

Attachment 9

Board Resolution for Certificate of Tentative Cancellation
of Land Conservation Contract 76-AP-072

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVING A)
CERTIFICATE OF)
TENTATIVE CANCELLATION FOR LAND)
CONSERVATION CONTRACT)
NUMBER 76-AP-072.)

RESOLUTION NO.14- _____

CASE NO: 10AGP-00000-00002

WITH REFERENCE TO THE FOLLOWING:

- A. Pursuant to the California Land Conservation Act of 1965 (Government Code Sections 51200 *et seq.*), counties are authorized to establish agricultural preserves and to establish local procedures for creating, altering and terminating agricultural preserves.
- B. The Uniform Rules for Agricultural Preserves and Farmland Security Zones were adopted by the Santa Barbara County Board of Supervisors in 1971, and amended by the Board of Supervisors on September 25, 2007, October 8, 1994 and August 10, 1999.
- C. Bolthouse Properties LLC., entered into a Land Conservation Contract, 76-AP-072, dated February 22, 1977, with the County of Santa Barbara for land that is currently identified as Assessor's Parcel Nos. 149-140-076 and 149-150-039, which was recorded on February 25, 1977, as Document No. 77-8972, in the Office of the County Recorder of Santa Barbara County, California (the "Land Conservation Contract") as shown in Exhibit 1 of Exhibit A of this Resolution.
- D. Bolthouse Properties, LLC., the current owner of the property, petitioned the Board of Supervisors to cancel a 167-acre portion of the property subject to the Land Conservation Contract.
- E. Cuyama Solar, LLC ("Cuyama Solar") is the holder of an option to purchase the 167-acre portion of property currently identified as Assessor's Parcel No. 149-140-076 that is the subject of this cancellation request from Bolthouse Properties LLC., and have proposed, if cancellation as to the 167-acre portion is approved, that the land will be used to develop a 40 megawatt utility-scale solar photovoltaic facility.
- F. The Cuyama Solar purchase, in conjunction with a lot line adjustment, will reduce the property currently identified as Assessor's Parcel No. 149-140-076 from 406 to 239 acres.
- G. As a condition of the Certificate of Tentative Cancellation, as shown in Exhibit A of this Resolution, Bolthouse Properties LLC shall enroll the 1,362 acre remainder of the land included in 76-AP-072 in a Replacement Land Conservation Contract consisting of a 1,123 acre property currently identified as Assessor's Parcel No. 149-150-039 and a 239 acre property which is the remaining portion of property currently identified as Assessor's Parcel No. 149-140-076 which is retained by Bolthouse Properties LLC.
- H. Pursuant to Government Code Section 51282(a)(2) and (c)(1) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein incorporated by reference, other public concerns substantially outweigh the objectives of the Land Conservation Act.
- I. Pursuant to Government Code Section 51282(a)(2) and (c)(2) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein

incorporated by reference, there is no proximate non-contracted land which is both available and suitable for the proposed use, or development of the contracted land would provide more contiguous patterns of urban development of proximate non-contracted land.

- J. Pursuant to Government Code Section 51282(a)(1) and (b)(1) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein incorporated by reference, cancellation is for land on which a notice of non-renewal has been served.
- K. Pursuant to Government Code Section 51282(a)(1) and (b)(2) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein incorporated by reference, cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- L. Pursuant to Government Code Section 51282(a)(1) and (b)(3) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein incorporated by reference, cancellation is for an alternative use which is consistent with the applicable provisions of the Comprehensive Plan.
- M. Pursuant to Government Code Section 51282(a)(1) and (b)(4) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein incorporated by reference, cancellation will not result in discontinuous patterns of urban development.
- N. Pursuant to Government Code Section 51282(a)(1) and (b)(5) and based on the findings included as Attachment A of the County Planning Commission staff report dated July 15, 2014, herein incorporated by reference, there is no proximate non-contracted land which is both available and suitable for the proposed use or development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
- O. The total amount of the cancellation fee for the Property, pursuant to Government Code Section 51283(b), has been determined and certified by the Board of Supervisors to be \$125,000.00, as shown in Attachment J of the County Planning Commission staff report dated July 15, 2014.
- P. Pursuant to Government Code Section 51284.1(d) the Board of Supervisors considered the comments by the Department of Conservation included in Attachment I of the County Planning Commission staff report dated July 15, 2014.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

- 1. The above recitals are incorporated herein by this reference.
- 2. The subject parcels are included under the Land Conservation Contract, 76-AP-072.
- 3. The cancellation fee was determined by the Santa Barbara County Assessor's office and reported to the Board of Supervisors. The Board of Supervisors certified to the cancellation fee of \$125,000.00 to the County Auditor.
- 4. Cancellation of the Land Conservation Contract is consistent with the purposes of the Land Conservation Act and is in the public interest.
- 5. The 40 megawatt Cuyama Solar project is also being processed with this cancellation and constitutes the proposed alternative land use for property subject to this cancellation. Upon

approval of the lot line adjustment, Comprehensive Plan and Land Use Development Code amendments, rezones and accompanying entitlements, the proposed alternative land use will be consistent with the Santa Barbara County Comprehensive Plan.

