

**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:** 3/24/03  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** 4/8/03  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Interim Director  
Planning and Development

**STAFF** David Lackie, Supervising Planner, 568-2023  
**CONTACT:** Peggy Burbank, Planner, 568-2019

**SUBJECT:** Work Program for Update to the Uniform Rules under the Williamson Act, 1965

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**Recommendation(s):**

That the Board of Supervisors:

Review and consider this staff report regarding work program tasks and budget estimates for amending the County's Uniform Rules implementing preserves under the Williamson Act, 1965.

**Alignment with Board Strategic Plan:**

The proposed update of the County's Uniform Rules is primarily aligned with:

- Goal No. 4 – Economic Vitality: Create a community economic development strategy that recognizes the benefits of environmental quality and contributes to maintaining economic growth.*
- Goal No. 5 – Quality of Life: Prevent the degradation of the natural environment, and preserve and enhance the natural environment consistent with maintaining a strong, sustainable local economy.*
- Goal No. 6 – Citizen Involvement: Create and encourage multiple modes for citizen involvement in formulating and implementing County policies and programs.*

**Executive Summary and Discussion:**

**BACKGROUND**

The California Land Conservation Act of 1965, known as the Williamson Act, is perhaps the most significant legislation in the state protecting agricultural and open space lands by enrolling them in a

voluntary preserve program. Statewide, some 1.6 million acres of agricultural land are protected by the Act through agricultural preserve contracts. Of the 761,000 acres of land zoned for agriculture on the mainland in Santa Barbara County, approximately 555,000 acres (73%) were enrolled in agricultural preserve contracts as of 2001. Under the Williamson Act, a county that enters into the Agricultural Preserve Program is required to have a uniform set of rules which guide the administration of the County's Agricultural Preserve Program. The uniform rules set criteria for enrollment, uses allowed on land under a preserve contract and the terms for canceling or terminating a contract, among other things. Landowners enrolled in the Agricultural Preserve Program receive reduced taxes on their land in exchange for preserving its agricultural productivity and open space.

The primary purpose of the project is to update Santa Barbara County's Uniform Rules to ensure consistency with the Williamson Act. A major amendment was made to the Act in 1984 and several smaller amendments have been made in the years since. The County's Uniform Rules were most recently amended in 1999 but only to implement the Residential Agricultural Units (RAUs) and Farmland Security Zones Program. Further revisions to the Uniform Rules are needed to address amendments to the Act over the past decade, and issues arising from program implementation that have been noted by the County's Agriculture Preserve Advisory Committee (APAC) over time.

A second purpose for this update is to expand and ensure continued participation in the Agricultural Preserve Program by improving the clarity and flexibility of the rules. The Cattlemen's Association and Wine Industry Task Force have proposed amendments to the Uniform Rules. On February 18, 2003 the Board forwarded their suggestions to staff for consideration in updating the Rules (Attachment B). The APAC and P&D staff have also compiled a list of issues to be addressed as part of the Uniform Rules Update (Attachment C). Between the agriculture industry's requested amendments and changes identified by the APAC, over 40 amendments are proposed. The proposed changes range from a simple reorganization of the rules to requesting additional compatible land uses on land under contract. A comprehensive summary of proposed change is provided in Attachment A.

The proposed work program for completing the Update to the Uniform Rules would include steps to research and prepare the proposed amendments, participation by the Cattlemen's Association, Wine Industry Task Force and other agricultural industry groups and the public, prepare the environmental document, bring the recommended changes to the Board of Supervisors and implement those amendments that are adopted.

Funding included in this project in the FY 2002-03 budget for this project totals \$121,200. The update process will take approximately 15 months to complete with Board Hearings anticipated in Spring 2004.

## UPDATE PROCESS

To perform the update, staff will conduct research to fully formulate each issue. To accomplish this, staff proposes to hold working sessions with the APAC to gain their assistance in drafting preliminary language for the amendment and aid in shaping the ultimate project description. Discussions with the APAC would be noticed and open to the public. Public involvement is a key component at all stages of the project. In addition to the APAC, initial consultation would involve the County's Agricultural Advisory Committee and ag industry organizations, particularly the Cattlemen's Association and the Wine Industry Task Force. Once a complete draft project description is available, staff will hold public workshops to obtain input from the wider public. It will also be important for staff to coordinate throughout the project with the Department of

Conservation, which is the state department responsible for administering the Williamson Act. The process would then proceed through the prescribed steps for environmental review, Board decision and implementation.

Prior to commencing the environmental review, staff would report back to the Board of Supervisors, if needed, to provide the Board an update on the project and report on any of the initially-proposed tasks not recommended for inclusion in the project description. The potential need for this is discussed below.

A preliminary review of the cattlemen's and wine industry's proposals and those of the APAC suggests approximately 40 percent of the requested amendments are either non-controversial or involve legislative mandates or other administrative improvements, which will provide increased clarity and efficiency to the Uniform Rules. The remaining proposals could be more complex requiring further review and analysis. In particular, there are six proposed changes that raise questions for County policy and/or consistency with the intent of the Act. These include:

1. Define the term "premises" to clarify if it refers to parcel or contract
2. Expand eligibility to lands used for preparation, processing and sale of agricultural products
3. Clarify the number and use of residential units allowed under a contract
4. Review limitations on processing facilities for large parcels
5. Consider adding new income generating uses to the list of compatible uses such as:
  - a. Guest accommodation (B&B, guest ranch, farmstay)
  - b. Special education facilities or schools
  - c. Agricultural Industry Overlay
6. Expand eligible lands for recreational contracts to include any land with the Recreational Overlay and zoning compatible for the recreational use

These six proposed changes appear as highlighted items in Attachment A; the full text for many of them is highlighted in either attachments B or C.

The term "premise" is intrinsic to the purpose of the Uniform Rules, because it is the land area that is the basis for other rules. The primary concern associated with the changes in items 2 through 5 is consistency with the intent of the Williamson Act, because these proposals could lead to a greater intensity of use on agricultural land resulting in less land available for agriculture. Even where some proposed uses may be allowed by the underlying agricultural zones, they may be incompatible as the Act is deliberately more restrictive to preserve the maximum amount of land for agriculture. Some proposed changes might encourage subdivision of agriculturally-zoned land which could also reduce its long-term viability.

Staff proposes to highlight these items in our discussions with the Agricultural Preserve Advisory Committee and the Department of Conservation, in addition to local agricultural groups, to gain their perspective on the consistency of these proposed amendments with the intent of the Act. The outcome of these discussions could be a recommendation to delete some items from the update process.

## WORK PROGRAM

The proposed work program addresses the diversity of proposed changes by separating them into two groups. The first group includes items that appear simple and not expected to require CEQA review. The

second group includes all remaining changes. Research and analysis on each amendment would begin in April of this year and, for the more complex proposals, would carry over into fiscal year 03-04. Initial consultation with APAC, Agricultural Advisory Committee and established agricultural groups will begin in May 2003, culminating in August with several public workshops. The schedule for the environmental process would extend from September 2003 to February 2004 based on the assumption that a negative declaration can be prepared. Board adoption hearings are anticipated in Spring 2004.

The table below provides the work program steps and identifies timing and estimated costs for these steps.

STEP	TIMING	COMP	ADMIN
		Hours	Hours
Project Admin/Management	4/03 – 6/04	232	10
Prepare draft amendments Research and analysis Hold discussions with Ag Preserve Committee (4-6)	4/03 – 7/03	864	82
Public consultation Get input from Ag Advisory Committee, ag organizations and Dept. of Conservation Conduct workshops with public (2)	5/03 – 8/03	218	44
CEQA process (assumes an ND)* Prepare project description and notify IS/draft ND Public comment (30 days) Finalize ND	9/03 – 2/04	620	118
BOS Adoption Prepare staff report Present to Board for their decision	3/04 – 5/04	193	12
Implementation Publish new rules Prepare information for landowners and contract holders Staff training	5/04 – 6/04	92	12
TOTALS	15 months	2,219	278
COST	---	\$94,678	\$10,334
TOTAL COST including expenses and 10% contingency	\$121,195	---	---

One option the Board may wish to consider is adopting the Group 1 changes separately at the end of this fiscal year rather than waiting for all proposed changes to be evaluated and processed. Conducting a Board hearing on the Group 1 changes would add a small amount to the total budget and timeframe, but would allow them to be implemented sooner.

Some proposed changes to the Uniform Rules may, on further analysis, require revisions to other regulations in addition to the Uniform Rules, or may be more effectively implemented through another vehicle. This

project could provide recommendations for alternative approaches for these items or identify further policy or regulatory changes required, but would not include any work to effect such changes to other County documents.

**Mandates and Service Levels:**

The Agricultural Preserve Program is not mandated by state law. However, once a county has entered into an Agricultural Preserve Program, the County must adopt and maintain rules governing the administration of agricultural preserves (California Government Code Section 51231).

Preparation of amendments to the County's Uniform Rules is identified in the Comprehensive Planning Division's Five-Year Work Program (2003-2008). The Division anticipates adoption of the Uniform Rules Update in FY2003-2004. Implementation will likely extend into FY2004-2005.

**Fiscal and Facilities Impacts:**

Update of the uniform rules is included in the Planning and Development budget for FY2002-03 under Planning and Development, Comprehensive Planning, Resource Management on Page D-262. Of the total budget for Resource Management, \$121,000 is allocated to this project. Of this amount, \$38,000 is expected to be spent this fiscal year. P&D's recommended 2003-2004 budget includes the remaining \$83,000 to complete the amendment process.

