

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 12/11/02
Department Name: Agriculture
Department No.: 051
Agenda Date: 1/7/03
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Agricultural Advisory Committee

STAFF CONTACT: Bill Gillette, Agricultural Commissioner
681-5600

SUBJECT: Proposed Revisions to the County's Uniform Rules for Agricultural Preserves

Recommendation(s):

That the Board of Supervisors:

1. Receive the proposed revisions to the County's Uniform Rules for Agricultural Preserves developed by the agricultural industry and endorsed by the County's Agricultural Advisory Committee
2. Refer these proposed revisions to Planning and Development for review

Alignment with Board Strategic Plan:

These proposed revisions are consistent with the following adopted Strategic Goals:

- Goal # 4 – Economic Vitality
- Goal # 5 – Quality of Life
- Goal # 6 – Citizen Participation

Executive Summary and Discussion:

During budget hearings last June, the Santa Barbara County Cattlemen's Association and other agricultural organizations requested that your Board consider their proposal for update to the Uniform Rules of the Santa Barbara County Agricultural Preserve Program. This update is included in the Planning and Development work plan for Fiscal Year 2002/2003. Your Board directed this proposal to the Agricultural Advisory Committee. At the November meeting the Agricultural Advisory Committee voted to endorse the Cattlemen's proposal and is now returning it to your Board for referral to Planning and Development and other appropriate staff for review.

The Santa Barbara County Uniform Rules have not been updated since 1984, except for the addition of the Farmland Security and Residential Agricultural Unit Programs. This update is necessary to bring Santa

Barbara County's program in conformance with state law, clarify existing language and consider the suggestions offered by the Cattlemen's Association.

Mandates and Service Levels:

The Agricultural Preserve Program is not mandated. However, once a County has entered into an Agricultural Preserve Program, the County must adopt rules governing the administration of agricultural preserves (California Government Code Section 51231).

Fiscal and Facilities Impacts:

Update of the Uniform Rules is included in the Planning and Development workplan for Fiscal Year 2002/2003.

Special Instructions:

Concurrence:

CRITERIA FOR AGRICULTURAL PRESERVES
 Adopted by Santa Barbara County Board of Supervisors

The following criteria are to be used in judging the qualifications for the creation and continuance of Agricultural Preserves, under the terms of the California Land Conservation Act of 1965 and these rules, both as amended or to be amended. The signing of the contract and the adoption of the resolution creating the Agricultural Preserve shall be completed concurrently for all proposals. The Agricultural Preserve Advisory Committee shall include the facts affecting these criteria in their reports and recommendations

<p align="center">UNIFORM RULE NO. 1 (Formerly Uniform Rule No. 6)</p> <p>I. <u>REQUIREMENTS</u></p> <p>A. <u>Comprehensive Plan and Coastal Plan Designation</u> – Lands designated as AC (Commercial Agriculture), Agriculture I, Agriculture II, and Mountainous Area in the Comprehensive General Plan qualify for Agricultural Preserve consideration. Agricultural Preserve lands shall be designated as AAC, "Agriculture I", "Agriculture II" or "Mountainous Area" in the latest adopted Santa Barbara County Comprehensive Plan, Coastal Plan, or amendment thereto, for the area in which they are located; provided that the proposed Agricultural Preserve may be created if the land is appropriately restricted by zoning, as set forth hereinafter, to allow agricultural use, or, if then inconsistent with the Comprehensive Plan or Coastal Plan, the Planning Commission has heard a proposed amendment thereto. If, however, the Comprehensive Plan or Coastal Plan is not yet consistent with Agricultural or Mountainous Area zoning at the time the preserve is considered by the Board of Supervisors, the Planning & Development Director shall so state in the Director's report to the Board, and the Board shall so find before approving or disapproving the preserve. If the approval is granted, and if the Comprehensive Plan or Coastal Plan designation is inconsistent with Agricultural or Mountainous Area zoning, the County shall promptly complete an appropriate amendment to the Comprehensive Plan or Coastal Plan at the ensuing Comprehensive Plan/Coastal Plan hearings of the Board of Supervisors.</p> <p>B. Zoning – AG-I (Agriculture I), AG-II (Agriculture II) MT-GOL (Mountainous Goleta). RES (Resource Management) -- Lands zoned AG-I, AG-II, MT-GOL, and RES qualify for Agricultural Preserve consideration. In addition, the zoning designation shall include a minimum parcel size consistent with the provisions of Section I.C. Landowners interested in securing Agricultural Preserve status for land zoned otherwise than as provided herein must request and secure rezoning prior to or concurrent with the processing of the Agricultural Preserve application.</p>	<p align="center">UNIFORM RULE NO. 6</p> <p>I. <u>REQUIREMENTS</u></p> <p>A. <u>Comprehensive Plan and Coastal Plan- Agriculture I, Agriculture II and Mountainous Area Agricultural Preserve</u> lands shall be designated as either "Agriculture I", "Agriculture II" or "Mountainous Area" in the latest adopted Santa Barbara County Comprehensive Plan, Coastal Plan, or amendment thereto, for the area in which located; provided that the proposed Agricultural Preserve may be created if the land is appropriately restricted by zoning, as set forth hereinafter, to agricultural use, and, if then inconsistent with the Comprehensive Plan, or Coastal Plan, the Planning Commission has heard a proposed amendment thereto. If, however, the Comprehensive Plan or Coastal Plan is not yet consistent with agricultural zoning at the time the preserve is considered by the Board of Supervisors, the Resource Management Director shall so state in his report to the Board, and the Board shall so find before approving or disapproving the preserve. If the approval is granted, and if the Comprehensive Plan or Coastal Plan designation is inconsistent with agricultural zoning, the County shall promptly complete an appropriate amendment to the Comprehensive Plan or Coastal Plan at the ensuing Comprehensive Plan/Coastal Plan hearings of the Board of Supervisors.</p> <p>B. Zoning - AG-I Agriculture I AG-II Agriculture II</p> <p>1. <u>AG-I and AG-II</u></p> <p>To qualify, land should be zoned as either AG-I or AG-II as described in Articles II, III, or IV of Chapter 35, Zoning, of the Santa Barbara County Code as amended. In addition, the zoning designation shall include a minimum parcel size consistent with the provisions of Section I.C., e.g., AG-I-40 for a prime preserve or AG-II-100 for a non-prime preserve. The AG-I-5 zoning district may be used or applied only in conjunction with the provisions of Paragraph I.C.1.b(3), Superprime land.</p>
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C. Minimum Preserve Size - 100 acres for Nonprime Land and 40 acres for Prime Land and 20 acres or less for Superprime

1. Each agricultural preserve proposal (including additions) shall qualify if its size and situation is one of the following:

(a.) Nonprime Preserves

When the land is classed as nonprime, the minimum preserve size is one hundred (100) contiguous acres under a single ownership holding.

(b.) Prime Preserves

When the land is classed as prime by the California Land Conservation Act, Government Code Section 51201(c), the minimum preserve size is 40.0 acres. A prime preserve can be made up of any of the following:

- (i) Single ownerships containing at least 40 acres of prime land; or
- (ii) Two or more contiguous farms which total 40 acres of prime land, when each ownership contains either:
 - a. A minimum of 20 acres of prime land; or
 - b. A minimum of 5 acres of superprime land as defined in 1.C.1.(b)(iii) below; or
 - c. A combination of a. and b. when the applications are concurrently processed.

