory evidence to be the
 person(s) who appeared before me.



(Seal)

Signature Jeffrey B. Cobb

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.

Further Description of Any Attached Document

Title or Type of Document: Short Form Land Cons. Contract

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1

Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2

Top of thumb here

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Santa Barbara } SS.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

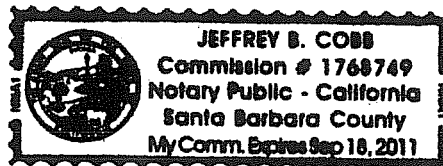
Chris Sandoval

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California
 County of Santa Barbara

Subscribed and sworn to (or affirmed) before me on this 8th
 day of MAY, 2008, by CHRISTINA P. SANDOVAL,
 proved to me on the basis of satisfactory evidence to be the
 person(s) who appeared before me.



(Seal)

Signature Jeffrey B. Cobb

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.

Further Description of Any Attached Document

Title or Type of Document: Short Form Land Cons. Contract

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1

Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2

Top of thumb here

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

SALUD CABARJAL
Chair, Board of Supervisors
County of Santa Barbara

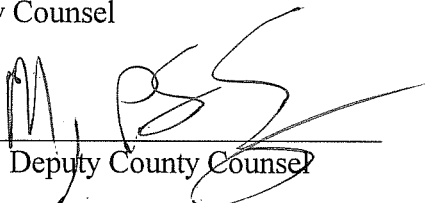
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

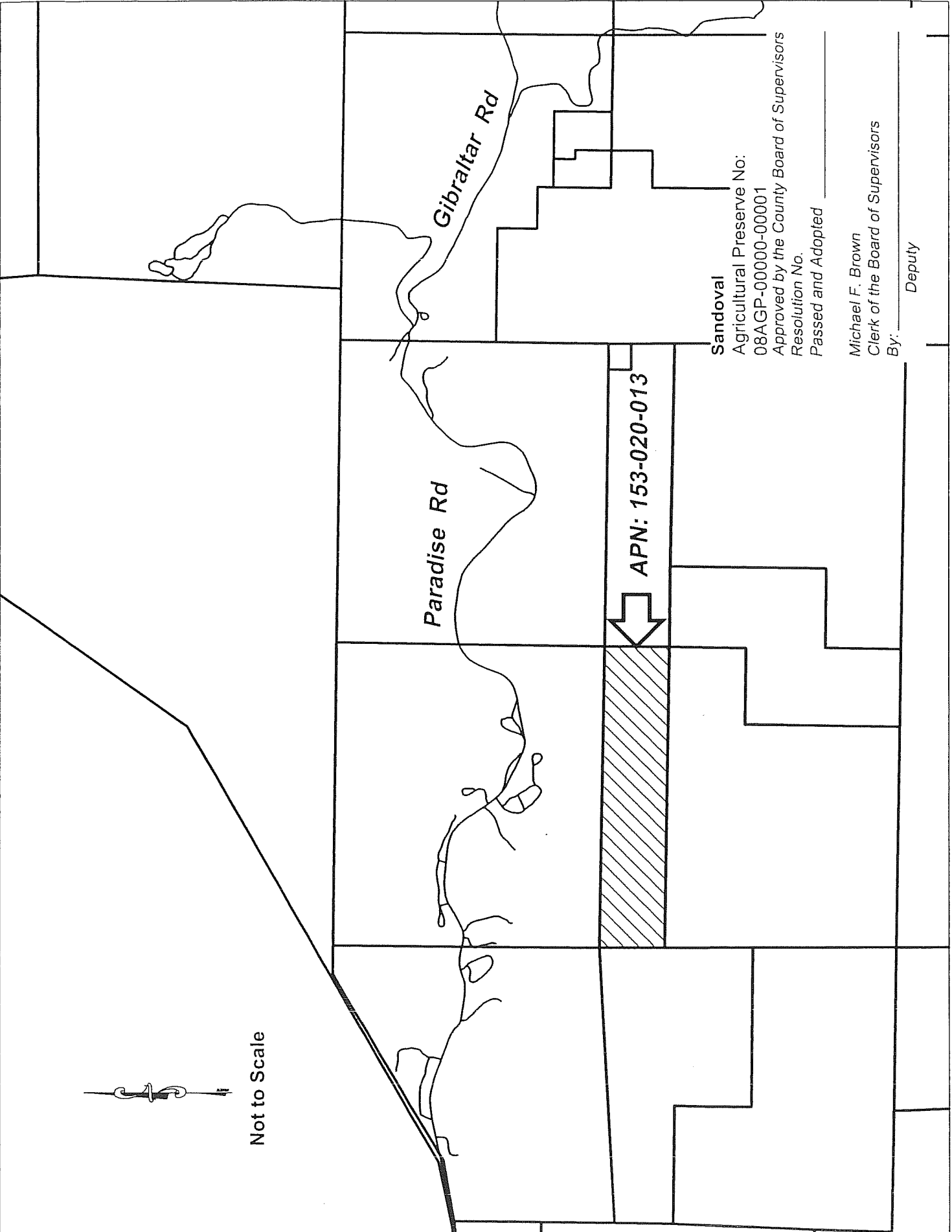
APPROVED AS TO FORM:

