



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: December 11, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Planning and Development
Dianne M. Black, Director, (805) 568-2086
Contact Info: Jeff Wilson, Deputy Director, (805) 934-6559
Development Review Division

SUBJECT: Cotti (Lahr) Replacement Agricultural Preserve Contract, Santa Maria 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's (APAC) recommendation on Agricultural Preserve Replacement Contract 18AGP-00000-00015;
- b) Adopt a resolution creating Agricultural Preserve 18AGP-00000-00015 (Attachment 1) consisting of 241.82 acres located at 690 South Simas Road in the Santa Maria area (APN 113-080-031);
- c) Approve and authorize the Chair to execute Agricultural Preserve Replacement Contract 18AGP-00000-00015 (Attachment 2);
- d) Authorize recordation by the Clerk of the Board; and,
- e) Find that the proposed action is an administrative activity of the County which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

Summary Text:

The proposed Agricultural Preserve Replacement Contract (18AGP-00000-00015) is for a 241.82-acre property located 0.89 miles south of the intersection of Simas Road and West Main Street/ Highway 166 at 690 South Simas Road in the Santa Maria area (Attachment 4). The parcel is zoned AG-II-40 under the Land Use and Development Code (LUDC). Existing land uses on the property include row crops, an agricultural storage building and accessory structures.

The landowner is applying for a Agricultural Preserve Replacement Contract to continue agricultural production, to receive the benefits of the Agricultural Preserve Program, and to comply with the conditions of approval for Lot Line Adjustment (11LLA-00000-00003). The property is currently in agricultural production and enrolled in the Williamson Act Program under Agricultural Preserve Contract 97-AP-026. In March 2011, the property owner/applicant applied for a LLA to adjust the size and shape of two existing lots. The LLA was approved subject to the following conditions:

- The reconfigured parcels were to remain under contract until ownership changes or until the contract expires or it is non-renewed. The owner is responsible for submitting applications to P&D for Agricultural Preserve Replacement contracts to implement the lot line adjustment.
- Prior to recordation and in order to implement the lot line adjustment with the County Surveyor, the applicant shall submit application with P&D. The replacement contract shall be submitted to P&D, prior to map clearance or record of survey.

In August 2018, the landowner filed applied for an Agricultural Preserve Replacement Contract. On September 7, 2018, APAC reviewed 18AGP-00000-00015 and determined that this replacement of an agricultural preserve contract is consistent with the Uniform Rules. APAC meeting minutes are included as Attachment 5.

Background:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land in an agricultural use. The County of Santa Barbara has adopted such a program, which is codified under the 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. Therefore, there are no state mandates associated with this program.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs to process the project were borne by the applicant through the payment of processing fees. The total estimated cost to process this agricultural preserve contract is approximately \$2,800.00. Funding for this project is budgeted in the Permitting Budget Program of the Planning and Development Department on page D-272 of the FY 2018-2019 budget.

Special Instructions:

Clerk of the Board shall distribute copies of the recorded contract (with legal description and vicinity map) and Minute Order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Amber Long, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Agent: David Swenk, Rural Planning Services, 2624 Airpark Drive, Santa Maria, CA 93455
- Owner: Larry Lahr, Rincon Corporation, 185 S. Broadway , Suite 102, Orcutt, CA 93455

Attachments:

1. Agricultural Preserve Resolution
2. Agricultural Preserve Contract
3. Approved Legal Description
4. Vicinity Map
5. Excerpt from September 7, 2018 APAC Minutes

Authored by:

Amber Long, Planner, (805) 934-6587
Development Review Division, Planning and Development Department

ATTACHMENT 1: Agricultural Preserve Resolution

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF THE CREATION)
OF AN AGRICULTURAL PRESERVE)
AND ENTERING INTO AN AGRICULTURAL)
PRESERVE CONTRACT)

RESOLUTION NO. 18-
CASE NO.: 18AGP-00000-00015

IT IS HEREBY RESOLVED AS FOLLOWS:

- A. Pursuant to the California Land Conservation Act of 1965 (the Williamson Act), (Government Code Sections 51200 et seq.), the Cotti Agricultural Preserve (18AGP-00000-00015) is hereby established as an Agricultural Preserve in the County of Santa Barbara, is hereby entered into.
- B. A map of the preserve is filed in the Office of the Santa Barbara County Surveyor, and the preserve land is described in Exhibit "A" attached to the Short Form Land Conservation Contract.
- C. This agricultural preserve shall be administered pursuant to the California Land Conservation Act of 1965 and the Uniform Rules for Agricultural Preserves and Farmland Security Zones adopted by this Board pursuant to said Act.
- D. The Clerk of the Board shall endorse the fact of this adoption and the date thereof on said Surveyor map and shall record this Short Form Land Conservation Contract (Short Form Contract) with description attached at the Office of the Santa Barbara County Recorder. In addition, the Clerk of the Board shall forward to the following interested parties copies of documents as follows:
1. To the County Recorder, a copy of the Surveyor's map;
 2. To the property owners, a duplicate original copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map;
 3. To the Planning and Development Department, a conformed copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map;
 4. To the Assessor, a certified copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map; and
 5. To the Surveyor, a certified copy of the Short Form Contract.
- E. The property owner involved is:
- Rincon Corporation
Lawrence Lahr, Power of Attorney for:
Varini Properties, LLC
Landolt Properties, LLC
Reginald F. Moretti
Nicola Cotti
Rossella Cotti
Hans Landolt
Anna Barbara Landolt
Martin Landolt
Paola Cameroni Moretti
Michele Moretti
Isabella Crettenand Moretti
Cristina Favre Moretti
- 185 S. Broadway Suite 102, Orcutt, CA 93455
- F. The Chairperson and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 11th day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

DAS WILLIAMS
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MIKE ALLEN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

By: _____
Deputy County Counsel

ATTACHMENT 2: Agricultural Preserve Contract

ATTACHMENT 3: Approved Legal Descriptions

County of Santa Barbara
Public Works Department

Office of the County Surveyor

123 E. Anapamu Street
Santa Barbara, California 93101
805/568-3020 FAX 805/568-3318

Aleksandar Jevremovic, County Surveyor



TRANSMITTAL

TO: Amber Long, Planner

DATE: 11/6/2018

ADDRESS/DEPARTMENT: Planning and Development

FROM: Aleksandar Jevremovic, County Surveyor *AJ*

PHONE: 3012

SUBJECT: **18AGP-00000-00015**
Cotti (Lehr) Replacement Contract
APN: 113-080-031

QTY	DESCRIPTION
1	Approved Legal Description with exhibit map

ACTION:

- As Requested
- For Your Use
- Approved as Noted
- For Review and Comment

REMARKS:

AGRICULTURAL PRESERVE

18AGP-00000-00015

LEGAL DESCRIPTION

Lot 1 of Lot Line Adjustment 11LLA-00000-00003 recorded December 27, 2012 as Instrument No. 2012-0089200 of Official Records, County of Santa Barbara, State of California.