**Special Instructions:**

None

**Concurrence:**

Agricultural Commissioner

**Attachments:**

- A Tasks for Consideration in Uniform Rules Update
- B Excerpts from amendments proposed by the Cattlemen and Wine Industry
- C Tasks for Consideration compiled from APAC and staff input

Cc: Agricultural Commissioner, Assessor's Office, Surveyor's Office



## Tasks for Consideration in Uniform Rules Update

This is a compilation of all the issues or proposed changes to be considered in the Uniform Rules update. Shaded areas relate to the six topics identified in the report which raise policy consistency issues with the meaning and intent of the Williamson Act and/or with County policy. Column headings are:

**UR#** - Section within the current Uniform Rules which the task is addressing

**AgI** – Agricultural industry (Cattleman’s Association and Wine Industry Task Force)

**APAC** – Agricultural Preserve Advisory Committee and/or Planning and Development

**Grp** – Level of work/analysis required: Level I refers to tasks which are straightforward and entail primarily administrative changes; Level II refers to tasks that are more complicated and will likely require greater analysis and possible environmental review under CEQA.

#	TASK	UR#	AgI	APAC	Grp	Notes
1	Add a preamble to clearly state the purpose of the Ag Preserve Program and Uniform Rules.			✓	I	
2	Reorganize rules to be logical and so most frequently used rules are first.		✓	✓	I	
<b>DEFINITIONS SECTION</b>						
3	Add a definitions section.			✓	I	
4	Definition of “premises”			✓	II	Clarify whether premises means parcel or contracted land
5	Definition of “farmworker employee”			✓	II	
6	Definition of “secondary” or “subservient” use			✓	II	
7	Clarifies that only non-agricultural driveways will be excluded from the definition of “fully planted land” for superprime land	6IC1 b3b3	✓		I	
<b>ELIGIBILITY OF LANDS</b>						
8	Add AC land use designation to eligibility list.	6IA	✓	✓	I	
9	Add MT-GOL and RES zones to eligibility list	6IB	✓		I	
10	Review and consider modifying Eligibility Requirements (e.g. higher economic return, larger acreage requirements for program entry)	6IC		✓	II	Bring up to date with current economic conditions
11	Add to eligible lands those used for preparation, processing and retail sale of agricultural products to conform with zoning ordinance	6IIB	✓		II	Would allow more intense uses than what is currently allowed
<b>NON-PRIME LANDS</b>						
12	Clean up standards for minimum size for non-prime preserve taking into consideration ag viability	6IC		✓	II	Should ag viability become a measure for determining preserve?
13	Additions to Nonprime preserves – add lot line adjustments as a method to allow sub-100 acre additions	6IC1 a	✓		II	Could lead to subdivision of ag land
<b>REPLACEMENT CONTRACTS</b>						
14	Change to procedure for issuing replacement	6IC3	✓		II	Concern would increase

#	TASK	UR#	AgI	APAC	Grp	Notes
	contracts for remaining lands where contract is ended on part of land within multiple ownership					# of sub-100 acre contracted parcels
15	Add new section to address replacement contracts where there is a transfer of ownership between immediate family members	6		✓	I	
<b>RESIDENCE REQUIREMENTS OF CONTRACTED LANDS</b>						
16	Rewrite to clarify one principle residence limitation per contract (discuss pros and cons of grandfathering of older contracts).	6ID2 a		✓	II	
17	RAUs and residential second units exempt from residential building allowances within zoning designation	6ID2 a	✓	✓	II	
18	Review one site requirement (clustering) for residences/guest house/residential accessory structure to see if more than 1 contiguous site (not to exceed 2 acres total) is in best interest of ag on the property.	6ID2 a		✓	II	Need findings for when it may be appropriate to allow remote siting to help ag – could be conflict w/ zoning
19	RAU – explain clustered and remote siting requirements; explain who can inhabit RAUs	6ID2 b		✓	I	
20	Farmworker Housing considered compatible use – consider adding language allowing farmworkers to work on more than one property	6ID2 b	✓	✓	II	Would require review of zoning which requires workers to work on site
<b>ZONING REQUIREMENTS AND GENERAL PROVISIONS</b>						
21	Consider removing requirement that 1) all single ownership preserves be zoned to largest applicable zoning designation; that 2) each preserve contract have only 1 zoning designation; and 3) multiple ownership of prime preserve require zoning to largest applicable zoning designation compatible – replace these with requirement that each legal parcel within preserve be zoned consistently with general plan designation for that parcel	6IF	✓		II	
22	Amends policy direction for urban expansion into agricultural areas and conflict between urban and rural areas	6IIC /D	✓		I	
23	Change to tax assessment on preserve to include assessed valuation if it is lower than the assessment based on agricultural income	6IIE	✓		II	
24	Subdivisions – clearly state that residential subdivisions are not compatible uses under Act			✓	I	
25	Add new language regarding public acquisitions of contracted land (SB1534 1994)			✓	I	
26	Add new provisions regarding lot line adjustments and rescission (SB1240)			✓	I	
27	Require annual production reports			✓	I	
28	Adds findings that must be made for cancellation of preserve contract	7B1	✓		I	To make consistent with updated legislation
29	Adds provision to waive fees associated with	7B2f	✓		I	



#	TASK	UR#	AgI	APAC	Grp	Notes
	cancellation of if in the public interest					
<b>SITE LIMITATIONS</b>						
30	Clarifies allowances and limitations on winery facilities on preserve lands	9.4	✓		II	
31	Review 5 acre limitation on processing facilities on large parcels; consider increases to the maximum percentage of land area within a preserve that can be used for preparing, processing and selling agricultural products provided certain findings can be made consistent with continued ag production on the site and on adjacent preserves	9.1	✓	✓	II	
32	Review limitations on use of processing facilities for crops grown off-site	9.1		✓	II	
33	Review requirements for retail sales on contracted lands	9.1		✓	II	
<b>COMPATIBLE USES</b>						
34	Add language to reflect new Compatible Use Provisions (AB2663 1994) of Act			✓	I	
35	Reconsider compatible use provisions – hobby farms, large wine processing facilities, horse breeding/boarding, retail uses: define and set parameters	9/5		✓	II	
36	Consider adding and defining new uses that generate income but wont impact ag productivity	9		✓	II	
37	Add list of uses clearly not compatible	new		✓	II	
38	Adds provision whereby water, energy generation, power, and communications facilities are compatible uses	7E	✓		II	
39	Consider addition of B&Bs as supportive uses	9	✓		II	In line w/ intent of Act?
40	Consider addition of guest ranches and farm stays as supportive uses	9	✓		II	In line w/ intent of Act?
41	Consider addition of schools as supportive uses	9	✓		II	In line w/ intent of Act?
42	Consider addition of Agricultural Industry Overlay on preserve lands	9	✓		II	In line w/ intent of Act?
43	Consider expanding sanitary fill waste disposal facility to include transfer station and compost facility, if operated by County, or by CUP	3	✓		II	
<b>OPEN SPACE &amp; RECREATION CONTRACTS</b>						
44	Modify existing rules for open space and recreation contracts and review compatible use sections	10		✓	II	
45	Consider expanding eligible land within recreational contract to include any land zoned consistent with proposed recreational use, as long as has Recreational overlay in SB Comp Plan	11	✓		II	Could allow uses inconsistent with Act

These are the amendments proposed by the Cattlemen’s Association and Wine Industry Task Force. The left-hand column is their proposal in which they have underlined their proposed changes. The right-hand column is the current Uniform Rules. Shaded areas in both columns relate to the six topics identified in the report which raise policy consistency issues with the meaning and intent of the Williamson Act and/or with County policy.

**CRITERIA FOR AGRICULTURAL PRESERVES**  
Adopted by Santa Barbara County Board of Supervisors

The following criteria are to be used in judging the qualifications for the creation and continuance of Agricultural Preserves, under the terms of the California Land Conservation Act of 1965 and these rules, both as amended or to be amended. The signing of the contract and the adoption of the resolution creating the Agricultural Preserve shall be completed concurrently for all proposals. The Agricultural Preserve Advisory Committee shall include the facts affecting these criteria in their reports and recommendations

