



## COUNTY OF SANTA BARBARA

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### AGRICULTURAL PRESERVE ADVISORY COMMITTEE UNAPPROVED MINUTES

**MEETING OF September 5, 2008  
9:00 A.M.**

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The regular meeting of the Agricultural Preserve Advisory Committee was called to order by William Gillette at 9:00 A.M. in the Santa Barbara County Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

#### **COMMITTEE MEMBERS**

William Gillette, Agricultural Commissioner  
Lisa Hammock, Assessor's Office  
John Karamitsos, Planning and Development  
Michael Emmons, County Surveyor

#### **PRESENT:**

X  
X Left at 10:00 a.m.  
X via remote testimony, North County  
X

#### **STAFF MEMBERS**

David Allen, Deputy County Counsel  
MaryAnn Slutzky, Deputy County Counsel  
Rachel Van Mullem, Deputy County Counsel  
Jessica Opland, Planning & Development  
Sharon Foster, Planning & Development

#### **PRESENT**

X Left at 10:00 a.m.  
X Arrived at 10:00 a.m.  
X

**NUMBER OF INTERESTED PERSONS: 4**

#### **ADMINISTRATIVE AGENDA:**

**I. MEETING CALLED TO ORDER:** by Chair, Bill Gillette.

**II. ROLL CALL:** All Committee members were present.

**III. PUBLIC COMMENTS:** None.

**IV. MINUTES:** The Minutes of July 11, 2008 and August 15, 2008 will be considered.

**ACTION:** Emmons moved, seconded by Karamitsos, and carried by a vote of 3 to 1 (Hammock no because she disagrees with the accuracy of item #12) to approve the Minutes of July 11, 2008, as amended.

**ACTION:** Karamitsos moved, seconded by Emmons, and carried by a vote of 3 to 0 to 1 (Hammock abstained) to approve the Minutes of August 15, 2008.

**V. CONTINUED ITEMS:**

- 1. 72-AP-088 Agua Azul New Single Family Dwelling and Guesthouse Hollister Ranch**  
08CDH-00000-00018 Seth Shank, Planner (805) 568-2054

Consider the request of Bill Swanson, agent for owner, Art McLean, of Case No. 08CDH-00000-00018 regarding construction of an approximately 2,739 square foot main residence with an attached 770 square foot garage and a 798 square foot guest residence, attached 340 square foot garage and 240 square foot workshop and its consistency with the Uniform Rules. The property is 117.93 acres identified as Assessor's Parcel Number 083-680-030, zoned AG-II-320 with an A-II-320 Comprehensive Plan designation located on Parcel 80 in the Hollister Ranch area, Third Supervisorial District. (Continued from 8/15/08)

**ACTION: Emmons moved, seconded by Karamitsos, and carried by a vote of 4 to 0 to find this item consistent with the Uniform Rules.**

**VI. NEW ITEMS:**

- 2. 72-AP-108 Petak Single Family Dwelling with Detached Garage Hollister Ranch**  
07CDH-00000-00027 Errin Briggs, Planner (805) 568-2047

Consider the request of Gary Myers, agent for owner, Petak Family Trust of Case No. 07CDH-00000-00027 regarding construction of a new single family dwelling with detached garage and access improvements and its consistency with the Uniform Rules. The property is a 100 acre parcel shown as Assessor's Parcel Number 083-690-019, zoned AG-II-320 with an A-II-320 Comprehensive Plan designation, located on Parcel 101 in the Hollister Ranch area, Third Supervisorial District. (Seen on 11/2/07)

➤ **Susan Petrovich informed the committee on the barn site and will come back to the committee when plans for the house are ready.**

- 3. White New Ag Preserve Contract Santa Maria**  
08AGP-00000-00032 Florence Trotter-Cadena, Planner (805) 934-5264

Consider the request of David White, owner, of Case No. 08AGP-00000-00032 regarding a new Ag Preserve Contract and its consistency with the Uniform Rules. The property is 154 acres identified as Assessor's Parcel Number 131-220-010, zoned AG-I-40 with an A-I-40 Comprehensive Plan designation located approximately 550 feet south of the intersection of Colson Canyon and Tepusquet Roads and last approximately 920 feet from Tepusquet Road in the Santa Maria area, Fifth Supervisorial District.

