

**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: March 4, 2002
Department: Planning and Development
Budget Unit: 053
Agenda Date: March 26, 2002
Placement: Administrative
Estimate Time: 5 minutes
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\Dev_Rev\WP\AP\99CAS
ES\9ap015\9ap15_BSfinal_Non-
renew.doc

TO: Board of Supervisors

FROM: Steven DeCamp, Deputy Director
North County Division

STAFF CONTACT: Shelley Stahl
934-6264

SUBJECT: **DeBusschere Agricultural Preserve Non-Renewal
76-AP-062**

Recommendations:

That the Board of Supervisors serve and record a Notice of Nonrenewal on the following Agricultural Preserve contract as recommended by the County Agricultural Preserve Advisory Committee:

- A. Accept for nonrenewal, Agricultural Preserve No. 76-AP-062, and;
- B. Execute the attached Notice of Nonrenewal Land Conservation Contract. Assessor's Parcel Numbers 147-150-017, located off of Aliso Canyon Road, approximately ¾ mile north of the intersection of Foothill Road and Aliso Canyon Road, in the New Cuyama area, Fifth 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:

On February 1, 2002, the County Agricultural Preserve Advisory Committee approved, by a unanimous vote of 4 to 0, that the property owner's failure to obtain a replacement contract is inconsistent with the Uniform Rules. Therefore, Planning & Development recommends that your

Board serve and record a Notice of Nonrenewal on Agricultural Preserve Contract 76-AP-062. This determination was based on noncompliance with the Uniform Rule 8.C.2 and 8.C.3, which states:

8.C.2: Transaction that transfer a portion of land restricted by a Land Conservation Act Contract where lot splits occur or portions of whole legal parcels are transferred, the transferee(s) shall cause to be completed and filed with Planning & Development, new Agricultural Preserve applications, maps and legal descriptions for each of the ownerships, together with such fees as required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.

8.C.3: New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownerships.

The above-mentioned agricultural preserve is recommended for nonrenewal for the lack of execution of a replacement contract, which was required after a parcel map changed the boundaries of the original preserve and the separate parcels were sold and/or changed ownership. The parcel map (TPM 14,398), recorded March 2, 2000. The preserve is 100 acres in size and is used for grazing. The effective date of the nonrenewal contract will be December 31, 2002.

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 does not comply with the Uniform Rules.

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:

This recommendation is forwarded at the request of the Agricultural Preserve Advisory Committee, therefore the cost associated with staff time required to process and record the Notice of nonrenewal is not recovered. However, property taxes assessed against the subject

properties will begin to increase once the contracts are nonrenewed effective January 1, 2003. There are no facilities impacts.

Special Instructions:

- Clerk of the Board will forward signed Notice of Nonrenewal with legal descriptions and acknowledgement of the Chair of the Board's signature and Minute Order to the Recorder's Office for recordation.
- Clerk of the Board will forward a copy of the recorded Notice of Nonrenewal and Minute Order to each respective owner owning property within the affected Agricultural Preserves.
- Clerk of the Board will forward a copy of the recorded Notice of Nonrenewal and Minute Order to Planning & Development, attention Steven DeCamp.

Distribution:

Landowner: Mr. Donald DeBusschere, P.O. Box 423, New Cuyama, CA 93254

Concurrence:

N/A

Attachments:

Vicinity Map
Notice of Nonrenewal
Legal Descriptions
APAC Minutes, February 1, 2002

VICINITY MAP

