



Agricultural Commissioner's Office
Weights & Measures ■ County of Santa Barbara

William D. Gillette
Commissioner/Director

November 13, 2006

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

Re: Agricultural Preserve Uniform Rules Update December 5, 2006

Honorable Board of Supervisors:

The Agricultural Preserve Advisory Committee (APAC) voted unanimously to recommend the Board of Supervisors approve the amended Uniform Rules which are included in the Board staff report for the December 5, 2006 hearing. In addition to the initial recommendation, the APAC recommends the Board of Supervisors approve the attached minor text changes which were unanimously approved at the November 3, 2006 APAC meeting.

The minor text changes address the following proposed Uniform Rules:

Uniform Rule 1-2.2.B

Uniform Rule 1-2.2.C.1

Uniform Rule 1-2.2.D.1

Uniform Rule 1-2.4.B

Thank you for your consideration.

William D. Gillette

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Agricultural Commissioner
Chair, Agricultural Preserve Advisory committee

1-2.2. MINIMUM PRESERVE AND CONTRACT SIZE

A. Preserve Size

Except as provided for in subsection C.4 below, the minimum size for an agricultural preserve comprising nonprime land shall be 100 acres and the minimum size for an agricultural preserve comprising prime or superprime land shall be 40 acres.

B. Existing and Assumed Contracts

Existing prime and nonprime contracts for which no changes are proposed that meet the minimum preserve size, but which are made up of parcels which do not meet the minimum parcel size set forth in subsection 1-2.2.C below, shall continue to be eligible with respect to minimum preserve and contract size. The assumption of an existing contract shall also continue to be eligible with respect to minimum preserve and contract size, assuming no changes to contract boundaries occur. If the owner of an existing or assumed contract proposes a change to the contract (e.g. changing the contract boundary or ~~constructing a winery~~ obtaining a permit for development) then the contract would need to adhere to all of the eligibility requirements contained in section 1-2.2 of this Rule.

C. New and Replacement Contracts

Applications for new or replacement contracts shall be considered for land if its size and type are one of the following:

1. Nonprime Land

When the land is classified as nonprime, the minimum ~~legal parcel~~ preserve size within a contract is 100 acres under single ownership.

2. Prime Land

When the land is classified as prime, as defined in these Rules, the preserve can be made up of either of the following:

- a. A single parcel contract of at least 40 acres in size; or
- b. Two or more contiguous parcels (under one or more contracts) which total at least 40 acres, when each parcel (and contract where applicable) is either:
 - (1) A minimum of 20 acres; or
 - (2) A minimum of 5 acres of superprime land as defined in subsection C.3 below;or

- (3) A combination of (1) and (2) above.

Subsections (1) through (3) above apply when contract applications for an aggregate preserve of 40 acres or more are concurrently processed or when a new contract for less than 40 acres is added to other contracts in an existing prime preserve.

3. Superprime Land

Prime agricultural lands of the County south of the Santa Ynez Mountains and east of the Gaviota Pass which are highly productive due to the combination of soils and climate are uniquely suitable to specialty horticultural produce and floral varieties, and are capable of supporting commercially viable agricultural operations even on smaller properties. The Board of Supervisors has determined that such "superprime" agricultural lands are important to protect and therefore finds that parcels between 5 acres and less than 20 acres in size are eligible for inclusion in 40-acre minimum prime preserves, pursuant to subsection 1-2.2.C.2.b above.

4. Prime Preserves Reduced in Size with Special Findings

Notwithstanding the above, the Board of Supervisors 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 subsection 1-2.2.C.2, if it finds that such a smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such a preserve of lesser size is consistent with the Comprehensive Plan, as provided for in section 1-2.1, and that all of the following findings apply to the proposed preserve of lesser size:

- a. No other contiguous owners desire to enroll their land in a Williamson Act contract simultaneously to create a multiple contract preserve of 40 acres or more, pursuant to subsection 1-2.2.C.2 above;
- b. Each parcel meets the minimum requirements established for prime or superprime land pursuant to subsection 1-2.2.C.2;
- c. Each landowner maintains annual production records demonstrating that the land is being used for commercial agricultural production and continues to meet the eligibility requirements set forth in section 1-2.3, and makes such records available to the County upon request;
- d. The contracts will be subject to annual monitoring by the County for a period of no less than 5 years and thereafter as required pursuant to section 6-1.7 of these Rules. If at any time it is demonstrated that there is no longer a commercial agricultural operation on the premises, then the County shall proceed with issuing a notice of nonrenewal pursuant to section 6-1.7 of these Rules.

5. Special consideration

Other than superprime land, non-preserve islands surrounded by preserve lands may be considered as eligible when all criteria other than size are met.

D. Additions to Contracts

Additions to existing contracts of contiguous parcels shall be allowed as follows:

1. Nonprime Land

Any individual parcel 100 acres or greater in size, and which meets the definition of nonprime as set forth in these Rules, may be added to an existing nonprime contract provided the existing parcel(s) and parcel to be added are contiguous and are under the same ownership.

No sub-100 acre additions to nonprime contracts shall be allowed, except when the parcels to be added and existing contract are under the same ownership, ~~and any lot line is eradicated between a parcel within the existing contract and the added land, or adjusted pursuant to section 1-3 below, provided that all resulting parcels qualify individually for Williamson Act contracts.~~

2. Prime and Superprime Land

Any individual parcel that meets the definition of either prime land or superprime land as set forth in subsection 1-2.2.C.2, and is a minimum of 20 acres or 5 acres, respectively, may be added to an existing prime or superprime contract within a prime preserve that is contiguous and under the same ownership. Any individual parcel that meets the definition of either prime land or superprime land as set forth in subsection 1-2.2.C.2, and is a minimum of 20 acres or 5 acres, respectively, may be added to a preserve containing both nonprime and prime land only when the total resulting prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands are contiguous and under the same ownership.

