



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: Balchen County-Initiated Notice of Nonrenewal of Agricultural Preserve Contract
No. 76-AP-065, Cuyama Area, First 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 76-AP-065 due to noncompliance with the Uniform Rules for Agricultural Preserves and Farmland Security Zones, Rule 1-3 [Lot Line Adjustments];
- b) Approve and authorize the Chair to execute the Notice of Nonrenewal for Agricultural Preserve Contract 76-AP-065 (Attachment 1);
- c) Direct Planning and Development 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 76-AP-065, however, the Notice of Nonrenewal contained a typographical error and the contract number was written as 77-AP-065 instead of 76-AP-065. 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) 76-AP-065 due to noncompliance with Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

Contract No. 76-AP-065 went into effect in 1977 and included approximately 1,766 acres of grazing land under the ownership of Larry Hogan. A portion of the property under contract was sold to Arthur E. Balchen in 2003. The property under contract was the subject of a lot line adjustment in 2015. Following recordation of the lot line adjustment (Case No. 15LLA-00000-00002), 311.34 acres of the property under contract were sold to Bolthouse Properties. This acreage was granted a replacement contract in 2016 under Case No. 16AGP-00000-00001. Approximately 1,455 acres of the contracted land remain under the ownership of the Arthur E. Balchen Trust. The property owner submitted an application for a replacement contract on January 20, 2016, in compliance with conditions of approval for an approved lot line adjustment. The application is inactive and the property owner has not responded to communication attempts by Planning and Development staff since August 4, 2017.

On March 15, 2019, the Agricultural Preserve Advisory Committee (APAC) reviewed the ongoing eligibility of Contract 76-AP-065 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 3-0 to request that the APAC Chair send a 60-day enforcement letter to the owner for potential nonrenewal of the contract. The property owner did not respond to the letter. On October 4, 2019, the APAC voted 4-0 to recommend to the Board of Supervisors that Contract 76-AP-065 be nonrenewed due to failure of the property owner to obtain a replacement contract. On November 1, 2019, the APAC clarified updated parcel numbers under Contract 76-AP-065 to reflect the consolidation of multiple Assessor Parcel Numbers into 149-140-099.

The subject property is identified as Assessor's Parcel Numbers 149-140-033, -034, and -099 (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 76-AP-065 due to noncompliance with Uniform Rule 6-1.1 - Nonrenewal, 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 or city 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 \$3,600.00. This is a county-initiated case, thus no processing fees were collected. Processing for this project is budgeted in the 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):

- Arthur E. Balchen Trust; 1519 Ayers Ave., Ojai, CA 93023

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, but no later than 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
- Shannon Reese, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- David Shabazian, California Director of Conservation; 801 K Street, MS 24-01, Sacramento, CA 95814
- Owner: Arthur E. Balchen Trust; 1519 Ayers Ave., Ojai, CA 93023

Attachments:

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

Authored by:

Shannon Reese, Planner, (805) 934-6261
Development Review Division, Planning and Development Department