



**BOARD OF SUPERVISORS**      **Agenda Number:**  
**AGENDA LETTER**

**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:** September 22, 2015  
**Placement:** Set Hearing on September 22, 2015 for October 13, 2015, Administrative  
**Estimated Tme:** 5 minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Planning and Development  
Director Glenn Russell, Ph.D., Director, 568-2085  
Contact Info: Alice McCurdy, Deputy Director, 568-2518  
Development Review Division  
**SUBJECT:** **Serena San Marcos, LLC Agricultural Preserve Contract and Rezone, Santa Ynez 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:**

On September 22, 2015, set a hearing for October 13, 2015, to consider the Planning Commission's recommendation for approval of the Case Nos. 14RZN-00000-00002, and 14AGP-00000-00013, Serena San Marcos Rezone and Agricultural Preserve.

On October 13, 2015, staff recommends that your Board's action should include the following:

- a) For the Rezone:
  - i) Make the required findings, including CEQA findings for approval of the project specified in Attachment 1 of this Board Letter.
  - ii) Determine that the Rezone is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), included in the attached Notice of Exemption (Attachment 2).

- iii) Approve a rezone (14RZN-00000-00002) and adopt an ordinance amending the zoning map for the subject parcel from Agriculture (100-AG) to Agriculture, 100 acres minimum parcel size (AG-II-100) (Ordinance included as Attachment 3).
- b) Approve the creation of one new nonprime Agricultural Preserve Contract (Case No. 14AGP-00000-00013):
- i) Determine that the creation of Agricultural Preserve is exempt from CEQA pursuant to CEQA Guidelines Section 15317 included in the attached Notice of Exemption (Attachment 4).
  - ii) Approve and authorize the Chair to execute the attached contract, once the rezone takes effect, thirty days from the date of its passage included as Attachment 5 of this Board Letter creating Agricultural Preserve, 14AGP-00000-00013; and,
  - iii) Adopt a resolution, included as Attachment 6 of this Board Letter creating Agricultural Preserve, 14AGP-00000-00013 upon the effective date of the rezone.

The application involves AP Nos. 079-030-019, and -020, located approximately 1,500 feet southwest of the intersection of Live Oak Road and Highway 154, in the Santa Ynez area, Third Supervisorial District.

Refer back to staff if the Board takes an action other than the recommended action for revisions to findings and conditions.

**Summary Text:**

The proposed new Serena San Marcos, LLC Agricultural Preserve contract (14AGP-00000-00013) would be a nonprime preserve consisting of one 103.80-acre legal parcel consisting of two APNs 079-030-019, and -020. There are no structures currently onsite. The 103.80 acre property is currently planted with seven acres of Olive trees, vineyards, and lavender. Although the owners have cleared an additional 20 acres for planting of olive trees and lavender, the owners have deferred planting the additional acreage due to the severe drought. The site is also leased to a local bee keeper. The parcel is currently zoned 100-AG under Ordinance 661 and the proposal will rezone the parcel to AG-II-100 under the Land Use and Development Code (14RZN-00000-00002).

Santa Barbara County's Uniform Rules for Agricultural Preserves and Farmland Security Zones require eligible land to have land use and zoning designations consistent with Agriculture, Mountainous, or Resource Management. Uniform Rules 1-2.1 states: "Interested landowners with ineligible land use or zoning designations should request and secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject to the provisions outlined in Section 1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request". Uniform Rule 1-2.4D states: "In order for a parcel or group of parcels to be eligible for new and replacement contracts, the parcel shall be zoned to the applicable zoning designation consistent with the qualifying preserve".

On August 8, 2014, the Agricultural Preserve Advisory Committee found the new Agricultural Preserve contract consistent with the Uniform Rules.

At the Planning Commission hearing on October 29, 2014, the Commission voted unanimously to recommend approval of the consistency rezone (Case No. 14RZN-00000-00002) to the Board of Supervisors. The Planning Commission's October 29, 2014 Action Letter is included as Attachment 7 of this Board Letter, and the staff report for their hearing is included as Attachment 8 of this Board Letter.