DENNIS MARSHALL
County Counsel

By: 
Deputy County Counsel



Not to Scale



Paradise Rd

Gibraltar Rd

APN: 153-020-013

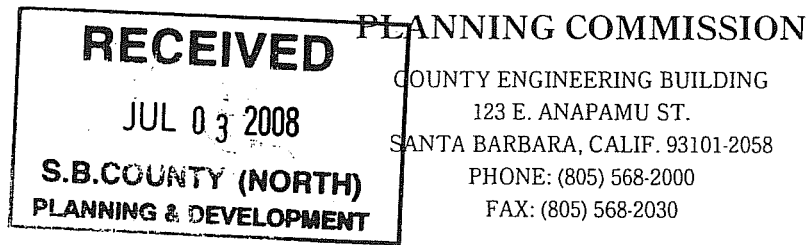
Sandoval
Agricultural Preserve No:
08AGP-00000-00001
Approved by the County Board of Supervisors
Resolution No.
Passed and Adopted _____

Michael F. Brown
Clerk of the Board of Supervisors

By: _____
Deputy



COUNTY OF SANTA BARBARA CALIFORNIA



TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JUNE 25, 2008

RE: *Sandoval Recreational Preserve and Consistency Rezone; 08AGP-00000-00001, 08RZN-00000-00001*

Hearing on the request of Cristina Sandoval, to consider the following:

- a) **08AGP-00000-00001** [application filed on January 3, 2008] for creation of a Recreational Preserve and entering into a Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Santa Barbara County Uniform Rules;
- b) **08RZN-00000-00001** [application filed on January 3, 2008] proposing to rezone 160 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 Sections 15317 and 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act. The site is identified as AP No. 153-020-013, located off of Sunshine Lane south of Paradise Road approximately three miles east of Highway 154, Santa Ynez River area, Third Supervisorial District.

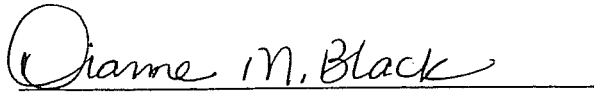
Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of June 25, 2008, Commissioner Cooney moved, seconded by Commissioner Brown and carried by a vote of 5-0 to:

1. Recommend that the Board of Supervisors adopt the required findings for 08RZN-00000-00001 and 08AGP-00000-00001 specified in Attachment A of the staff report, dated April 22, 2008, 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 of the staff report, dated April 22, 2008; and
3. Recommend that the Board of Supervisors adopt:
 - a. 08RZN-00000-00001, rezoning the property from 100-AG to AG-II-100; and,
 - b. 08AGP-00000-00001, creating one recreational preserve and entering into a Williamson Act contract.

