

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

October 28, 2016

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

*By hand delivery and by email to
sbcob@co.santa-barbara.ca.us*

RE: Winery Ordinance Update and Final Environmental Impact Report (FEIR)

Dear Chair Adam and Supervisors,

This office represents a number of residents of the Santa Ynez Valley, Ballard Canyon, Happy Canyon, and the organization Ballard Canyon Preservation, who are committed to protecting the rural character of the Santa Ynez Valley, and the safety and quality of life on its rural roadways. This office and many residents participated throughout the County's update to the Winery Ordinance, and a number of issues were addressed. There remain two important issues that were not resolved at the Planning Commission, which we ask the Board to address to ensure the Ordinance is consistent with the Williamson Act, the County's Uniform Rules, and your APAC's direction, and includes reasonable and clear standards for future projects affecting severely constrained rural roadways that have not yet been addressed.

First, the proposed definition of "Winery special event" recommended to you by staff is inconsistent with Ordinance language the Planning Commission carefully incorporated at APAC's direction to ensure that such events are compatible with agriculture. This material inconsistency can be addressed with a simple change to the definition.

Second, the Ordinance includes no mechanism to limit the impacts of new wineries on rural roadways, including roadways such as Ballard and Happy Canyon Roads that have unusual physical characteristics and design features and which receive a mix of uses that are likely to become safety problems in the future as new wineries are approved. This omission can be simply corrected by adding a provision to the ordinance that would alert landowners and potential winery applicants that additional limitations on winery visitation, wine tasting, and events may be required to protect roadway safety and quality of life on roadways that meet specific criteria and which would be evaluated at the time of individual permit application.

Staff's very well thought out and crafted standards that relate to the scaling of winery size to the parcel size, and the scaling of the amount and type of activities to the parcel size, help achieve a primary goal of the Update which was to reduce friction between wineries and their rural neighbors, both during permitting and post-approval. These recommendations appear throughout Table 4-16. We request that this high quality work be preserved, and that the Board does not give in to industry pressures to weaken these standards.

1. Winery Special Event Definition

As reflected in Agricultural Preserve Advisory Committee (APAC's) July 8, 2016 letter to the Planning Commission (PC), the APAC reviewed the Ordinance on June 3, 2016, and "unanimously voted to urge the PC to consider that the goal of the County, as stated in the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules), is that 'compatible uses allowed on contracted land be beneficial to and inherently related to the agricultural use of the land.'" (Exhibit 1, APAC letter to PC.) Some events allowable under the Ordinance can have no or an inadequate nexus to the agricultural use of the land. Accordingly APAC recommended that the PC "consider adopting a required finding that winery special events are: . . . beneficial to and inherently related to the agricultural use of the land". (*Id.*) In response to this direction, the PC directed Ordinance revisions to include a development standard requiring that that "Winery special events shall be beneficial to and inherently related to the agricultural use of the land." (§35.42.280.C.11.b)

However, the PC inadvertently failed to direct revisions to the glossary definition of "Winery special event" to strike references to certain types of events (i.e. concerts, weddings) that are in no way beneficial to and inherently related to the agricultural use of the land. Revision to the definition is necessary for the Ordinance to conform to the Williamson Act as explained in recent guidance of the Department of Conservation. Specifically, the Department of Conservation (DOC) has informed other counties that winery events are not typically considered compatible with contracted land. (Exhibit 2, DOC letter to San Joaquin.) The DOC has stated that this guidance has direct application to Santa Barbara County and the Ordinance you are now considering. (Exhibit 3, DOC email 1.) Moreover DOC has stated that "special events such as weddings, festivals, and other public gatherings are typically inconsistent with Williamson Act statute. There is no nexus between these types of events and the agricultural commodity being produced on-site." (Exhibit 4, DOC email 2.) Additionally, on August 12, 2016 APAC voted unanimously that a project proposing commercial events including weddings (McGee Commercial Events) was not consistent with the Uniform Rules. (Exhibit 5, APAC minutes).

To heed APAC's direction, avoid creating confusion that would be detrimental to all stakeholders, and ensure that the event definition is not used to later emasculate the above development standard, we urge that the Board adopt the following revision to the definition of Winery special event:

Winery special event. An event of less than one day and occurring on the winery premises attended by more than the maximum number of winery visitors allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria) including ~~concerts with or without amplified sound, weddings, advertised events,~~ fund raising events, tours, cooking classes, etc. Winery special events shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winery special event occurs.