**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 has adopted such 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. Therefore, there are no state mandates associated with this program.

Government Code §658565 requires that upon receipt of an affirmative recommendation of the Planning Commission on a proposed rezoning, the legislative body shall hold a public hearing on the matter.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The costs to process the project were borne by the applicant through the payment of processing fees. The total estimated cost to process this agricultural preserve contract is approximately \$6,620.00, and is budgeted in the Permitting Budget Program of the Department, as shown on page D-289 of the 2015/17 FY budget.

**Special Instructions:**

Clerk of the Board shall distribute copies of the recorded contract (with legal description and vicinity map) and Minute Order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Florence Trotter-Cadena, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Owner: Paul and Serena Kusserow, 780 San Ysidro Road, Santa Barbara, CA 93108

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. Planning and Development shall mail a notice to property owners within 300 feet of the project, including the real property owners, project applicant, and agencies

expected to provide essential services to the project site. Noticing shall be done at least 10 days prior to the hearing of October 13, 2015. (Government Code Section 65091).

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

**Cal. Gov. Code § 51234.**

Any proposal to establish an agricultural preserve shall be submitted to the planning department of the county or city having jurisdiction over the land. If the county or city has no planning department, a proposal to establish an agricultural preserve shall be submitted to the planning commission. Within 30 days after receiving such a proposal, the planning department or planning commission shall submit a report thereon to the board or council. However, the board or council may extend the time allowed for an additional period not to exceed 30 days. *The report shall include a statement that the preserve is consistent with the general plan, and the board or council shall make a finding to that effect.* Final action upon the establishment of an agricultural preserve may not be taken by the board or council until the report required by this section is received from the planning department or planning commission, or until the required 30 days have elapsed and any extension thereof granted by the board or council has elapsed.

**Cal. Gov. Code § 51230.**

Beginning January 1, 1971, any county or city having a general plan, and until December 31, 1970, any county or city, by resolution, and after a public hearing may establish an agricultural preserve. *Notice of the hearing shall be published pursuant to Section 6061, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve.* The preserves shall be established for the purpose of defining the boundaries of those areas within which the city or county will be willing to enter into contracts pursuant to this act. An agricultural preserve shall consist of no less than 100 acres; provided, that in order to meet this requirement two or more parcels may be combined if they are contiguous or if they are in common ownership; and further provided, that in order to meet this requirement land zoned as timberland production pursuant to Chapter 6.7 (commencing with Section 51100) may be taken into account. A county or city may establish agricultural preserves of less than 100 acres if it finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the general plan of the county or city. An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter. Failure on the part of the board or council to restrict the use of land within a preserve but not subject to contract shall not be sufficient reason to cancel or otherwise invalidate a contract.

**Cal. Gov. Code § 51233.**

When a county proposes to establish, disestablish, or alter the boundary of an agricultural preserve it shall give *written notice at least two weeks before the hearing to the local agency formation commission and to every city within the county within one mile of the exterior boundaries of the preserve.*

**Attachments:**

1. Board of Supervisors Findings
2. CEQA Exemption for Rezone
3. Ordinance for Rezone
4. CEQA Exemption for Agricultural Preserve
5. Agricultural Preserve Contract
6. Resolution Creating Agricultural Preserve
7. Planning Commission Action Letter, dated October 29, 2014
8. Planning Commission Staff Report
9. Legal Description and Vicinity Map

Authored by:

Florence Trotter-Cadena, Planner (805) 934-6253  
Development Review Division, Planning and Development Department

## **Attachment 1: Board of Supervisors Findings**

**Attachment 2: CEQA Exemption for Rezone**

**Attachment 3: Ordinance for Rezone**



**Attachment 4: CEQA Exemption for Agricultural Preserve**

**Attachment 5: Agricultural Preserve Contract**

**Attachment 6: Resolution Creating Agricultural Preserve**

**Attachment 7: Planning Commission Action Letter, dated October 29, 2014**

**Attachment 8: Planning Commission Staff Report**

**Attachment 9: Legal Description and Vicinity Map**