



**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: 11/21/2006
Placement: Administrative
Estimate Time: 5 minutes
Continued Item: NO
If Yes, date from:
Vote Required: No Vote Required

TO: Board of Supervisors
FROM: Department Director(s) John Baker, Director
Planning and Development
Contact Info: Zoraida Abresch, Deputy Director, (934-6585)
Development Review - North County
SUBJECT: DeBernardi, Santa Maria

County Counsel Concurrence:

As to form: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Other Concurrence: N/A

As to form: Yes No N/A

Recommended Action(s):

That the Board of Supervisors:

Set hearing on November 21, 2006 at the request of Edward DeBernardi, to consider Case No. 06AGP-00000-00027, for nonrenewal of an existing agricultural preserve contract.

- A. Accept the request for nonrenewal of Agricultural Preserve 71-AP-087, and;
- B. Execute the attached Notice of Nonrenewal by the County Land Conservation Contract for Assessor's Parcel No. 128-094-012, located south and northeast of Main Street, known as 1935 East Main Street, in the Santa Maria area, Fifth Supervisorial District. (SET ON ADMINISTRATIVE AGENDA FOR DECEMBER 5, 2006)

Summary:

On November 3, 2006 the Agricultural Preserve Advisory Committee acknowledged the request of a landowner not to renew due to future estate planning of an Agricultural Preserve (71-AP-087). Nonrenewal of the contract will become effective December 31, 2006. The subject property has been in an agricultural preserve since January 1, 1972. The site is approximately 52 acres and is used for crops.

Background:

Section 51245 of the Government Code provides that if either the landowner or the County desires in any year not to renew an agricultural preserve contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. The Agricultural Preserve Advisory Committee's position is that while it does not encourage removal of property from preserve status, it recognizes that pursuant to the Uniform Rules of the County's Agricultural Preserve Program, nonrenewal is an accepted method for terminating a contract when the landowner chooses to withdraw from the program.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Fiscal Analysis:

Narrative:

The costs associated with processing this replacement contract are offset by the \$1,326.00 processing fee required to be paid by the applicant per the Planning & Development adopted fee schedule.

Permit revenues are budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-296 of the adopted 2006 – 2007 fiscal year budget.

Staffing Impact(s):

Legal Positions:

N/A

FTEs:

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	Contract, Map
Assessor	Contract, Map
Surveyor	Contract
Clerk	Contract
Edward DeBernardi	Contract, Map
1935 East Main Street	
Santa Maria CA 93454	

Attachments:

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

Authored by:

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Development Review Division – North, Planning and Development Department