2. Roadway Safety/Quality of Life

There are a handful of roadways in the rural areas of the Santa Ynez that do or may in the future serve public winery projects including Ballard Canyon Road, Happy Canyon Road, and Armour Ranch Road that have set of characteristics that could result in safety problems with the addition of traffic that is drawn to or will exit from new public wineries. Specifically, these roadways: a) experience accident rates well exceeding the statewide average (*see* FEIR p. 3.11-16 - 3.11-17); b) have undesirable and unusual physical and design features including variable and narrow roadway width that requires vehicles to stop to allow oncoming traffic to pass in some locations, deep road-side ditches and drop-offs, sharp curves and features that limit or prevent the ability to see oncoming traffic, other forms of poor sight distance, inadequate pavement structure or conditions (*See e.g.* Larner DMND p. 36 (“[Ballard Canyon Road] has narrow and shoulder-less areas, blind spots and sharp turning radii that would not be permitted if the road was built today.”)¹); and c) receive non-typical uses (e.g. by farm equipment, livestock, horseback riders, pedestrians, bike riders and other recreational uses) that are incompatible with substantial increases in traffic (*see* Traffic Study, p. 61) or the addition of new drivers that are unfamiliar with such conditions and/or may be even slightly impaired from alcohol intake. Pursuant to the County’s Traffic Thresholds of Significance, adding new winery traffic to such roadways gives rise to a significant impact. (*See* FEIR p. 3.11-9).

Additionally, the FEIR identifies a Class I Quality of Life impact associated with traffic increases on these rural roadways from future winery development (except within the Santa Rita Hills AVA), (FEIR, p. 3.11-19). While this is different from the traffic safety impact discussed above, it is relevant because it is incumbent on the Board to mitigate Class I this impact where feasible to do so, and the below proposal would also feasibly mitigate quality of life impacts in the rural areas.²

We suggest the following addition to the Ordinance to reasonably address the roadway safety issue and help feasibly mitigate adverse and significant impacts of the Ordinance. Specifically:

Wineries located on (or primarily accessed by) a roadway that: a) has one or more design features (e.g., narrow width, road-side ditches, sharp curves, poor sight distance, inadequate pavement structure); b) regularly experiences uses which would be incompatible with substantial increases in traffic (e.g., use by farm equipment, livestock, horseback riding, heavy pedestrian, bicycle or other recreational use); and c) has above expected collision rates, may cause potential safety problems. For such wineries, the below Finding must be made prior to approval.

¹ Available at

<http://www.sbcountyplanning.org/environmental/Documents/Larner%20Draft%20MND.pdf>

² The FEIR concludes that Mitigation Measure TRA-1 (40-acre minimum for Tier-B) would reduce Impact TRA-2 in the Inner-Rural Area below significant levels, but that Impact TRA-2 would **remain significant and unavoidable (Class I) in the Rural Area.** (FEIR p. 2-2 (emphasis added).)

Finding: The Project includes reasonable limitations on winery visitation, wine tasting, and events, sufficient to ensure that the Project does not create a roadway safety problem. Examples of additional limitations that may be required where warranted on a case-by-case basis include reducing the number of winery visitors allowed on the winery premises, conducting wine tasting by appointment only, and requiring shuttling for special events.

This proposed change accomplishes two goals. First it gives clear direction to decisionmakers that, consistent with the above County's Threshold of Significance, wineries located on roadways that meet these certain criteria may require additional limitations on winery visitation and traffic-generating activities. Second, it puts landowners and potential winery applicants on notice that their winery permit may include reasonable limitations on winery visitation, wine tasting, and events, as necessary to ensure that winery traffic does not compromise roadway safety and quality of life.

This approach takes into account that conditions may change over time, for example if roadway improvements or significant changes in roadway use occur, the Finding would no longer be required. This approach also accommodates the reality that the same solution may not fit all, and that a certain amount of discretion at the permitting phase is appropriate.

