



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: June 21, 2011
Placement: Administrative
Estimated Tme: 2 minutes
Continued Item: No
If Yes, date from:
Vote Required: No Vote Required

TO: Board of Supervisors
FROM: Department Planning and Development
Director Glenn Russell, PhD., Director
Contact Info: Agricultural Land Use Planning
Michael Hays, Agricultural Land Use Planner (934-6923)
SUBJECT: County Initiated Nonrenewal of Switzer Agricultural Preserve, Los Olivos

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Consider Case No. 11AGP-00000-00002, for nonrenewal by the County of an existing agricultural preserve contract. The Board of Supervisors action should include the following:

- A. Accept the County-initiated request for nonrenewal of Agricultural Preserve 91-AP-04; and
- B. Execute the attached Notice of Nonrenewal by the County Land Conservation Contract for Assessor's Parcel No. 133-120-043, located approximately 9.5 miles northeast of the intersection of Highway 154 and Figueroa Mountain Road, in the Los Olivos area, Third Supervisorial District.

Summary Text:

The 152.88 acre property has been in an agricultural preserve since January 1, 1991. A complaint letter, dated March 23, 2010, was received by the Agricultural Commissioner's Office regarding the lack of agricultural use on the property. On August 13, 2010 the contract was reviewed by the Agricultural Preserve Advisory Committee (APAC) and they found the terms of the contract were not being met and the property was in violation of the Uniform Rules for Agricultural Preserves and Farmland Security Zones due to lack of commercial agriculture. As required by Uniform Rule 6-1.7 Monitoring and Enforcement, the APAC sent the landowner a Notice of Violation, dated August 17, 2010, stating the violations and informing the owner he had 60 days in which to remedy the contract violation. The violation was not remedied and on November 5, 2010, the APAC found the

violation still existed and the landowner continued to be in non-compliance with the Uniform Rules due to lack of commercial agriculture. The APAC recommended to the Board that the contract be placed in non-renewal. A non-renewal case was opened by Planning and Development and subsequently reviewed by the APAC on April 1, 2011. The contract is in the prior landowner's name because the current landowner, Figueroa Mountain LLC., failed to assume the contract as required by Uniform Rule 6.2a. Regardless, the contract will not be renewed on December 31, 2011. The existing contract shall remain in effect for ten years from the last renewal date of the contract on December 31, 2010 and will terminate on December 31, 2020.

Background:

Section 51245 of the Government Code provides that if either the landowner or the County desires in any year not to renew an agricultural preserve contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. The Agricultural Preserve Advisory Committee's position is that while it does not encourage removal of property from preserve status, it recognizes that pursuant to the Uniform Rules of the County's Agricultural Preserve Program, nonrenewal is an accepted method for terminating a contract due to noncompliance with the Uniform Rules.

Fiscal Analysis:

There are no fees associated with a County initiated non-renewal of an agricultural preserve contract. The cost for the contract review and preparation of this report is estimated to be \$2,000 and is budgeted in the Agricultural Planning program on Page D-344 of the adopted 2010–2011 fiscal year budget.

After recordation of non-renewal, property taxes on this site will be incrementally increased for the next nine years until full property taxes are assessed.

Special Instructions:

Clerk of the Board shall distribute copies of the recorded non-renewal notice, legal description and vicinity map, and minute order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Stephanie Stark, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Owner: Figueroa Mountain LLC., Attention: Ken Switzer
308 West Yanonali
Santa Barbara, CA 93101

Attachments:

1. Non-Renewal Notice
2. Legal Description and Vicinity Map

Authored by:

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