



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: October 11, 2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Planning and Development (P&D)
Director Lisa Plowman, Director, (805) 568-2085
Contact Info: Travis Seawards, Deputy Director, (805) 568-2518
Development Review Division
SUBJECT: **American Land Management County-Initiated Notice of Nonrenewal of
Agricultural Preserve Contract No. 90-AP-002A, Santa Ynez Area, Third
Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Receive and consider the Agricultural Preserve Advisory Committee (APAC) recommendation of nonrenewal for Agricultural Preserve Contract 90-AP-002A due to noncompliance with the Uniform Rules for Agricultural Preserves and Farmland Security Zones, Rule 6-2.B, Transfer of Ownership of Contracted Land;
- b) Approve and authorize the Chair to execute the Notice of Nonrenewal for Agricultural Preserve Contract 90-AP-002A (Attachment 1);
- c) Direct P&D to serve the Notice of Nonrenewal, and direct the Clerk of the Board to record and distribute copies of the Notice of Nonrenewal as specified in this Board Agenda Letter; and

- d) Determine that the actions above are government administrative activities that will not result in direct or indirect physical changes in the environment and are therefore not projects under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

On October 12, 2021, the Board of Supervisors authorized execution of a Notice of Nonrenewal for Agricultural Preserve Contract 90-AP-002A, however, the Notice of Nonrenewal contained a typographical error consisting of the APN being listed as 153-310-009 instead of 141-090-031. This error has been corrected in Attachment 1. Staff continues to recommend that the Board of Supervisors approve the nonrenewal of Agricultural Preserve Contract (Contract) 90-AP-002A due to noncompliance with Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

Contract No. 90-AP-002A went into effect in 1991 and included approximately 136.86 acres of grazing land under the ownership of the William W Shannon and Olive J Shannon Trust. American Land Management, LLC purchased the property in 2019. American Land Management, LLC has not attempted to acquire a replacement contract.

On September 4, 2020, the Agricultural Preserve Advisory Committee (APAC) reviewed the ongoing eligibility of Contract 90-AP-002A as an agricultural preserve and its consistency with the Uniform Rules. The property owner was notified of APAC's review and did not attend the meeting. The APAC voted 5-0 to recommend to the Board of Supervisors that Contract 90-AP-002A be non-renewed due to failure of the owner to obtain a replacement contract resulting from transfer of ownership of contracted land.

The subject property is identified as Assessor's Parcel Number 141-090-031 (Attachment 2). In accordance with Section 6-1.1 of the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones, the property must continue to comply with the Williamson Act and Uniform Rules for the duration of the contract, which would expire on December 31, 2031.

Background:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land in an agricultural use. The County of Santa Barbara adopted a program, which is codified under the Uniform Rules for Agricultural Preserves and Farmland Security Zones. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary.

Government Code §51245 provides that if a county desires in any year not to renew the contract, the county shall serve written notice of nonrenewal of the contract upon the landowner in advance of the annual renewal date of the contract. Unless such written notice is served by the county at least 60 days prior to the renewal date, the contract shall be considered renewed as provided in Section 51244 or Section 51244.5.

Should the Board of Supervisors approve and authorize the Chair to execute the Notice of Nonrenewal (Attachment 1) for Agricultural Preserve Contract 90-AP-002A due to noncompliance with Uniform Rule

6-2.B – Transfer of Ownership of Contracted Land, P&D Staff shall serve the landowner with the Notice of Nonrenewal. The Clerk of the Board shall record the Notice of Nonrenewal and distribute copies as specified under “Special Instructions” in this Board Agenda Letter.

Pursuant to Government Code § 51245, upon receipt by the landowner of a notice from the county of nonrenewal, the landowner may make a written protest of the notice of nonrenewal to Planning & Development. The protest must be submitted within 10 days of the Board action, by 5 PM on October 21, 2022, in order to allow for processing of the protest prior to the renewal date. The County may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

Fiscal and Facilities Impacts:

Budgeted: Yes

The total estimated cost to process this agricultural preserve nonrenewal contract is approximately \$3,800. This is a county-initiated case, thus no processing fees were collected. Funding for this project is budgeted in the Planning and Development’s Permitting Budget Program on page 387 of the County of Santa Barbara Fiscal Year 2022-23 adopted budget.

Special Instructions:

Clerk of the Board shall obtain required signatures on the Notice of Nonrenewal (Attachment 1 and Exhibit A to Attachment 1), and provide a copy of the executed Notice of Nonrenewal to P&D by October 18, 2022.

P&D Staff shall serve the landowner with a copy of the executed Notice of Nonrenewal by certified mail, return receipt requested, at least 60 days prior to the contract renewal date of January 1, 2023 (by November 1, 2022):

- American Land Management, LLC; 1482 East Valley Road #708, Montecito, CA 93108

Clerk of the Board shall record the executed Notice of Nonrenewal with the Clerk-Recorder’s Office no later than 20 days after service of the Notice of Nonrenewal upon the landowner or by December 31, 2022.

Clerk of the Board shall distribute copies of the recorded Notice of Nonrenewal and the Board of Supervisor’s Minute Order reflecting the County’s nonrenewal of the contract within 30 days of the service of the Notice of Nonrenewal upon the landowner as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Ben Singer, Planning and Development Department
- Assessor’s Office
- Surveyor’s Office
- Clerk Recorder’s Office
- David Shabazian, California Director of Conservation; 801 K Street, MS 24-01, Sacramento, CA 95814
- Owner: American Land Management, LLC; 1482 East Valley Road #708, Montecito, CA 93108

Attachments:

1. Notice of Nonrenewal
2. Vicinity Map
3. County-Initiated Application for Nonrenewal
4. Excerpts from APAC Minutes

Authored by:

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Development Review Division, Planning and Development Department