(c.) Superprime Land:

More than two farms, where ownership parcels are less than 20 acres in size, if;

- (i) All farms are contiguous; All of the ownerships are of sufficient size so that each legal parcel has at least 5.00 acres in gross size; at least 4.75 acres are fully planted to commercial agricultural production; and no more than 10,000 square feet of land is devoted to the residential building site. This building site shall include the single family dwelling, landscaping, driveways, and accessory structures. Fully planted land does not include:
 - a. Diseased or otherwise previously producing land which is not currently producing an adequate

Interested farmers with land zoned otherwise should request and secure rezoning prior to or concurrent with the processing of the agricultural preserve.

C. Minimum Preserve Size - 100 acres for Nonprime Land 40 acres for Prime Land

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a. Nonprime Preserves

When the land is classed as nonprime, the minimum preserve size is one hundred (100) contiguous acres under a single ownership holding.

b. Prime Preserves

When the land is classed as prime by the California Land Conservation Act, Government Code Section 51201(c), the minimum preserve size is 40.0 acres. A prime preserve can be made up of any of the following:

- (1) Single ownerships containing at least 40 acres of prime and; or
- (2) Two or more contiguous farms which total 40 acres of prime land, when each ownership contains either:
 - a. A minimum of 20 acres of prime land; or
 - b. A minimum of 5 acres of superprime land as defined in I.C.1.b.(3) below; or
 - c. A combination of a. and b. when the applications are concurrently processed.

(3) Superprime Land:

More than two farms, where ownership parcels are less than 20 acres in size, if:

- a. All farms are contiguous;
- b. All of the ownerships are of sufficient size so that each legal parcel has at least 5.00 acres in gross size; at least 4.75 acres are fully planted to commercial agricultural production; and no more than 10,000 square feet of land is devoted to the residential building site. This building site shall include the single family dwelling, landscaping, driveways, and accessory structures. Fully planted land does not include:
 - 1) Diseased or otherwise previously producing land which is not currently producing an adequate

- income for qualification as superprime land;
- b. Unplanted easements or unplanted setbacks;
- c. Driveways and roads other than those used for agricultural purposes; and
- d. Steep slopes, waterways, wetlands and other terrain features that will not support commercial agricultural production; and

(ii) Each ownership has had a \$5,000 minimum gross annual income from agricultural products for at least 3 of the past 5 years, or the land is planted with field crops, fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$5,000 from each separate ownership.

(d) Prime Preserves with Special Findings

Notwithstanding the above, the Board of Supervisors of Santa Barbara County may at its discretion reduce the requirements for minimum size for the creation of a prime preserve to not less than 30 acres in one parcel, or in several contiguous parcels, as stipulated in the above paragraph I.C.1.(b)(iii), if it finds that such smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such preserve of lesser size is consistent with the Comprehensive Plan or Coastal Plan, as provided for in Section I.A of this Uniform Rule No. 1, and that the following facts apply to the proposed preserve of lesser size:

- (i) No other contiguous owners desire to enter the agricultural preserve program simultaneously to create a combined preserve of 40 acres or more, pursuant to paragraph I.C.1.(b) above; and
- (ii) The proposed preserve is located in an area susceptible to imminent urbanization; and
- (iii) The zoning district in effect or the rezoning to be simultaneously adopted has been the subject of special study and carries out the special and unique land uses permitted in the preserve, as hereinafter described in Section I.D.4

- income for qualification as superprime land;
- 2) Unplanted easements or unplanted setbacks;
- 3) Driveways and roads (not unpaved box rows and other drives for agricultural purposes); and
- 4) Steep slopes, waterways, wetlands and other terrain features that will not support commercial agricultural production; and

I. C. 1. b.

(3) c. Each ownership has had a \$5,000 minimum gross annual income from agricultural products for at least 3 of the past 5 years, or the land is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$5,000 from each separate ownership.

(4) Prime Preserves with Special Findings:

Notwithstanding the above, the Board of Supervisors of Santa Barbara County may at its discretion reduce the Requirements for minimum size for the creation of a prime preserve to not less than 30 acres in one parcel, or in several contiguous parcels, as stipulated in the above paragraph I.C.1.b.(3), if it finds that such smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such preserve of lesser size is consistent with the Comprehensive Plan or Coastal Plan, as provided for in Section I.A of this Uniform Rule No. 6, and that the following facts apply to the proposed preserve of lesser size:

- a. No other contiguous owners desire to enter the agricultural preserve program simultaneously to create a combined preserve of 40 acres or more, pursuant to paragraph I.C.1.b. above; and
- b. The proposed preserve is located in an area susceptible to imminent urbanization; and
- c. The zoning district in effect or the rezoning to be simultaneously adopted has been the subject of special study and carries out the special and unique land uses permitted in the preserve, as hereinafter described in Section I.D.4.

I. C. 2. Additions: Notwithstanding the above and regardless of size, additions to existing preserves of contiguous properties shall be allowed as follows:

(a) Nonprime Preserves

No sub-100 acre additions to nonprime preserves shall be allowed, except when the addition and the existing preserve are under identical ownership and any lot line between the existing preserve and the added land is eradicated or adjusted.

(2) Prime Preserves

Any individual property that otherwise qualifies as prime land, under I.C.1(b)--"Minimum Preserve Size for Prime Preserves", and including superprime land, under I.C.1(b)(iii) may be added to an existing prime preserve, or to a preserve containing both nonprime and prime land only when the total prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands adjoin.

(3) At the time of termination, cancellation, or notice of nonrenewal, no farm in a multiple ownership preserve shall be continued under contract if the remaining land cannot qualify in one of the above size criteria by itself. At such time the County may (but shall not be required to) serve a notice of nonrenewal on the remaining land if it does not otherwise qualify for participation in the Agricultural Preserve Program. If said remaining land does qualify for the Agricultural Preserve Program, a replacement contract shall be offered to the land owner(s). In the event the remaining land does not qualify for the Agricultural Preserve Program and a determination is made that it would be in the public interest to maintain the remaining land in the Agricultural Preserve Program, then a replacement contract may be issued for the remaining land.

D. LAND USES – Commercial Agriculture as Permitted in Zoning Ordinances and Uniform Rules

1. The permitted land uses, both agricultural and other compatible uses, basically will be as designated in the applicable zoning in Articles II, III, and IV of Chapter 35 of the Santa Barbara County Code, as amended.
2. (a) Agricultural preserve contracts may be more restrictive than the applied zoning designation allows for residential site use. Except for parcels that qualify for a Residential Agricultural Unit (ARAU@), only one primary residential building site shall be allowed for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.). Each building site for use by the property owner shall be limited to 3% of the total parcel size or two (2) acres, whichever is smaller. Those

1. Additions: Notwithstanding the above and regardless of size, additions to existing preserves of contiguous properties shall be allowed as follows:

a. Nonprime Preserves

No sub-100 acre additions to nonprime preserves shall be allowed, except when the addition and existing preserve are under identical ownership and any lot line between the existing preserve and the added land is eradicated.

2. b. Prime Preserves

Any individual property that otherwise qualifies as prime land, under I.C.1.b.--"Minimum Preserve Size for Prime Preserves", and including superprime land, under I.C.1.b.(3) may be added to an existing prime preserve, or to a preserve containing both nonprime and prime land only when the total prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands adjoin.

3. At the time of termination, cancellation, or notice of nonrenewal no farm in a multiple ownership preserve shall be continued under contract if the remaining land cannot qualify in one of the above size criteria by itself. At such time the County shall serve a notice of nonrenewal on the nonqualifying farm or farms.

D. LAND USES – Commercial Agriculture as Permitted in Zoning Ordinances and Uniform Rules

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2. a. Agricultural preserve contracts may be more restrictive than the applied zoning designation permits allows for residential site use. Only one residential building site shall be allowed for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.). Each building site for use

properties qualifying under I.C.1(b)(iii) used for residential second units, farm buildings, corrals, and bonafide agriculturally-related employee housing shall not be encompassed in this site limitation.

