



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

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**TO:** Board of Supervisors  
**FROM:** Department Planning and Development  
Director Lisa Plowman, Director, (805) 568-2085  
Contact Info: Travis Seawards, Deputy Director, (805) 568-2518  
Development Review Division  
**SUBJECT:** County-Initiated Notice of Nonrenewal of Agricultural Preserve Contract No. 84-AP-018 (Tran), Buellton Area, Third Supervisorial District

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**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 84-AP-018 due to noncompliance with the Uniform Rules for Agricultural Preserves and Farmland Security Zones, Rule 1-2.3, Commercial Production and Reporting Requirements;
- b) Approve and authorize the Chair to execute the Notice of Nonrenewal for Agricultural Preserve Contract 84-AP-018 (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:**

Staff recommends that the Board of Supervisors approve the nonrenewal of Agricultural Preserve Contract No. 84-AP-018 due to noncompliance with the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

The subject property is a 44.89-acre preserve identified as Assessor's Parcel Numbers 099-230-005 and 099-230-014 (Attachment 2). The subject property originally entered into the County's Agricultural Preserve Program under the Airey Ranch Prime Agricultural Preserve (Contract No. 70-AP-006). Contract No. 84-AP-018 became effective in 1984 when the subject property was granted a replacement contract after being sold to King Horse Center. The property was sold by King Horse Center and changed ownership three times between 1989 and 2000 before eventually being sold to the current owner, Duc Minh Tran, in 2016.

On April 19, 2019, the Agricultural Preserve Advisory Committee (APAC) reviewed the ongoing eligibility of Contract 84-AP-018 as an agricultural preserve and its consistency with the Uniform Rules. The APAC found that the property no longer met the commercial agricultural production requirements of the Uniform Rules as established by Uniform Rule No. 1-2.3.A.1. This rule states:

*Prime land must maintain a minimum of either 50 percent of the premises or 50 acres, whichever is less, fully planted (as defined herein) in commercial agricultural production (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will recommend the minimum productive acreage particular to the premises.*

The previous use of the property was as a commercial horse boarding facility. However, the facility is now defunct and the current use does not meet the required productive acreage. The review of Contract 84-AP-018 was continued to the May 3, 2019 APAC hearing. At this hearing, it was confirmed that the owner intended to record an owner-initiated nonrenewal of Contract No. 84-AP-018. The APAC continued the review of this Contract to September 6, 2019 and October 4, 2019 to confirm that the owner-initiated nonrenewal occurred.

On October 4, 2019, APAC reviewed the ongoing eligibility of Contract 84-AP-018. The property owner was notified of the APAC's review and did not attend the meeting. Moreover, there was no evidence that the owner recorded the owner-initiated nonrenewal of Contract 84-AP-018. The APAC voted 4-0 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 January 10, 2020, the APAC voted 5-0 to recommend to the Board of Supervisors that Contract 84-AP-018 be nonrenewed due to noncompliance with Uniform Rules, Rule 1-2.3, Commercial Production and Reporting Requirements.

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 84-AP-018 due to noncompliance with Uniform Rule 1-2.3 – 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 \$4,500.00. 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):

- Duc Minh Tran; 1632 Karl St., San Jose, CA 95122

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
- Tina Mitchell, 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: Duc Minh Tran; 1632 Karl St., San Jose, CA 95122

**Attachments:**

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

**Authored by:**

Tina Mitchell, Planner, (805) 934-6289  
Development Review Division, Planning and Development Department