Exhibit E
Planning Commission Action

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 08AGP-00000-00001, 08RZN-0000-00001
Planning Commission File
Dianne M. Black, Director Development Review
Owner: Cristina Sandoval, 701 Storke Road, Goleta, CA 93117
Mary Ann Slutzky, Deputy County Counsel
Florence Trotter-Cadena, Planner

Attachments: **Attachment A – Findings**
 Attachment C – Agricultural Preserve Contract Resolution
 Attachment D – Board of Supervisors Draft Ordinance

DMB/jao

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The project is found to be exempt from environmental review pursuant to CEQA Guidelines Sections 15061 and 15317. CEQA Section 15061 applies only to projects which have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Furthermore, Section 15317 exempts the establishment of Williamson Act preserves from CEQA. Please see Attachment B, Notice of Exemptions.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE

2.1.1 **That the Rezone 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 the land. By zoning the property to AG-II-100 it would allow the property to enter into the Williamson Act Program and ensure that the use will be maintained under the current zoning ordinance (Land Use and Development Code).

2.1.2 **That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Land Use and Development Code Zoning Ordinance.**

Pursuant to the discussion in Sections 6.2 and 6.3 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.

2.1.3 **That the Rezone request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it will ensure consistency with the size of many of the surrounding parcels and ensure the project's consistency with the Agricultural Preserve Uniform Rules, specifically Uniform Rule 4.

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 6.2 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 recreation preserve with the Rezone amendment is consistent with the requirements of the Uniform Rules, specifically Uniform Rule #4 as indicated by the discussion presented in Section 6.4 of this report and the recommendation made by the Agricultural Preserve Advisory Committee.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this ___ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

SALUD CARBAJAL
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:

DANIEL J. WALLACE
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT D: ORDINANCE

LAND USE AND DEVELOPMENT CODE (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL 153-020-013

Case No. 08RZN-00000-00001

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

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 153-020-013 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated _____, 2008, which redesignates Assessor's Parcel Number 153-020-013, from 100-AG to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

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 4

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Chair, Board of Supervisors
County of Santa Barbara
State of California

DANIEL J. WALLACE
County Counsel

By: _____
Deputy County Counsel

AGRICULTURAL PRESERVE

NO. 08AGP-00000-00001

PARCEL ONE:

The Northwest one-quarter of the Northwest one-quarter of Section 10, Township 5 North, Range 28 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official map thereof

PARCEL TWO:

The Northeast one-quarter of the Northwest one-quarter together with the North one-half of the Northeast one-quarter of Section 10, Township 5 North, Range 28 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the official map thereof.

