

LAND USE DEVELOPMENT CODE (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL 099-210-070

Case No. 07RZN-00000-00008

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of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 099-210-070 shown on the map attached hereto as Exhibit A and incorporated by reference.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 _____, 2007, which redesignates Assessor's Parcel Number 099-210-070, 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 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

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM:

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) : 099-210-070

Case No.: 07RZN-00000-00008

Location: located approximately 975 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos Road, Lompoc area, Third Supervisorial District.

Project Title: Work Agricultural Preserve Contract

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:

Exempt Status: (Check one)

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. 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, would not require extensive grading or land alteration, nor impact any biological, archaeological or other sensitive environmental resources. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

Lead Agency Contact Person: Phone #: (805)

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)

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) : 099-210-070

Case No.: 07AGP-00000-00006

Location: located approximately 975 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos Road, Lompoc area, Third Supervisorial District.

Project Title: Work Agricultural Preserve Contract

Project Description: 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:

Exempt Status: (Check one)

Exempt Status: (Check one)

Ministerial

Statutory

XXCategorical 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 an Agricultural Preserve will not cause a significant environmental impact to the surrounding area. The project site has adequate water, sanitary and other facilities. The project is currently used for a horse operation. 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.

Lead Agency Contact Person: Phone #: (805)

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

G:\GROUP\PERMITTING\Case Files\AGP\07 cases\07AGP-00000-00006\Notice of Exemption15317.doc

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
07AGP-00000-00006

THIS LAND CONSERVATION CONTRACT, by and between **Peter Work and Rebecca Lee Work, as trustees of the Peter and Rebecca Work Family Trust (UDT dated December 10, 2001)** 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 **Work Agricultural Preserve, 07AGP-00000-00006, Assessor Parcel Number 099-210-070, 81.50 acres; with zoning of AG-II-100, and A-II** 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; and October 15, 1980, Reel No. 80-41873 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 2008, 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:

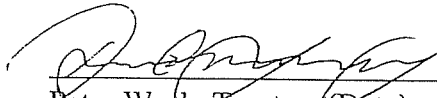
COUNTY OF SANTA BARBARA


CLERK OF THE BOARD

By: _____
Chairman, Board of Supervisors

By: _____
Deputy Clerk

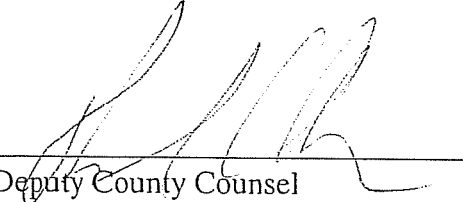
OWNERS:

 9/4/07
Peter Work, Trustee (Date)

 9/4/07
Rebecca Lee Work, Trustee (Date)

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: 
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

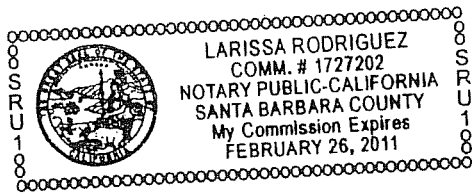
State of California

County of Santa Barbara } ss.

On Sept. 4, 2007, before me, Larissa Rodriguez, Notary,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Rebecca L. Work and
Peter Work
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

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.

Description of Attached Document

Title or Type of Document: _____

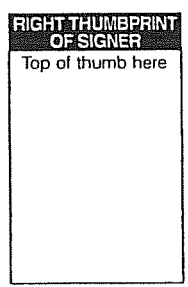
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

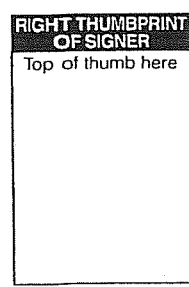
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

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

07AGP-00000-00006

THIS LAND CONSERVATION CONTRACT, by and between **Peter Work and Rebecca Lee Work**, as trustees of the **Peter and Rebecca Work Family Trust (UDT dated December 10, 2001)** 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 **Work Agricultural Preserve, 07AGP-00000-00006, Assessor Parcel Number 099-210-070, 81.50 acres; with zoning of AG-II-100, and A-II** 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; and October 15, 1980, Reel No. 80-41873 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 2008, 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:

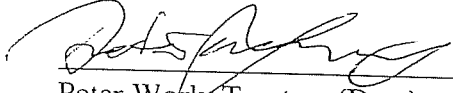
COUNTY OF SANTA BARBARA

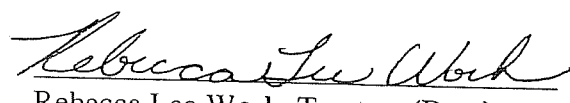
CLERK OF THE BOARD

By: _____
Chairman, Board of Supervisors

By: _____
Deputy Clerk

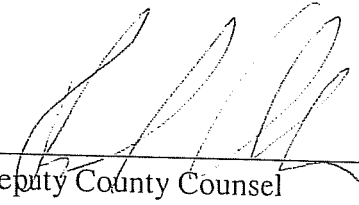
OWNERS:

 9/4/07
Peter Work, Trustee (Date)

 9/4/07
Rebecca Lee Work, Trustee (Date)

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By:  _____
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

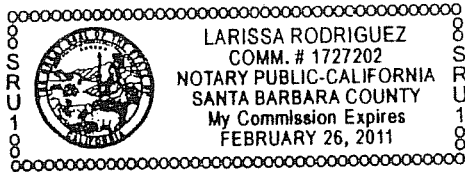
County of Santa Barbara } ss.

On Sept. 4, 2007, before me, Larissa Rodriguez, Notary
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Rebecca L. Work and Peter Work
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

[Signature]
Signature of Notary Public

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.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

BROOKS FIRESTONE
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

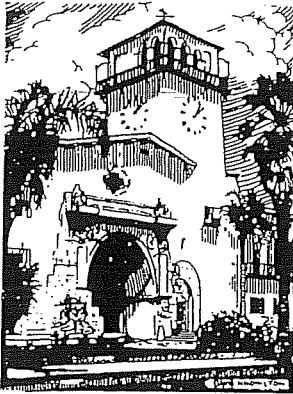
MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

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

PLANNING COMMISSION
HEARING OF AUGUST 8, 2007

RE: Work Rezone and Agricultural Preserve Contract, 07AGP-00000-00006, 07RZN-00000-00008

Hearing on the request of Peter and Rebecca Work, to consider the following [application filed on May 23, 2007]:

- a) **07AGP-00000-00006** for creation of an Agricultural Preserve and entering into an Agricultural Preserve Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Santa Barbara County Uniform Rules;
- b) **07RZN-00000-00008** proposing to rezone 81.50 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 State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 099-210-070, located approximately 975 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos Road, Lompoc area, Third Supervisorial District.

Honorable Board of Supervisors:

At the Planning Commission hearing of August 8, 2007 Commissioner Brown moved, seconded by Commissioner Blough and carried by a vote of 4-0 (Smyser absent) to recommend that the Board of Supervisors:

1. Adopt the required findings for 07RZN-00000-00008 and 07AGP-00000-00006 specified in Attachment A of the staff report dated July 11, 2007, including CEQA findings;
2. Exemption pursuant to CEQA Sections 15317 and 15061(b)(3) included as Attachment B of the staff report dated July 11, 2007; and
3. Adopt 07RZN-00000-00008, rezoning the property from 100-AG to AG-II-100 and 07AGP-00000-00006, creating one agricultural preserve and entering into an agricultural preserve contract.

The attached findings reflect the Planning Commission's actions of August 8, 2007.

ATTACHMENT E
PLANNING COMMISSION
ACTION LETTER

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. Pursuant to 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 Williamson Act (Agricultural Preserves Contracts) 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 existing agricultural land. By zoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program and ensure that agricultural use will be maintained under the current zoning ordinance (Land Use 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 Article III 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 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.

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 agricultural preserve with the rezone amendment is consistent with the requirements of the Uniform Rules as indicated by the discussion presented in Section 6.4 of this report and the recommendation made by the Agricultural Preserve Advisory Committee.