(b) The agricultural work force is vital to sustaining agricultural productivity; a need exists to house this work force on or near lands in agricultural production. Agricultural laborer housing facilities are hereby determined to be compatible uses within any Agricultural Preserve.³ All requests for agricultural employee dwelling units within Agriculture Preserves, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed in addition to the principal dwelling and the Residential Agricultural Unit (RAU) on the property shall be reviewed by the Agricultural Preserve Advisory Committee for a determination whether the dwelling units will be used to house farm laborers who work full-time in agriculture either on the contracted land or on other agricultural lands, or a combination thereof.

E. Parcel Sizes

The minimum parcel size may vary with area and type of agricultural use so long as the following zoning and size compatibility requirements are observed:

1. Each legal parcel within a preserve shall be zoned consistently with the general plan designation for that parcel.
2. In furtherance of the above paragraph, the lot lines between parcels in the same ownership which are too small individually under non-prime, prime, or super-prime, to qualify shall, at the discretion of the Agricultural Preserve Advisory Committee, be eradicated, or at the option of the property owner may be adjusted to meet the minimum required parcel size applicable under this Uniform Rule in lieu of eradication, before the agricultural preserve is approved.
3. After the agricultural preserve is created, any reduction in size of any parcel of land in the preserve shall be allowed only if all parcels thus created meet the applicable criteria of this Uniform Rule.
4. Special consideration: Non-preserve islands under separate ownership from surrounding Agricultural Preserve lands may be considered as eligible when all criteria other than size are met.
5. Only whole, legally created parcels shall be accepted in an Agricultural Preserve. Whenever a landowner wishes to enter only part of an existing parcel, he shall record a legal parcel map prior to creation of an agricultural preserve and execution of the Agricultural Preserve contract.

by the property owner shall be limited to 3% of the total parcel size or two (2) acres, whichever is smaller. Those properties qualifying under I.C.1.b.(3) used for farm buildings, corrals, and bonafide property-related employee housing shall not be encompassed in this site limitation.

- b. All requests for farm-employee dwelling units within Agriculture Preserves, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed in addition to the principal dwelling on the property shall be reviewed by the Agricultural Preserve Advisory Committee for a determination of need.

F. Parcel Sizes

The minimum parcel size may vary with area and type of agricultural use so long as the following zoning and size compatibility requirements are observed:

1. All single ownership preserves shall be zoned to the largest applicable zoning designation.
2. Each preserve contract shall have only one zoning designation for the land covered by that contract.
3. Multiple ownership of a prime preserve shall require zoning to the largest applicable zoning designation compatible with land ownership and land capability.
4. In furtherance of the above paragraphs, the lot lines between parcels in the same ownership which are too small individually to qualify shall, at the discretion of the Agricultural Preserve Advisory Committee, be eradicated before the agricultural preserve is approved.
5. After the agricultural preserve is created, any reduction in size of any parcel of land in the preserve shall be allowed only if all parcels thus created meet the applicable criteria of this Rule No. 6.
6. Special consideration: Non-preserve islands surrounded by preserve lands may be considered as eligible when all criteria other than size are met.
7. Only whole, legally created and recorded parcels shall be accepted in an agricultural preserve. Whenever a

II. QUALITATIVE CONSIDERATIONS

The Agricultural Preserve Committee shall develop information concerning the following factors to determine the degree of compliance with basic objectives of the Williamson Act and policies of the Board of Supervisors, and to support recommendations to that Board.

A. Land Quality

The preservation of "prime land" is the principal purpose of the Act. The quality of farm lands varies widely, depending on soil, terrain, water availability, climate, and other factors. It shall be the policy of the County in general to favor agricultural preserves in proportion to the "primeness" of the land.

B. Commercial Agricultural Production

Land eligible for inclusion in this program shall be used primarily for the commercial production of agricultural commodities for sale in normal wholesale marketing channels. Lands eligible for inclusion in this program may be used for preparation, processing and retail sale of agricultural products in conformity with the applicable zoning ordinance. Lands not used for commercial agricultural production, but desirable for preservation, shall be covered by other phases of open space legislation.

C. Urban Expansion Areas

Each community development plan should provide adequately for the future expansion of urban land uses onto lands that are non-agricultural and not enrolled in the Agricultural Preserve Program. If expansion of urban land uses into Agricultural Preserves is unavoidable as a result of a growing population, urban expansion should be directed in a manner that avoids prime agricultural land.

D. Minimize Rural-Urban Conflicts

Lands included in Agricultural Preserves should be protected by County policies and actions from conflicts with urban uses nearby, it being acknowledged that agriculturally productive lands provide desirable benefits to the whole community. Buffer land use zones, such as large lot residential, ranchette, or certain industrial, can be used to separate intensive residential and commercial areas from farm lands. Agricultural operations such as dairies, poultry houses, and feed lots may need to be buffered from urban land uses by crop, orchard, grazing, or other suitable open space land uses to minimize the potential for conflict between the urban and agricultural uses.

landowner wishes to enter only part of an existing parcel, he shall record a legal parcel map prior to creation of an agricultural preserve and execution of the Agricultural Preserve contract.

II. QUALITATIVE CONSIDERATIONS

The Agricultural Preserve Committee shall develop information concerning the following factors to determine the degree of compliance with basic objectives of the Williamson Act and policies of the Board of Supervisors, and to support recommendations to that Board.

A. Land Quality

The preservation of "prime land" is the principal purpose of the Act. The quality of farm lands varies widely, depending on soil, terrain, water availability, climate, and other factors. It shall be the policy of the County in general to favor agricultural preserves in proportion to the "primeness" of the land.

B. Commercial Agricultural Production

Land eligible for inclusion in this program shall be used primarily for the commercial production of agricultural commodities for sale in normal wholesale marketing channels. Lands not used for commercial agricultural production, but desirable for preservation, shall be covered by other phases of open space legislation.

C. Urban Expansion Areas

Each community development plan should provide adequately for the future expansion of urban land uses into areas other than those covered by agricultural preserves. The policy in general will be to divert urban expansion from prime agricultural to non-agricultural lands.

D. Minimum Rural-Urban Conflicts

Lands for inclusion in agricultural preserves should avoid conflicts with urban uses nearby, as well as provide desirable benefits to the whole community. Buffer land use zones, such as large lot residential or industrial, can be used to separate intensive residential and commercial areas from farm lands. Agricultural operations such as dairies, poultry houses, feed lots, and hotheouses may need to be buffered from urban land uses by crop, orchard, grazing, or other suitable open space land uses. The suitability of these lands for each use, their historical use and personal preferences of owners need careful consideration and study on each

E. Effect on Tax Base

The economic benefit to the property owner in an Agricultural Preserve is that the land will be assessed in relation to the income derived from its agricultural use or its assessed valuation under Revenue & Taxation Code section 50 et seq., whichever amount is less.

F. Not in Urban Service Districts

Urban service taxing districts, such as sanitary, transit, and lighting, do not normally cover eligible land. Agricultural operations generally do not need these services, and the tax rate applicable to agricultural land should not unnecessarily include them.

proposal.

E. Effect on Tax Base

The economic benefit to the farmer in an agricultural preserve is that his land will be assessed in relation to the income derived from its agricultural use rather than market value based on comparable sales data. The aggregate effect of changes in assessment methods on local taxing districts shall be evaluated.