PROPOSED RULES	CURRENT RULES
<p><b><u>UNIFORM RULE NO. 1</u></b> <b>(Formerly Uniform Rule No. 6)</b></p>	<p><b>UNIFORM RULE NO. 6</b></p>
<p>I. <u>REQUIREMENTS</u></p> <p>A. <u>Comprehensive Plan and Coastal Plan Designation – Lands designated as AC (Commercial Agriculture), Agriculture I, Agriculture II, and Mountainous Area in the Comprehensive General Plan qualify for Agricultural Preserve consideration.</u> Agricultural Preserve lands shall be designated as “<u>AC</u>”, “Agriculture I”, “Agriculture II” or “Mountainous Area” in the latest adopted Santa Barbara County Comprehensive Plan, Coastal Plan, or amendment thereto, for the area in which they are located; provided that the proposed Agricultural Preserve may be created if the land is appropriately restricted by zoning, as set forth hereinafter, to allow agricultural use, or, if then inconsistent with the Comprehensive Plan or Coastal Plan, the Planning Commission has heard a proposed amendment thereto. If, however, the Comprehensive Plan or Coastal Plan is not yet consistent with Agricultural or Mountainous Area zoning at the time the preserve is considered by the Board of Supervisors, the Planning &amp; Development Director shall so state in the Director’s report to the Board, and the Board shall so find before approving or disapproving the preserve. If the approval is granted, and if the Comprehensive Plan or Coastal Plan designation is inconsistent with Agricultural or Mountainous Area zoning, the County shall promptly complete an appropriate amendment to the Comprehensive Plan or Coastal Plan at the ensuing Comprehensive Plan/Coastal Plan hearings of the Board of Supervisors.</p> <p>B. Zoning – AG-I (Agriculture I), AG-II (Agriculture II) <u>MT-GOL (Mountainous Goleta), RES (Resource Management) -- Lands zoned AG-I, AG-II, MT-GOL, and RES qualify for Agricultural Preserve consideration.</u> In addition, the zoning designation shall include a minimum parcel size consistent with the provisions of Section I.C. Landowners interested in securing Agricultural Preserve status for land zoned otherwise than as provided herein must request and secure rezoning</p>	<p>I. <u>REQUIREMENTS</u></p> <p>A. <u>Comprehensive Plan and Coastal Plan- Agriculture I, Agriculture II and Mountainous Area Agricultural Preserve lands shall be designated as either "Agriculture I", "Agriculture II" or "Mountainous Area" in the latest adopted Santa Barbara County Comprehensive Plan, Coastal Plan, or amendment thereto, for the area in which located; provided that the proposed Agricultural Preserve may be created if the land is appropriately restricted by zoning, as set forth hereinafter, to agricultural use, and, if then inconsistent with the Comprehensive Plan, or Coastal Plan, the Planning Commission has heard a proposed amendment thereto.</u> If, however, the Comprehensive Plan or Coastal Plan is not yet consistent with agricultural zoning at the time the preserve is considered by the Board of Supervisors, the Resource Management Director shall so state in his report to the Board, and the Board shall so find before approving or disapproving the preserve. If the approval is granted, and if the Comprehensive Plan or Coastal Plan designation is inconsistent with agricultural zoning, the County shall promptly complete an appropriate amendment to the Comprehensive Plan or Coastal Plan at the ensuing Comprehensive Plan/Coastal Plan hearings of the Board of Supervisors.</p> <p>B. Zoning - AG-I Agriculture I AG-II Agriculture II</p> <p>1. <u>AG-I and AG-II</u></p> <p>To qualify, land should be zoned as either AG-I or AG-II as described in Articles II, III, or IV of Chapter 35, Zoning, of the Santa Barbara County Code as amended.</p>

prior to or concurrent with the processing of the Agricultural Preserve application.

C. Minimum Preserve Size - 100 acres for Nonprime Land and 40 acres for Prime Land and 20 acres or less for Superprime

1. Each agricultural preserve proposal (including additions) shall qualify if its size and situation is one of the following:

(a.) Nonprime Preserves

When the land is classed as nonprime, the minimum preserve size is one hundred (100) contiguous acres under a single ownership holding.

(b.) Prime Preserves

When the land is classed as prime by the California Land Conservation Act, Government Code Section 51201(c), the minimum preserve size is 40.0 acres. A prime preserve can be made up of any of the following:

- (i) Single ownerships containing at least 40 acres of prime land; or
- (ii) Two or more contiguous farms which total 40 acres of prime land, when each ownership contains either:
  - a. A minimum of 20 acres of prime land; or
  - b. A minimum of 5 acres of superprime land as defined in 1.C.1.(b)(iii) below; or
  - c. A combination of a. and b. when the applications are concurrently processed.

(c.) Superprime Land:

More than two farms, where ownership parcels are less than 20 acres in size, if;

- (i) All farms are contiguous; All of the ownerships are of sufficient size so that each legal parcel has at least 5.00 acres in gross size; at least 4.75 acres are fully planted to commercial agricultural production; and no more than 10,000 square feet of land is devoted to the residential building site. This building site shall include the single family dwelling, landscaping, driveways, and

In addition, the zoning designation shall include a minimum parcel size consistent with the provisions of Section I.C., e.g., AG-I-40 for a prime preserve or

AG-II-100 for a non-prime preserve. The AG-I-5 zoning district may be used or applied only in conjunction with the provisions of Paragraph I.C.1.b(3), Superprime land.

Interested farmers with land zoned otherwise should request and secure rezoning prior to or concurrent with the processing of the agricultural preserve.

C. Minimum Preserve Size - 100 acres for Nonprime Land 40 acres for Prime Land

1. Each agricultural preserve proposal (including additions) shall qualify if its size and situation is one of the following:

a. Nonprime Preserves

When the land is classed as nonprime, the minimum preserve size is one hundred (100) contiguous acres under a single ownership holding.

b. Prime Preserves

When the land is classed as prime by the California Land Conservation Act, Government Code Section 51201(c), the minimum preserve size is 40.0 acres. A prime preserve can be made up of any of the following:

- (1) Single ownerships containing at least 40 acres of prime and; or
- (2) Two or more contiguous farms which total 40 acres of prime land, when each ownership contains either:
  - a. A minimum of 20 acres of prime land; or
  - b. A minimum of 5 acres of superprime land as defined in I.C.1.b.(3) below; or
  - c. A combination of a. and b. when the applications are concurrently processed.

(3) Superprime Land:

More than two farms, where ownership parcels are less than 20 acres in size, if:

- a. All farms are contiguous;
- b. All of the ownerships are of sufficient size so that each legal parcel has at least 5.00 acres in gross size; at least 4.75 acres are fully planted to commercial agricultural production; and no more than 10,000 square feet of land is devoted to the residential building site. This building site shall include the single family dwelling, landscaping,

accessory structures. Fully planted land does not include:

- a. Diseased or otherwise previously producing land which is not currently producing an adequate income for qualification as superprime land;
- b. Unplanted easements or unplanted setbacks;
- c. Driveways and roads other than those used for agricultural purposes; and
- d. Steep slopes, waterways, wetlands and other terrain features that will not support commercial agricultural production; and

(ii) Each ownership has had a \$5,000 minimum gross annual income from agricultural products for at least 3 of the past 5 years, or the land is planted with field crops, fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$5,000 from each separate ownership.

(d) Prime Preserves with Special Findings

Notwithstanding the above, the Board of Supervisors of Santa Barbara County may at its discretion reduce the requirements for minimum size for the creation of a prime preserve to not less than 30 acres in one parcel, or in several contiguous parcels, as stipulated in the above paragraph I.C.1.(b)(iii), if it finds that such smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such preserve of lesser size is consistent with the Comprehensive Plan or Coastal Plan, as provided for in Section I.A of this Uniform Rule No. 1, and that the following facts apply to the proposed preserve of lesser size:

- (i) No other contiguous owners desire to enter the agricultural preserve program simultaneously to create a combined preserve of 40 acres or more, pursuant to paragraph I.C.1.(b) above; and
- (ii) The proposed preserve is located in an area susceptible to imminent urbanization; and
- (iii) The zoning district in effect or the rezoning to be simultaneously adopted has been the subject of special study and carries out the special and unique land uses permitted in the preserve, as hereinafter described in Section I.D.4

driveways, and accessory structures. Fully planted land does not include:

- 1) Diseased or otherwise previously producing land which is not currently producing an adequate income for qualification as superprime land;
- 2) Unplanted easements or unplanted setbacks;
- 3) Driveways and roads (not unpaved box rows and other drives for agricultural purposes); and
- 4) Steep slopes, waterways, wetlands and other terrain features that will not support commercial agricultural production; and

I. C. 1. b.

(3) c. Each ownership has had a \$5,000 minimum gross annual income from agricultural products for at least 3 of the past 5 years, or the land is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$5,000 from each separate ownership.

(4) Prime Preserves with Special Findings:

Notwithstanding the above, the Board of Supervisors of Santa Barbara County may at its discretion reduce the Requirements for minimum size for the creation of a prime preserve to not less than 30 acres in one parcel, or in several contiguous parcels, as stipulated in the above paragraph I.C.1.b.(3), if it finds that such smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such preserve of lesser size is consistent with the Comprehensive Plan or Coastal Plan, as provided for in Section I.A of this Uniform Rule No. 6, and that the following facts apply to the proposed preserve of lesser size:

- a. No other contiguous owners desire to enter the agricultural preserve program simultaneously to create a combined preserve of 40 acres or more, pursuant to paragraph I.C.1.b. above; and
- b. The proposed preserve is located in an area susceptible to imminent urbanization; and
- c. The zoning district in effect or the rezoning to be simultaneously adopted has been the subject of special study and carries out the special and unique land uses permitted in the preserve, as hereinafter described in Section I.D.4.

I. C. 2. Additions: Notwithstanding the above and regardless of size, additions to existing preserves of contiguous properties shall be allowed as follows:

(a) Nonprime Preserves

No sub-100 acre additions to nonprime preserves shall be allowed, except when the addition and the existing preserve are under identical ownership and any lot line between the existing preserve and the added land is eradicated or adjusted.

(2) Prime Preserves

Any individual property that otherwise qualifies as prime land, under I.C.1(b)--"Minimum Preserve Size for Prime Preserves", and including superprime land, under I.C.1(b)(iii) may be added to an existing prime preserve, or to a preserve containing both nonprime and prime land only when the total prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands adjoin.