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

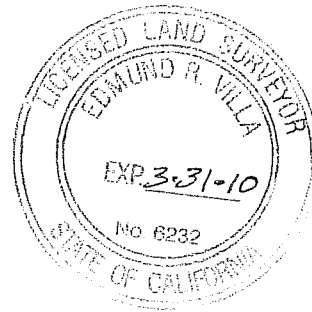
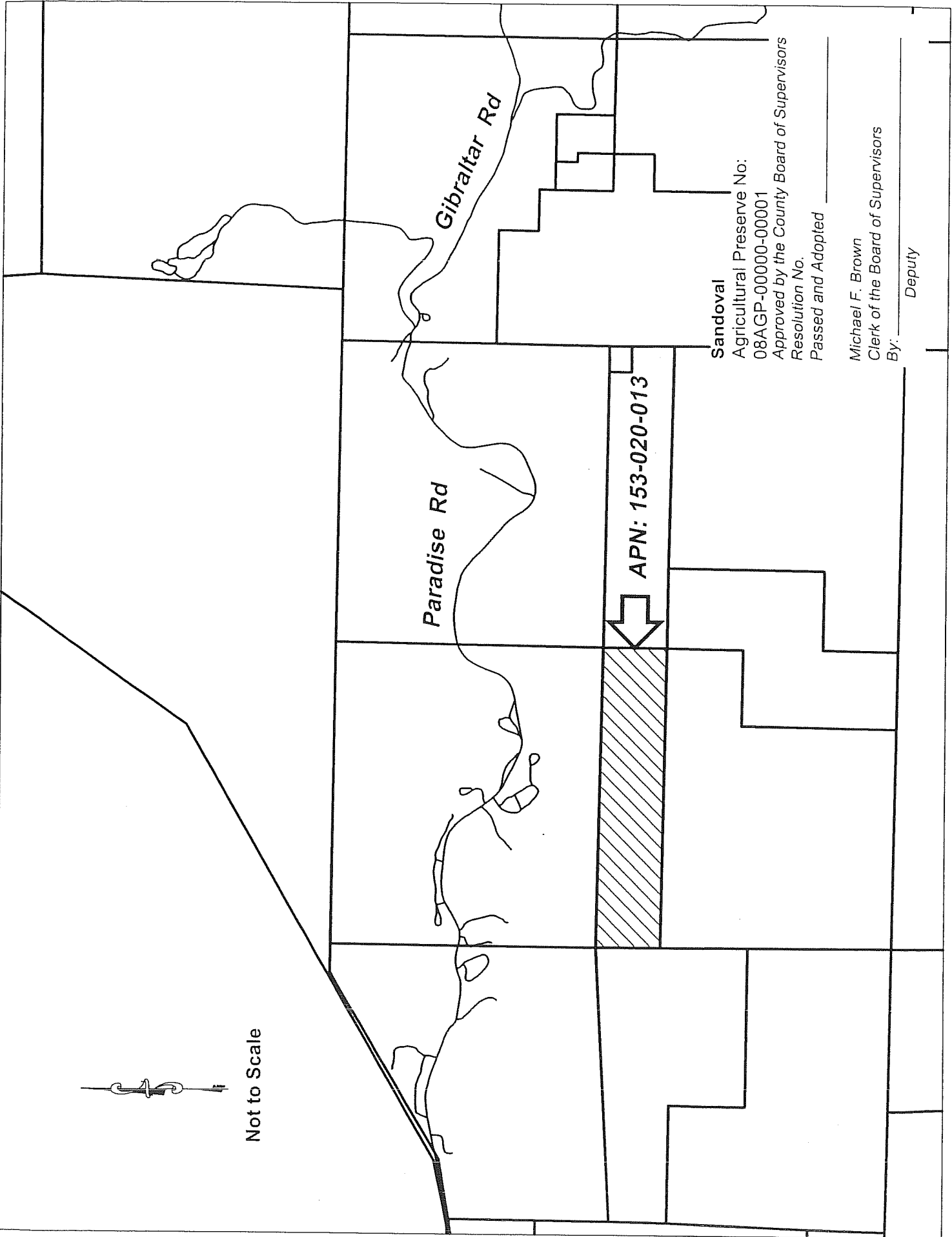


Exhibit F
Legal Descriptions



Not to Scale



Sandoval
Agricultural Preserve No:
08AGP-00000-00001
Approved by the County Board of Supervisors
Resolution No. _____
Passed and Adopted _____

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

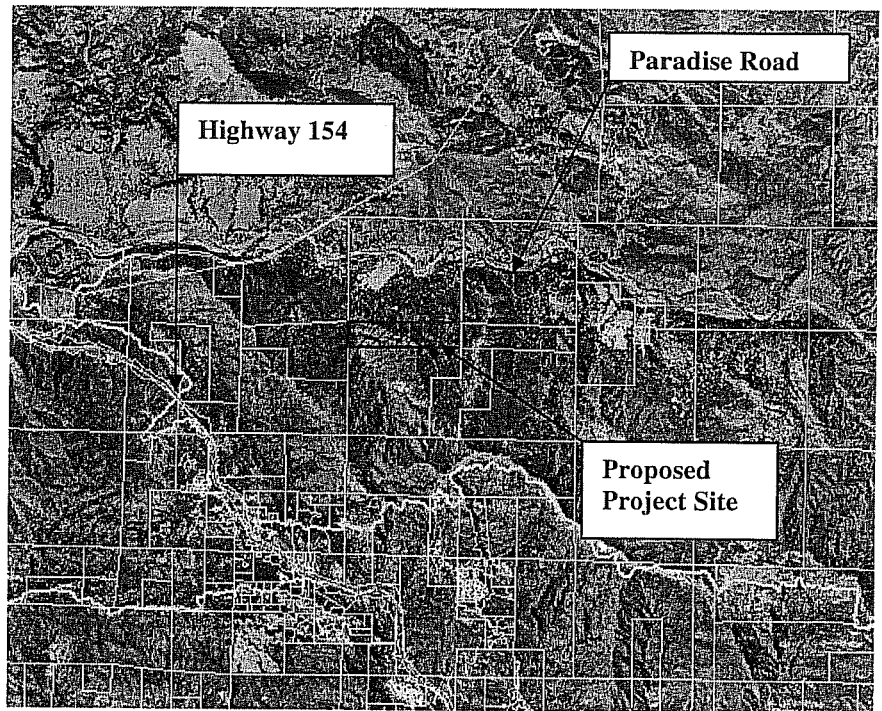
SANTA BARBARA COUNTY PLANNING COMMISSION
CONSENT AGENDA
Staff Report for Sandoval Recreational Preserve and Consistency Rezone

