

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: November 2, 2004
Department Name: Planning and Development
Department No.: 053
Agenda Date: November 23, 2004
Placement: Administrative
Estimate Time: 5 minutes
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Permitting\Case Files\AGP\02 cases\02agp-00000-00029\BSadminforfinalcertificateofcancellationfinalhearing.DOC

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Florence Trotter-Cadena
Development Review Division –North County
934-6253

SUBJECT: Final Certificate of Cancellation for Battaglia Agricultural Preserve Contract 70-AP-076B; Case No. 02AGP-00000-00029, APN: 101-050-006

Recommendations:

That the Board of Supervisors:

- A. Accept Planning and Development's verification that cancellation fees have been paid, and;
- B. Accept the Final Certificate of Cancellation of said contractual restrictions.

The application involves Assessor Parcel Number 101-050-006, located approximately 1 mile east of the intersection of Tepusquet and Foxen Canyon Roads, known as 6601 Foxen Canyon Road, Santa Maria area, Fifth Supervisorial District.

Alignment with Board Strategic Plan:

Law or Business Necessity

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

All conditions and contingencies, including payment of a cancellation fee, have been satisfied allowing the recordation of a final certificate of cancellation of said contractual restrictions under 70-AP-076B as required in the approval by the Board of Supervisors on June 22, 2004.

The cancellation was found to be in the public interest in that the .2 acre portion currently has a caretaker's trailer on site which was inadvertently placed on the Battaglia parcel which is currently under contract. The caretaker's trailer is necessary for the protection and maintenance of the San Ramon Chapel and Cemetery which are both a State and County historical landmark. The Board of Supervisors, Planning Commission and the Agricultural Preserve Advisory Committee have determined the cancellation is in the public interest.

The Planning Commission considered and recommended approval of the requested .2 acre cancellation of 70-AP-076B (02AGP-00000-00029) on December 10, 2003. On May 28, 2002, a petition was filed with your Board and referred to Planning and Development for consideration. The cancellation has been reviewed by Planning and Development, the Assessor's Office and the Agricultural Preserve Advisory Committee. A summary of project issues and Planning Commission deliberations is attached to the Board letter.

Mandates and Service Levels:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish procedures for cancellation of an agricultural preserve contract. The County of Santa Barbara has adopted such a program which is codified under the Agricultural Preserve Program Uniform Rules. Both the County's Uniform Rules and the Government Code provide for cancellation of agricultural preserve contracts.

Fiscal and Facilities Impacts:

The costs associated with the cancellation of the .2 acre portion shall be paid by the landowner, prior to final approval by the Board of Supervisors. The County Assessor's Office determines the fees on the land for full cash value as though it were free of contractual restrictions. This assessment will mitigate any impact to the County by canceling this portion of the preserve.

Special Instructions:

Please distribute copies of the recorded contract with attached legal descriptions and copies of the Board of Supervisors Minute Order as follows:

P&D

Assessor

Surveyor

Clerk

Philip Battaglia, P.O. Box 86, Los Olivos, CA 93441

Lisa Bodrogi, Precision Planning, 1263 Rick Road, Santa Maria, CA 93455

Concurrence:

County Counsel

Attachments:

- A. Final Certificate of Cancellation
- B. Auditor-Controller's Office Verification of Deposit

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