F. Not in Urban Service Districts

Urban service taxing districts, such as sanitary, transit, and lighting, do not normally cover eligible land. The farmer does not need these services, and his tax rate should not unnecessarily include them.

UNIFORM RULE NO. 2
(Formerly Uniform Rule No. 7)

I. The purpose of this rule is to establish standards for the withdrawal of land from Agricultural Preserves, and for the termination of Land Conservation Contracts, without impairing the integrity of the Agricultural Preserve Program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all requests for withdrawal from Agricultural Preserves and for termination of Land Conservation contracts.

A. NONRENEWAL (Unilateral notice by landowner or County)

Withdrawal by a notice of nonrenewal is the preferred method in all instances, whether for all or part of the contracted land. This method is open to either party to the contract, does not require either a finding of fact or a public hearing, and provides for an adjustment in land assessed values, pursuant to Section 426 of the Revenue & Taxation Code.

When a landowner serves notice of nonrenewal for part of the landowner's land, the part remaining under contract must be able to meet Agricultural Preserve criteria under these Uniform Rules. In the event that unqualified land is left subject to contract, the County immediately shall serve notice of nonrenewal for such land.

B. CANCELLATION - PETITION BY OWNER

1. Petition by Owner

An owner may petition the Board of Supervisors for cancellation of the landowner's Land Conservation Contract because of need for a change in land use. Cancellation may occur only if the County consents. To cover administrative costs, each petitioner shall pay a filing fee in an amount established by resolution by the Board of Supervisors.

The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, non-contracted land suitable for the use to which it is proposed the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural

**TERMINATION OF AGRICULTURAL PRESERVES AND
LAND CONSERVATION CONTRACTS IN SANTA
BARBARA COUNTY**

UNIFORM RULE NO. 7

The purpose of this rule is to establish standards for the withdrawal of land from Agricultural Preserves, and for the termination of Land Conservation Contracts, without impairing the integrity of the program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all requests for withdrawal from Agricultural Preserves and for termination of Land Conservation contracts.

A. NONRENEWAL (Unilateral notice by landowner or County)

Withdrawal by a notice of nonrenewal is the preferred method considered in all instances, whether for all or part of the contracted land. This method is open to either party to the contract, does not require either a finding of fact or a public hearing, and provides for an adjustment in land assessed values, pursuant to Section 426 of the Revenue and Taxation Code.

When a landowner serves notice of nonrenewal for part of his Land, the part remaining under contract must be able to meet County preserve criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

B. CANCELLATION - PETITION BY OWNER

1. Petition by Owner

An owner may petition the Board of Supervisors for cancellation of his Land Conservation Contract because of need for a change in land use. Cancellation may occur only if the County consents. To cover administrative costs, each petitioner shall pay a filing fee in an amount established by resolution by the Board of Supervisors.

The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if

use to which the land may be put.

When a landowner desires to cancel the landowner's contract, the landowner shall petition the Board of Supervisors for cancellation, and the landowner has the burden of producing evidence to prove the circumstances that warrant cancellation of the Agricultural Preserve Contract. The owner shall cite (1) the reasons why cancellation is requested, (2) what changes in circumstances have occurred, (3) why immediate action is necessary, and (4) how the land or the agricultural operation is affected by the changes in circumstances. The Board of Supervisors may grant tentative approval for cancellation of a contract only if it makes the following findings, as provided in Sec. 51282 of the Government Code:

(a) Cancellation would be consistent with the purposes of Chapter 7 of the Government Code, Sec. 51200 et seq, the California Land Conservation Act of 1965; or

(b) Cancellation would be in the public interest.

For the purposes of subsection (a) above, cancellation of a contract shall be consistent with the purposes of the California Land Conservation Act solely if all of the following findings can be made:

- (1) That the cancellation is for land on which a notice of non-renewal has been served.
- (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
- (4) That cancellation will not result in discontinuous patterns of urban development.
- (5) That 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.

For the purposes of subsection (b) above, cancellation of the contract shall be in the public interest only if the Board makes both of the following findings:

there is no other reasonable or comparable agricultural use to which the land may be put.

When a landowner determines that he desires to cancel his contract, he shall petition the Board of Supervisors for cancellation, and he has the burden of producing evidence to prove the circumstances which warrant cancellation of his Land Conservation Contract. The owner shall cite (1) the reasons why he desires cancellation, (2) what changes in circumstances have occurred, (3) why immediate action is necessary, and (4) how he is affected by the changes in circumstances. The Board of Supervisors may grant tentative approval for cancellation of a contract only if it makes the following findings, as provided in Sec. 51282 of the Government Code:

a. Cancellation would be consistent with the purposes of Chapter 7 of the Government Code, Sec. 51200 et seq, the California Land Conservation Act of 1965; or

b. Cancellation would be in the public interest.

(1) That other public concerns substantially outweigh the objectives of the California Land Conservation Act.

(2) That there is no proximate non-contracted land that is both available and suitable That 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.

2. Procedure by County

- (a) Applications for cancellation for all or part of the contracted land of an Agricultural Preserve shall be referred to the County Planning Commission. The Planning Commission shall hold noticed public hearings to consider disestablishment of the Agricultural Preserve, and any rezoning and amendment of the County Comprehensive Plan necessary to permit the nonagricultural uses contemplated by the applicant.
- (b) Applications for cancellation shall be referred to the Agricultural Preserve Advisory Committee for comment and report to the Board of Supervisors.
- (c) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the full cash value of the land as though it were free of the contractual restriction. The assessor shall certify to the **board or** council the cancellation valuation of the land for the purpose of determining the cancellation fee.
- (d) The Board of Supervisors shall schedule a noticed public hearing to consider the request for cancellation upon receipt of the above reports from the Planning Commission, the Agricultural Preserve Advisory Committee and the Assessor. If recommended by the Planning Commission, the Board of Supervisors shall also hold concurrent noticed public hearings to consider any rezoning and Comprehensive Plan amendments necessary.
- (e) Prior to giving tentative approval to the cancellation of any contract the Board of Supervisors shall determine and certify to the county auditor the amount of the cancellation fee which the landowner must pay the county treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 12 1/2 percent of the cancellation valuation of the property.

2. Procedure by County

- a. Applications for cancellation for all or part of the contracted land of an Agricultural Preserve shall be referred to the County Planning Commission. The Planning Commission shall hold noticed public hearings to consider disestablishment of the Agricultural Preserve, and any rezoning and amendment of the County Comprehensive Plan necessary to permit the nonagricultural uses contemplated by the applicant.
- b. Applications for cancellation shall be referred to the Agricultural Preserve Advisory Committee for comment and report to the Board of Supervisors.
- c. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the full cash value of the land as though it were free of the contractual restriction. The assessor shall certify to the **board or** council the cancellation valuation of the land for the purpose of determining the cancellation fee.
- d. The Board of Supervisors shall schedule a noticed public hearing to consider the request for cancellation upon receipt of the above reports from the Planning Commission, the Agricultural Preserve Advisory Committee and the Assessor. If recommended by the Planning Commission, the Board of Supervisors shall also hold concurrent noticed public hearings to consider any rezoning and Comprehensive Plan amendments necessary.
- e. Prior to giving tentative approval to the cancellation of any contract the board or council shall determine and certify to the county auditor the amount of the cancellation fee which the landowner must pay the county treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 12 1/2 percent of the cancellation valuation of the property.

(f) Cancellation of the Land Conservation Contract shall be contingent upon payment, in full, of the cancellation fee. The cancellation fee shall be paid to the Clerk of the Board of Supervisors, who shall transmit that fee to the County Auditor. The fee shall be paid prior to the final approval of cancellation. If the Board finds that it is in the public interest to do so, the Board may waive such payment or any portion thereof, or may make such payment or a portion thereof contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract had it not been, subject to the conditions set forth in Government Code section 51283.