**ACTION: Emmons moved, seconded by Gillette, and carried by a vote of 3 to 1 to find this item consistent with the Uniform Rules.**

- 4. 72-AP-030 Ranchos Tres Barrancas New Barn and Stable Gaviota**  
08CDH-00000-00031 Holly Bradbury, Planner (805) 568-3577

Consider the request of Lee Shirvanian, agent for the owner, Ranchos Tres Barrancas, of Case No. 08CDH-00000-00031 regarding a new barn and stable of 1,650 and 500 gross square feet and its consistency with the Uniform Rules. The property is 130.66 acres identified as

Assessor's Parcel Number 083-660-010, zoned AG-II-320 with an AG-II-320 Comprehensive Plan designation located on Parcel 10 in the Hollister Ranch area, Third Supervisorial District.

**ACTION: Karamitsos moved, seconded by Emmons, and carried by a vote of 4 to 0 to find this item consistent with the Uniform Rules.**

**The Representatives of the following item should be in attendance at this APAC Meeting by 10:00 A.M.**

**V. CONTINUED ITEMS:**

- 5. 77-AP-014 Santa Barbara Ranch Agricultural Conservation Easement, Gaviota  
New Contract and Cancellation of Existing Contract  
05AGP-00000-00011 Tom Figg, Planner (805) 377-9116**

Consider the request of Santa Barbara Ranch, LLC, of Case No. 06AGP-00000-00011, regarding cancellation of Williamson Act ("WA") Contract #77AP14 pursuant to Government Code Section 51256 et.seq., and simultaneously: (i) place 2,003 acres that are presently under contract ("WA Remainder") into a permanent Agricultural Conservation Easement ("ACE"), along with 393 additional non-contract acres that are currently unprotected, thereby bringing the total to 2,684 acres of agricultural acreage protected in perpetuity ("WA-ACE Easement Exchange"); and (ii) place the WA Remainder in a new contract ("New WA Contract"). These inter-related matters are proposed as concurrent actions under the non-renewal provisions of the Williamson Act regulations. The proposed site encompasses portions of Santa Barbara Ranch and Dos Pueblos Ranch, together totaling 3,254 acres and 85% of the lots comprising the Official Map of Naples Townsite. The two ranches are zoned for AG-II-100 and Unlimited Agriculture, two miles west of the City of Goleta, AP Nos. 079-040-005 to 081-240-018, Third Supervisorial District. (Continued from 8/15/08)

**ACTION: Gillette moved, seconded by Emmons and carried by a vote of 2-1 (Karamitsos no/Hammock recused) to:**

- 1. Recommend that the Board of Supervisors approve the Williamson Act (WA) to Agricultural Conservation Easement (ACE) exchange, notwithstanding the cancellation of approximately 2,566 acres of Williamson Act contracted land and the addition of 71 residential units, because it results in the following, in addition to other positive benefits to agriculture:**
  - a) Approximately 2,000 acres of these cancelled lands will go back to a WA contract in addition to the ACE;**

- b) **Approximately 289 acres of these cancelled lands will be subject to an ACE but not a WA contract;**
  - c) **Approximately 391 acres not currently subject to a WA contract or an ACE will now be subject to an ACE;**
  - d) **Extend the duration of the preservation of agriculture pursuant to three ACE agreements in perpetuity;**
  - e) **Includes a duty to farm equivalent to Uniform Rule section 1-2.3.c in the ACE agreements; and**
  - f) **Includes third party participation of Santa Barbara County.**
2. **Although approximately 274 acres will be rezoned to NTS, recommend that the WA to ACE exchange is in compliance with the law and in the long term best interests of agriculture as set forth in more detail in:**
- a) **WA to ACE findings**
  - b) **Regulatory Parameters and Facts Supporting Findings**
3. **Recommend that the Board of Supervisors:**
- a) **Adopt the Findings in Attachment A based on the information presented in the staff report, dated August 28, 2008, and the Statutory Parameters and Supporting Facts appearing in Attachment B; and**
  - b) **Approve the WA-ACE Easement Exchange (i.e. cancellation of existing WA contract, new contract, approve WA to ACE exchange) subject to the ACE Documents in Attachment C to be further refined through discussions between County staff, the parties, County Counsel and Department of Conservation.**

## **VI. REPORTS OF COMMITTEE MEMBERS:**

- Lisa Hammock commented on the Data Source – Assessor Property System Booklet she handed out to the Committee.
- John Karamitsos told the Committee that the Ag Activity Supplement has been finalized and distributed for use. He also stated that he spoke with Marty Wilder, Manager of Laguna Sanitation and Chris Helenius, property owner, who is intent on ensuring that he gets a replacement contract.