There is a clear factual and legal nexus for adding this provision to the Ordinance. First, the Traffic Study and FEIR establish that numerous roadways in the Plan area including Ballard Canyon, Happy Canyon, and Armour Ranch Roads currently have accident rates exceeding the statewide average (*see* FEIR p. 3.11-16 - 3.11-17; Traffic Study p. 21). The FEIR identifies a potentially significant impact (Impact TRA-3) associated with these elevated accident rates (FEIR p. 3.11-16), and while the EIR incorrectly concludes that this impact is not significant, CEQA nonetheless directs the County to mitigate adverse impacts where feasible. The failure to include such a reasonable and feasible mitigation measure conflicts with CEQA's mandates and the County's ordinance. Furthermore, the FEIR identified a Class I Quality of Life impact associated with traffic increases from future winery facilities in the Rural Area. (FEIR p. 3.11-19.) The County is obligated to mitigate this significant impact where feasible to do so (*see* Guidelines § 15091(a)), and the above addition would have the effect of mitigating the significance of Impact TRA-2 in the rural areas. Finally, while Public Works staff and area residents might disagree regarding whether any particular roadway is "unsafe" for additional winery development, Friends of Ballard Canyon and others submitted substantial evidence into the record clearly establishing that Ballard Canyon Road has existing safety problems that make it unsuited to any material increases in traffic from wine tasting and winery special events.

3. Conclusion

We and our clients recognize the value and significance of the wine industry to our County and its communities. After 20 years of experience with the prior winery ordinance, it has become clear that some terms and standards were not adequately defined, and some new issues have arisen.

Chair Adam and Supervisors

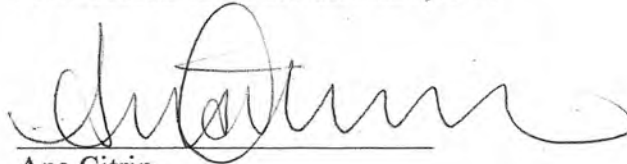
October 28, 2016

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The County's Winery Ordinance update has involved a robust public participation process, with considerable give and take throughout. The minor changes we suggest need to be adopted should not overshadow the many issues that have been successfully resolved. Addressing these two remaining issues as we suggest will give the Revised Winery Ordinance both the clear standards and discretionary flexibility needed to ensure the safety and well being of both residents and visitors to Santa Barbara County's spectacular wine country for the next two decades and beyond.

Sincerely,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin

Exhibit 1: APAC letter to PC

Exhibit 2: DOC letter to San Joaquin

Exhibit 3: DOC email re: SBC

Exhibit 4: DOC email re: weddings

Exhibit 5: APAC minutes

COUNTY OF SANTA BARBARA

Debbie Trupe
Chair



123 E. Anapamu St.
Santa Barbara, CA 93101
Telephone: (805) 568-2000

AGRICULTURAL PRESERVE
ADVISORY COMMITTEE

July 8, 2016

Santa Barbara County Planning Commission
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Winery Ordinance Update

On June 3, 2016, the Agricultural Preserve Advisory Committee (APAC) reviewed the Winery Ordinance Update. The APAC unanimously voted to urge the Planning Commission to consider that the goal of the County, as stated in the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules), is that “compatible uses allowed on contracted land be beneficial to and inherently related to the agricultural use of the land.” This is particularly relevant for the issuance of winery special event permits.

The APAC recommends the Planning Commission consider adopting a required finding that winery special events are: 1) beneficial to and inherently related to the agricultural use of the land; 2) do not hinder or impair the short-term or the long-term agricultural activities on the winery premises or on other properties in the vicinity; and 3) the scale and frequency of permitted events are clearly secondary, subordinate, and incidental to the primary agricultural uses of the property on which the winery is located.

Truly yours,

Debbie Trupe, Chair,
Agricultural Preserve Advisory Committee

Cc: Agricultural Preserve Advisory Committee members, County Counsel



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

August 14, 2014

Via Email mhatef@sjgov.org

Ms. Mo Hatef
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205

PA-1400149 (TA) - PROPOSED REVISIONS TO THE WINERY SECTION OF THE DEVELOPMENT TITLE (CHAPTER 9-1075), SAN JOAQUIN COUNTY- SCH # 2014072076

Dear Ms. Hatef:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the subject project and offers the following comments and recommendations.

PROJECT DESCRIPTION

The project is an amendment to the Winery Section of San Joaquin County's (County) Development Title (Chapter 9-1075). The changes include minor edits, clarifications, and changes to address issues not initially considered. These changes include, but are not limited to, additions of definitions for "Accessory Winery Event" and "Industry Event," amendments to the definition of "Marketing Event," and the addition of regulations specific to these events.