Hearing Date: June 25, 2008
Staff Report Date: April 22, 2008
Case No.: 08AGP-00000-00001, 08RZN-00000-00001

ZA
Deputy Director: Zoraida Abresch
Division: Dev. Rev. No. Co.
Staff Contact: F. Trotter-Cadena
Supervising Planner: Alice McCurdy
Planner's Phone #: 934-6253

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

OWNER:
 Cristina Sandoval
 701 Storke Road
 Goleta CA 93117
 (805) 685-0255



The site is identified as Assessor Parcel Number 153-020-013, located off of Sunshine Lane south of Paradise Road approximately three miles east of Highway 154, Santa Ynez River area, Third Supervisorial District..

Application Complete: January 3, 2008
 Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Cristina Sandoval, to consider the following:

- a) 08AGP-00000-00001 [application filed on January 3, 2008] for creation of a Recreational Preserve and entering into a Contract with Santa Barbara County pursuant to the

Exhibit G
 Staff Report, dated April 22,

Williamson Act, Government Code Section 51200 et. seq. and the Santa Barbara County Uniform Rules;

- b) 08RZN-00000-00001 [application filed on January 3, 2008] proposing to rezone 160 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 153-020-013, located off of Sunshine Lane south of Paradise Road approximately three miles east of Highway 154, Santa Ynez River area, Third Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 08AGP-00000-00001, 08RZN-00000-00001 marked "Officially Accepted, County of Santa Barbara June 25, 2008 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 08RZN-00000-00001 and 08AGP-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. 08RZN-00000-00001, rezoning the property from 100-AG to AG-II-100; and,
 - b. 08AGP-00000-00001, creating one recreational 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 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 requires new land coming into the

program to be zoned AG-I or AG-II with a minimum of 100 acres under the Land Use and Development Code.

Land Use and Development Code Section 35-104.050.A.1 states that the Planning Commission shall hold at least one noticed public hearing on the proposed rezone. Section 35.104.050.A.2 states that the Planning Commission's recommendation on the proposed rezone shall be transmitted to the Board of Supervisors in the form of a written recommendation. Section 35.104.050.B.1 requires the Board of Supervisors to hold a public hearing and take final action on the matter.

4.0 ISSUE SUMMARY

Uniform Rule 4 provides for preserves for recreational purposes. This project is the first recreational preserve proposed within the County. The Agricultural Preserve Advisory Committee found the proposal consistent with Uniform Rule #4 and recommends approval of the Williamson Act contract for recreation.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II, Agriculture, 40 acre minimum parcel size
Ordinance, Zone	Ordinance 661, 100-AG
Site Size	160 acres
Present Use & Development	The site is currently undeveloped.
Surrounding Uses/Zone(s)	North: 100-AG South: 100-AG East: 100-AG West: 100-AG
Access	Sunshine Lane
Public Services	Water Supply: Water Well Sewage: None Fire: S.B. County Fire, Stn: # 13