There being no further business to come before the Agricultural Preserve Advisory Committee the meeting was adjourned until 9:00 A.M. on October 3, 2008, in the Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

Meeting adjourned at 12:29 A.M.

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**WA-ACE EASEMENT EXCHANGE FINDINGS**

PRELIMINARY DRAFT  
SANTA BARBARA COUNTY

**SANTA BARBARA RANCH PROJECT**

**Findings of Policy and Statutory Consistency for Approval of a Proposed WA-ACE Easement Exchange in Association with Alternative 1B of the Santa Barbara Ranch Project, Case No. 05AGP-00000-00011.**

**I. Assessment**

**A. Project Description**

**1. Overall Scope.** The Santa Barbara Ranch Project (“Project”), as revised by Alternative 1B, entails the development of 71 new residential dwellings, equestrian center, agricultural support facilities, a worker duplex, public amenities (including access road, parking and restroom, wildlife interpretive kiosk and coastal access trails), and creation of conservation easements for permanent protection of open space and agriculture. The Project site encompasses the Santa Barbara Ranch and the Dos Pueblos Ranch, together totaling 3,249 acres and 85% of the lots comprising the Official Map of Naples Townsite. The two ranches are zoned for AG-II-100 (Coastal Zone) and Unlimited Agriculture (non-Coastal Zone), and are located two miles west of the City of Goleta, AP Nos. 079-040-005 to 081-240-018, Third Supervisorial District.

**2. Component Entitlements.** The Project entails a broad array of legislative and quasi-judicial land use approvals including: (i) text and map amendments to the Comprehensive Plan, Coastal Land Use Plan (“CLUP”) and Zoning Ordinance; (ii) subdivision approvals consisting of a vesting tentative tract map, lot mergers, lot line adjustments and conditional certificates of compliance; (iii) cancellation, modification and re-issuance of Williamson Act contracts; (iv) creation of new Agricultural Conservation and Open Space Easements; (v) discretionary permit approvals encompassing development plans, conditional use permits and minor conditional use permits, land use permits and coastal development permits; and (vi) miscellaneous actions including approval of development agreements and removal of the Special Problems Area designation currently applicable to Naples.

**3. Case No. 05AGP-00000-00011.** As a component of the Project, Case No. 05AGP-00000-00011 entails cancellation of Williamson Act Contract #77AP14 pursuant to Government Code Section 51256 et.seq., and simultaneous placement of: (i) 1,990 acres that are presently under contract (“WA Remainder”) into a permanent Agricultural Conservation Easement (“ACE”), along with 393 additional non-contract acres that are currently unprotected, thereby bringing the total to 2,652 acres of agricultural acreage protected in perpetuity (“WA-ACE Easement Exchange”); and (ii) placement of the WA Remainder under a new contract (“New WA Contract”). The WA-ACE easement exchange would result in a net gain of 96 acres preserved for agricultural use

as compared to the present acreage under Williamson Act contract. The entire area to be placed an ACE will be held and enforced by third party conservation organizations, among whose purposes it is to conserve open space and/or natural resources of the conservation easement. All ACE acreage will remain in the existing AG-II-100 zone and land use designations. The WA-ACE easement exchange is the subject of a concurrent process through the County and State Department of Conservation.