(g) The Board of Supervisors shall not grant cancellation for a part of the land of a single ownership Agricultural Preserve if the land proposed to remain under the contract would not be able to meet County preserve criteria. Either sufficient qualifying land must remain under contract, or the petition must be made for cancellation of the entire preserve.

C. CANCELLATION - ANNEXATION BY CITY

On the annexation by any city in the County of any land under a Land Conservation Contract, the city shall succeed to all rights, duties, and powers of the County unless the land being annexed was within one mile of such city at the time the contract was initially executed, the city protested the execution of the contract pursuant to Section 51243.5 of the California Government Code, and the city stated its intention not to succeed to the contract in its resolution of intention to annex. If the city does not exercise its option to succeed to the contract, it shall become null and void as to the land actually being annexed on the date of annexation. Such pulling and voiding of the contract shall be treated as a cancellation under the terms of Section 51283 of the Government Code. In the event that only part of the land under contract was within one mile of the city, the option of the city shall extend only to such part.

Whenever part of the land under a Land Conservation Contract is removed from such status through annexation to a city, the part remaining under contract must be able to meet County preserve criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

f. Cancellation of the Land Conservation Contract shall be contingent upon payment, in full, of the cancellation fee. The cancellation fee shall be paid to the Clerk of the Board of Supervisors, who shall transmit that fee to the County Auditor. The fee shall be paid prior to the final approval of cancellation.

g. The Board of Supervisors shall not grant cancellation for a part of the land of a single ownership Agricultural Preserve if the land proposed to remain under the contract would not be able to meet County preserve criteria. Either sufficient qualifying land must remain under contract, or the petition must be made for cancellation of the entire preserve.

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On the annexation by any city in the County of any land under a Land Conservation Contract, the city shall succeed to all rights, duties, and powers of the County unless the land being annexed was within one mile of such city at the time the contract was initially executed, the city protested the execution of the contract pursuant to Section 51243.5 of the California Government Code, and the city stated its intention not to succeed to the contract in its resolution of intention to annex. If the city does not exercise its option to succeed to the contract, it shall become null and void as to the land actually being annexed on the date of annexation. Such pulling and voiding of the contract shall be treated as a cancellation under the terms of Section 51283 of the Government Code. In the event that only part of the land under contract was within one mile of the city, the option of the city shall extend only to such part.

Whenever part of the land under a Land Conservation Contract is removed from such status through annexation to a city, the part remaining under contract must be able to meet County preserve criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

D. EMINENT DOMAIN OR OTHER ACQUISITION

Upon the termination of an action in eminent domain for the condemnation of the fee title, or of an acquisition in lieu of eminent domain, for a public improvement by a public agency, for land subject to contract, the contract shall be null and void for all land actually taken or acquired, as the date the action was filed. If, in either such action, only part of the land under contract is acquired, and the remaining land is not able to meet County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such remaining land.

E. SUCCESSORS IN INTEREST

When title to land subject to contract passes to successors, and in so doing creates circumstances whereby the land; or the remaining land subject to contract no longer meets County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such unqualified land.

The erection, construction, alteration or maintenance of gas, water generation, wind generation, electric, water or communication utility facilities are compatible uses in an agricultural preserve. Communication facilities shall include radio, telephone, pagers, television, telecommunications, Cable TV and facilities necessary for the aid of navigation by land, air or sea.

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E. SUCCESSORS IN INTEREST

When title to land subject to contract passes to successors, and in so doing creates circumstances whereby the land; or the remaining land subject to contract no longer meets County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such unqualified land.

UNIFORM RULE NO. 3
(Formerly Uniform Rule No. 8)

The purpose of this rule is to establish procedures for the maintenance of contracts wherein changes in legal description and/or ownership occur without impairing the integrity of the program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all transfers of ownership in Land Conservation Act contracts.

Procedures on transfer of land interests restricted by Land Conservation Act contracts:

A. Transaction that transfers all land restricted by a Land Conservation Contract when no changes in boundaries occur

The transferee shall cause to be completed and signed immediately subsequent to the instrument creating the new ownership a "Notification of Assumption of Land

**CONTRACT TRANSACTIONS
and T R A N S F E R S
UNIFORM RULE 8**

**TRANSFER OF OWNERSHIP OF LAND IN
AGRICULTURAL PRESERVE IN SANTA BARBARA
COUNTY UNIFORM RULE N0. 8**

The purpose of this rule is to establish procedures for the maintenance of contracts wherein changes in legal description and/or ownership occur without impairing the integrity of the program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all transfers of ownership in Land Conservation Act contracts.

Procedures on transfer of land interests restricted by Land Conservation Act contracts:

A. Transaction that transfers all land restricted by a Land Conservation Contract when no changes in boundaries occur

The transferee shall cause to be completed and signed immediately subsequent to the instrument creating the new ownership a "Notification of Assumption of Land Conservation

Conservation Contract", incorporating by reference the legal description set forth in the instrument which transferred the ownership interest and shall submit said document to the Office of the County Counsel for approval as to form, together with an applicable fee. After approval, the County Counsel shall record said document and file it in the Office of the Clerk of the Board.

B. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where whole legal parcels are transferred

1. The transferee(s) shall cause to be completed and filed with the Agricultural Preserve Advisory Committee a new Agricultural Preserve application for each of the ownerships, together with such fee as is required. The transferor shall similarly furnish a new application for the portion retained.
2. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s)
3. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units, and record its notice of nonrenewal.

C. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where lot splits occur or portions of whole, legal parcels are transferred

1. Only whole legal parcels are allowed within the Land Conservation Act contracts. Any boundary changes that split parcels, therefore, must first be processed through the County Planning & Development Department and lot split procedures and must meet all requirements of such process before any action by the Agricultural Preserve Advisory Committee.
2. The transferee(s) shall cause to be completed and filed with the Planning & Development Department new Agricultural Preserve applications, maps and legal descriptions for each of the ownerships, together with such fees as are required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.
3. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
4. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units and record its notice of nonrenewal.

Contract", incorporating by reference the legal description set forth in the instrument which transferred the ownership interest and shall submit said document to the Office of the County Counsel for approval as to form, together with an applicable fee. After approval, the County Counsel shall record said document and file it in the Office of the Clerk of the Board.

B. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where whole legal parcels are transferred

1. The transferee(s) shall cause to be completed and filed with the Agricultural Preserve Advisory Committee a new Agricultural Preserve application for each of the ownerships, together with such fee as is required. The transferor shall similarly furnish a new application for the portion retained.
2. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
3. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units, and record its notice of nonrenewal.

C. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where lot splits occur or portions of whole, legal parcels are transferred

1. Only whole legal parcels are allowed within the Land Conservation Act contracts. Any boundary changes that split parcels, therefore, must first be processed through the County Resource Management Department and lot split procedures and must meet all requirements of such process before any action by the Agricultural Preserve Advisory Committee.
2. The transferee(s) shall cause to be completed and filed with the Department of Resource Management new Agricultural Preserve applications, maps and legal descriptions for each of the ownerships, together with such fees as are required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.
3. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
4. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units and record its notice of nonrenewal.

UNIFORM RULE NO. 4
(Formerly Uniform Rule No. 9)

I. The purpose of this rule is to establish standards of compatible use within Agricultural Preserves to permit the preparation of raw agricultural products for shipment and the processing and sale of certain unique agricultural products.

