



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: October 7, 2008
Placement: Administrative
"Estimated Time:": 2 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director
Director(s) Planning and Development
Contact Info: Dave Ward, Deputy Director, (568-2520)
Development Review - South County
SUBJECT: Burns Nonrenewal, Carpinteria: 73-AP-183B

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Consider Case 08AGP-00000-00034, for nonrenewal by the County of Santa Barbara of an existing agricultural preserve contract. The Board of Supervisors action should include the following:

- A. Accept the APAC recommendation for nonrenewal of Agricultural Preserve 73-AP-183B.
- B. Execute the attached Notice of Nonrenewal of the County Land Conservation Contract for Assessor Parcel Nos. 004-004-001 (originally listed as 003-030-003), 155-180-031 and 155-180-081, located at 4500 Foothill Road, in the Carpinteria area, First Supervisorial District.

Summary Text:

On August 15, 2008, the Agricultural Preserve Advisory Committee (APAC) reviewed the status of the landowner's Land Conservation Contract and found that there was no longer agricultural production on the site. At this APAC hearing, a 3-0 vote was carried to recommend that the Board of Supervisors non-renew this contract based on inconsistency with the Uniform Rules due to the lack of agricultural production. The subject property has been in an agricultural preserve since February 2, 1989. Nonrenewal of the contract will become effective December 31, 2008.

Background:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land

in an agricultural use. The County of Santa Barbara has adopted such a program which is codified under the Agricultural Preserve Program Uniform Rules. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary. Therefore, there are no state mandates associated with this program.

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 a property is found inconsistent with the Uniform Rules due to the lack of agricultural production.

The sizes of the subject parcels are as follows: 004-004-001 is a 3.8-acre parcel, 155-180-031 is a 4.9-acre parcel, and 155-180-081 is a 0.31-acre parcel. All three parcels are zoned AG-I-10 and are located at 4500 Foothill Road, in the Carpinteria area, First Supervisorial District.

Fiscal and Facilities Impacts:

Budgeted:

Funding for processing agricultural preserve non-renewals is budgeted in the Permitting & Compliance Program of the Development Review, South Division on Page D-290 of the adopted 2008 – 2009 fiscal year budget through the General Fund.

Fiscal Analysis:

Narrative:

After recordation of non-renewal, property taxes on this site will be incrementally increased for the next ten years until full property taxes are assessed.

Special Instructions:

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

Dianne Black, Director of Development Services	Contract, Map
Steve Mason, Deputy Director of Administration	Contract, Map
Peter Imhof, Supervising Planner	Contract, Map
Assessor	Contract, Map
Surveyor	Contract
Clerk	Contract
Eugene Burns	Contract, Map
4500 Foothill Road, Carpinteria, CA 93013	

Attachments:

1. Notice of Nonrenewal
2. BOS Resolution 73-151 (Approving Agricultural Preserve Contract)
3. Legal Descriptions
4. Vicinity Map

Authored by:

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Development Review Division - South, Planning and Development Department