DIVISION COMMENTS

The Williamson Act enables local governments to enter into 10- and 20-year contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or compatible uses. California Government Code (GC) §51230 enables local governments to enter into Williamson Act contracts, which have an initial term of

10 years. Section 51296 enables local governments to enter into Farmland Security Zone (FSZ) contracts, which have an initial term of 20 years. Both types of contracts are entered into between private landowners and the County. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual agricultural and/or open space use, as opposed to potential market value. Because the Williamson Act provides a preferential tax assessment on contracted land in exchange for limiting the land to agricultural uses, any use other than the agricultural or open space use for which the property was placed under contract must be found to be compatible.

Per Government Code §51206,

The department may research, publish, and disseminate information regarding the policies, purposes, procedures, administration, and implementation of [the Williamson Act]. This section shall be liberally construed to permit the department to advise any interested person or entity regarding [the Williamson Act].

The proposed amendments to the Winery Section of the County's Development Title have the potential to expand the allowable uses on Williamson Act contracted land, however, it appears the County has not fully considered the requirements of the Williamson Act statute (Government Code §51200 et seq.). Specifically, the County's definitions of the types of events and associated regulations that have the potential to be held on land under contract, and the compatibility of such uses with the Act.

COMPATIBLE USES

An agricultural use is the use of the land for the purpose of producing an agricultural commodity for commercial purposes (GC §51201(a)). Government Code §51201(e) defines a compatible use as:

"any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. 'Compatible use' includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational, or open-space use to which the land is restricted by contract pursuant to this chapter."

An example of a compatible use under the Williamson Act would be a winery/tasting room on property where the primary agricultural use is a vineyard. A board of supervisors or city council may allow compatible uses consistent with the principles of compatibility as outlined in GC §51238.1. Although statute provides latitude for non-agricultural uses to be considered compatible, this latitude has never been so great as to allow local governments to "make uses that are not inherently related to, or beneficial

*to, the agricultural or open space character of contracted land permissible under the compatible use provisions of the Williamson Act.*¹

Government Code §51238.1 states:

(a) *Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:*

- (1) *The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.*
- (2) *The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.*
- (3) *The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.*

In evaluating compatibility a board or council shall consider the impacts on noncontracted lands in the agricultural preserve or preserves...

In addition to GC §51238.1 the board or council must also consider all relevant sections of the Williamson Act, including GC §51220.5 which states:

The Legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area. For this reason, cities and counties shall determine the types of uses to be deemed "compatible uses" in a manner which recognizes that a permanent or temporary population increase often hinders or impairs agricultural operations.

The Division supports activities of an agribusiness venture on land under a Williamson Act contract as long as the facilities and activities support and promote the agricultural commodity being grown on the premises. However, it must be shown that these uses and facilities would be inherently related to the site's existing agricultural operation (e.g., wine tasting facilities); and the number of attendees does not abuse the Williamson Act's leniency in allowing counties to determine the permanent or temporary human population of the agricultural area (GC §51220.5). This section was written to protect agricultural lands from uses that can hinder or impair agricultural operations and as such should not be taken lightly. Activities that claim to promote products grown on site should be validated by being shown that their attributes are unique enough to justify the

¹ SB 985, Chapter 1018, Statutes of 1999, Section 1(i).

tax benefits meant for agricultural production, as opposed to a use that could occur on non-contracted or urban lands. The events, as described in the proposed amendment, will increase the temporary population of the site multiple times throughout the year, which can hinder agricultural operations on- and off-site.

The County has approved past projects making the findings required in GC §51238.1 (Principles of compatibility) by asserting that events that promote wine produced on-site are consistent with statute and therefore compatible. As noted earlier, the latitude provided to counties and cities to determine compatibility has never been so great as to allow jurisdictions to determine uses not inherently related to, or beneficial to, the agricultural or open-space character of the contracted land permissible as a compatible use.

While the Department has typically found tasting rooms to be similar in nature to stands selling produce grown on-site, and therefore compatible; the marketing events, accessory winery events, and industry events, as proposed, are not consistent. These events bring large numbers of people into an agricultural area multiple times per year, thus increasing the temporary population of that area. For example, a single winery on a parcel 10 acres or larger in size could have up to 20 Marketing Events per year with up to 300 people per event. This equates to a temporary increase in population of up to 6,000 people per year per winery. This does not account for the potential increase in population associated with any Accessory Winery Events or Industry Events for which a winery may receive approval. The proposed changes to the Winery Ordinance do not address the total number of Accessory Winery Events or Industry Events or the total number of people allowed at those events. Presumably, those numbers would be evaluated on an individual basis at the time a Marketing Events Use Permit is evaluated.