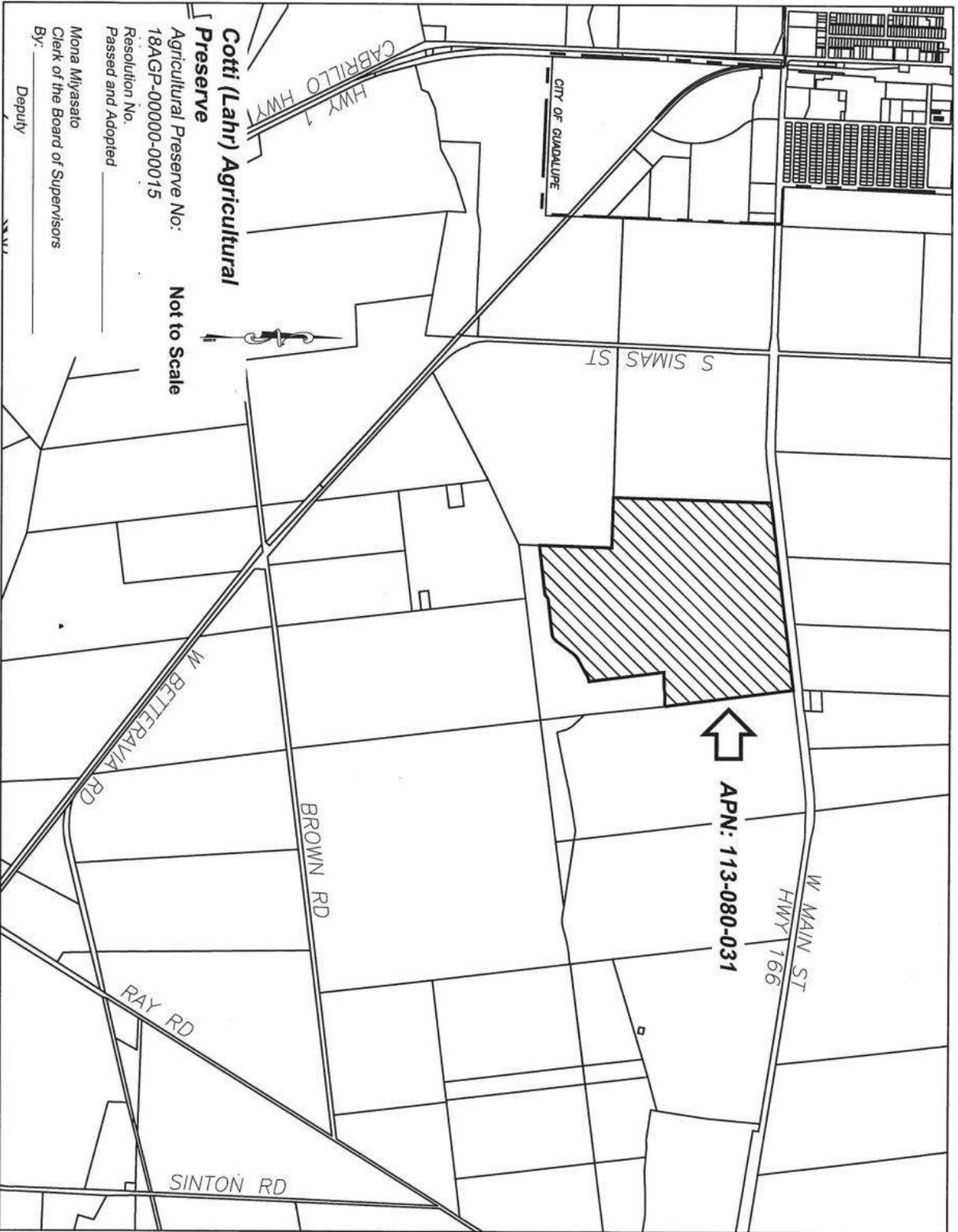
APN 113-080-031

APPROVED AS TO FORM
AND SURVEY CONTENT

A Jevremovic
ALEKANDAR JEVREMOVIC
COUNTY SURVEYOR
LICENSE EXP. 12/31/2019



11/5/2018



Cotti (Lahr) Agricultural Preserve

Agricultural Preserve No: 18AGP-00000-00015

Resolution No. _____
Passed and Adopted _____

Mona Miyasato
Clerk of the Board of Supervisors
By: _____
Deputy _____

Not to Scale



APN: 113-080-031

ATTACHMENT 4: VICINITY MAP



ATTACHMENT 5: EXCERPT FROM SEPTEMBER 7, 2018 APAC MINUTES



COUNTY OF SANTA BARBARA

**AGRICULTURAL PRESERVE ADVISORY COMMITTEE
APPROVED MINUTES MEETING OF SEPTEMBER 7, 2018
9:00 A.M.**

The regular meeting of the Agricultural Preserve Advisory Committee was called to order by Debbie Trupe at 9:00 A.M. in the Santa Barbara County Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