The preparation, processing, and sales of agricultural products permitted by this Uniform Rule are deemed compatible with Agricultural Preserves providing:

1. That such activities do not occupy land exceeding 10% of the land area of the Preserve, except that such activities may occupy land exceeding 10% of the area of the preserve where it can be demonstrated that: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use; and (iv) the use is reasonable in light of the type of agricultural production on the contracted land and on other agricultural lands in the vicinity. All such activities shall be sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production within the given preserve. A site includes roads serving these activities, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related land use.
2. That all such uses are subject to the zoning requirements of a Conditional Use Permit or Development Plan, where applicable.
3. That uses include but are not limited to: sorting, grading, cleaning, packaging, marketing, cooling and shipping of raw agricultural products.
4. Due to the unique qualities and desirability of processing premium wines from grapes grown within Santa Barbara County, wineries are deemed compatible within Agricultural Preserves, provided that (a) a vineyard(s) has been planted within the Agricultural Preserve prior to County approval of the winery, (b) the primary purpose of the winery shall be to process wine grapes grown on the preserve where the facility is located or on other lands enrolled in the Agricultural Preserve Program of Santa Barbara County, provided that no more than fifty percent (50%) of the grapes processed over a five-year period shall be imported from outside Santa Barbara and San Luis Obispo Counties, and (c) all winery development (including but not limited to roads other than vineyard roads, parking, storage, landscaping, etc.) shall not occupy land area exceeding 10% of the total land area of the Preserve; and (d) other applicable provisions of this Uniform Rule 4 are met.

UNIFORM RULE No. 9

The purpose of this rule is to establish standards of compatible use within Agricultural Preserves which permit the preparation of raw agricultural products for shipment and the processing of certain unique agricultural products.

The preparation processes permitted by this Uniform Rule are deemed compatible with Agricultural Preserves providing:

- 1) That such activities do not occupy land exceeding 10% of the area of a preserve or 5 acres, whichever is less. All such activities shall be confined to a single site within the given preserve. A site includes roads serving these activities, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related land use.
- 2) That all such uses are subject to the zoning requirements of a Conditional Use Permit, when applicable, and its conditions and standards that are found necessary to maintain compatible agricultural land uses.
- 3) That uses include but are not limited to: sorting, grading, cleaning, packaging, cooling and shipping of raw agricultural products.
- 4) Due to the unique qualities and desirability of processing premium table wines near the vineyard, wineries are deemed compatible within Agricultural Preserves, provided that (a) a vineyard(s) has been planted on the premises prior to County approval of the winery, (b) the primary purpose of the winery is to process wine grapes grown on the premises, and (c) other applicable provisions of this Uniform Rule 9 are met.

<p>5. That activities where agricultural products are processed beyond the raw state shall be subject to the same limitations stated for wineries in Paragraph 4 above.</p> <p>6. Supportive agricultural uses that do not fall within the specifications set forth above shall be deemed compatible uses within Agricultural Preserves if the County approves an Agricultural Industry Overlay for the Preserve upon which the uses are conducted.</p> <p>7. Bed and breakfast facilities shall be deemed supportive uses provided said facilities occupy the permitted structures for a primary dwelling unit and a Residential Agricultural Unit under these Rules and said facilities occupy no more than 3% of the total land area of the Preserve, or 2 acres, whichever is less, and further provided that all of the following findings can be made: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use.</p> <p>8. Guest ranches and “farm stay facilities” shall be deemed supportive uses provided said facilities occupy no more than 3% of the total land area of the Preserve, or two acres, whichever is less, and further provided that all of the following findings can be made: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use.</p> <p>9. Special education facilities shall be deemed supportive uses provided said facilities occupy no more than 3% of the total land area of the Preserve, or 2 acres, whichever is less, and further provided that all of the following findings can be made: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use.</p>	<p>5) That activities where agricultural products are processed beyond the raw state, including but not limited to processing by freezers, dehydrators, and food preparation facilities, are deemed noncompatible.</p>
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<p><u>UNIFORM RULE NO. 5</u> <u>(Formerly Uniform Rule No. 1)</u></p> <p>The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities are compatible uses in an agricultural preserve. Communication facilities shall include radio, television, Cable TV and facilities necessary for the aid of navigation by land, air or sea.</p>	<p><u>UNIFORM RULE NO. 1</u></p> <p>The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities are compatible uses in an agricultural preserve. Communication facilities shall include radio, television, Cable TV and facilities necessary for the aid of navigation by land, air or sea.</p>
<p><u>UNIFORM RULE NO. 6</u> <u>(Formerly Uniform Rule No. 2)</u></p> <p>Oil and gas drilling and production facilities as defined hereinafter and pipelines are compatible uses in an agricultural preserve established under the California Land Conservation Act of 1965. For the purposes of this Rule, oil and gas drilling and production facilities are defined as follows:</p> <p>All facilities necessary:</p> <ul style="list-style-type: none"> (a) To drill for and produce oil, gas and other hydro-carbons from a well bore; (b) To separate oil, water and gas from each other; (c) To prepare such products for shipping and storage; (d) To recycle, repressurize or inject such products or other substances for underground disposal, for underground storage and in connection with secondary recovery operations; and (e) To provide storage facilities for such products pending disposal thereof under (a) through (d) hereof and to temporarily store other substances used in (a) through (d) hereof. It shall not include refineries nor "tank farms" nor any other use not accessory or incidental to drilling and production facilities as hereinabove defined nor any operations not reasonably required to be performed at or within the vicinity of the wellhead. 	<p><u>UNIFORM RULE NO. 2</u></p> <p>Oil and gas drilling and production facilities as defined hereinafter and pipelines are compatible uses in an agricultural preserve established under the California Land Conservation Act of 1965. For the purposes of this Rule, oil and gas drilling and production facilities are defined as follows:</p> <p>All facilities necessary:</p> <ul style="list-style-type: none"> (a) To drill for and produce oil, gas and other hydro-carbons from a well bore; (b) To separate oil, water and gas from each other; (c) To prepare such products for shipping and storage; (d) To recycle, repressurize or inject such products or other substances for underground disposal, for underground storage and in connection with secondary recovery operations; and (e) To provide storage facilities for such products pending disposal thereof under (a) through (d) hereof and to temporarily store other substances used in (a) through (d) hereof. It shall not include refineries nor "tank farms" nor any other use not accessory or incidental to drilling and production facilities as hereinabove defined nor any operations not reasonably required to be performed at or within the vicinity of the wellhead.