6. The Board of Supervisors approves the tentative cancellation and directs the Chair of this Board to sign the Certificate of Tentative Cancellation, as shown in Exhibit A of this Resolution.
7. The Board of Supervisors directs the Clerk of this Board to file and record a Certificate of Tentative Cancellation and transmit copies thereof to the Director of Conservation of the State of California, the Treasurer, Auditor and Assessor of Santa Barbara County.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

EXHIBIT:

- A. Certificate of Tentative Cancellation of Land Conservation Contract

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EXHIBIT A

**CERTIFICATE OF TENTATIVE CANCELLATION OF
LAND CONSERVATION CONTRACT 76-AP-072**

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EXHIBIT A

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)

**CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACT**

(Case No. 10AGP-00000-00002, Bolthouse Properties LLC.)

The Clerk of the Board of Supervisors of the County of Santa Barbara does hereby certify that a Certificate of Cancellation of Land Conservation Contract 76-AP-072 will be issued and recorded pursuant to the Land Conservation Act (California Code Section 51200 *et seq.*) at such time as the specified conditions and contingencies set forth in this certificate are satisfied.

Bolthouse Properties LLC., being the owners of the real property described as Santa Barbara County Assessor’s Parcel Nos. 149-140-076 (406 acres) and 149-150-039 (1,123 acres), have requested, along with a proposal for a specified alternative use of the land, that the Board of Supervisors of the County of Santa Barbara approve a cancellation of Land Conservation Contract 76-AP-072, which was recorded in the official records of the Santa Barbara County Recorder on February 25, 1977, as Document No. 77-8972, as shown in Exhibit 1 of this Certificate.

The Board of Supervisors of the County of Santa Barbara has determined and approved that a Certificate of Cancellation of the above contract as requested will be issued and recorded at such time as the following conditions and contingencies have been satisfied:

1. Payment in full to the County Treasurer for the amount of the cancellation fee, which is \$125,000.00, certified by the Board of Supervisors on October 15, 2013 pursuant to the provisions of the Government Code Section 51283, with such notices and statements as are required to be included in the provisions of Government Code Section 51283.4. If the cancellation fee is not paid, or a certificate of cancellation of contract is not issued within one year of the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice described in Government Code Section 51283.4(b) or the date the landowner requests a computation.
2. Approval from the Board of Supervisor’s of all applicable discretionary permits necessary for use of the 167 acre portion of property currently identified as Assessor’s Parcel No. 149-140-076 to develop a 40 megawatt utility-scale solar photovoltaic facility.
3. Enrollment of the 1,362 acre remainder of the land currently included in 76-AP-072 in a Replacement Land Conservation Contract consisting of a 1,123 acre property currently identified as Assessor’s Parcel No. 149-150-039 and a 239 acre property which is the remaining portion of property currently identified as Assessor’s Parcel No. 149-140-076 which is retained by Bolthouse Properties LLC which shall be recorded subsequent to recordation by the Board of Supervisors of the Certificate of Cancellation.

Pursuant to Government Code Section 51283.4(b), Bolthouse Properties LLC. shall notify the Board of Supervisors when all conditions and contingencies enumerated in the Certificate of Tentative Cancellation have been satisfied. Within 30 days of receipt of such notice, and upon determination that the conditions and contingencies have been satisfied, the Board of Supervisors shall cause to be executed and recorded a Certificate of Cancellation.

If the landowners have been unable to satisfy the conditions and contingencies enumerated hereinabove, the landowners shall notify the Board of Supervisors of the particular conditions or contingencies they are unable to satisfy. Within 30 days of receipt of said notice, and upon a determination that the landowners are unable to satisfy the conditions and contingencies listed, the Board of Supervisors shall execute and record a certificate of withdrawal of tentative approval of cancellation of contract. The landowner shall not be entitled to the refund of any cancellation fee paid.