No sub-20 acre additions to prime contracts or sub-5 acre additions to superprime contracts shall be allowed, except when the parcels to be added and existing contract are under the same ownership and any lot line is eradicated between a parcel within the existing contract and the added land, or adjusted pursuant to section 1-3 below, provided that all resulting parcels meet the individual parcel size requirements and combine to meet the minimum prime preserve size requirements for Williamson Act contracts as set forth in subsection 1-2.2.C.2.

1-2.3. COMMERCIAL PRODUCTION AND REPORTING REQUIREMENTS

To qualify for a Williamson Act contract and maintain ongoing eligibility, it must be demonstrated that the land is and will be used principally for the production of commercial agricultural products. This is particularly important for prime and superprime land which tends to be enrolled in smaller parcels. Therefore, contracts for prime and superprime land shall comply with the following productive acreage and annual production value/prime soils requirements, as presented in subsections A and B below. Nonprime land is addressed in subsection C, while subsection D applies to all contracted land.

A. Prime Land

In order to qualify and maintain eligibility for a contract, prime land shall comply with the following:

1. Minimum Productive Acreage:

Prime land must maintain a minimum of either 50% of the premises or 50 acres, whichever is less, fully planted (as defined herein) in commercial agricultural production (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will recommend the minimum productive acreage particular to the premises.

In addition to meeting this minimum productive acreage requirement, prime contracts shall also comply with either 2 or 3 below.

2. Average Annual Production Value:

- a. Agricultural production on prime land must yield an annual gross product value equal to or exceeding five hundred dollars (\$500) per gross acre² per year averaged over at least three (3) of the previous five (5) years; or
- b. 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 \$500³ per gross acre; or
- c. For irrigated pasture, agricultural production must yield an annual gross product value equal to or exceeding two hundred dollars (\$200) per gross acre per year

² Gross acre refers to the entire number of acres under a single contract, not just the acres in production. For example, if only 20 acres on a 40-acre contract were in cultivation, the annual gross product value would need to be at least \$1,000 per planted acre in order to meet the \$500 per gross acre requirement.

³ The product value is determined by multiplying the total annual productive acreage on the premises by the average value of the commodity for the previous five years as determined by the Agricultural Commissioner's Office, then dividing this total by the number of acres on the premises.

averaged over at least three (3) of the previous five (5) years, or must be able to support at least 1 animal unit month (AUM) per acre.

3. Prime Soils:

The land is composed of prime soils (i.e. qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classification or 80 through 100 in the Storie Index Rating).

B. Superprime Land

In order to qualify and maintain eligibility for a contract, superprime land shall comply with the requirements of either Column 1 or 2 of Table 1-2 below (as described in more detail in subsections B.1 and B.2 below), though in no case shall superprime land yield an annual gross product value per parcel less than \$5,000 and have fewer than 4.75 acres fully planted in commercial production:

Table 1-2. Production Requirements for Superprime Land

Parcel Size (acres)	Column 1 Average Annual Production Value	Column 2 Minimum Productive Acreage per Parcel (acres)
5 to 10	\$5000 per parcel	4.75
> 10 to 11	\$10,000 per parcel	5.00
> 11 to 12		5.50
> 12 to 13		6.00
> 13 to 14		6.50
> 14 to 15		7.00
> 15 to 16	\$15,000 per parcel	7.50
> 16 to 17		8.00
> 17 to 18		8.50
> 18 to 19		9.00
> 19 to <20		9.50

1. Average Annual Production Value:

Agricultural production on superprime land must yield an annual gross product value per parcel equal to or in excess of the values listed in Column 1 of Table 1-2. The average annual production value is averaged over at least three (3) of the previous five (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 the minimums set forth in Table 1-2. The production value is determined by multiplying the total production per parcel by the average value of the commodity for the previous five years as determined by the Agricultural Commissioner's Office; or

2. Minimum Productive Acreage:

Contracts on superprime land must maintain a minimum acreage fully planted (as defined herein) in commercial agricultural production consistent with Column 2 of Table 1-2 (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will determine the minimum productive acreage particular to that contract, however, in no case shall this be less than 4.75 acres.

C. Nonprime Land

Contracted land that is nonprime shall be engaged in active commercial agricultural production as its principal use. Nonprime land may be used for either grazing and/or cultivated agriculture and shall have a secure water source if required to support the agricultural activity.

D. Production Records

In order to ensure compliance with the production requirements in section 1-2.3, agricultural operations on contracted land shall maintain records of annual productive acreage and its production value to demonstrate continued eligibility, and make this information available to the County upon request.

1-2.4. ADJUSTMENTS TO PARCELS AND ZONING

- A. Except as provided for in 1-2.2.D above, whenever a landowner wishes to enter only part of an existing parcel, the landowner shall record a subdivision map or lot line adjustment prior to or simultaneously with submitting an application for enrollment into the Agricultural Preserve Program and prior to execution of a Williamson Act contract.
- B. For prime and superprime contracts, parcels in the same ownership which are too small individually to qualify must be merged or adjusted before the contract may be recommended for approval by the APAC.
- C. After a contract is entered into, any size reduction of any parcel resulting from a land division or lot line adjustment within the contract shall be allowed only if all parcels thus created meet the eligibility criteria of this Rule and, if the exterior boundaries of the contract change, are accompanied by an application for a replacement contract.
- D. In order for a parcel or group of parcels to be eligible for new and replacement contracts, the parcel(s) shall be zoned to the applicable zoning designation consistent with the qualifying preserve.