(3) At the time of termination, cancellation, or notice of nonrenewal, no farm in a multiple ownership preserve shall be continued under contract if the remaining land cannot qualify in one of the above size criteria by itself. At such time the County may (but shall not be required to) serve a notice of nonrenewal on the remaining land if it does not otherwise qualify for participation in the Agricultural Preserve Program. If said remaining land does qualify for the Agricultural Preserve Program, a replacement contract shall be offered to the land owner(s). In the event the remaining land does not qualify for the Agricultural Preserve Program and a determination is made that it would be in the public interest to maintain the remaining land in the Agricultural Preserve Program, then a replacement contract may be issued for the remaining land.

D. LAND USES – Commercial Agriculture as Permitted in Zoning Ordinances and Uniform Rules

1. The permitted land uses, both agricultural and other compatible uses, basically will be as designated in the applicable zoning in Articles II, III, and IV of Chapter 35 of the Santa Barbara County Code, as amended.
2. (a) Agricultural preserve contracts may be more restrictive than the applied zoning designation allows for residential site use. Except for parcels that qualify for a Residential Agricultural Unit ("RAU"), only one primary residential building site shall be allowed for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.). Each building site for use by the property owner shall be limited to 3% of the total parcel

1. Additions: Notwithstanding the above and regardless of size, additions to existing preserves of contiguous properties shall be allowed as follows:

a. Nonprime Preserves

No sub-100 acre additions to nonprime preserves shall be allowed, except when the addition and existing preserve are under identical ownership and any lot line between the existing preserve and the added land is eradicated.

2. b. Prime Preserves

Any individual property that otherwise qualifies as prime land, under I.C.1.b.--"Minimum Preserve Size for Prime Preserves", and including superprime land, under I.C.1.b.(3) may be added to an existing prime preserve, or to a preserve containing both nonprime and prime land only when the total prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands adjoin.

3. At the time of termination, cancellation, or notice of nonrenewal no farm in a multiple ownership preserve shall be continued under contract if the remaining land cannot qualify in one of the above size criteria by itself. At such time the County shall serve a notice of nonrenewal on the nonqualifying farm or farms.

D. LAND USES – Commercial Agriculture as Permitted in Zoning Ordinances and Uniform Rules

1. The permitted land uses, both agricultural and other compatible uses, basically will be as designated in the applicable zoning in Articles II, III, and IV of Chapter 35 of the Santa Barbara County Code, as amended
2. a. Agricultural preserve contracts may be more restrictive than the applied zoning designation permits allows for residential site use. Only one residential building site shall be allowed for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.). The building site for use

size or two (2) acres, whichever is smaller. Those properties qualifying under I.C.1(b)(iii) used for residential second units, farm buildings, corrals, and bonafide agriculturally-related employee housing shall not be encompassed in this site limitation.

(b) The agricultural work force is vital to sustaining agricultural productivity; a need exists to house this work force on or near lands in agricultural production. Agricultural laborer housing facilities are hereby determined to be compatible uses within any Agricultural Preserve.<sup>3</sup> All requests for agricultural employee dwelling units within Agriculture Preserves, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed in addition to the principal dwelling and the Residential Agricultural Unit (RAU) on the property shall be reviewed by the Agricultural Preserve Advisory Committee for a determination whether the dwelling units will be used to house farm laborers who work full-time in agriculture either on the contracted land or on other agricultural lands, or a combination thereof.

E. Parcel Sizes

The minimum parcel size may vary with area and type of agricultural use so long as the following zoning and size compatibility requirements are observed:

1. Each legal parcel within a preserve shall be zoned consistently with the general plan designation for that parcel.
2. In furtherance of the above paragraph, the lot lines between parcels in the same ownership which are too small individually under non-prime, prime, or super-prime, to qualify shall, at the discretion of the Agricultural Preserve Advisory Committee, be eradicated, or at the option of the property owner may be adjusted to meet the minimum required parcel size applicable under this Uniform Rule in lieu of eradication, before the agricultural preserve is approved.
3. After the agricultural preserve is created, any reduction in size of any parcel of land in the preserve shall be allowed only if all parcels thus created meet the applicable criteria of this Uniform Rule.
4. Special consideration: Non-preserve islands under separate ownership from surrounding Agricultural Preserve lands may be considered as eligible when all criteria other than size are met.

by the property owner and Residential Agricultural Unit occupants shall be limited to 3% of the total parcel size or two (2) acres, whichever is smaller. Those properties qualifying under I.C.1.b.(3) used for farm buildings, corrals, and bonafide property-related employee housing shall not be encompassed in this site limitation.

- b. All requests for farm-employee dwelling units within Agriculture Preserves, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed in addition to the principal dwelling on the property shall be reviewed by the Agricultural Preserve Advisory Committee for a determination of need.

F. Parcel Sizes

The minimum parcel size may vary with area and type of agricultural use so long as the following zoning and size compatibility requirements are observed:

1. All single ownership preserves shall be zoned to the largest applicable zoning designation.
2. Each preserve contract shall have only one zoning designation for the land covered by that contract.
3. Multiple ownership of a prime preserve shall require zoning to the largest applicable zoning designation compatible with land ownership and land capability.
4. In furtherance of the above paragraphs, the lot lines between parcels in the same ownership which are too small individually to qualify shall, at the discretion of the Agricultural Preserve Advisory Committee, be eradicated before the agricultural preserve is approved.
5. After the agricultural preserve is created, any reduction in size of any parcel of land in the preserve shall be allowed only if all parcels thus created meet the applicable criteria of this Rule No. 6.
6. Special consideration: Non-preserve islands surrounded by preserve lands may be considered as eligible when all criteria other than size are met.

5. Only whole, legally created parcels shall be accepted in an Agricultural Preserve. Whenever a landowner wishes to enter only part of an existing parcel, he shall record a legal parcel map prior to creation of an agricultural preserve and execution of the Agricultural Preserve contract.

## II. QUALITATIVE CONSIDERATIONS

The Agricultural Preserve Committee shall develop information concerning the following factors to determine the degree of compliance with basic objectives of the Williamson Act and policies of the Board of Supervisors, and to support recommendations to that Board.

### A. Land Quality

The preservation of "prime land" is the principal purpose of the Act. The quality of farm lands varies widely, depending on soil, terrain, water availability, climate, and other factors. It shall be the policy of the County in general to favor agricultural preserves in proportion to the "primeness" of the land.

### B. Commercial Agricultural Production

Land eligible for inclusion in this program shall be used primarily for the commercial production of agricultural commodities for sale in normal wholesale marketing channels. Lands eligible for inclusion in this program may be used for preparation, processing and retail sale of agricultural products in conformity with the applicable zoning ordinance. Lands not used for commercial agricultural production, but desirable for preservation, shall be covered by other phases of open space legislation.

### C. Urban Expansion Areas

Each community development plan should provide adequately for the future expansion of urban land uses onto lands that are non-agricultural and not enrolled in the Agricultural Preserve Program. If expansion of urban land uses into Agricultural Preserves is unavoidable as a result of a growing population, urban expansion should be directed in a manner that avoids prime agricultural land.

### D. Minimize Rural-Urban Conflicts

Lands included in Agricultural Preserves should be protected by County policies and actions from conflicts with urban uses nearby, it being acknowledged that agriculturally productive lands provide desirable benefits to the whole community. Buffer land use zones, such as large lot residential, ranchette, or certain industrial, can be used to separate intensive residential and commercial areas from farm lands. Agricultural operations such as dairies, poultry houses, and feed lots may need to be buffered from urban land uses by crop, orchard, grazing, or other suitable open

7. Only whole, legally created and recorded parcels shall be accepted in an agricultural preserve. Whenever a landowner wishes to enter only part of an existing parcel, he shall record a legal parcel map prior to creation of an agricultural preserve and execution of the Agricultural Preserve contract.

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### B. Commercial Agricultural Production

Land eligible for inclusion in this program shall be used primarily for the commercial production of agricultural commodities for sale in normal wholesale marketing channels. Lands not used for commercial agricultural production, but desirable for preservation, shall be covered by other phases of open space legislation.

### C. Urban Expansion Areas

Each community development plan should provide adequately for the future expansion of urban land uses into areas other than those covered by agricultural preserves. The policy in general will be to divert urban expansion from prime agricultural to non-agricultural lands.

### D. Minimum Rural-Urban Conflicts

Lands for inclusion in agricultural preserves should avoid conflicts with urban uses nearby, as well as provide desirable benefits to the whole community. Buffer land use zones, such as large lot residential or industrial, can be used to separate intensive residential and commercial areas from farm lands. Agricultural operations such as dairies, poultry houses, feed lots, and hothouses may need to be buffered from urban land uses by crop, orchard, grazing, or other suitable open space land uses. The suitability of these lands for each

space land uses to minimize the potential for conflict between the urban and agricultural uses.

use, their historical use and personal preferences of owners need careful consideration and study on each proposal.

E. Effect on Tax Base

The economic benefit to the property owner in an Agricultural Preserve is that the land will be assessed in relation to the income derived from its agricultural use or its assessed valuation under Revenue & Taxation Code section 50 et seq., whichever amount is less.

E. Effect on Tax Base

The economic benefit to the farmer in an agricultural preserve is that his land will be assessed in relation to the income derived from its agricultural use rather than market value based on comparable sales data. The aggregate effect of changes in assessment methods on local taxing districts shall be evaluated.

F. Not in Urban Service Districts

Urban service taxing districts, such as sanitary, transit, and lighting, do not normally cover eligible land. Agricultural operations generally do not need these services, and the tax rate applicable to agricultural land should not unnecessarily include them.