The expansion of winery facilities in this manner becomes akin to an event center, which is more appropriate for noncontracted land or urban land. Because the Williamson Act which provides tax benefits in exchange for devoting land to agriculture or open space, the types and scale of the proposed events, and their associated facilities, are not consistent with the Act's intent.

The state courts have recognized that the purpose of the Williamson Act is to protect agriculture and open space by extending tax benefits to those who voluntarily subject their land to "enforceable restriction," making the land eligible for taxation based on the agricultural use value rather than market value. Lax compatibility findings would defeat the intent of the Legislature to reduce the taxes on agricultural land in return for long term binding commitments on the land restricting the use to open space and agriculture.

It may also be worth noting that events such as these, that bring large numbers of people into a rural area, often times result in neighborhood complaints. Pursuant to GC §51251, not only does the county or city have the authority to enforce any contract but statute also provides for the enforcement of contracts by landowners. *"An owner of land may bring any action in court to enforce a contract on land whose exterior boundary is within one mile of his land. An owner of land under contract may bring any action in court to enforce a contract on land located within the same county or city."*

DEPARTMENT RECOMMENDATIONS AND CONCLUSIONS

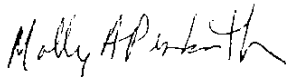
It is recommended that the ordinance include language that would make it clear that accessory winery events, industry events, and marketing events proposed for Williamson Act contracted land must be found to be compatible with the Williamson Act, specifically GC § 51238.1 and GC §51220.5. Because such uses are not typically considered to be compatible with contracted land, it is recommended owners of land currently subject to a Williamson Act contract that want to have events and associated facilities on their property file for nonrenewal for the portion of the property where the events and associated facilities would be located. It is preferred the landowner wait for the contract to expire via nonrenewal prior to the County considering such a use. However, the landowner may choose to submit a petition for cancellation or partial cancellation in order to terminate the contract (or portion of the contract) prior to its expiration via nonrenewal.

Cancellation of a contract is an option under limited circumstances and conditions as set forth in Government Code §51280 et seq. There must be substantial evidence that awaiting the normal termination of the contract would fail to serve the purpose that purports to justify the cancellation. Cancellation, if approved, would eliminate any conflicts with the Williamson Act. The Division has prepared a Cancellation Advice Paper for guidance regarding the cancellation process. It can be found online at:

http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Documents/Cancellation%20Advice%20Paper%20Final_02_14_13.pdf

Thank you for giving us the opportunity to comment on the County's proposed revisions to the Winery Section of the Development Title (Chapter 9-1075). We request copies of any subsequent notices or staff reports as well as the Board of Supervisors findings, including supporting documentation. If you have any questions regarding our comments, please contact Heather Anderson, Environmental Planner at (916)324-0869 or via email at Heather.Anderson@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: State Clearinghouse
San Joaquin County Farm Bureau



Ana Citrin <ana@lomcsb.com>

FW: Request for DOC comment letter - SB County Winery Ordinance Update

1 message

Bob Field <bfield@trytorelax.org>
To: Ana Citrin <ana@lomcsb.com>, Marc Chytilo <marc@lomcsb.com>

Mon, Oct 24, 2016 at 9:23 AM

From: "Grundy, Farl@DOC" <Farl.Grundy@conservation.ca.gov>
Date: Tuesday, June 7, 2016 at 1:16 PM
To: Bob Field <bfield@trytorelax.org>
Cc: Christopher Wrather <chris.wrather@cottonwoodhorse.com>
Subject: RE: Request for DOC comment letter - SB County Winery Ordinance Update

Mr. Field,

I am writing to you in regards to your request for a comment letter on the proposed Santa Barbara Winery Ordinance Update. Unfortunately we missed the comment period for the Draft Environmental Impact Report for the Santa Barbara County Winery Ordinance Update. Our staff resources are limited and regrettably we are not able to comment on every CEQA project related to the Williamson Act. As you mentioned, the Department of Conservation did comment on a very similar project in August of 2014 regarding the Winery section of San Joaquin County's Development Title. You are correct in your assumption, that if the Department were to have commented on the Santa Barbara County Winery Ordinance Update, our comments would have been very similar to the comments contained in the letter written to San Joaquin County. However, the Department of Conservation does not plan to comment on the proposed Santa Barbara County Winery Ordinance Update at this time.