<p><u>UNIFORM RULE NO. 7</u> <u>(Formerly Uniform Rule No. 3)</u></p> <p>A sanitary fill waste disposal facility, transfer station, and compost facility is a compatible use to an agricultural preserve providing:</p> <p>(a) It is operated by the County of Santa Barbara, or by a permittee who has been properly licensed by both the State of California and the County of Santa Barbara, and is subject to a Conditional Use Permit which includes requirements for compatibility with Agricultural Preserve land uses;</p> <p>(b) The existing openness and restricted use of the site is maintained;</p> <p>(c) The sanitary fill waste disposal facility, transfer station, or compost facility is conducted as a cut and fill operation;</p> <p>(d) That a lease or other open space agreement is executed with the owner so as to comply with the model Land Conservation Contract and the California Constitution.</p>	<p><u>UNIFORM RULE NO. 3</u></p> <p>A sanitary fill waste disposal facility is a compatible use to an agricultural preserve providing:</p> <p>(a) It is operated by the County of Santa Barbara, or by a permittee who has been properly licensed by both the State of California and the County of Santa Barbara, and is subject to a Conditional Use Permit which includes requirements for compatibility with Agricultural Preserve land uses;</p> <p>(b) The existing openness and restricted use of the site is maintained;</p> <p>(c) The sanitary fill waste disposal facility is conducted as a cut and fill operation;</p> <p>(d) That a lease or other open space agreement is executed with the owner so as to comply with the model Land Conservation Contract and the California Constitution.</p>
<p><u>UNIFORM RULE NO. 8</u> <u>(Formerly Uniform Rule No. 4)</u></p> <p>The mining, extraction, and quarrying of natural resources are compatible with an agricultural preserve: when such uses are incidental and will not be disruptive to the primary agricultural use of the land and subject to the following provisions concerning the use of borrow pits:</p> <p>For the purpose of this rule, "borrow pit" is defined as follows: A bank or pit from which earth, which shall be limited to rock, sand, aggregate or clay, is excavated and used in filling and embanking operations.</p> <p>The material excavated from the borrow pit shall be transported immediately to an off-site use or stockpiling facility.</p>	<p><u>UNIFORM RULE NO. 4</u></p> <p>The mining, extraction, and quarrying of natural resources are compatible to an agricultural preserve: when such uses are incidental and will not be disruptive to the primary agricultural use of the land and subject to the following provisions concerning the use of borrow pits:</p> <p>For the purpose of this rule, "borrow pit" is defined as follows: A bank or pit from which earth, which shall be limited to rock, sand, aggregate or clay, is excavated and used in filling and embanking operations.</p> <p>The material excavated from the borrow pit shall be transported immediately to an off-site use or stockpiling facility.</p>

UNIFORM RULE NO. 9
(Formerly Uniform Rule No. 5)

1. Incidental boarding and/or breeding facilities of animals are compatible with an Agricultural Preserve providing:

(a) Such uses are genuinely incidental to the primary uses of the land as specified in the criteria set forth in Uniform Rules applicable to the preserve in which they are located, and

(b) When required, a conditional use permit has been granted by the County pursuant to the zoning ordinance, for such facilities.

2. Boarding and/or breeding facilities for animals developed as the primary use of a property are compatible with Agricultural Preserves providing:

(a) Other food or fiber products and/or services are found by the Agricultural Preserve Advisory Committee to be either directly or indirectly agricultural activities; and

(b) Such facilities will not produce traffic volumes determined to be detrimental to the commercial agricultural productivity of the area; and

(c) The total area of land covered by all permanent improvements shall not exceed 20% of the preserve or 20 acres, whichever is less. For the purposes of these Uniform Rules, permanent improvements include: any object affixed to the ground, landscaping, buildings, and structures; and

(d) When required, a conditional use permit has been granted by the County, pursuant to the zoning ordinance, for such facilities.

UNIFORM RULE NO. 5

1. Incidental boarding and/or breeding facilities of animals are compatible within Agricultural Preserves providing:

(a) Such uses are genuinely incidental to the primary uses of the land as specified in the criteria set forth in Uniform Rules Numbers 6 (Agricultural) and 11 (Recreational), and

(b) When required, a conditional use permit has been granted by the County pursuant to the zoning ordinance, for such facilities.

2. Boarding and/or breeding facilities for animals developed as the primary use of a property are compatible with Agricultural Preserves providing:

(a) Other food or fiber products and/or services are found by the Agricultural Preserve Advisory Committee to be either directly or indirectly agricultural activities; and

(b) Such facilities shall not produce traffic volumes determined to be detrimental to the commercial agricultural productivity of the area; and

(c) The total area of land covered by all permanent improvements shall not exceed 20% of the preserve or 20 acres, whichever is less. For the purposes of these uniform rules, permanent improvements include: any object affixed to the ground, landscaping, buildings, and structures; and

(d) When required, a conditional use permit has been granted by the County, pursuant to the zoning ordinance, for such facilities.

UNIFORM RULE NO. 12

UNIFORM RULE NO. 10
(Formerly Uniform Rule No. 12)

The installation and use of temporary United States government facilities for residential, communication and transportation use by United States government officials and employees are compatible uses in an agricultural preserve provided:

- (a) The officials and employees are serving a person entitled to the protection of the Federal Secret Service;
- (b) The total area for all such uses will encompass no more than 3% of the total parcel size or two acres, whichever is smaller; and
- (c) Such uses are incidental to the primary use of the agricultural preserve property as commercial agriculture.

The installation and use of temporary United States government facilities for residential, communication and transportation use by United States government officials and employees are compatible uses in an agricultural preserve provided:

- (a) The officials and employees are serving a person entitled to the protection of the Federal Secret Service;
- (b) The total area for all such uses will encompass no more than 3% of the total parcel size or two acres, whichever is smaller (Uniform rule No. 6, I. D.2); and
- (c) Such uses are incidental to the primary use of the agricultural preserve property as commercial agriculture.

CRITERIA FOR RECREATION AND NATURAL OPEN SPACE PRESERVES

UNIFORM RULE NO. 11
(Formerly Uniform Rule No. 10)

REQUIREMENTS

1. COMPREHENSIVE PLAN

Eligible land must be designated "Agriculture I", "Agriculture II", or "Mountainous Area", or "Other Open Lands" in Santa Barbara County's Comprehensive Plan or Coastal Plan of Land Use.

2. ZONING

Any zoning district which has been declared by the Planning Commission to be consistent with the above-mentioned Comprehensive Plan or Coastal Plan designations will be acceptable. However, the Natural Open Space Preserve size and land uses shall be limited in accordance with the following sections of this criteria for Natural Open Space Preserves wherein minimum size and acceptable land uses are specified.

3. MINIMUM PRESERVE SIZE: 100 acres

Each Natural Open Space Preserve shall consist of at least 100 acres of land in a single ownership in one parcel. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8. In the event that an otherwise qualifying Natural Open Space Preserve parcel has less than 100 acres, the Board of Supervisors may consider it eligible based on the "unique" features of the Natural Open Space land involved. "Unique" is defined here as a natural feature and/or biological process not

CRITERIA FOR AGRICULTURAL PRESERVES NATURAL OPEN SPACE CONTRACTS

UNIFORM RULE NO. 10

REQUIREMENTS

1. COMPREHENSIVE PLAN

Eligible land must be designated "Agriculture I", "Agriculture II", or "Mountainous Area", or "Other Open Lands" in Santa Barbara County's Comprehensive Plan or Coastal Plan of Land Use.

2. ZONING

Any zoning district which has been declared by the Planning Commission to be consistent with the above-mentioned Comprehensive Plan or Coastal Plan designations will be acceptable. However, the Natural Open Space Preserve size and land uses shall be limited in accordance with the following sections of this criteria for Natural Open Space Preserves wherein minimum size and acceptable land uses are specified.

3. MINIMUM PRESERVE SIZE: 100 acres

Each Natural Open Space Preserve shall consist of at least 100 acres of land in a single ownership in one parcel. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8. In the event that an otherwise qualifying Natural Open Space Preserve parcel has less than 100 acres, the Board of Supervisors may consider it eligible based on the "unique" features of the Natural Open Space land involved. "Unique" is defined here as a natural feature and/or

found in other parts of the city, county, state or nation; a unique feature is, for example, a rare, endangered, endemic and/or exemplary floral or faunal species or geologic feature. The terms and uses of this "unique" open space shall be stated in the contract.

4. LAND USES: Non-commercial Limited Uses

No uses will be permitted that produce an income from the property. Limited, non-intensive, incidental recreational uses may be permitted where they are deemed appropriate. These uses, by the owner or a lessee with a minimum of at least a five-year lease (or non-paying guests of either), may include hiking, horseback riding, scenic viewing, temporary tent camping, as in Federal Wilderness Areas, and similar activities. The limits and conditions of this incidental recreational use shall be stated in the contract and may preclude certain specified recreational uses completely. No structures shall be built upon the land; and no equipment use or motorized vehicle use shall be permitted on the land except in the case of emergencies and necessities, such as fire fighting and prevention, flood control, and other hazard prevention and control. There shall be a minimum imputed income of \$2.00 per acre.