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**UNIFORM RULE NO. 2**  
**(Formerly Uniform Rule No. 7)**

I. The purpose of this rule is to establish standards for the withdrawal of land from Agricultural Preserves, and for the termination of Land Conservation Contracts, without impairing the integrity of the Agricultural Preserve Program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all requests for withdrawal from Agricultural Preserves and for termination of Land Conservation contracts.

A. **NONRENEWAL** (Unilateral notice by landowner or County)

Withdrawal by a notice of nonrenewal is the preferred method in all instances, whether for all or part of the contracted land. This method is open to either party to the contract, does not require either a finding of fact or a public hearing, and provides for an adjustment in land assessed values, pursuant to Section 426 of the Revenue & Taxation Code.

When a landowner serves notice of nonrenewal for part of the landowner's land, the part remaining under contract must be able to meet Agricultural Preserve criteria under these Uniform Rules. In the event that unqualified land is left subject to contract, the County immediately shall serve notice of nonrenewal for such land.

B. **CANCELLATION - PETITION BY OWNER**

1. Petition by Owner

An owner may petition the Board of Supervisors for cancellation of the landowner's Land Conservation Contract because of need for a change in land use. Cancellation may occur only if the County consents. To cover administrative costs, each petitioner shall pay a filing fee in an amount established by resolution by the Board of Supervisors.

The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, non-contracted land suitable for the use to which it is proposed the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for

**TERMINATION OF AGRICULTURAL PRESERVES AND  
LAND CONSERVATION CONTRACTS IN SANTA  
BARBARA COUNTY**

**UNIFORM RULE NO. 7**

The purpose of this rule is to establish standards for the withdrawal of land from Agricultural Preserves, and for the termination of Land Conservation Contracts, without impairing the integrity of the program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all requests for withdrawal from Agricultural Preserves and for termination of Land Conservation contracts.

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When a landowner serves notice of nonrenewal for part of his Land, the part remaining under contract must be able to meet County preserve criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

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The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for

cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

When a landowner desires to cancel the landowner's contract, the landowner shall petition the Board of Supervisors for cancellation, and the landowner has the burden of producing evidence to prove the circumstances that warrant cancellation of the Agricultural Preserve Contract. The owner shall cite (1) the reasons why cancellation is requested, (2) what changes in circumstances have occurred, (3) why immediate action is necessary, and (4) how the land or the agricultural operation is affected by the changes in circumstances. The Board of Supervisors may grant tentative approval for cancellation of a contract only if it makes the following findings, as provided in Sec. 51282 of the Government Code:

(a) Cancellation would be consistent with the purposes of Chapter 7 of the Government Code, Sec. 51200 et seq, the California Land Conservation Act of 1965; or

(b) Cancellation would be in the public interest.

For the purposes of subsection (a) above, cancellation of a contract shall be consistent with the purposes of the California Land Conservation Act solely if all of the following findings can be made:

- (1) That the cancellation is for land on which a notice of non-renewal has been served.
- (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
- (4) That cancellation will not result in discontinuous patterns of urban development.
- (5) That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

For the purposes of subsection (b) above, cancellation of the contract shall be in the public interest only if the Board makes both of the following findings:

cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

When a landowner determines that he desires to cancel his contract, he shall petition the Board of Supervisors for cancellation, and he has the burden of producing evidence to prove the circumstances which warrant cancellation of his Land Conservation Contract. The owner shall cite (1) the reasons why he desires cancellation, (2) what changes in circumstances have occurred, (3) why immediate action is necessary, and (4) how he is affected by the changes in circumstances. The Board of Supervisors may grant tentative approval for cancellation of a contract only if it makes the following findings, as provided in Sec. 51282 of the Government Code:

a. Cancellation would be consistent with the purposes of Chapter 7 of the Government Code, Sec. 51200 et seq, the California Land Conservation Act of 1965; or

b. Cancellation would be in the public interest.

- (1) That other public concerns substantially outweigh the objectives of the California Land Conservation Act.
- (2) That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

2. Procedure by County

- (a) Applications for cancellation for all or part of the contracted land of an Agricultural Preserve shall be referred to the County Planning Commission. The Planning Commission shall hold noticed public hearings to consider disestablishment of the Agricultural Preserve, and any rezoning and amendment of the County Comprehensive Plan necessary to permit the nonagricultural uses contemplated by the applicant.
- (b) Applications for cancellation shall be referred to the Agricultural Preserve Advisory Committee for comment and report to the Board of Supervisors.
- (c) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the full cash value of the land as though it were free of the contractual restriction. The assessor shall certify to the board or council the cancellation valuation of the land for the purpose of determining the cancellation fee.
- (d) The Board of Supervisors shall schedule a noticed public hearing to consider the request for cancellation upon receipt of the above reports from the Planning Commission, the Agricultural Preserve Advisory Committee and the Assessor. If recommended by the Planning Commission, the Board of Supervisors shall also hold concurrent noticed public hearings to consider any rezoning and Comprehensive Plan amendments necessary.
- (e) Prior to giving tentative approval to the cancellation of any contract the Board of Supervisors shall determine and certify to the county auditor the amount of the cancellation fee which the landowner must pay the county treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 12 1/2 percent of the cancellation valuation of the property.

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(f) Cancellation of the Land Conservation Contract shall be contingent upon payment, in full, of the cancellation fee. The cancellation fee shall be paid to the Clerk of the Board of Supervisors, who shall transmit that fee to the County Auditor. The fee shall be paid prior to the final approval of cancellation. If the Board finds that it is in the public interest to do so, the Board may waive such payment or any portion thereof, or may make such payment or a portion thereof contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract had it not been, subject to the conditions set forth in Government Code section 51283.

(g) The Board of Supervisors shall not grant cancellation for a part of the land of a single ownership Agricultural Preserve if the land proposed to remain under the contract would not be able to meet County preserve criteria. Either sufficient qualifying land must remain under contract, or the petition must be made for cancellation of the entire preserve.

C. CANCELLATION - ANNEXATION BY CITY

On the annexation by any city in the County of any land under a Land Conservation Contract, the city shall succeed to all rights, duties, and powers of the County unless the land being annexed was within one mile of such city at the time the contract was initially executed, the city protested the execution of the contract pursuant to Section 51243.5 of the California Government Code, and the city stated its intention not to succeed to the contract in its resolution of intention to annex. If the city does not exercise its option to succeed to the contract, it shall become null and void as to the land actually being annexed on the date of annexation. Such pulling and voiding of the contract shall be treated as a cancellation under the terms of Section 51283 of the Government Code. In the event that only part of the land under contract was within one mile of the city, the option of the city shall extend only to such part.

Whenever part of the land under a Land Conservation Contract is removed from such status through annexation to a city, the part remaining under contract must be able to meet County preserve criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

D. EMINENT DOMAIN OR OTHER ACQUISITION

Upon the termination of an action in eminent domain for the condemnation of the fee title, or of an acquisition in lieu of eminent domain, for a public improvement by a public agency, for land subject to contract, the contract shall be null and void for all land actually taken or acquired, as the date the action was filed. If, in either such action, only part of the land under contract is acquired, and the remaining land is not able to meet

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<p>County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such remaining land.</p> <p>E. <u>SUCCESSORS IN INTEREST</u></p> <p>When title to land subject to contract passes to successors, and in so doing creates circumstances whereby the land; or the remaining land subject to contract no longer meets County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such unqualified land.</p> <p><u>The erection, construction, alteration or maintenance of gas, water generation, wind generation, electric, water or communication utility facilities are compatible uses in an agricultural preserve. Communication facilities shall include radio, telephone, pagers, television, telecommunications, Cable TV and facilities necessary for the aid of navigation by land, air or sea.</u></p>	<p>to meet County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such remaining land.</p> <p>E. <u>SUCCESSORS IN INTEREST</u></p> <p>When title to land subject to contract passes to successors, and in so doing creates circumstances whereby the land; or the remaining land subject to contract no longer meets County preserve criteria, a notice of nonrenewal shall be filed immediately by the County against such unqualified land.</p>
<p style="text-align: center;"><b><u>UNIFORM RULE NO. 3</u></b> <b>(Formerly Uniform Rule No. 8)</b></p> <p>The purpose of this rule is to establish procedures for the maintenance of contracts wherein changes in legal description and/or ownership occur without impairing the integrity of the program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all transfers of ownership in Land Conservation Act contracts.</p> <p>Procedures on transfer of land interests restricted by Land Conservation Act contracts:</p> <p>A. <u>Transaction that transfers all land restricted by a Land Conservation Contract when no changes in boundaries occur</u></p> <p>The transferee shall cause to be completed and signed immediately subsequent to the instrument creating the new ownership a "Notification of Assumption of Land Conservation Contract", incorporating by reference the legal description set forth in the instrument which transferred the ownership interest and shall submit said document to the Office of the County Counsel for approval as to form, together with an applicable fee. After approval, the County Counsel shall record said document and file it in the Office of the Clerk of the Board.</p>	<p style="text-align: center;"><b>CONTRACT TRANSACTIONS</b> <b>and T R A N S F E R S</b> <b>UNIFORM RULE 8</b></p> <p style="text-align: center;"><b>TRANSFER OF OWNERSHIP OF LAND IN</b> <b>AGRICULTURAL PRESERVE IN SANTA BARBARA</b> <b>COUNTY UNIFORM RULE N0. 8</b></p> <p>The purpose of this rule is to establish procedures for the maintenance of contracts wherein changes in legal description and/or ownership occur without impairing the integrity of the program. The procedures developed under this rule are in accordance with the Land Conservation Act, and shall be used to process all transfers of ownership in Land Conservation Act contracts.</p> <p>Procedures on transfer of land interests restricted by Land Conservation Act contracts:</p> <p>A. <u>Transaction that transfers all land restricted by a Land Conservation Contract when no changes in boundaries occur</u></p> <p>The transferee shall cause to be completed and signed immediately subsequent to the instrument creating the new ownership a "Notification of Assumption of Land Conservation Contract", incorporating by reference the legal description set forth in the instrument which transferred the ownership interest and shall submit said document to the Office of the County Counsel for approval as to form, together with an applicable fee. After approval, the County Counsel shall record said document and file it in the Office of the Clerk of the Board.</p>

B. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where whole legal parcels are transferred

1. The transferee(s) shall cause to be completed and filed with the Agricultural Preserve Advisory Committee a new Agricultural Preserve application for each of the ownerships, together with such fee as is required. The transferor shall similarly furnish a new application for the portion retained.
2. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s)
3. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units, and record its notice of nonrenewal.

C. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where lot splits occur or portions of whole, legal parcels are transferred

1. Only whole legal parcels are allowed within the Land Conservation Act contracts. Any boundary changes that split parcels, therefore, must first be processed through the County Planning & Development Department and lot split procedures and must meet all requirements of such process before any action by the Agricultural Preserve Advisory Committee.
2. The transferee(s) shall cause to be completed and filed with the Planning & Development Department new Agricultural Preserve applications, maps and legal descriptions for each of the ownerships, together with such fees as are required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.
3. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
4. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units and record its notice of nonrenewal.

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3. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units, and record its notice of nonrenewal.

C. Transaction that transfers a portion of land restricted by a Land Conservation Act contract, where lot splits occur or portions of whole, legal parcels are transferred

1. Only whole legal parcels are allowed within the Land Conservation Act contracts. Any boundary changes that split parcels, therefore, must first be processed through the County Resource Management Department and lot split procedures and must meet all requirements of such process before any action by the Agricultural Preserve Advisory Committee.
2. The transferee(s) shall cause to be completed and filed with the Department of Resource Management new Agricultural Preserve applications, maps and legal descriptions for each of the ownerships, together with such fees as are required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.
3. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
4. Should any transfer of parcels create ownerships which do not qualify under the Land Conservation Act criteria, the County shall serve notice of nonrenewal on the nonconforming units and record its notice of nonrenewal.

**UNIFORM RULE NO. 4**  
**(Formerly Uniform Rule No. 9)**

I. The purpose of this rule is to establish standards of compatible use within Agricultural Preserves to permit the preparation of raw agricultural products for shipment and the processing and sale of certain unique agricultural products.

The preparation, processing, and sales of agricultural products permitted by this Uniform Rule are deemed compatible with Agricultural Preserves providing:

1. That such activities do not occupy land exceeding 10% of the land area of the Preserve, except that such activities may occupy land exceeding 10% of the area of the preserve where it can be demonstrated that: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use; and (iv) the use is reasonable in light of the type of agricultural production on the contracted land and on other agricultural lands in the vicinity. All such activities shall be sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production within the given preserve. A site includes roads serving these activities, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related land use.
2. That all such uses are subject to the zoning requirements of a Conditional Use Permit or Development Plan, where applicable.
3. That uses include but are not limited to: sorting, grading, cleaning, packaging, marketing, cooling and shipping of raw agricultural products.
4. Due to the unique qualities and desirability of processing premium wines from grapes grown within Santa Barbara County, wineries are deemed compatible within Agricultural Preserves, provided that (a) a vineyard(s) has been planted within the Agricultural Preserve prior to County approval of the winery, (b) the primary purpose of the winery shall be to process wine grapes grown on the preserve where the facility is located or on other lands enrolled in the Agricultural Preserve Program of Santa Barbara County, provided that no more than fifty percent (50%) of the grapes processed over a five-year period shall be imported from outside Santa Barbara and San Luis Obispo Counties, (c) all winery development (including but not limited to roads other than vineyard roads, parking, storage, landscaping, etc.) shall not occupy land area exceeding 10% of the total land area of the

**UNIFORM RULE No. 9**

The purpose of this rule is to establish standards of compatible use within Agricultural Preserves which permit the preparation of raw agricultural products for shipment and the processing of certain unique agricultural products.

The preparation processes permitted by this Uniform Rule are deemed compatible with Agricultural Preserves providing:

- 1) That such activities do not occupy land exceeding 10% of the area of a preserve or 5 acres, whichever is less. All such activities shall be confined to a single site within the given preserve. A site includes roads serving these activities, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related land use.
- 2) That all such uses are subject to the zoning requirements of a Conditional Use Permit, when applicable, and its conditions and standards that are found necessary to maintain compatible agricultural land uses.
- 3) That uses include but are not limited to: sorting, grading, cleaning, packaging, cooling and shipping of raw agricultural products.
- 4) Due to the unique qualities and desirability of processing premium table wines near the vineyard, wineries are deemed compatible within Agricultural Preserves, provided that (a) a vineyard(s) has been planted on the premises prior to County approval of the winery, (b) the primary purpose of the winery is to process wine grapes grown on the premises, and (c) other applicable provisions of this Uniform Rule 9 are met.

Preserve; and (d) other applicable provisions of this Uniform Rule 4 are met.

5. That activities where agricultural products are processed beyond the raw state shall be subject to the same limitations stated for wineries in Paragraph 4 above.

6. Supportive agricultural uses that do not fall within the specifications set forth above shall be deemed compatible uses within Agricultural Preserves if the County approves an Agricultural Industry Overlay for the Preserve upon which the uses are conducted.

7. Bed and breakfast facilities shall be deemed supportive uses provided said facilities occupy the permitted structures for a primary dwelling unit and a Residential Agricultural Unit under these Rules and said facilities occupy no more than 3% of the total land area of the Preserve, or 2 acres, whichever is less, and further provided that all of the following findings can be made: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use.

8. Guest ranches and "farm stay facilities" shall be deemed supportive uses provided said facilities occupy no more than 3% of the total land area of the Preserve, or two acres, whichever is less, and further provided that all of the following findings can be made: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use.

9. Special education facilities shall be deemed supportive uses provided said facilities occupy no more than 3% of the total land area of the Preserve, or 2 acres, whichever is less, and further provided that all of the following findings can be made: (i) the use will not significantly compromise the long-term productive agricultural capability of the contracted land; and (ii) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted land or on other agricultural preserves; and (iii) the use will not result in a significant removal of adjacent contracted land from agricultural or open space use.

5) That activities where agricultural products are processed beyond the raw state, including but not limited to processing by freezers, dehydrators, and food preparation facilities, are deemed noncompatible.



**UNIFORM RULE NO. 5**  
**(Formerly Uniform Rule No. 1)**

The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities are compatible uses in an agricultural preserve. Communication facilities shall include radio, television, Cable TV and facilities necessary for the aid of navigation by land, air or sea.

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The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities are compatible uses in an agricultural preserve. Communication facilities shall include radio, television, Cable TV and facilities necessary for the aid of navigation by land, air or sea.

**UNIFORM RULE NO. 6**  
**(Formerly Uniform Rule No. 2)**

Oil and gas drilling and production facilities as defined hereinafter and pipelines are compatible uses in an agricultural preserve established under the California Land Conservation Act of 1965. For the purposes of this Rule, oil and gas drilling and production facilities are defined as follows:

All facilities necessary:

- (a) To drill for and produce oil, gas and other hydro-carbons from a well bore;
- (b) To separate oil, water and gas from each other;
- (c) To prepare such products for shipping and storage;
- (d) To recycle, repressurize or inject such products or other substances for underground disposal, for underground storage and in connection with secondary recovery operations; and
- (e) To provide storage facilities for such products pending disposal thereof under (a) through (d) hereof and to temporarily store other substances used in (a) through (d) hereof. It shall not include refineries nor "tank farms" nor any other use not accessory or incidental to drilling and production facilities as hereinabove defined nor any operations not reasonably required to be performed at or within the vicinity of the wellhead.

**UNIFORM RULE NO. 2**

Oil and gas drilling and production facilities as defined hereinafter and pipelines are compatible uses in an agricultural preserve established under the California Land Conservation Act of 1965. For the purposes of this Rule, oil and gas drilling and production facilities are defined as follows:

All facilities necessary:

- (a) To drill for and produce oil, gas and other hydro-carbons from a well bore;
- (b) To separate oil, water and gas from each other;
- (c) To prepare such products for shipping and storage;
- (d) To recycle, repressurize or inject such products or other substances for underground disposal, for underground storage and in connection with secondary recovery operations; and
- (e) To provide storage facilities for such products pending disposal thereof under (a) through (d) hereof and to temporarily store other substances used in (a) through (d) hereof. It shall not include refineries nor "tank farms" nor any other use not accessory or incidental to drilling and production facilities as hereinabove defined nor any operations not reasonably required to be performed at or within the vicinity of the wellhead.

