

**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: July 29, 2003
Department: P&D
Budget Unit: 053
Agenda Date: August 19, 2003
Placement: Administrative
Estimate Time: 5 minutes
Continued Item: NO
If Yes, date from:
Document FileName: G:\GROUP\Permitting\Case
Files\AGP\02 cases\02agp-
00000-
00034\nonrenewalBSfinal.doc

TO: Board of Supervisors

FROM: Val Alexeef, Director
Planning & Development

STAFF CONTACT: Briza Sholars, Planner
884-6832

SUBJECT: 74-AP-6, Schaff/Ruiz Agricultural Preserve Non-Renewal
Case Numbers: 02AGP-00000-00033, 02AGP-00000-00034

Recommendation:

That the Board of Supervisors:

- A. Accept the request for non-renewal of Agricultural Preserve 74-AP-6, and;
- B. Execute the attached Notice of Non-renewal by the County Land Conservation Contract for Assessor's Parcel Nos. 155-180-056, 155-180-057, 004-004-017, located at 5142 & 5142 B Foothill Road, in the Carpinteria area, First Supervisorial District.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On December 6, 2002, the Agricultural Preserve Advisory Committee by a unanimous vote of 4 to 0 (Jensen absent) found APN No. 155-180-056 (located north of the County debris basin) inconsistent with the Uniform Rules and approved a motion to recommend that your Board serve

a Notice of Nonrenewal on the above-referenced agricultural preserve contract based on that noncompliance with the Uniform Rules. Agricultural Preserve Advisory Committee found that AP No. 155-180-057 (6.82 acres) continues to qualify for the Agricultural Preserve program and shall obtain a replacement contract. On January 3, 2003 the Agricultural Preserve Advisory Committee by a unanimous vote of 5 to 0 found APN No. 004-004-017 to be inconsistent with the Uniform Rules as there is not sufficient land planted and approved a motion to recommend that your Board serve a Notice of Non-renewal on the above-referenced agricultural preserve contract based on noncompliance with the Uniform Rules. The effective date for nonrenewal of the contract will be December 31, 2003. The subject property has been in an agricultural preserve since the original contract, 74-AP-6, was approved on January 20, 1975. The site is approximately 11.82 acres and is used for avocado production.

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 is not in compliance 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:

N/A

Special Instructions:

Please record the attached Notice of Non-renewal by the County following the Board's approval and execution, and distribute copies of the executed Notice as shown on the notice below.

Landowner: Victor Schaff
5142 Foothill Road
Carpinteria CA 93013

Kenneth Ruiz

74-AP-6, Schaff/Ruiz Agricultural Preserve

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5142 B Foothill Road
Carpinteria CA 93013

William Gillette, County Agricultural Commissioner
Surveyors Office
Assessors Office
Planning & Development

Concurrence:

N/A

Attachments: Notice of Nonrenewal
 Legal Descriptions
 Vicinity Map

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