Agricultural Preserve
07AGP-00000-00006

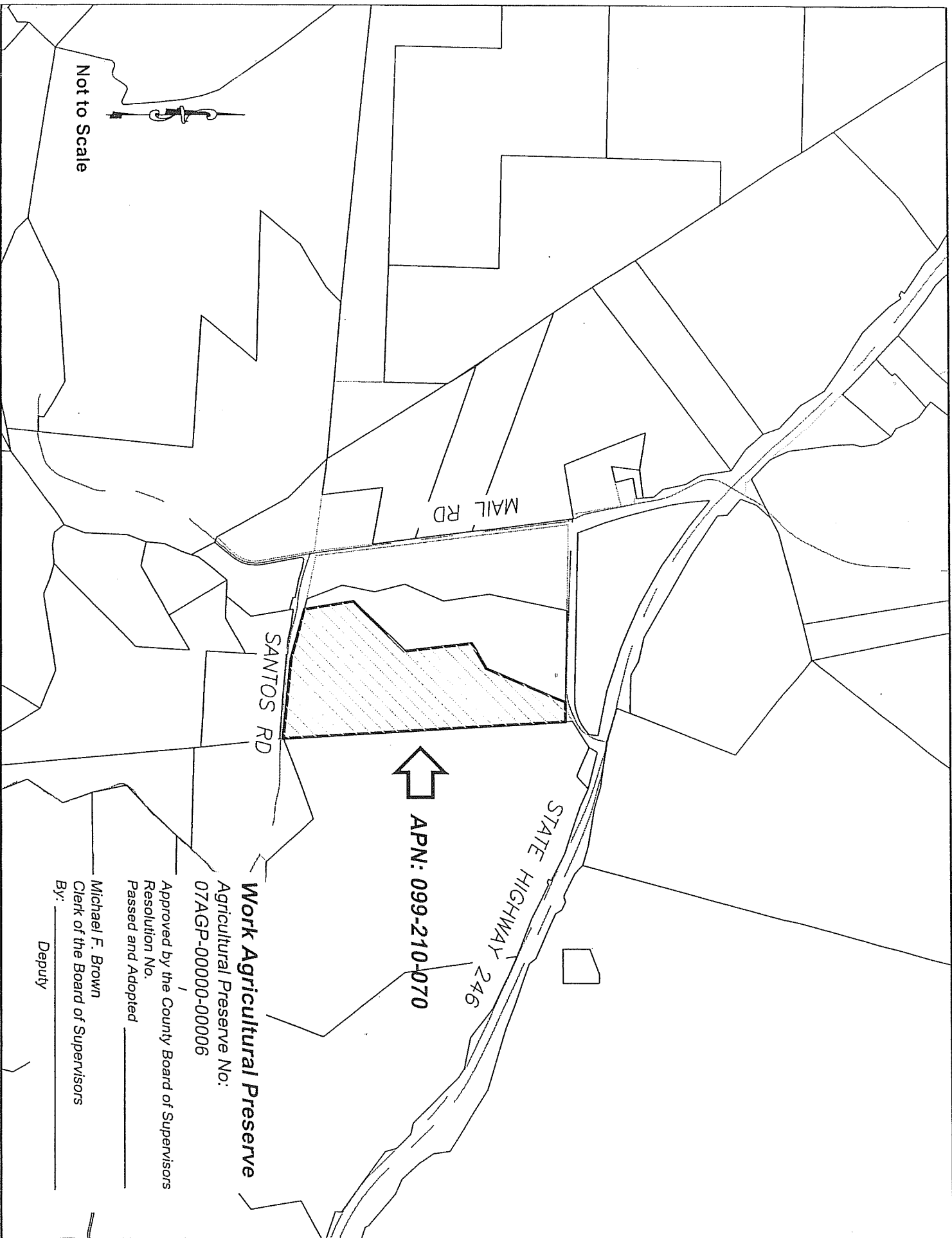
That portion of Tract 15 of the Rancho Santa Rosa, in the County of Santa Barbara, State of California, as shown on Sheet No. 1, of the map of a portion of the Rancho Santa Rosa and adjoining lands, recorded in Book 2, at Page(s) 37 and 38 of Maps and Surveys, in the office of the County Recorder of said County, described as follows:

Beginning at a brass cap monument marked "survey monument of the F.E. Kellogg Property, survey made by F.F. Flournoy, August 1912", said monument being the Northeast corner of said tract 15; thence, North 89°12'00" West, along the Northerly line of said tract, a distance of 200.00 feet; thence South 21°34'05" West, 1130.42 feet; thence South 59°02'01" West, 360.40 feet; thence South 8°31'00" East, parallel with the Westerly line of said tract, a distance of 795.19 feet; thence South 41°42'57" West, 917.82 feet; thence South 8°31'00" East, parallel with the Westerly line of said tract, a distance of 560.00 feet, more or less, to a point on the Southwesterly line of said tract, distant North 77°24'00" West, 600.00 feet from an angle point in said Southwesterly line, said angle point being the Westerly terminus of that certain course shown on the map of said tract, as being South 87°10'00" East, 1130.90 feet; thence, along said Southwesterly line South 77°24'00" East, 600.00 feet and South 87°10'00" East, 1130.90 feet to the Southeast corner of said tract; thence North 6°18'00" West, along the Easterly line of said tract, a distance of 3467.00 feet to the point of beginning.