Sincerely,

Farl Grundy

Environmental Planner

Department of Conservation

Division of Land Resource Protection

801 K Street, Sacramento, Ca 95814

[\(916\) 324-7347](tel:(916)324-7347)**Every Californian should conserve water. Find out how at:****EXHIBIT 3**

From: "Anderson, Heather@DOC" <Heather.Anderson@conservation.ca.gov>
Date: Tuesday, July 7, 2015 at 10:45 AM
To: Bob Field <bfield@trytorelax.org>
Subject: Williamson Act Questions

Mr. Field,

I am following up on yesterday afternoon's phone conversation. You had called with questions regarding the Department's views on guest ranches, zip lines, and **events on Williamson Act contracted lands**. The following is the Department's general opinion of these uses. It should be noted, however, that the Department's response, given project specific information, may be different than the information provided in this email.

In general the Division of Land Resource Protection supports activities of an agribusiness venture on land under a Williamson Act contract as long as the facilities and activities support and promote the agricultural commodity being grown on the premises; and the number of attendees does not abuse the Williamson Act leniency in allowing counties to determine the permanent or temporary human population of the agricultural area (GC §51220.5). This section was written to protect agricultural land from uses that often hinder or impair agricultural operations and as such should not be taken lightly. Activities that claim to promote products grown on-site should be validated by being shown that their attributes are unique enough to justify the tax benefits meant for agricultural production, as opposed to a use that could occur on non-contracted or urban lands. Even though visitor oriented destinations and experiences are centered on an agricultural theme, the act of visiting does not produce an agricultural commodity of food and fiber, nor could it be considered an agricultural use. Even those uses that may not result in a significant increase in the permanent or temporary human population must be in support of the onsite agricultural use.

A county should evaluate these types of proposals, independently, against GC §51238.1 and GC §51220.5 and impose any conditions of approval the board of supervisors deems necessary for the use to conform to GC §51238.1. Additionally, it is important that a county consider, during the review process, the size and scope of the use and whether it would compromise the long-term productive agricultural capability of the site.

Commercial Events/Event Centers- special events such as weddings, festivals, and other public gatherings are typically inconsistent with Williamson Act statute. There is no nexus between these types of events and the agricultural commodity being produced on-site. Moreover, such uses could result in a violation of GC §51220.5 as they would result in increases in the human population. These uses could also be considered to fall within the meaning of the Legislature's declaration and could result in the significant removal of contracted land an adjacent contracted land from agricultural uses (GC §51238.1(a)(3)). Additionally, any new building constructed, or existing agricultural buildings converted for the commercial events/event centers would not meet the test of being related to the production of a commercial agricultural commodity and could result in a material breach of contract (GC §51250).

Guest Ranch- Bed and breakfast establishments, farm stays, and guest ranches may be found to be compatible when confined to an existing residence occupied by the farmer or rancher involved in the on-site commercial agricultural production. Any new buildings constructed for guest use would not meet the test of being related to the production of a commercial agricultural commodity and could result in a material breach of contract (GC §51250).

Recreational uses- Recreational use of Williamson Act contracted land is the use of land in its agricultural or natural state and any ancillary structures necessary for a recreational use must comply with GC §51238.1. Recreational uses are also addressed in GC §51238 (b) which allows the board of supervisors to impose conditions on uses particularly public outdoor recreational uses, so as to ensure conformity with GC §51238.1 and §51220.5. In approving recreational uses with buildings a county must be able to find the structures meet the intent of the Williamson Act (GC §51238.1), or relate to the production of commercial agricultural commodities. GC §51250 imposes significant penalties for individuals who build structures on Williamson Act land that are not related to an compatible with the parcels agricultural or open space use.

As I mentioned yesterday, although I am still working in the Division of Land Resource Protection, I am no longer staff for the Williamson Act Program. Please feel free to contact me with any questions regarding this email. If you have additional questions I would be happy to put you in touch with Williamson Act Program staff.

Heather

Heather Anderson

Grant Manager

Department of Conservation

Division of Land Resource Protection

California Farmland Conservancy Program

(916) 324-0869

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COUNTY OF SANTA BARBARA

AGRICULTURAL PRESERVE ADVISORY COMMITTEE

APPROVED MINUTES

MEETING OF AUGUST 12, 2016

9:00 A.M.

