



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 12, 2021
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: **Castelo County-Initiated Notice of Nonrenewal of Agricultural Preserve Contract No. 78-AP-025, Santa Barbara Area, Second 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 78-AP-025 due to noncompliance with the Uniform Rules for Agricultural Preserves and Farmland Security Zones, Rule 1-2.3.A, Commercial Production and Reporting Requirements;
- b) Approve and authorize the Chair to execute the Notice of Nonrenewal for Agricultural Preserve Contract 78-AP-025 (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:

Staff recommends that the Board of Supervisors approve the nonrenewal of Agricultural Preserve Contract (Contract) 78-AP-025 due to noncompliance with Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones. The subject property is identified as Assessor's Parcel Number 153-310-009. Contract No. 78-AP-025 went into effect in 1979 and included approximately 40 acres of orchards under the ownership of Brian Baird. Tomas Castelo purchased the property in 2016. The current owner, Tomas Castelo, has not provided proof of agricultural production as required to remain under Agricultural Preserve.

On January 10, 2020, the Agricultural Preserve Advisory Committee (APAC) reviewed the ongoing eligibility of Contract 78-AP-025 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 the contract to the Board of Supervisors for non-renewal due to noncompliance with Uniform Rule No. 1-2.3.A.

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, 2030.

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 78-AP-025 due to noncompliance with Uniform Rule 1-2.3.A – Commercial Production and Reporting Requirements, 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 22,

2021, 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 \$3,735. 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 D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 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 19, 2021.

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, 2022 (by November 1, 2021):

- Tomas Castelo; 232 E. Anapamu St. #1, Santa Barbara, CA 93101

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.

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: Tomas Castelo; 232 E. Anapamu St. #1, Santa Barbara, CA 93101

Attachments:

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

Castelo Notice of Nonrenewal of Agricultural Preserve Contract
Case No. 20AGP-00000-00009
Hearing Date: October 12, 2021
Page 4 of 4

Authored by:

Ben Singer, Planner, (805) 934-6587
Development Review Division, Planning and Development Department