A.P.N.: 099-210-70

APPROVED AS TO FORM
AND SURVEY CONTENT
Deputy County Surveyor
Edmund R. Villa
MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 3-31-08





Not to Scale

MAIL RD

SANTOS RD

STATE HIGHWAY 246



APN: 099-210-070

Work Agricultural Preserve


Agricultural Preserve No:
07AGP-00000-00006

Approved by the County Board of Supervisors
Resolution No. _____
Passed and Adopted _____

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

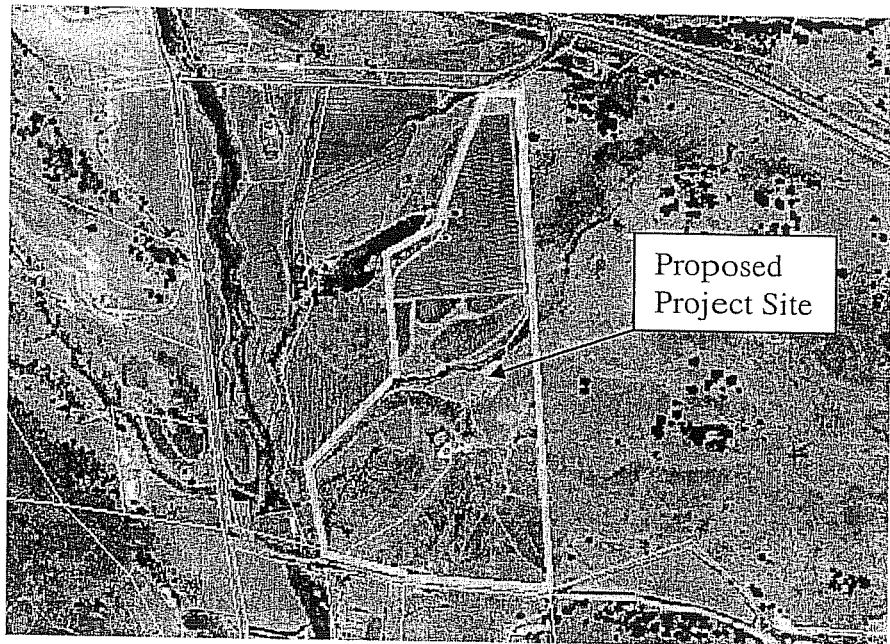
SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Work Rezone and Agricultural Preserve Contract

Hearing Date: August 8, 2007
Staff Report Date: July 11, 2007
Case No.: 07AGP-00000-00006, 07RZN-00000-00008

Deputy Director:  Zoraida Abresch
Division – Development Review North
Staff Contact: F. Trotter-Cadena
Supervising Planner: Alice McCurdy

Environmental Document: Exempt CEQA Section 15317 Planner's Phone #: 934-6253
[Ag Preserves] and 15061(b)(3) [No Possibility of Significant Effect]

OWNER
Peter and Rebecca Work
7253 Santos Road
Lompoc CA 93436
637-8150



The site is identified as Assessor Parcel Number 099-210-070, located approximately 975 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos Road, Lompoc area, Third Supervisorial District.

Application Complete: July 11, 2007
Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Peter and Rebecca Work, to consider the following:

- a) 07AGP-00000-00006 [application filed on May 23, 2007] for creation of an Agricultural Preserve and entering into an Agricultural Preserve Contract with Santa Barbara County pursuant to the Williamson Act, Government Code Section 51200 et. seq. and the Santa Barbara County Uniform Rules;

- b) 07RZN-00000-00008 [application filed on May 23, 2007] proposing to rezone 81.50 acres from 100-AG (Ordinance 661) to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development;

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 099-210-070, located approximately 975 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos Road, Lompoc area, Third Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 07AGP-00000-00006 and 07RZN-00000-00008 marked "Officially Accepted, County of Santa Barbara August 8, 2007 County Planning Commission Attachment G", 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 07RZN-00000-00008 and 07AGP-00000-00006 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. 07RZN-00000-00008, rezoning the property from 100-AG to AG-II-100; and
 - b. 07AGP-00000-00006, creating one agricultural preserve 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 agricultural 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 require new land coming into the program to be zoned AG-I or AG-II with a minimum of 40 acres for a prime preserve under the Land Use Development Code. A rezone must be approved by the Planning Commission and forwarded to the Board of Supervisors for final approval.