5.2 Description

The proposed project consists of the placement of one legal parcel into a Recreational Preserve. The parcel qualifies for enrollment into the preserve program as a Williamson Act Contract for a Recreation Preserve pursuant to Uniform Rule #4, Section 4-1 and meets the minimum 100 acres parcel size required for a Williamson Act Contract for a recreation preserve. The recreational preserve would consist of approximately 160 acres. In addition, this project involves a rezone for Assessor's Parcel number 153-020-013 from the 100-AG (Ordinance 661) to the AG-II-100 (Land Use and Development Code) Zone Designation. As required under Uniform Rule #4 the

landowner must submit a business plan demonstrating the nature and extent of the recreational use to be provided. The focus of the proposed preserve is for scientific study which is included in the definition of recreation per Uniform Rule #4. The business plan submitted includes a description of the recreational activities proposed on the site and the facilities and accessory structures necessary for the operation, a timeline for implementation of the business plan and an estimate of visitor use. The landowner's website will allow for visitors to complete an application for access on line and will provide automated counts of visitors as needed. Based on information provided by the landowner the current visitor count is approximately 1 to 2 people per month.

5.3 Background Information

The site is currently undeveloped and proposed to be used for a biological reserve. The parcel was created under Certificates of Compliance, 05-CC-25 and 05-CC-66. Government Code Section 51201, Williamson Act allows for recreation preserves and defines the recreational use as follows: the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. In addition, the adopted Uniform Rules for Santa Barbara County allow for scientific research and study as a compatible use under the Agricultural Preserve Program. Any fee charged for the recreational use of land as defined in this subdivision shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for a recreational use shall comply with the provisions of Section 51238.1. Per the Environmental Health Services Division restroom facilities are not required unless specifically requested by the landowner or special events are proposed. In addition, the Building Division does not require restroom facilities unless development is proposed. At this time, no development is proposed for the property.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The proposed Recreational Preserve was found to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15317. This section specifically exempts the establishment of Williamson Act Preserves from environmental review. The rezone is exempt from environmental review pursuant to CEQA Guidelines under Section 15061(b)(3) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The rezone would not have a significant effect on the surrounding environment, nor would the creation of a Recreational Preserve. The minimum parcel size and development potential would remain essentially the same under the proposed zone district. The project site has adequate water. In the event that special events are proposed, or the landowner proposes installation of restroom facilities, the sanitary services and water shall be in compliance with the requirements of Environmental Health Services. The proposed project would not result

in the loss of any existing native vegetation, would not require extensive grading or land alteration, nor would it impact any biological, archaeological or other sensitive environmental resources. Therefore, the categorical and general rule exemptions are appropriate for this project.

6.2 Comprehensive Plan Consistency

The proposed project would be consistent with all applicable policies of the Comprehensive Plan. At present time no development is proposed in conjunction with the creation of the Recreational 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.

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

The intent of the AG-II Zone District is to designate and protect lands appropriate for long-term agricultural use. The proposed recreational 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, lot size and all requirements of the AG-II-100 Zone District. The project would not create a spot zoning designation nor would it create additional development potential.

6.4 Agricultural Preserve Advisory Committee

On February 1, 2008 the Agricultural Preserve Advisory Committee recommended approval of the Williamson Act Contract for Recreation and a Rezone for the proposed project and found it consistent with the Uniform Rules

7.0 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. Notice of Exemptions
- C. Agricultural Preserve Contract Resolution
- D. Board of Supervisors Draft Ordinance
- E. APN Page with zoning
- F. Agricultural Preserve Advisory Committee Minutes dated February 1, 2008
- G. Site Plan

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The project is found to be exempt from environmental review pursuant to CEQA Guidelines Sections 15061 and 15317. CEQA Section 15061 applies only to projects which have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Furthermore, Section 15317 exempts the establishment of Williamson Act preserves from CEQA. Please see Attachment B, Notice of Exemptions.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE

2.1.1 **That the Rezone 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 the land. By zoning the property to AG-II-100 it would allow the property to enter into the Williamson Act Program and ensure that the use will be maintained under the current zoning ordinance (Land Use and Development Code).

2.1.2 **That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Land Use and Development Code Zoning Ordinance.**

Pursuant to the discussion in Sections 6.2 and 6.3 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.

2.1.3 **That the Rezone request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it will ensure consistency with the size of many of the surrounding parcels and ensure the project's consistency with the Agricultural Preserve Uniform Rules, specifically Uniform Rule 4.

