

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: November 30, 2004
Department: Planning and Development
Budget Unit: 053
Agenda Date: December 14, 2004
Placement: Administrative
Estimate Time:
Continued Item:
If Yes, date from:
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TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Holly Bradbury, Planner (568-3577)
Tina Ryder, Supervising Planner (568-2001)
Development Review Division – South County

SUBJECT: 70-AP-124 to 70-AP-135, 72-AP-164 to 72-AP-168 and 72-AP-197;
Bixby Ranch Company Agricultural Preserve Contracts Non-Renewals

Recommendations:

That the Board of Supervisors:

- A. Accept the request for Non-Renewal of Agricultural Preserve Contracts 70-AP-124 to 70-AP-135, 72-AP-164 to 72-AP-168 and 72-AP-197 and;
- B. Execute the attached Notice of Non-Renewal for each Agricultural Preserve Contract for Assessor's Parcel Numbers 083-260-02, 083-260-03 to -08, 083-360-06 to -10, 083-370-05 to -11, 083-380-01, 083-380-13 to -16, 083-440-04 to -12, 083-450-10, 083-450-13 to -16, 083-510-17, 083-510-19, 083-510-22, 083-510-23, 083-520-01, 083-520-05, 083-520-06, 083-520-08, 083-530-06, 083-530-10, 083-530-11, 083-530-14 to -17, 083-540-07, 083-540-09, 083-540-10, 083-550-09, 083-550-13 to -16, 083-550-19, 083-550-20, 083-600-11, 083-610-05, 083-610-09 and 083-610 13 to -17. The affected Bixby Ranch Company properties comprise approximately 24,535 acres, located on Jalama Road, bordered on the south and southeast by Hollister Ranch and the Pacific Ocean, on the west by Vandenberg Air Force Base, private ranches, and the Pacific Ocean, on the north by Vandenberg Air Force Base and private ranches, and on the on the east by private ranches, in the Jalama Beach/Point Conception area, Third 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 Agricultural Preserve Advisory Committee (APAC) is scheduled to consider Non-Renewal of the 18 Bixby Ranch Agricultural Preserve Contracts at its December 3, 2004 meeting. We will provide a memo to the Board of Supervisors with an update regarding the APAC's action before the December 14, 2004 hearing.

The property-owner(s) served the County with Notices of the Non-Renewals for the Bixby Ranch Agricultural Preserve Contracts in response to questions and options presented by County Counsel as to conformity with the County's Agricultural Preserve Program Uniform Rules (see attached letter dated March 5, 2004 from County Counsel and the September 30, 2004 response thereto by Bixby Ranch Company).

The Non-Renewals are being sought for two (2) reasons.

First, "14 of the contracts pertain to land now held by separate owners...Uniform Rule No. 6 C (1) (a) 'Nonprime Preserves' provides that: 'when the land is classified as nonprime the minimum preserve size is one hundred contiguous acres under a single ownership holding.'" (March 5, 2004 County Counsel letter). The owners have chosen to non-renew their contracts because they are out of compliance with this rule.

Second, "the County lacks evidence that all land conveyed by Bixby Ranch to the various Cojo entities consists of separate legal parcels... Uniform Rule Nos. 6 I.E (7) and 8 C (1) provide that only whole legal parcels are allowed within contracts. Therefore, with respect to each transfer of contracted land where certificates of compliance have not been obtained the County will require evidence that the transferred lands are legal parcels." (March 5, 2004 County Counsel letter).

The effective date for Non-Renewal of each contract will be December 31, 2004. The Bixby Ranch properties have been in an agricultural preserve since the original contracts (70-AP-124 through 70-AP-135, 72-AP-164 through 70-AP-168 and 72-AP-197) were approved by the Board of Supervisors on February 16, 1971, February 24, 1971 and January 1, 1973, respectively. The total ranch property is approximately 24,385 acres, 18,924 acres of which are included in the Williamson Act Contracts. Of the land in Agricultural Preserve Contract, 154 acres are used for dry land bean farming with the remainder used for cattle grazing.

Government Code Section 51245 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 Non-Renewal of the contract upon the other party in advance of the annual renewal date of the contract. The APAC's position is that, while the Committee does not encourage removal of property from preserve status, it recognizes that pursuant to the Agricultural Preserve Program Uniform Rules, Non-Renewal is an accepted method for terminating an existing contract when the landowner chooses to withdraw from the program.

Mandates and Service Levels:

Government Code Section 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:

The costs associated with processing this contract non-renewal are offset by fees required to be paid by the applicant per the Planning & Development adopted fee schedule.

Permit revenues are budgeted in the Permitting & Compliance Program of the Development Review, South Division on Page D-300 of the adopted 2004 – 2005 Fiscal Year budget.

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

Special Instructions:

Clerk of the Board: Please record the attached Notice of Non-Renewal by the Landowner for each contract, following your Board's approval and execution, and distribute copies of the executed Notice to County Counsel, the County Assessor, Planning & Development, and the Landowner.

Landowner: Bixby Ranch Company
125 East Victoria Street, Suite L
Santa Barbara, CA 93101

Concurrence:

N/A

Attachments:

Notice of Nonrenewal

Legal Descriptions

Vicinity Map

March 5, 2004 Letter from County Counsel

September 30, 2004 Letter from Bixby Ranch Company