

Katherine Douglas

Public Comment

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**From:** Morgan Krapes <mkrapes@flowersassoc.com>  
**Sent:** Monday, June 9, 2025 1:55 PM  
**To:** sbcob  
**Cc:** Gelare Macon  
**Subject:** Public Comment Letter, BOS 6/10/25 Hearing, Departmental Agenda Item No. 2  
Williamson Act Overview, File #25-00493  
**Attachments:** Agenda Item 2, File 25-00493, Public Comment Letter to BOS 6.6.25.pdf

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Good afternoon,

Please see the attached public comment letter for the subject agenda item to be distributed to the Board for tomorrow's hearing.

Thank you,



**Morgan Krapes-Kiah**  
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June 6, 2025

Chairman Laura Capps  
Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

**Subject: Board of Supervisors Hearing, Departmental Agenda, Agenda Item No. 2  
Williamson Act Overview  
File #25-00493**

Honorable Chair Capps and members of the Board:

Our office has represented dozens of applicants through the regulatory planning process including attendance at Agricultural Preserve Advisory Committee (APAC) hearings. We recently were involved in an ongoing eligibility review for a contracted property and had a disagreement with APAC on interpretation of a Uniform Rule. We are requesting the Board discuss APAC's interpretation of the Uniform Rules as it relates to minimum production acreage under Uniform Rule 1, 1-2.3 Commercial Production and Reporting Requirements, A.1 Minimum Productive Acreage, that states:

*"Prime land must maintain a minimum of either 50 percent of the premises or 50 acres, whichever is less, fully planted (as defined herein) in commercial agricultural production (with allowances for fallow periods, change of crop or production method), **unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints.** Where constraints are determined to exist, the APAC will recommend the minimum productive acreage particular to the premises."*

Our interpretation of the above rule is that on a Williamson Act contract parcel, infeasible acreage due to terrain features including steep slopes, ESHA, creeks/rivers, and other constraints, should be deducted from the overall total acreage of the premises first, and the productive planting acreage should meet 50% of the **remaining feasible acreage** of the premises.

We understand that APAC has discretion to interpret the above rule and that their interpretation is the contract parcel must meet the minimum 50% productive planting acreage of the **entire premises** first, after which the infeasible areas are then considered and applied to the contract parcel.

A hypothetical example of the above interpretation is as follows:

(Our interpretation)


- 50 acre parcel with 50% site constraints (river, steep slopes, ESHA, etc.)
- **25 acres** of available land for all land uses
- 50% or **12.5 acres** would be required to be devoted to active crop production.
- Remaining acreage can be used towards roads, ag structures, residence, winery tasting room, Ag Enterprise uses, etc.

(APAC's interpretation)

- 50 acre parcel with 50% site constraints (river, steep slopes, ESHA, etc.)
- **25 acres** of available land for all land uses
- 50% or **25 acres** would be required to be devoted to active crop production
- No remaining acreage for other land uses

This interpretation has been problematic for contract parcels with substantial site constraints and has limited their ability to meet the minimum 50% productive acreage and apply for other allowable agricultural uses. We are seeking the Board's direction on this interpretation.

Thank you,  
FLOWERS & ASSOCIATES, INC.

By:   
Gelare Macon, AICP  
Principal Planner