<u>COMMITTEE MEMBERS</u>	<u>PRESENT:</u>
Debbie Trupe, Agricultural Commissioner	×
Sergio Ricardo, Assessor's Office	×
David Lackie, Planning and Development	×
Aleks Jevremovic, County Surveyor	×
Matthew Shapero, U.C Cooperative Extension	×
Derek Wiggam, Alternate for Assessor's Office	×

(Present to review and approve the minutes of 8/10/18)

<u>STAFF MEMBERS</u>	<u>PRESENT</u>
Michelle Montez, Deputy County Counsel	×
Aylin Bilir, Deputy County Counsel	×
Sharon Foster, Planning & Development	×

NUMBER OF INTERESTED PERSONS: 20
ADMINISTRATIVE AGENDA:

- I. MEETING CALLED TO ORDER:** *by Chair, Debbie Trupe*
- II. PUBLIC COMMENTS:** None
- III. MINUTES:** The Minutes of July 6, 2018 and August 10, 2018 were considered as follows:
 - ACTION:** Lackie moved, seconded by Trupe, and carried by a vote of 5-0 (Ricardo abstained) to approve the Minutes of July 6, 2018.
 - ACTION:** Jevremovic moved, seconded by Trupe, and carried by a vote of 3-0-3 (Lackie, Ricardo & Shapero abstained, Wiggam present to vote) to approve the Minutes of August 10, 2018.

- IV. NEW ITEMS:**
 - 1. 1. 77-AP-020 WeltyTrust/ Bianchin Carpinteria**

Determine next steps following a change in ownership affecting only a portion of the above-referenced contract and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions

with the Uniform Rules, specifically Uniform Rule 2-10, Oil and Gas Drilling and Production Facilities.

ACTION: Lackie moved, seconded by Ricardo, and carried by a vote of 5-0 to continue the project to the October 5, 2018 APAC meeting to consider the ongoing eligibility for contract 11-AP-03.

**7. 70-AP-026A Lahr Agricultural Preserve Replacement Contract Santa Maria
18AGP-15 Shannon Reese, Planner (805) 934-6261**

Consider the request of David Swenk, Rural Planning Services agent for the owners (Cotti, Moretti, Varini, Landolt, and Magoria) of Case No. 18AGP-15 regarding a replacement contract and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 241.82 acres identified as Assessor's Parcel Number 113-080-031, zoned AG-II-40 with an AC Comprehensive Plan designation located at 690 S. Simas Road of Santa Maria in the Santa Maria area, Third Supervisorial District.

ACTION: Ricardo moved, seconded by Lackie, and carried by a vote of 5-0 to find the request for a replacement contract for 70-AP-026A consistent with the Uniform Rules.

**8. Nolan Ranch LLC, Frost Protection Reservoir
05-AP-009 and Vineyard/Ranch Equipment Storage Barn 7501 Alisos Canyon Road
18CUP-00000-00021 Dana Eady, Planner (805) 934-6266**

Consider the request of Brett Jones agent for the owner, Nolan Ranch, LLC of Case No. 18CUP-00000-00021 regarding proposed frost protection reservoir for approximately 100 acres of vineyards and two agricultural storage barns for vineyard and ranch equipment of approximately 2,880 square feet each and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 1,712.60 acres identified as Assessor's Parcel Number 133-110-061, zoned AG-II-100 with an AC Comprehensive Plan designation located at 7501 Alisos Canyon Road in the Los Olivos area, Third Supervisorial District.

ACTION: Lackie moved, seconded by Ricardo, and carried by a vote of 5-0 to find the request for the Frost Protection Reservoir and Ranch Equipment and Storage Barn consistent with the Uniform Rules contingent upon, and with planner verification, revising the 2 acre envelope to include a continuous connection with the tennis court.