<p style="text-align: center;"><b><u>UNIFORM RULE NO. 7</u></b> <b>(Formerly Uniform Rule No. 3)</b></p> <p>A sanitary fill waste disposal facility, <u>transfer station, and compost facility</u> is a compatible use to an agricultural preserve providing:</p> <p>(a) It is operated by the County of Santa Barbara, or by a permittee who has been properly licensed by both the State of California and the County of Santa Barbara, and is subject to a Conditional Use Permit which includes requirements for compatibility with Agricultural Preserve land uses;</p> <p>(b) The existing openness and restricted use of the site is maintained;</p> <p>(c) The sanitary fill waste disposal facility, <u>transfer station, or compost facility</u> is conducted as a cut and fill operation;</p> <p>(d) That a lease or other open space agreement is executed with the owner so as to comply with the model Land Conservation Contract and the California Constitution.</p>	<p style="text-align: center;"><b>UNIFORM RULE NO. 3</b></p> <p>A sanitary fill waste disposal facility is a compatible use to an agricultural preserve providing:</p> <p>(a) It is operated by the County of Santa Barbara, or by a permittee who has been properly licensed by both the State of California and the County of Santa Barbara, and is subject to a Conditional Use Permit which includes requirements for compatibility with Agricultural Preserve land uses;</p> <p>(b) The existing openness and restricted use of the site is maintained;</p> <p>(c) The sanitary fill waste disposal facility is conducted as a cut and fill operation;</p> <p>(d) That a lease or other open space agreement is executed with the owner so as to comply with the model Land Conservation Contract and the California Constitution.</p>
<p style="text-align: center;"><b><u>UNIFORM RULE NO. 8</u></b> <b>(Formerly Uniform Rule No. 4)</b></p> <p>The mining, extraction, and quarrying of natural resources are compatible with an agricultural preserve: when such uses are incidental and will not be disruptive to the primary agricultural use of the land and subject to the following provisions concerning the use of borrow pits:</p> <p>For the purpose of this rule, "borrow pit" is defined as follows: A bank or pit from which earth, which shall be limited to rock, sand, aggregate or clay, is excavated and used in filling and embanking operations.</p> <p>The material excavated from the borrow pit shall be transported immediately to an off-site use or stockpiling facility.</p>	<p style="text-align: center;"><b>UNIFORM RULE NO. 4</b></p> <p>The mining, extraction, and quarrying of natural resources are compatible to an agricultural preserve: when such uses are incidental and will not be disruptive to the primary agricultural use of the land and subject to the following provisions concerning the use of borrow pits:</p> <p>For the purpose of this rule, "borrow pit" is defined as follows: A bank or pit from which earth, which shall be limited to rock, sand, aggregate or clay, is excavated and used in filling and embanking operations.</p> <p>The material excavated from the borrow pit shall be transported immediately to an off-site use or stockpiling facility.</p>

**UNIFORM RULE NO. 9**  
**(Formerly Uniform Rule No. 5)**

1. Incidental boarding and/or breeding facilities of animals are compatible with an Agricultural Preserve providing:

(a) Such uses are genuinely incidental to the primary uses of the land as specified in the criteria set forth in Uniform Rules applicable to the preserve in which they are located, and

(b) When required, a conditional use permit has been granted by the County pursuant to the zoning ordinance, for such facilities.

2. Boarding and/or breeding facilities for animals developed as the primary use of a property are compatible with Agricultural Preserves providing:

(a) Other food or fiber products and/or services are found by the Agricultural Preserve Advisory Committee to be either directly or indirectly agricultural activities; and

(b) Such facilities will not produce traffic volumes determined to be detrimental to the commercial agricultural productivity of the area; and

(c) The total area of land covered by all permanent improvements shall not exceed 20% of the preserve or 20 acres, whichever is less. For the purposes of these Uniform Rules, permanent improvements include: any object affixed to the ground, landscaping, buildings, and structures; and

(d) When required, a conditional use permit has been granted by the County, pursuant to the zoning ordinance, for such facilities.

**UNIFORM RULE NO. 5**

1. Incidental boarding and/or breeding facilities of animals are compatible within Agricultural Preserves providing:

(a) Such uses are genuinely incidental to the primary uses of the land as specified in the criteria set forth in Uniform Rules Numbers 6 (Agricultural) and 11 (Recreational), and

(b) When required, a conditional use permit has been granted by the County pursuant to the zoning ordinance, for such facilities.

2. Boarding and/or breeding facilities for animals developed as the primary use of a property are compatible with Agricultural Preserves providing:

(a) Other food or fiber products and/or services are found by the Agricultural Preserve Advisory Committee to be either directly or indirectly agricultural activities; and

(b) Such facilities shall not produce traffic volumes determined to be detrimental to the commercial agricultural productivity of the area; and

(c) The total area of land covered by all permanent improvements shall not exceed 20% of the preserve or 20 acres, whichever is less. For the purposes of these uniform rules, permanent improvements include: any object affixed to the ground, landscaping, buildings, and structures; and

(d) When required, a conditional use permit has been granted by the County, pursuant to the zoning ordinance, for such facilities.

<p style="text-align: center;"><b><u>UNIFORM RULE NO. 10</u></b> <b>(Formerly Uniform Rule No. 12)</b></p> <p>The installation and use of temporary United States government facilities for residential, communication and transportation use by United States government officials and employees are compatible uses in an agricultural preserve provided:</p> <ul style="list-style-type: none"> <li>(a) The officials and employees are serving a person entitled to the protection of the Federal Secret Service;</li> <li>(b) The total area for all such uses will encompass no more than 3% of the total parcel size or two acres, whichever is smaller; and</li> <li>(c) Such uses are incidental to the primary use of the agricultural preserve property as commercial agriculture.</li> </ul>	<p style="text-align: center;"><b>UNIFORM RULE NO. 12</b></p> <p>The installation and use of temporary United States government facilities for residential, communication and transportation use by United States government officials and employees are compatible uses in an agricultural preserve provided:</p> <ul style="list-style-type: none"> <li>(a) The officials and employees are serving a person entitled to the protection of the Federal Secret Service;</li> <li>(b) The total area for all such uses will encompass no more than 3% of the total parcel size or two acres, whichever is smaller (Uniform rule No. 6, I. D.2); and</li> <li>(c) Such uses are incidental to the primary use of the agricultural preserve property as commercial agriculture.</li> </ul>
<p style="text-align: center;"><b>CRITERIA FOR <u>RECREATION AND NATURAL OPEN SPACE PRESERVES</u></b></p> <p style="text-align: center;"><b><u>UNIFORM RULE NO. 11</u></b> <b>(Formerly Uniform Rule No. 10)</b></p> <p><u>REQUIREMENTS</u></p> <p>1. <u>COMPREHENSIVE PLAN</u></p> <p>Eligible land must be designated "Agriculture I", "Agriculture II", or "Mountainous Area", or "Other Open Lands" in Santa Barbara County's Comprehensive Plan or Coastal Plan of Land Use.</p> <p>2. <u>ZONING</u></p> <p>Any zoning district which has been declared by the Planning Commission to be consistent with the above-mentioned Comprehensive Plan or Coastal Plan designations will be acceptable. However, the Natural Open Space Preserve size and land uses shall be limited in accordance with the following sections of this criteria for Natural Open Space Preserves wherein minimum size and acceptable land uses are specified.</p> <p>3. <u>MINIMUM PRESERVE SIZE: 100 acres</u></p> <p>Each Natural Open Space Preserve shall consist of at least 100 acres of land in a single ownership in one parcel. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8. In the event that an otherwise qualifying Natural Open Space Preserve parcel has less than 100 acres, the Board of Supervisors may consider it</p>	<p style="text-align: center;"><b>CRITERIA FOR AGRICULTURAL PRESERVES NATURAL OPEN SPACE CONTRACTS</b></p> <p style="text-align: center;"><b>UNIFORM RULE NO. 10</b></p> <p><u>REQUIREMENTS</u></p> <p>1. <u>COMPREHENSIVE PLAN</u></p> <p>Eligible land must be designated "Agriculture I", "Agriculture II", or "Mountainous Area", or "Other Open Lands" in Santa Barbara County's Comprehensive Plan or Coastal Plan of Land Use.</p> <p>2. <u>ZONING</u></p> <p>Any zoning district which has been declared by the Planning Commission to be consistent with the above-mentioned Comprehensive Plan or Coastal Plan designations will be acceptable. However, the Natural Open Space Preserve size and land uses shall be limited in accordance with the following sections of this criteria for Natural Open Space Preserves wherein minimum size and acceptable land uses are specified.</p> <p>3. <u>MINIMUM PRESERVE SIZE: 100 acres</u></p> <p>Each Natural Open Space Preserve shall consist of at least 100 acres of land in a single ownership in one parcel. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8. In the event that an otherwise qualifying Natural Open Space Preserve parcel has less than 100 acres, the Board of Supervisors may</p>

eligible based on the "unique" features of the Natural Open Space land involved. "Unique" is defined here as a natural feature and/or biological process not found in other parts of the city, county, state or nation; a unique feature is, for example, a rare, endangered, endemic and/or exemplary floral or faunal species or geologic feature. The terms and uses of this "unique" open space shall be stated in the contract.

4. LAND USES: Non-commercial Limited Uses

No uses will be permitted that produce an income from the property. Limited, non-intensive, incidental recreational uses may be permitted where they are deemed appropriate. These uses, by the owner or a lessee with a minimum of at least a five-year lease (or non-paying guests of either), may include hiking, horseback riding, scenic viewing, temporary tent camping, as in Federal Wilderness Areas, and similar activities. The limits and conditions of this incidental recreational use shall be stated in the contract and may preclude certain specified recreational uses completely. No structures shall be built upon the land; and no equipment use or motorized vehicle use shall be permitted on the land except in the case of emergencies and necessities, such as fire fighting and prevention, flood control, and other hazard prevention and control. There shall be a minimum imputed income of \$2.00 per acre.