4.0 ISSUE SUMMARY

The project consists of the placement of one legal parcel into one Agricultural Preserve. To ensure consistency with the Uniform Rules the parcel for the prime preserve must be rezoned from 100-AG and AG-II-100.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II
Ordinance, Zone	Ordinance 661, 100-AG
Site Size	81.50 acres
Present Use & Development	The site is currently developed with vineyards and grazing land and a single family dwelling, barn, garage and farm employee dwelling.
Surrounding Uses/Zone(s)	North: AG-II-100 South: 100-AG East: 100-AG West: 100-AG
Access	Santos Road
Public Services	Water Supply: Private Water Well Sewage: Private Septic System Fire: S. B. County Fire, Str: 51

5.2 Description

The proposed project consists of the placement of one legal parcel into one Agricultural Preserve. The parcel qualifies for enrollment into the preserve program as a "prime" preserve pursuant to Uniform Rule 1, Section I.2.2 and meets the minimum 40 acres parcel size required for a prime preserve. The prime preserve would consist of approximately 81.50 acres. In addition, this project includes a rezone for Assessor's Parcel number 099-210-070 from the 100-AG (Ordinance 661) to the AG-II-100 (Land Use Development Code) Zone Designation.

5.3 Background Information

The site is currently developed with vineyards, grazing and a single family dwelling, barn, garage and farm employee dwelling.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The proposed Agricultural 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 Agricultural Preserves from environmental review. The rezone is also 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 an Agricultural Preserve. The minimum parcel size and development potential would remain essentially the same under the proposed zone district. The project site has adequate water, sanitary and other facilities. The project is an existing agricultural operation and the proposals would further support this use. The proposed projects would not require an increase in the demand on existing services, would not result in the loss of any existing native vegetation, and 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. The creation of an Agricultural Preserve and a Rezone to change the zoning from 100-AG to AG-II-100 would further the goals of the Agricultural Element and ensure consistency with all the Element's policies. At present time no development is proposed in conjunction with the creation of the Agricultural 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 40 acres. The minimum parcel size that would be permitted under the proposed zone district would be 100 acres. Since the parcel is only 81.50 it would be considered legal non-conforming as to size. Agricultural Element Policy I D states that the use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The Agricultural Element also encourages the County to explore and support other agricultural protection programs. Therefore, the project is found to be consistent with all relevant policies of the Comprehensive Plan.

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 agricultural 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 (due to legal non-conforming) 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 July 13, 2007 the Agricultural Preserve Advisory Committee recommended approval of the Agricultural Preserve Contract 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. Board of Supervisors Draft Ordinance
- D. Agricultural Preserve Contract Resolution
- E. APN Page with zoning
- F. Agricultural Preserve Advisory Committee Minutes dated July 13, 2007
- 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. Pursuant to 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 Williamson Act (Agricultural Preserves Contracts) 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 existing agricultural land. By zoning the property to AG-II-100 it would allow the property to enter into the Agricultural Preserve Program and ensure that agricultural use will be maintained under the current zoning ordinance (Land Use 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 Article III 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 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.

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 agricultural preserve with the rezone amendment is consistent with the requirements of the Uniform Rules 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) : 099-210-070

Case No.: 07AGP-00000-00006

Location: located approximately 75 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos, Lompoc area, Third Supervisorial District.

Project Title: Work Agricultural Preserve Contract

Project Description: 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

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 an Agricultural Preserve will not cause a significant environmental impact to the surrounding area. The project site has adequate water, sanitary and other facilities. The project is currently used for horse operation. The project will not require an increase in the demand on existing services. It 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.

Lead Agency Contact Person: _____ Phone #: (805) _____

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, 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) : 099-210-070

Case No.: 07RZN-00000-00008

Location: located approximately 975 feet southwest of the intersection of Highway 246 and Domingos Road, known as 7253 Santos Road, Lompoc area, Third Supervisorial District.

Project Title: Work 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. 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, would not require extensive grading or land alteration, nor impact any biological, archaeological or other sensitive environmental resources. Therefore, the general rule exemption is appropriate as there is no possibility of a significant environmental impact.