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 6.2 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 recreation preserve with the Rezone amendment is consistent with the requirements of the Uniform Rules, specifically Uniform Rule #4 as indicated by the discussion presented in Section 6.4 of this report and the recommendation made by the Agricultural Preserve Advisory Committee.

ATTACHMENT B: ENVIRONMENTAL REVIEW

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Florence Trotter-Cadena, 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.

APN(s): 153-020-013

Case No.: 08RZN-00000-00001

Location: located off Hwy 154 east on Paradise Rd approximately 3 miles past Los Prietos campground and right on Sunshine Lane, Santa Ynez area, Third Supervisorial District.

Project Title: Sandoval Rezone

Project Description: Rezone for the Creation of a new Agricultural Preserve Contract

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Planning and Development

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. Per the Environmental Health Services Division restroom facilities are not required unless it is specifically requested by the landowner or special events are proposed. In addition, the Building Division does not require restroom facilities unless development is proposed. The project will not require an increase in 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. Access would remain from Sunshine Lane. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

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

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(s): 153-020-013

Case No.: 08AGP-00000-00001

Location: located off Hwy 154 east on Paradise Rd approximately 3 miles past Los Prietos campground and right on Sunshine Lane, Santa Ynez area, Third Supervisorial District.

Project Title: Sandoval Recreation Preserve Contract

Project Description: Creation of a new Williamson Act Contract for a Recreation Preserve Contract

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Planning and Development

Exempt Status: (Check one)

Ministerial

Statutory

Categorical Exemption

Emergency Project

No Possibility of Significant Effect [§15061(b,3)]

Cite specific CEQA Guideline Section: 15317, [Establishment Agricultural Preserve]

This section exempts the establishment of agricultural preserves under the Williamson Act. The creation of a Recreation Preserve will not cause a significant environmental impact to the surrounding area. The project site has adequate water, sanitary and other facilities. The project will not require an increase in 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. Access would remain from Sunshine Lane.

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: AGRICULTURAL PRESERVE RESOLUTION

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. 08- CASE NO.: 08AGP-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 following Agricultural preserve is hereby created and entering into an agricultural preserve contract in the County of Santa Barbara: Sandoval Agricultural Preserve (08AGP-00000-00001)

- 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.

- 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 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:

Cristina Sandoval 701 Storke Road Goleta CA 93117

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 _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

SALUD CARBAJAL
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:

DANIEL J. WALLACE
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT D: ORDINANCE

LAND USE AND DEVELOPMENT CODE (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL 153-020-013

Case No. 08RZN-00000-00001

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

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 153-020-013 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated _____, 2008, which redesignates Assessor's Parcel Number 153-020-013, from 100-AG to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

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 4

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Chair, Board of Supervisors
County of Santa Barbara
State of California

DANIEL J. WALLACE
County Counsel

By: _____
Deputy County Counsel

**ATTACHMENT F: AGRICULTURAL PRESERVE MINUTES DATED FEBRUARY 1,
2008**

5. Sandoval Rezone & Ag Preserve New Contract

*08AGP-00000-00001, 08RZN-00000-00001 Florence Trotter-Cadena, Planner (805)
934-6253*

Consider the request of Cristina Sandoval, owner, of Case No. 08RZN-00000-00001 and 08AGP-00000-00001 regarding including the property in a Williamson Act contract and its consistency with the Uniform Rules. The property is a 160 acre parcel shown as Assessor's Parcel Number 153-020-13, zoned AG-100 with an A-II Comprehensive Plan designation. The property is an in-holding on Paradise Road, near the US Forest Station and Sunshine Lane, in the Santa Ynez area, Third Supervisorial District.

