

# 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:** February 2, 2006  
**Department:** Planning and Development  
**Budget Unit:** 053  
**Agenda Date:** March 7, 2006  
**Placement:** Administrative  
**Estimate Time:** 5 minutes  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case Files\AGP\05 cases\05AGP-00000-00029\BSfinalnonrenewal2.doc

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning and Development

**STAFF CONTACT:** Zoraida Abresch, Deputy Director  
Development Review Division – North County  
934-6585

**SUBJECT:** 05AGP-00000-00029 (69-AP-058), Holser/Moore/Bailey/LB/L-DS  
Ventures Lompoc II, LLC Agricultural Preserve Non-Renewal

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## Recommendations:

That the Board of Supervisors:

- A. Accept the request for nonrenewal of Agricultural Preserves 69-AP-058 and;
- B. Execute the attached Notice of Nonrenewal of Land Conservation Contract by the County for Assessor's Parcel Numbers 093-070-018, -026, -027, -028, and -033, located southwest of the intersection of Pine and Bailey Avenues, in the Lompoc area, Fourth Supervisorial District.

## Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

### **Executive Summary and Discussion:**

The subject properties have been in an agricultural preserve (69-AP-058) since January 1, 1972. The non-renewal was heard by the Agricultural Preserve Advisory Committee on June 10, 2005, carried by a vote of 4 to 0 (Jensen absent) to find Contract 69-AP-058 inconsistent with the Uniform Rules which prohibits multiple ownerships under a single agricultural preserve contract, and recommend that the Board of Supervisors serve notice of non-renewal by the County. The site is approximately 196 acres and was used for crops. The effective date for nonrenewal of the contract will be December 31, 2006. There will be three replacement contracts (case nos. 05AGP-00000-00036 (APN: 093-070-027) and 05AGP-00000-00037 (APN: 093-070-026) will be heard by the BOS on March 7, 2006. The 3rd contract 05AGP-00000-00038 (APN: 093-070-018, -028) is currently being signed by the current property owners and will probably be heard by the BOS sometime this summer.

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

### **Mandates and Service Levels:**

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 Agricultural Preserve Program Uniform Rules. 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:**

After recordation of non-renewal, property taxes on this site will be incrementally increased for the next ten years until full property taxes are assessed.

Permit revenues are budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-296 of the adopted 2005 – 2006 fiscal year budget.

**Special Instructions:**

Please record the attached Notice of Nonrenewal by the County following your Board's approval and execution, and distribute copies of the executed Notice as shown on the notice below.

Landowners: Kathlene Holser, Trustee  
Holser Revocable Trust  
9315 North Harborview Drive  
Gig Harbor, WA 98332

LB/L-DS Ventures Lompoc II LLC  
3500 West Olive, Suite 650  
Burbank, CA 91505

Planning and Development  
Assessor's Office  
Surveyor's Office  
Clerk of the Board

**Concurrence:**

N/A

**Attachments:** Notice of Nonrenewal  
Legal Descriptions  
Vicinity Map

Prepared By: Florence Trotter-Cadena, Planner