## **B. Williamson Act Contract Modifications and ACE Exchange**

### **1. Williamson Act Contract Cancellation.**

**a. Requirement (Government Code §51282).** The Board of Supervisors may grant tentative approval for cancellation of an existing Williamson Act (“WA”) contract only if it makes the one of the following findings: (a)(1) that cancellation is consistent with the purposes of this chapter; or (a)(2) that cancellation is in the public interest. **Finding (Public Interest):** WA Contract #77AP14 totaling 2,566 acres would be replaced by a new ACE encompassing approximately 2,652 acres. The duration of WA contracts are 10 years and automatically renewed annually unless the landowner makes application for non-renewal, in which case the contract would expire at the end of the 10-year time frame. In contrast, the creation of an ACE on this land would protect them in perpetuity and would provide a significant agricultural buffer in close proximity to the western boundaries of both the City of Goleta and existing urban limit line. The WA-ACE Easement Exchange affirmatively furthers agricultural preservation objectives by: (i) increasing the number of agricultural acres under protection; (ii) extending the duration of protection from 10 years to perpetuity; and (iii) providing a swath of protected agricultural land from the ocean to the mountains.

**b. Requirement (Government Code §51282c).** For the purposes of (a)(2), cancellation shall be in the public interest only if the Board makes the following findings: (i) that other public concerns substantially outweigh the objectives of this chapter; and (ii) there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

**(1) Finding (Overarching Concerns):** CLUP Policy 2-13 provides a means to resolve the inherent conflict between legal residential lot densities and underlying land use designations and zoning at Naples. Alternative 1B would implement Policy 2-13 and resolve a long-standing dispute over the appropriate development of 85% of the lots encompassed by the Official Map of Naples. Achieving this outcome must take into consideration both the unique property configuration that resulted from the Official Map as well as site-specific environmental and policy constraints that apply to the area. Although Alternative 1B entails a density and scale of development that is considerably different than what exists today, it also allows for continued agricultural operations in perpetuity; allows for restoration of sensitive habitats; and improves recreational and coastal access opportunities for County residents. Moreover, the intensification of land use at Naples is uniquely applicable to this area of the Gaviota Coast by virtue of Policy 2-13 and is not transferable to areas further removed from existing urban development in the South Coast than the Naples Townsite. Potential policy conflicts raised by the scope of development proposed under Alternative 1B can be

reconciled through application of this policy. The WA-ACE Easement Exchange will not set a precedent; rather, it is expressly part of a global solution of planning and land use issues that are specific to Naples, and more particularly, are intertwined with CLUP Policy 2-13.

(2) **Finding (Proximate Non-Contracted Land):** Based on the detailed evaluation contained in the Statutory Parameters and Supporting Facts, there is insufficient capacity of proximate non-contracted land which is both available and suitable to accommodate the development sought in connection with the WA-ACE Easement Exchange. This analysis takes into account: (i) the development potential of proximate land that is not under the control of the applicant/landowner; and (ii) the exclusion of certain land under the applicant/landowner's control that is not suitable as development alternatives. In the final analysis, it is shown that proximate land may have the capacity to accommodate as many as 15 additional dwellings compared to a need to transfer the 40 units proposed on Dos Pueblos Ranch within that portion of Contract #77AP14 to be removed from Williamson Act protection.

## 2. Agricultural Conservation Easement

a. **Requirement (Government Code §51526).** In order to utilize WA-ACE Easement Exchange process, the Board of Supervisors must make all of the following findings: (i) the parcel proposed for conservation is expected to continue to be used for, is large enough to sustain, commercial agricultural production and is in an area that possesses the necessary market, infrastructure, and agricultural support services, and the surrounding parcel sizes and land uses will support long-term commercial agricultural production; (ii) the applicable city or county has a general plan that demonstrates a long-term commitment to agricultural land conservation as reflected in the goals, objectives, policies, and implementation measures of the plan related to the area of the county or city where the easement acquisition is proposed; and (iii) without conservation, the land proposed for protection is likely to be converted to nonagricultural use in the foreseeable future.