5. CHARACTER OF LAND

The preservation of land of high scenic value and of natural habitats with their associated faunal populations are of primary importance. The land may provide habitats which are required for the preservation of plant and animal life. Additionally, these lands may be important as scientific study areas. The County policy will be to favor lands which have high scenic value, which provide necessary habitats, and may serve as limited scientific study areas.

6. MAINTENANCE OF THE LAND

The owner shall maintain the property at his own expense in an attractive, scenic way to preserve its naturalness. All maintenance activities, including vegetative type management such as controlled burning, activities minimizing fire, flood and other hazards, changes to add floral 'or faunal materials, and changes to the natural character of the existing Natural Open Space Preserve, must be approved in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to inspect for compliance, and to proceed with filing a notice of nonrenewal in the event of violation.

7. COMMUNITY EFFECTS

Each proposal for a preserve shall be evaluated individually to judge its advantages to the community in regard to conservation of unique

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<p style="text-align: center;"><b><u>UNIFORM RULE NO. 12</u></b> <b>(Formerly Uniform Rule No. 11)</b></p> <p>1. <u>COMPREHENSIVE PLAN</u></p> <p>Eligible land must be designated “Agriculture I”, “Agriculture II” or “Mountainous Area” and bear the “Recreation” overlay in Santa Barbara County’s Comprehensive Plan or Coastal Plan.</p> <p>2. <u>ZONING</u></p> <p>Eligible land must be zoned <u>consistent with the proposed recreational use of the Preserve.</u></p> <p>3. <u>MINIMUM PRESERVE SIZE</u></p> <p>One hundred acres, except where sub-100 acre areas of outstanding scenic, historic or cultural value are deemed to be particularly suited for park and recreation purposes where a minimum of 30 acres in a single ownership may qualify. These sub-100 acres may include, but not necessarily be limited to, access to lake shores, beaches, and rivers and streams; and areas which serve as links between outdoor recreation and natural open space preserves, including utility easements, banks of rivers, trails and scenic highway corridors. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8.</p> <p>4. <u>LAND USES: Low Intensity Recreation Open to the Public</u></p> <p>The land uses shall <u>be consistent with the zone district in which the Preserve is located and with the provisions of the California Land Conservation Act.</u></p> <p>5. <u>CHARACTER OF LAND</u></p> <p>The preservation of the scenic open character of the land is of primary importance. The land shall be visually and</p>	<p style="text-align: center;"><b>CRITERIA FOR AGRICULTURAL PRESERVES RECREATIONAL CONTRACTS UNIFORM RULE NO. 11</b></p> <p><u>REQUIREMENTS</u></p> <p>1. <u>COMPREHENSIVE PLAN</u></p> <p>Eligible land must be designated “Agriculture I”, “Agriculture II” or “Mountainous Area” and bear the “Recreation” overlay in Santa Barbara County’s Comprehensive Plan or Coastal Plan.</p> <p>2. <u>ZONING</u></p> <p>Eligible land must be zoned "REC" Recreation, as contained in Articles II, III, and IV of Chapter 35, Zoning, of the Santa Barbara County Code.</p> <p>3. <u>MINIMUM PRESERVE SIZE</u></p> <p>One hundred acres, except where sub-100 acre areas of outstanding scenic, historic or cultural value are deemed to be particularly suited for park and recreation purposes where a minimum of 30 acres in a single ownership may qualify. These sub-100 acres may include, but not necessarily be limited to, access to lake shores, beaches, and rivers and streams; and areas which serve as links between outdoor recreation and natural open space preserves, including utility easements, banks of rivers, trails and scenic highway corridors. Changes of ownership and terminations shall be subject to the provisions of Uniform Rules No's. 7 and 8.</p> <p>4. <u>LAND USES: Low Intensity Recreation Open to the Public</u></p> <p>The land uses shall be <u>limited to those uses permitted within the "REC" zoning district and as contained in the applicable portions of Government Code Sections 51201(d) and 51201(n). Examples are (1) standard 18-hole golf courses or country clubs, but not including those with residences or residential lots occurring between the fairways, and in which adjacent residential property owners share in the ownership of the golf course; (2) recreational facilities where buildings, stables, residences, and similar structures occupy no more than 5% of the land in the preserve; (3) hunting and fishing where the land is kept in its native or near natural condition, and in which buildings necessary to the operation of the business occur on no more than 1% of the land in the preserve; (4) other similar uses as later designated and defined and made a part of these criteria and incorporated into the Land Conservation Contract applicable to each individual Recreation Preserve.</u></p> <p>5. <u>CHARACTER OF LAND</u></p> <p>The preservation of the scenic open character of the land is of primary importance. The land shall be visually and</p>

aesthetically desirable as an amenity to the surrounding land uses and the community as a whole. The recreational uses provided shall be positive in their contribution to the community and its citizens.

6. MAINTENANCE OF THE LAND

The owner shall maintain the property at his own expense, in an attractive, scenic way, to preserve its openness. All plant materials shall be well-maintained, and their selection and location shall be appropriate to the recreational land uses and to enhance visual appearance for the general public. Indigenous plant materials should be selected to provide animal habitat, and existing high carrying capacity-habitat shall be maintained or improved by vegetative type management such as controlled burning. All maintenance activities, including activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing Recreation Preserve, must be approved in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to inspect for compliance and to proceed with filing a notice of nonrenewal in the event of violation.

7. EFFECT ON TAX BASE

Each proposal for a preserve shall be evaluated individually to judge its advantages to the community in regard to conservation of unique features, its effect on the tax base and urban service districts, etc.

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7. EFFECT ON TAX BASE

Each proposal for a preserve shall be evaluated individually to judge its advantages to the community in regard to conservation of unique features, its effect on the tax base and urban service districts, etc.

**Amendments to Uniform Rules:  
Tasks for Consideration**  
(Task list compiled from APAC and P&D staff)

Shaded areas relate to the six topics identified in the report which raise policy consistency issues with the meaning and intent of the Williamson Act and/or with County policy. Group I refers to tasks which are straightforward and entail primarily administrative changes; Group II refers to tasks that are more complicated and will likely require greater analysis and possible environmental review under CEQA.

**A. Group 1 – Amendments that may be considered CEQA exempt**

*General/Administrative*

- Preamble - Add a preamble to clearly state the purpose of the Program i.e. “Preserve Agriculture and Open Space”
- Definitions - Add a definitions section for terms such as: Assumption Contract, Replacement Contract, Site, Principal Residence, Employee Dwelling, RAU, Non-Prime, Prime, Super Prime (how and when they can remain under contract), etc
- Reorganize rules so the most frequently used rules are first
- Add AC land use designation to eligibility list
- Uniform Rule 6 – Rewrite to clarify
  - One principle residence per contract (discuss pros/cons of grandfathering of older contracts)
- RAU
  - Explanation of clustered and remote siting requirements
  - Explanation of who can live in RAU
- Subdivisions
  - Clearly state that residential subdivisions are not considered compatible uses under the Williamson Act

*Legislative Changes*

- Add new language to reflect Compatible Use Provisions (AB 2663 – 1994)
- Add new language regarding public acquisitions of contracted lands (SB 1534 – 1994)
- Add new provisions regarding lot line adjustments and rescission (SB 1240)
- Add new section to address replacement contracts where there is a transfer of ownership between immediate family members

*Other Amendments*

- Require annual production reports



## **B. Group 2 – Amendments that will likely require environmental review under CEQA**

### *General/Administrative*

- Uniform Rule 6 – Rewrite to clarify
  - Review one site requirement for residences/Guest house/residential accessory structure, if findings can be made that more than one contiguous site (not to exceed 2 acres total) is in the best interests of the agriculture on the property
- Uniform Rule 9
  - Review 5 acre limitation on processing facilities on large parcels
  - Review limitations on use of processing facilities for crops grown offsite
- Farmworker Housing
  - Consider adding language allowing farmworkers to work on more than one property
- Identify list of uses clearly not compatible (e.g., schools, churches, golf courses, sports complexes, race care course, others?)
- Modify existing rules for open space and recreation contracts and review compatible use sections.
- Review and possibly modify Eligibility Requirements (e.g., higher economic return (more than \$200/acre), larger acreage requirements for entry into program)
- Reconsider compatible use provisions
  - Hobby farms
  - Big box wine processing facilities
  - Horse breeding/boarding
  - Adding new compatible uses that are income generating activities that do not impact the on-site agricultural productivity such as bed & breakfast inns, dude ranches, bike trails, farm stays skeet shooting, ag tourism, fee hunting, etc.
- Definition of premises – does it apply to parcel or contract?
- Evaluate compatibility of retail sales on contracted land

## **C. Other Program Issues**

The following are program issues that need to be addressed to ensure program efficiency and contract compliance.

- Where should the program live (e.g., Agricultural Commissioners Office, Assessor, P&D)
- Refine annual reporting to ensure compliance
- Establish procedures for updating the Ag Preserve Maps
- Conduct county-sponsored compliance audits of contracted lands and refine procedure for bringing contracts into compliance where necessary
- Establish procedure so that assumption contracts and replacement contracts that are required are actually recorded