Lead Agency Contact Person: _____ Phone #: (805)_____

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: BOARD OF SUPERVISOR DRAFT ORDINANCE

LAND USE DEVELOPMENT CODE (REZONE ONLY)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL 099-210-070

Case No. 07RZN-00000-00008

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 099-210-070 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 _____, 2007, which redesignates Assessor's Parcel Number 099-210-070, 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 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

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT D: 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)

RESOLUTION NO. 07-
CASE NO.: 07AGP-00000-00006

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 in the County of Santa Barbara: Work Agricultural Preserve (07AGP-00000-00006)
- 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:

Peter and Rebecca Work

7253 Santos Road

Lompoc CA 93436

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 _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

BROOKS FIRESTONE
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

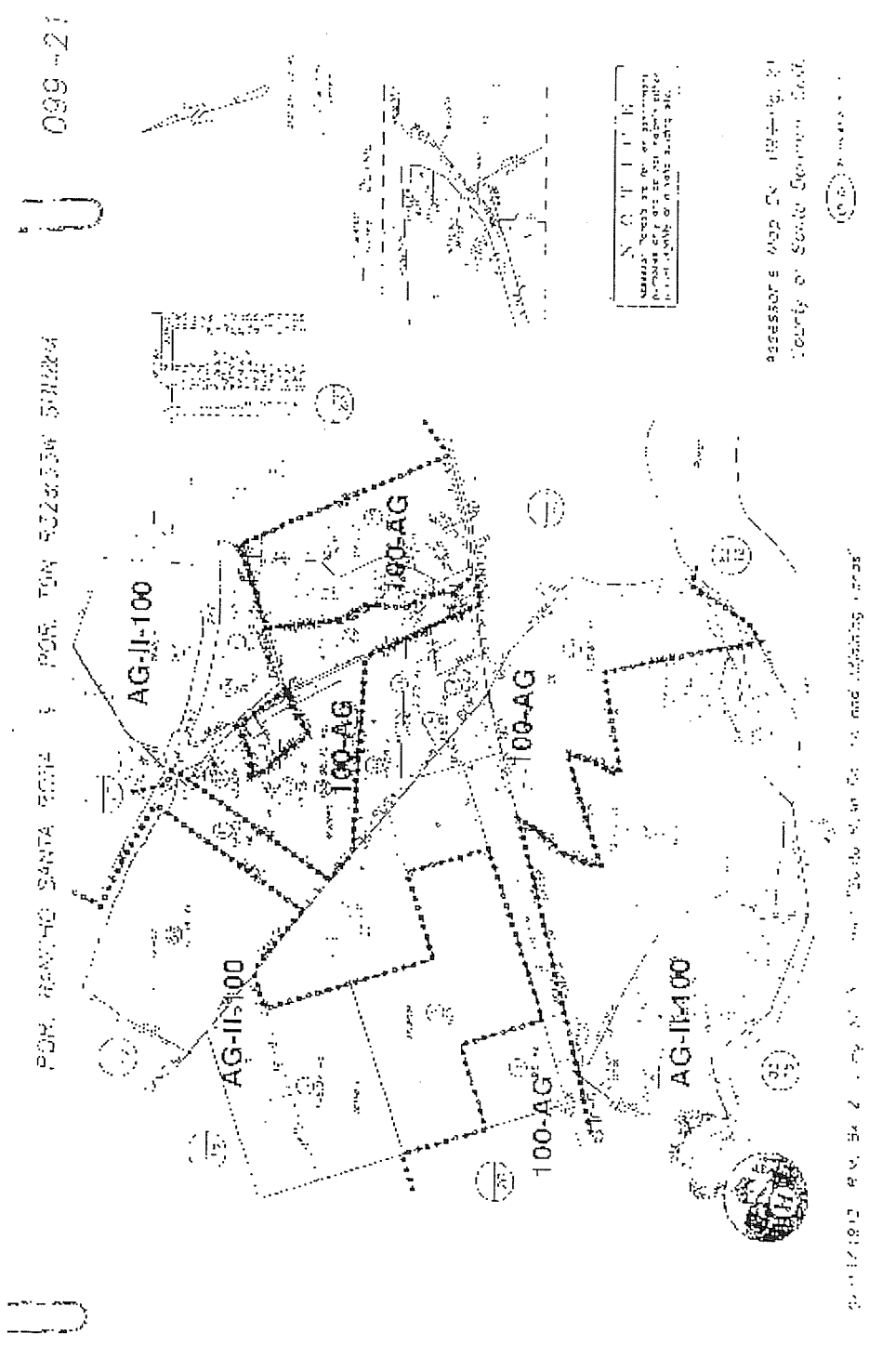
By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT E: ASSESSOR PARCEL PAGE WITH ZONING



POR. RANCHO SANTA ROSA & POR. TRACT 5326.53W 53N22E4

099-21

U

U

2011/12/12 4:54:21 PM C:\Users\j... \AppData\Local\Temp\184-19-21