5. CHARACTER OF LAND

The preservation of land of high scenic value and of natural habitats with their associated faunal populations are of primary importance. The land may provide habitats which are required for the preservation of plant and animal life. Additionally, these lands may be important as scientific study areas. The County policy will be to favor lands which have high scenic value, which provide necessary habitats, and may serve as limited scientific study areas.

6. MAINTENANCE OF THE LAND

The owner shall maintain the property at his own expense in an attractive, scenic way to preserve its naturalness. All maintenance activities, including vegetative type management such as controlled burning, activities minimizing fire, flood and other hazards, changes to add floral 'or faunal materials, and changes to the natural character of the existing Natural Open Space Preserve, must be approved in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to inspect for compliance, and to proceed with filing a notice of nonrenewal in the event of violation.

7. COMMUNITY EFFECTS

Each proposal for a preserve shall be evaluated individually to judge its advantages to the community in regard to

biological process not found in other parts of the city, county, state or nation; a unique feature is, for example, a rare, endangered, endemic and/or exemplary floral or faunal species or geologic feature. The terms and uses of this "unique" open space shall be stated in the contract.

4. LAND USES: Non-commercial Limited Uses

No uses will be permitted that produce an income from the property. Limited, non-intensive, incidental recreational uses may be permitted where they are deemed appropriate. These uses, by the owner or a lessee with a minimum of at least a five-year lease (or non-paying guests of either), may include hiking, horseback riding, scenic viewing, temporary tent camping, as in Federal Wilderness Areas, and similar activities. The limits and conditions of this incidental recreational use shall be stated in the contract and may preclude certain specified recreational uses completely. No structures shall be built upon the land; and no equipment use or motorized vehicle use shall be permitted on the land except in the case of emergencies and necessities, such as fire fighting and prevention, flood control, and other hazard prevention and control. There shall be a minimum imputed income of \$2.00 per acre.

5. CHARACTER OF LAND

The preservation of land of high scenic value and of natural habitats with their associated faunal populations are of primary importance. The land may provide habitats which are required for the preservation of plant and animal life. Additionally, these lands may be important as scientific study areas. The County policy will be to favor lands which have high scenic value, which provide necessary habitats, and may serve as limited scientific study areas.

6. MAINTENANCE OF THE LAND

The owner shall maintain the property at his own expense in an attractive, scenic way to preserve its naturalness. All maintenance activities, including vegetative type management such as controlled burning, activities minimizing fire, flood and other hazards, changes to add floral 'or faunal materials, and changes to the natural character of the existing Natural Open Space Preserve, must be approved in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to inspect for compliance, and to proceed with filing a notice of nonrenewal in the event of violation.

7. COMMUNITY EFFECTS

Each proposal for a preserve shall be evaluated individually to

<p>conservation of unique features, its effect on the tax base and urban service districts, etc.</p>	<p>judge its advantages to the community in regard to conservation of unique features, its effect on the tax base and urban service districts, etc.</p>
<p>UNIFORM RULE NO. 12 (Formerly Uniform Rule No. 11)</p> <p>1. <u>COMPREHENSIVE PLAN</u></p> <p>Eligible land must be designated “Agriculture I”, “Agriculture II” or “Mountainous Area” and bear the “Recreation” overlay in Santa Barbara County’s Comprehensive Plan or Coastal Plan.</p> <p>2. <u>ZONING</u></p> <p>Eligible land must be zoned consistent with the proposed recreational use of the Preserve.</p> <p>3. <u>MINIMUM PRESERVE SIZE</u></p> <p>One hundred acres, except where sub-100 acre areas of outstanding scenic, historic or cultural value are deemed to be particularly suited for park and recreation purposes where a minimum of 30 acres in a single ownership may qualify. These sub-100 acres may include, but not necessarily be limited to, access to lake shores, beaches, and rivers and streams; and areas which serve as links between outdoor recreation and natural open space preserves, including utility easements, banks of rivers, trails and scenic highway corridors. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8.</p> <p>4. <u>LAND USES: Low Intensity Recreation Open to the Public</u></p> <p>The land uses shall be consistent with the zone district in which the Preserve is located and with the provisions of the California Land Conservation Act.</p> <p>5. <u>CHARACTER OF LAND</u></p> <p>The preservation of the scenic open character of the land is of primary importance. The land shall be visually and</p>	<p>CRITERIA FOR AGRICULTURAL PRESERVES RECREATIONAL CONTRACTS UNIFORM RULE NO. 11</p> <p><u>REQUIREMENTS</u></p> <p>1. <u>COMPREHENSIVE PLAN</u></p> <p>Eligible land must be designated “Agriculture I”, “Agriculture II” or “Mountainous Area” and bear the “Recreation” overlay in Santa Barbara County’s Comprehensive Plan or Coastal Plan.</p> <p>2. <u>ZONING</u></p> <p>Eligible land must be zoned "REC" Recreation, as contained in Articles II, III, and IV of Chapter 35, Zoning, of the Santa Barbara County Code.</p> <p>3. <u>MINIMUM PRESERVE SIZE</u></p> <p>One hundred acres, except where sub-100 acre areas of outstanding scenic, historic or cultural value are deemed to be particularly suited for park and recreation purposes where a minimum of 30 acres in a single ownership may qualify. These sub-100 acres may include, but not necessarily be limited to, access to lake shores, beaches, and rivers and streams; and areas which serve as links between outdoor recreation and natural open space preserves, including utility easements, banks of rivers, trails and scenic highway corridors. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8.</p> <p>4. <u>LAND USES: Low Intensity Recreation Open to the Public</u></p> <p>The land uses shall be limited to those uses permitted within the "REC" zoning district and as contained in the applicable portions of Government Code Sections 51201(d) and 51201(n). Examples are (1) standard 18-hole golf courses or country clubs, but not including those with residences or residential lots occurring between the fairways, and in which adjacent residential property owners share in the ownership of the golf course; (2) recreational facilities where buildings, stables, residences, and similar structures occupy no more than 5% of the land in the preserve; (3) hunting and fishing where the land is kept in its native or near natural condition, and in which buildings necessary to the operation of the business occur on no more than 1% of the land in the preserve; (4) other similar uses as later designated and defined and made a part of these criteria and incorporated into the Land Conservation Contract applicable to each individual Recreation Preserve.</p> <p>5. <u>CHARACTER OF LAND</u></p>

aesthetically desirable as an amenity to the surrounding land uses and the community as a whole. The recreational uses provided shall be positive in their contribution to the community and its citizens.

6. MAINTENANCE OF THE LAND

The owner shall maintain the property at his own expense, in an attractive, scenic way, to preserve its openness. All plant materials shall be well-maintained, and their selection and location shall be appropriate to the recreational land uses and to enhance visual appearance for the general public. Indigenous plant materials should be selected to provide animal habitat, and existing high carrying capacity-habitat shall be maintained or improved by vegetative type management such as controlled burning. All maintenance activities, including activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing Recreation Preserve, must be approved in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to inspect for compliance and to proceed with filing a notice of nonrenewal in the event of violation.

7. EFFECT ON TAX BASE

Each proposal for a preserve shall be evaluated individually to judge its advantages to the community in regard to conservation of unique features, its effect on the tax base and urban service districts, etc.

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