(1) **Finding (Agricultural Sustainability):** Under the proposed WA-ACE Easement Exchange, less productive land would be replaced by more acreage than is lost, and more significantly, by land that is superior both in soil quality and agricultural productivity. In addition, the California Rangeland Trust and Land Trust for Santa Barbara County would monitor and enforce use, development and operational restrictions would run with the land, regardless of changes in ownership. All owners within the ACE would be required to: (i) financially support (through a cooperative or equivalent mechanism) essential infrastructure including storage facilities, farm equipment, water distribution systems and agricultural employee housing; and (ii) employ best management practices with regard to all agricultural operations. In addition, if an individual owner fails to meet the minimum requirements specified in the ACE, that particular owner would be required to retain professional management. Alternative 1B also includes construction of a new agricultural support facility that will provide additional warehousing, workshop, equipment storage and employee facilities. Ample water supplies are available to sustain agricultural as detailed in the Statutory Parameters and Supporting Facts. Current annual demand ranges between 688 to 821 acre feet per year ("afy") compared to a supply ranging between 900 and 1,121 afy. Under post-project conditions, water demand is projected to increase from between 60 and 82 afy, leaving a positive water balance

ranging from 19 to 351 afy. During extended periods of draught, loss of surface water can be offset by increased well pumping and through “banking” of reservoir water in wet years.

(2) **Finding (Demonstrated Commitment):** This finding entails issues beyond the scope of APAC; as such, no findings are recommended.

(3) **Finding (Conversion Potential):** The WA-ACE Easement Exchange serves to protect agriculture land from inevitable conversion pressures arising from the potential development of 274 legal lots recognized under the Official Map of Naples. According to 2006 County Assessor data, the comparative land value (without improvements) is \$161,000/acre for Naples Lot 132 versus \$926/acre under WA Contract #77AP14. The extremely low valuation of agricultural land reflects its modest economic use compared to residentially developed property. Unless all development rights are transferred off-site or extinguished altogether, the disparity in land values will place considerable pressure on the landowner of DPR to seek non-renewal of WA Contract #77AP14 and pursue development of the property. In this regard, the applicant/landowner asserts that there is a minimum of 23 legal lots on the DPR for which a single-family residence is a permitted use (L & P Consultants, 2006).

**b. Requirement (Public Resources Code §10252).** The easement will make a beneficial contribution to the conservation of the agricultural land in the area based on the following criteria: (i) the quality of the agricultural land, based on land capability, farmland mapping and monitoring program definitions, productivity indices, and other soil, climate, and vegetative factors; (ii) the proposal meets multiple natural resource conservation objectives, including, but not limited to, wetland protection, wildlife habitat conservation, and scenic open-space preservation; (iii) the city or county demonstrates a long-term commitment to agricultural land conservation as evidenced by the general plan and related land use policies of the city or county, policies of the local agency formation commission, California Environmental Quality Act policies and procedures, the existence of active local agricultural land conservancies or trusts, the use of an effective right-to-farm ordinance, applied strategies for the economic support and enhancement of agricultural enterprise, including water policies, public education, marketing support, and consumer and recreational incentives, and other relevant policies and programs; (iv) if the land is in a county that participates in the Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code), the land proposed for protection is within a county or city designated agricultural preserve; (v) the land proposed for conservation is within two miles outside of the exterior boundary of the sphere of influence of a city as established by the local agency formation commission; (vi) the applicant demonstrates fiscal and technical capability to effectively carry out the proposal including, but not limited to, agricultural land conservation expertise on the governing board or staff of the applicant, or through partnership with an organization that has that expertise; (vii) the proposal demonstrates a coordinated approach among affected landowners, local governments, and nonprofit organizations, and if other entities are involved, there is written support from those entities (as well as the support of neighboring landowners who are not involved) for the proposal and a willingness to cooperate; (viii) the conservation of the land supports long-term private stewardship and continued agricultural production in the region; (ix) the proposal demonstrates an innovative approach to agricultural land conservation with a potential for wide application in the state; (x) the amount of matching funds and



in-kind services contributed by local governments and other sources toward the acquisition of the fee title or agricultural conservation easement, or both; (xi) the price of the proposed acquisition is cost-effective in comparison to the fair market value; and (xii) other relevant considerations established by the director; (xii) the land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be rescinded, and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded; and (xiii) the value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be rescinded, pursuant to subdivision (a) of Section 51283.