I certify the foregoing approval and the issuance of this Certificate of Tentative Cancellation were authorized by action duly taken by the Santa Barbara County Board of Supervisors in regular session held on _____, 2014.

By order of the Santa Barbara County Board of Supervisors.

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

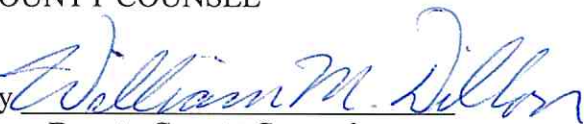
By 
Deputy County Counsel

EXHIBIT:

1. Legal Description and Map of land Conservation Contract Number 76-AP-072

EXHIBIT 1

**LEGAL DESCRIPTION AND MAP OF
LAND CONSERVATION CONTRACT NUMBER 76-AP-072**

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CASE No. 10AGP-00000-00002

LEGAL DESCRIPTION

within

**Sections 29, 30, 31 and 32
Township 10 North, Range 25 West
San Bernardino Meridian**

PARCEL ONE:

The Southwest Quarter of the Northwest Quarter of Section 29, and the Southeast Quarter of the Northeast Quarter of Section 30, All in Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat thereof.

PARCEL TWO:

The West half of the Northeast Quarter of Section 30 in Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat thereof.

PARCEL THREE:

The South half of the Southwest Quarter and the Southeast Quarter of Section 30, Township 10 North, Range 25 West, San Bernardino Meridian, in the Rancho Cuyama No. 2, in the County of Santa Barbara, State of California, shown on the Map filed in Book 26, Page 11 of Record of Surveys, in the Office of the County Recorder of said County.

ALSO EXCEPTING THEREFROM the East 80 feet of said Southwest Quarter of Section 30, as described in deed to Santa Barbara County recorded June 18, 1943 in Book 571, Page 177 of Official Records, Records of said County.

ALSO EXCEPTING THEREFROM the South 30 feet of said Southeast Quarter of Section 30, as described in deed to Santa Barbara County recorded June 18, 1943 in Book 573, Page 134 of Official Records, Records of said County.

PARCEL FOUR:

The west half of Section 31, Township 10 North, Range 25 West, San Bernardino Meridian, in the Rancho Cuyama No. 2 in the County of Santa Barbara, State of California, as shown on the Map filed in Book 26, Page 11, of Record of Surveys in the office of the County Recorder of said County.

PARCEL FIVE:

The Northwest Quarter, the East half of the Southeast Quarter and the South half of the Northeast Quarter of Section 32, Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat thereof.

EXCEPT that portion of said Section 32, described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Section 32, thence running South along the Quarter Section line a distance of 400 feet; thence West a distance of 125 feet; thence North a distance of 400 feet; thence East a distance of 125 feet to the point of beginning.

ALSO EXCEPT the North 30 feet of the Northwest Quarter of said Section 32 above described.

PARCEL SIX:

The Northeast Quarter of Section 31, Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California according to the Official Plat thereof.

EXCEPT the North 30 feet hereof.

ALSO EXCEPT that portion of said Section 31, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 31; thence South along the East boundary line of said Section 31, a distance of 400 feet; thence West and parallel to the North boundary line of said Section 31, a distance of 132 feet; thence North and parallel to the East boundary of said Section 31, a distance of 400 feet; thence East, along the North boundary line of said Section 31, a distance of 132 feet to the point of beginning.

PARCEL SEVEN:

The East half of the Southwest Quarter and the West half of the Southeast Quarter of Section 32, Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat thereof.

EXCEPT that portion of Section 32, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 32; thence East 208.7 feet; thence North 208.7 feet; thence West 208.7 feet; thence South 208.7 feet to the point of beginning.

PARCEL EIGHT:

The East half of the Southwest Quarter of Section 29, Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat thereof.

EXCEPT the South 30 feet thereof as described in the Deed to Santa Barbara County, a Body Corporate and Politic, recorded June 18, 1943 as Instrument No. 4626, in Book 575 at page 146 of Official Records.

PARCEL NINE:

The South half of the Southeast Quarter of Section 29, Township 10 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the official plat thereof, of the Survey of said land on file in the Bureau of Land Management.

SUBJECT TO: All covenants, Rights, Rights-of-Way and Easements of record.



