



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 & Development  
Department No.: 053  
For Agenda Of: November 4, 2008  
Placement: Administrative  
Estimated Tme: 5 min  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department John Baker, Director  
Director(s) Planning & Development  
Contact Info: Dave Ward, Deputy Director (568-2520)  
Development Review South County

**SUBJECT:** 08AGP-00000-00019 Van Wingerden Agricultural Preserve Nonrenewal,  
Carpinteria, 96-AP-002

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**County Counsel Concurrence**

As to form: Yes

**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 Number 08AGP-00000-00019 for nonrenewal by the County of an existing agricultural preserve contract. The Board of Supervisors action should include the following:

- A. Accept the recommendation by the Agricultural Preserve Advisory Committee to non-renew the Agricultural Preserve 96-AP-002.
- B. Execute the attached Notice of Nonrenewal by the County Land Conservations Contract for Assessor's Parcel No. 004-004-037, located at 5154 Foothill Road, in the Carpinteria area, First Supervisorial District.

**Summary Text:**

On April 4, 2008, the Agricultural Preserve Advisory Committee (APAC) reviewed the status of the landowner's Land Conservation Contract and found that, based on its review of the site for more than two years, there was no longer agricultural production on the parcel. At this APAC meeting, the Committee unanimously voted (4-0) to recommend that the Board of Supervisors non-renew this contract due to the lack of agricultural production on the parcel. Lack of agricultural production is inconsistent with Uniform Rule No.1, which sets up the eligibility requirements for land to participate in the Agricultural Preserve Program of the Land Conservation Act of 1965.

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

The subject property has been in an agricultural preserve since the original contract, 74-AP-008, took effect on January 1, 1975 and the subsequent replacement contract (96-AP-002) went into effect on January 1, 1997. It is a 13.03-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 004-004-037, located at 5154 Foothill Road, in the Carpinteria area, First Supervisorial District.

**Background:**

Between April 7, 2006 and April 6, 2007 the APAC held eight meetings where it discussed the lack of agricultural production on the subject property and compliance with the Uniform Rules eligibility requirements if the agricultural production requirements are not met. Throughout this time the APAC attempted to work with the landowner to bring the property into conformance with the Uniform Rules, including consideration of a plan submitted by the landowner in 2007 (a "Management/Farm Production Plan") that would place the minimum 4.75 acres into active production by June 2007. Subsequently on April 6, 2007 the APAC voted 5-0 to find the item "in conformity with the Uniform Rules, *contingent on planting within this calendar year*" [i.e., 2007] [emphasis added]. In April 2008, when the APAC determined that the landowner had not complied and had not begun agricultural production on the property, the APAC voted to recommend that your Board execute a Notice of Nonrenewal of the Land Conservation contract.

**Fiscal and Facilities Impacts:**

Budgeted: Yes Costs are budgeted by the Permitting & Compliance Program of the Development Review South Division on Page D-305 of the adopted 2008-2009 fiscal year budget. No fees are collected for processing contract nonrenewals that are initiated by the County. The estimated cost of processing this nonrenewal is approximately \$2,100.

**Fiscal Analysis:**

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:**

1. Record the attached "Notice of Nonrenewal of Land Conservation Contract" following the Board's approval and execution.
2. Distribute copies of the recorded Notice of Nonrenewal contract with attached legal description (i.e. Map) and copies of the Board of Supervisors Minute Order as follows:

Julie Harris, P&D	Contract, Map, Minute Order
Lisa Hammock, Assessor's Office	Contract, Map
Michael Emmons, County Surveyor	Contract, Map
David Allen, Deputy County Counsel	Contract, Map
Clerk of the Board	Contract
Landowner:	Contract, Map
Rene & June Van Wingerden	
4444 Foothill Road	
Carpinteria, CA 93013	

**Attachments:**

1. Notice of Nonrenewal Land Conservation Contract with Legal Description
2. Agricultural Preserve Advisory Committee Minutes April 4, 2008
3. Agricultural Preserve Advisory Committee Minutes regarding 96-AP-002 between April 7, 2006 and April 6, 2007
4. Agricultural Preserve Contract 96-AP-002
5. Vicinity Map

**Authored by:**

Julie Harris, Planner III (805) 568-3518  
Development Review Division –South County  
Planning & Development

**cc:** Agricultural Preserve Advisory Committee