**(1) Finding (Quality of Agricultural Land):** As detailed in the Statutory Parameters and Supporting Facts, a total of 576 acres would be removed from WA Contract #77AP14, of which 105 acres are classified as “prime agricultural land;” none of this land consists of Class IIe soils. By comparison, the proposed ACE would add 393 acres beyond what is currently covered under WA Contract #77AP14, resulting in a net gain of 96 acres of protected land overall. More significantly, the WA-ACE Easement Exchange would add 99 acres of protected prime agricultural land above the existing baseline and increase the amount of protected Class IIe soils by an additional 75 acres. In summary, less productive land would be replaced by more acreage than is lost, and more significantly, a net increase in land that is superior in soil quality.

**(2) Finding (Multiple Conservation Objectives):** This finding entails issues beyond the scope of APAC; as such, no findings are recommended.

**(3) Finding (Demonstrated Commitment):** This finding entails issues beyond the scope of APAC; as such, no findings are recommended. **Finding (Designated Agricultural Preserve):** The County is a participating entity under the Williamson Act. As such, the Williamson Act mandates that areas of the County be designated as agricultural preserves for application of the program. Land within the preserves that meets the eligibility requirements may enroll in the Agricultural Preserve Program through a Williamson Act or Farmland Security Zone contract with the County. Under its adopted Uniform Rules, it is the County’s practice to establish the preserves simultaneously with enrollment in a contract, resulting in coterminous boundaries between the preserves and the contracts. WA Contract #77AP14 was enrolled on January 19, 1978, and was simultaneously placed into agricultural preserve.

**(4) Finding (Geographic Location):** The easterly property lines of SBR and DPR are located within two miles of the urban limit line that coincides with the municipal boundaries and sphere of influence for the City of Goleta.

**(5) Finding (Fiscal and Technical Capability):** All owners within the ACE would be required to: (i) financially support (through a cooperative or equivalent mechanism) essential infrastructure including storage facilities, farm equipment, water distribution systems and agricultural employee housing; and (ii) employ best management practices with regard to all agricultural operations. In addition, if an individual owner fails to meet the minimum requirements specified in the ACE, that particular owner would be required to retain professional management. .

Financial support of land trust administration, maintenance of agricultural infrastructure and professional agricultural management (if exercised or required) would be accomplished by parcel assessments, CC&R levies or comparable secured obligations.

**(6) Finding (Coordinated Approach):** This finding entails issues beyond the scope of APAC; as such, no findings are recommended. **Finding (Private Stewardship):** The **WA-ACE Easement Exchange** would replace more WA contract acreage that is lost and would trade less productive land with property that is superior in soil quality. The recorded ACE, along with CC&Rs that encumber adjacent residential lots, would provide restrictions and standards to ensure the long-term viability of the agricultural components of Alternative 1B. All owners within the ACE would be required to: (i) financial support (through a cooperative or equivalent mechanism) essential infrastructure including storage facilities, farm equipment, water distribution systems and agricultural employee housing; and (ii) employ best management practices with regard to all agricultural operations. In addition, if an individual owner fails to meet the minimum requirements specified in the ACE, that particular owner would be required to retain professional management.. Notwithstanding the early withdrawal provisions of California Public Resources Code Section 10270, and by the authority of Section 10262.1, the applicant/landowner proposes to record necessary deed restrictions (or equivalent documents) to maintain the ACE in perpetuity that survive changes in ownership.

**(7) Finding (Innovation):** This finding entails issues beyond the scope of APAC; as such, no findings are recommended.

**(8) Finding (Matching Funds and In-Kind Contributions):** Not applicable.

**(9) Finding (Price of Proposed Acquisition):** Not applicable.

**(10) Finding (Other Relevant Factors):** As of the adoption date of these findings, the California Department of Conservation (“DOC”) has not identified other relevant considerations that require a response. In the event that such considerations are subsequently identified, APAC will be consulted and offer its opinion.

**(11) Finding (Equality of Land Exchange):** The WA-ACE Easement Exchange would replace more WA contract acreage than is lost and would trade less productive land with property that is superior in soil quality. In summary, a total of 576 acres would be removed from WA Contract #77AP14, of which 105 acres are classified as “prime agricultural land;” none of this land consists of Class IIe soils. By comparison, the proposed ACE would add 393 acres beyond what is currently covered under WA Contract #77AP14, resulting in a net gain of 96 acres of protected land overall. More significantly, the WA-ACE Easement Exchange would protect 148 acres of prime agricultural land not presently under contract, 74 acres of which includes Class IIe soils. This addition more than offsets the 105 acres of prime agricultural land that would be removed under WA Contract #77AP14. Therefore, this finding can be made.