06/26/2014

Matthew J. Vernon
PLS 7553

Date

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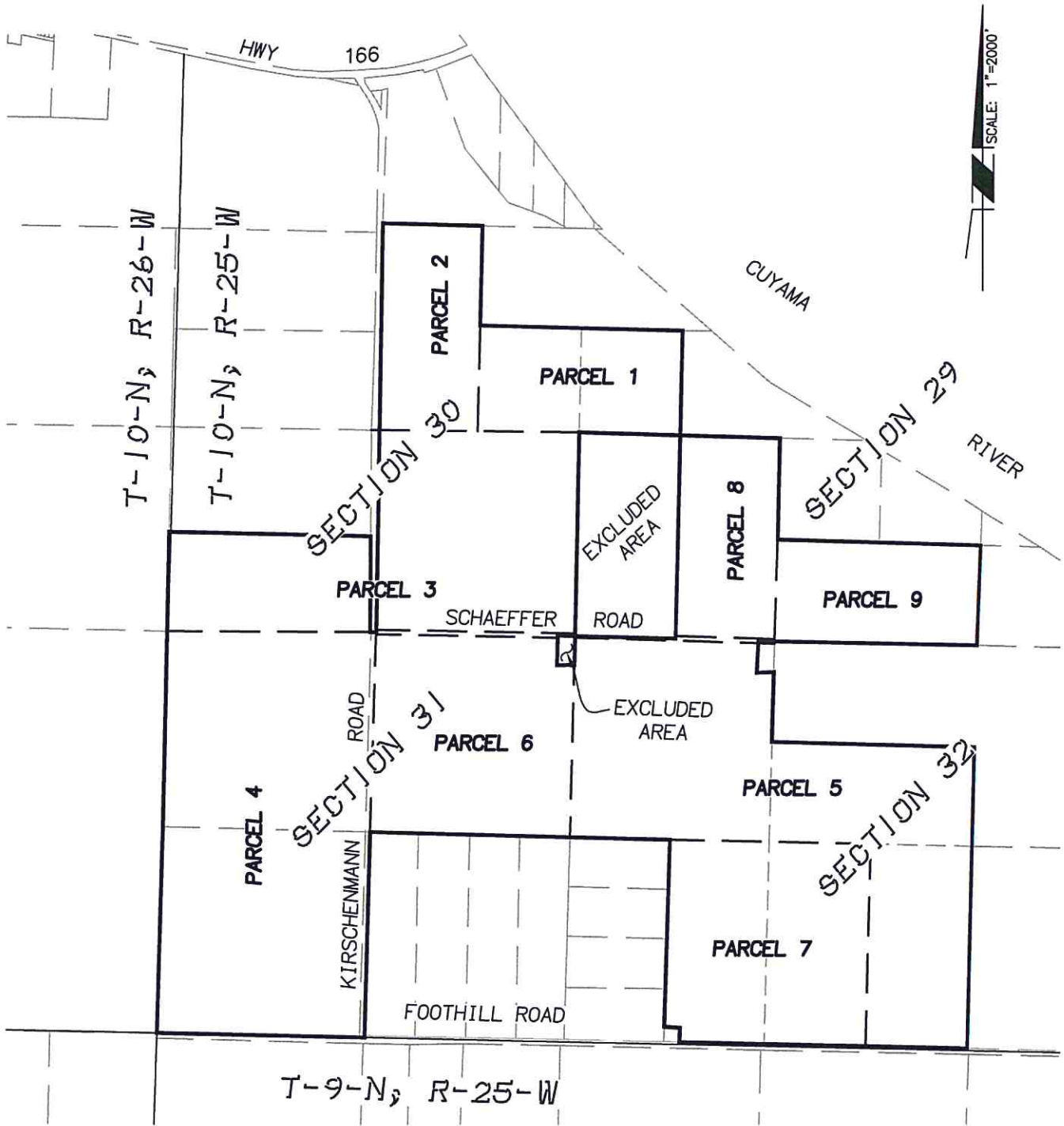


7/25/2014

APPROVED AS TO FORM
AND SURVEY CONTENT

Aleksandar Jevremovic
COUNTY SURVEYOR
LICENSE EXP. 12/31/2015

PLAT TO ACCOMPANY LEGAL DESCRIPTION



PLANNING ■ DESIGN ■ CONSTRUCTION

5051 VERDUGO WAY, SUITE 300
 CAMARILLO, CALIFORNIA 93012
 805.383.3373 FAX 805.383.3371 www.RBF.com

AGRICULTURAL PRESERVE/
 LAND CONSERVATION CONTRACT
 CASE No 10AGP-00000-00002

COUNTY OF SANTA BARBARA
 STATE OF CALIFORNIA

DATE: 6/9/14
 SCALE: 1"=2000'
 SHEET: 1 OF 1
 CAD: JM
 CHK'D: MJV