The regular meeting of the Agricultural Preserve Advisory Committee was called to order by Debbie Trupe at 9:00 A.M. in the Santa Barbara County Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

COMMITTEE MEMBERS

PRESENT:

Debbie Trupe, Agricultural Commissioner	×
Sergio Ricardo, Assessor's Office	<input type="checkbox"/>
David Lackie, Planning and Development	<input type="checkbox"/>
Aleks Jevremovic, County Surveyor	×
Royce Larsen, San Luis Obispo Cooperative Ext.	×
Allen Bell, Planning & Development - Alternate	×
Derek Wiggam, Assessor's Office - Alternate	×

STAFF MEMBERS

PRESENT

Michelle Montez, Deputy County Counsel	×
Sharon Foster, Planning & Development	×

NUMBER OF INTERESTED PERSONS: 8

ADMINISTRATIVE AGENDA:

I. MEETING CALLED TO ORDER: *by Chair, Debbie Trupe*

II. PUBLIC COMMENTS: None

III. MINUTES: The Minutes of July 8, 2016, were considered as follows:

ACTION: Jevremovic moved, seconded by Larsen, and carried by a vote of 3-0-2 (Lackie & Ricardo absent) (Bell and Wiggam abstained) to approve the Minutes of July 8, 2016 as amended.

IV. CONTINUED ITEMS:

1.	<u>71-AP-024 Vedder Farm Employee Dwelling</u>	<u>Carpinteria</u>
	<u>14CUP-00000-00012</u>	<u>J. Ritterbeck, Planner (805) 568-3509</u>

Consider the request of Wade Davis Design, agent for the owner, Dwight G. Vedder, of Case No. 14CUP-00000-00012 regarding a new farm employee dwelling unit with a covered porch and two uncovered parking spaces and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 66.41 acres identified as Assessor's Parcel Number 155-200-080, zoned AG-I-10 with an A-I-10 Comprehensive Plan designation located at 2020

Lillingston Canyon Road in the Carpinteria area, First Supervisorial District. (Continued from 5/6/16, 6/3/16, 7/8/16)

Jevremovic moved, seconded by Larsen, and carried by a vote of 4 -0-1 (Lackie & Ricardo absent, Bell abstained) to continue the project in order for the applicant to provide the APAC Committee with more information.

- Applicant to provide verification on the 30 acres of planted fields.
- Provide a list of the employee duties.
- Provide the permit history on the Boarding/Breeding Facility.
- Designate on the map the specific area being used for personal use.

V. NEW ITEMS:

2. 95-AP-0001 McGee Commercial Events Buellton
16CUP-00000-00012 Florence Trotter-Cadena, Planner (805) 934-6253

Consider the request of Jennifer Siemens agent for the owner, Maria McGee, of Case No. 16CUP-00000-00012 regarding the request for approval of a Minor Conditional Use Permit to allow for 24 commercial events with up to 150 attendees. The proposed events would take place on (APN: 099-640-003) a 158 acre parcel. The agricultural preserve contract (95-AP-001) is comprised of three assessor parcel numbers. Determine its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is identified as Assessor's Parcel Numbers 099-640-0001, -002, and -003, zoned AG-II-320 with an AC Comprehensive Plan designation located at 2051 Jonata Park Road in the Buellton area, Third Supervisorial District.

Trupe moved, seconded by Wiggam, and carried by a vote of 5-0 (Lackie & Ricardo absent) to find the project not consistent with the Uniform Rules specifically Uniform Rules 2-1 and 2-11.

3. 07-AGP-00000-00006 Work New Ag. Storage Building Lompoc
16LUP-00000-00345 Kim Probert, Planner (805) 934-6291

Consider the request of the owners, Rebecca & Peter Work, of Case No. 16LUP-00000-00345 regarding the installation of a metal Ag. Building for equipment and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 81.5 acres identified as Assessor's Parcel Number 099-210-070, zoned AG-II-100 with an AC Comprehensive Plan designation located at 7253 Santos Road in the Lompoc area, Third Supervisorial District.

Larsen moved, seconded by Jevremovic, and carried by a vote of 5-0 (Lackie & Ricardo absent) to continue the project to the September 2, 2016 APAC meeting at the request of the applicant.

Derek Wiggam from the Assessor's Office distributed copies of the 2016 Contract List.

There being no further business to come before the Agricultural Preserve Advisory Committee the meeting was adjourned until 9:00 A.M. on September 2, 2016, in the Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

Meeting adjourned at 12:00 P.M.