(12) **Findings (Cancellation Valuation):** Compliance with this criterion will be evidenced by appraisals conducted for the project and reviewed by the County Assessor prior to Board action.

**3. New Williamson Act Contract – Consistency with County Uniform Rules**

a. **Requirement (Rule 1-2).** Only whole, legally created and recorded parcels shall be accepted in an agricultural preserve. Where a landowner applies to enroll their entire contiguous landholding in a single contract, and the landholding complies with these rules, the landowner shall not be required to provide a certificate of compliance or other evidence that the landholding is a legally created parcel or parcels. Documentation of parcel validity will be required should the landowner make a request for development on the parcel or parcels. **Finding:** The property proposed for inclusion in a new WA contract consists of the entire Dos Pueblos Ranch, north of Hwy 101, held under common ownership by the Schulte Trust.

b. **Requirement (Rule 1-2.1).** Eligible land shall have land use and zoning designations consistent with those listed in Table 1-1 of the Uniform Rules. **Finding:** The WA Remainder (Lot DP-11) is designated Agriculture II, 100 Acre Minimum (AG-II-100), and therefore complies with Uniform Rule 1-2.1.

c. **Requirement (Rule 1-2.2.A and C).** The minimum size for an agricultural preserve comprising nonprime land shall be 100 acres and the minimum size for an agricultural preserve comprising prime or superprime land shall be 40 acres. **Finding:** The property proposed for inclusion in a new WA Contract totals 1,990 acres and meets the minimum requirement of 100 acres for nonprime land.

d. **Requirement (Rule 1-2.4.A and D).** Whenever a landowner wishes to enter only part of an existing parcel, the landowner shall record a subdivision map or lot line adjustment prior to or simultaneously with submitting an application for enrollment into the Agricultural Preserve Program and prior to execution of a Williamson Act contract. Whenever a landowner wishes to enter only part of an existing parcel, the landowner shall record a subdivision map or lot line adjustment prior to or simultaneously with submitting an application for enrollment into the Agricultural Preserve Program and prior to execution of a Williamson Act contract. **Finding:** The land to be placed under the new WA Contract would be a remainder lot resulting from Vesting Tentative Tract Map (Case No. 08TRM-00000-00006/TM 14,755) that would remove 576 acres from existing WA Contract ##77AP14. The Vesting Tentative Tract Map would be recorded prior to enrollment in the new WA Contract. No lot line adjustment is proposed to the remainder lot following rescission of the existing WA Contract.

e. **Requirement (Rule 1-3).** A lot line adjustment proposed on parcels which are under Williamson Act contract shall only be approved provided the landowner(s) and County mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to the requirements set forth in this Rule. **Finding:** The land to be placed under

the new WA Contract would be a remainder lot resulting from Vesting Tentative Tract Map (Case No. 08TRM-00000-00006/TM 14,755) that would remove 576 acres from existing WA Contract #77AP14. No lot line adjustment is proposed to the remainder lot following rescission of the existing WA Contract.

**f. Requirement. (Rule 1-4 and 1-4.3).** All requests for residential structures including additions to existing residences, residential agricultural units (RAU), agricultural employee housing and accessory improvements and structures shall be reviewed by the APAC for a compatibility determination that the improvement or structure is sited in accordance with this section and the compatibility guidelines set forth in Rule 2. All requests for agricultural employee housing units subject to a Williamson Act contract, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed on the premises shall be reviewed by the Agricultural Preserve Advisory Committee for a determination of need. Along with the agricultural employee, his or her family may occupy the agricultural employee housing. **Finding:** A total of five farm-employee dwellings exist on Dos Pueblos Ranch, north of Hwy 101, and are proposed for continuation under the New WA Contract. This number of dwellings supports an existing WA contract area of 2,566 acres, as compared to 2,304 acres on the New WA Contract, and no new farm-employee dwellings are proposed. The continuation of existing farm-employee dwellings is deemed reasonable and necessary to support the WA Remainder parcel insofar as only a small portion of cultivated land is to be removed from WA Contract #77AP14. No new units are presently proposed; however, a principal home site is to be reserved under the ACE. Under the proposed terms of the ACE: (i) occupants of employee and farm labor housing shall be limited to persons retained by the underlying property owner(s) of the Easement Area, to perform agricultural services for property within the Easement Area; and (ii) shall obtain, if required, the appropriate permits necessary to remedy the non-conforming condition, use and improvement of all existing dwellings located on lands contained within the Easement Area in compliance with applicable provisions of Section 35-1 of the Santa Barbara County Land Use and Development Code. The later provision would be triggered in the event that an application is subsequently made for development of a principal dwelling on the remainder lot.