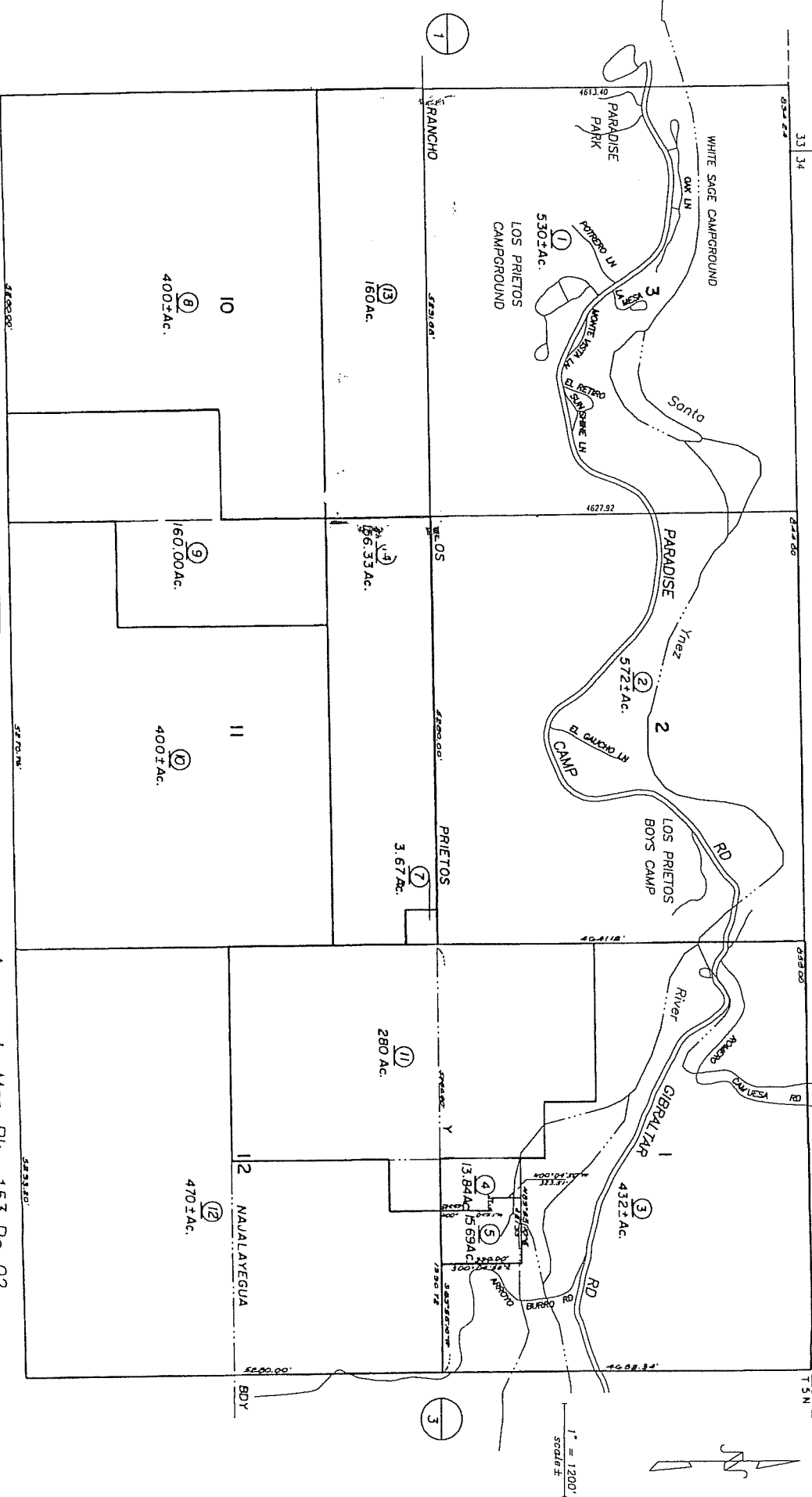
ACTION: Emmons moved, seconded by Karamitsos, and carried by a vote of 3 to 1 (Hammock no) to find this item compatible Uniform Rule 4, Contracts for Recreation.

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T5N R28W SBB&M
POR. RANCHO LOS PRIETOS Y NAJALAYEGUA

145
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153-02



NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

16

Assessor's Map Bk, 153-Pg, 02
County of Santa Barbara, Calif.

10/05

Update page from raster

08AGP-00000-00001
 Sandoval Ag Preserve New Contract
 153-020-013
 4650 Paradise Road
 100-AG

Exhibit H
 Site Plan