#### **4. Cancellation/Rescission of Williamson Act Contract – Consistency with County Uniform Rules**

**a. Requirement (Cancellation, Rule 6-1.2.A.1).** The Board of Supervisors may grant tentative approval for cancellation of a Williamson Act contract only if it can make all of the findings [...*that the...*] cancellation is in the public interest: (i) other public concerns substantially outweigh the objectives of the Williamson Act; and (ii) there is no proximate noncontracted land which is both available and suitable for the proposed use, or development of the contracted land would provide more contiguous patters of urban development of proximate noncontracted land.

**(1) Finding (Overarching Concerns):** This finding entails issues beyond the scope of APAC; as such, no findings are recommended.

(2) **Finding (Proximate Non-Contracted Land)**. Based on the detailed evaluation contained in the Statutory Parameters and Supporting Facts, there is insufficient capacity of proximate non-contracted land which is both available and suitable to accommodate the development sought in connection with the WA-ACE Easement Exchange. This analysis takes into account: (i) the development potential of proximate land that is not under the control of the applicant/landowner; and (ii) the exclusion of certain land under the applicant/landowner's control that is not suitable as development alternatives. In the final analysis, it is shown that proximate land may have the capacity to accommodate as many as 15 additional dwellings compared to a need to transfer the 40 units proposed on Dos Pueblos Ranch within that portion of Contract #77AP14 to be removed from Williamson Act protection.

**b. Requirement (Rescission, Rule 6-1.3).** Notwithstanding any other provision of these Uniform Rules, the County, upon petition by a landowner, may enter into an agreement with the landowner to rescind a contract in accordance with the contract cancellation provisions of section 51282 of the Williamson Act in order to simultaneously place other land within the County under an agricultural conservation easement, consistent with the purposes and, except as provided in subsection A.2 below, the requirements of the Agricultural Land Stewardship Program pursuant to Division 10.2 (commencing with Section 10200) of the Public Resources Code, provided that the Board of Supervisors makes all of the following findings: (i) the proposed agricultural conservation easement is consistent with the criteria set forth in Section 10251 of the Public Resources Code; (ii) the proposed agricultural conservation easement is evaluated pursuant to the selection criteria in Section 10252 of the Public Resources Code, and particularly subdivisions (a), (c), (e), (f), and (h), and the Board makes a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area; (iii) the land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be rescinded, and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded (in determining the suitability of the land for agricultural use, the County shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure); and (iv) the value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be rescinded, determined by the County Assessor to be the current fair market value of the land as though it were free of contractual restriction (the easement value and the cancellation valuation shall be determined within 30 days before the approval of the County of an agreement pursuant to this section).

(1) **Finding (PRC §10251):** The criteria and findings associated with Public Resources Code Section are recited and covered in Paragraph B.2.a above.

(2) **Finding (Beneficial Contribution):** The criteria and findings concerning beneficial contribution in accordance with the criteria of Public Resources Code Section 10252 are recited and covered in Paragraph B.2.b above.

(3) **Finding (Land Equivalency):** The comparative equivalency land involved in the WA-ACE Easement Exchange is covered in Paragraph D.2.b.(13) above.

(4) **Finding (Easement Valuation):** The valuation requirements and criteria involved in the WA-ACE Easement Exchange is covered in Paragraph B.2.b.(14) above.

## **II. Conclusion**

In light of the considerations described above, and subject to execution and recordation of the ACE documents substantially in the form presented as part of the Project Exhibits, the Board finds the WA-ACE Easement Exchange and associated WA Contract actions consistent with all applicable County policies and State regulatory criteria.