



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: December 10, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Planning and Development
Director Lisa Plowman, Director, 568-2086
Contact Info: Travis Seawards, Deputy Director, 568-2518

SUBJECT: **Russell Ranch Agricultural Preserve Replacement Contract, Cuyama area, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Adopt a resolution creating Agricultural Preserve Contract No. 19AGP-00000-00014 (Attachment 1) consisting of 100 acres located approximately 1,600 yards north of Highway 166, in the Cuyama area (APN 149-310-004);
- b) Approve and authorize the Chair to execute Agricultural Preserve Replacement Contract No. 19AGP-00000-00014 (Attachment 2);
- c) Authorize recordation by the Clerk of the Board; and,
- d) Find that the proposed action is an administrative activity of the County which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

Summary Text:

Staff recommends that the Board of Supervisors adopt Agricultural Preserve Contract No. 19AGP-00000-00014 pursuant to Uniform Rule 6-2. The 100-acre subject property (designated as Assessor Parcel Number [APN] 149-310-004) was originally part of Agricultural Preserve Contract No. 77-AP-052, which was comprised of APNs: 149-310-004, 149-310-003, 149-310-005, and 149-330-011. The Richard Russell Trust previously owned all four of the parcels under Agricultural Preserve Contract No. 77-AP-052, but recently sold three parcels (designated as APNs 149-310-003, 149-310-005, and 149-330-011) that were included under the Agricultural Preserve Contract. As a result, two separate contracts must be processed to replace the entirety of the original contract, 77-AP-052. Amethyst Properties, Inc. owns APNs 149-310-003, 149-310-005, and 149-330-011 and will be required to apply for a new contract under a separate application for these three parcels. The subject property is still owned by the Richard Russell Trust, who has requested this replacement contract (Case No. 19AGP-00000-00014) for the 100-acre parcel (APN 149-310-004).

The proposed Russell Ranch Agricultural Preserve Replacement Contract No. 19AGP-00000-00014 would be a preserve of 100 acres used for cannabis cultivation and is consistent with the County's Comprehensive Plan. The property is developed with two residences, one barn, one ranch-quarters and one office. The project is located approximately 1,600 yards north of Highway 166, in the Cuyama area, First Supervisorial District (Attachment 4). The subject parcel is currently zoned AG-II-100 under the Land Use and Development Code.

On August 23, 2019, the Agricultural Preserve Advisory Committee (APAC) reviewed Land Use Permit No. 19LUP-00000-00306, which proposes 40 acres of cannabis cultivation on the 100-acre parcel that is owned by the Richard Russell Trust. During the August 23, 2019 meeting, APAC requested that a notice to appear be sent to all owners of record regarding the ongoing eligibility of the original Agricultural Preserve Contract No. 77-AP-052 due to a change of ownership. As a result of this action, the Richard Russell Trust applied for Case No. 19AGP-00000-00014, the subject replacement contract, pursuant to Uniform Rule 6-2. On October 4, 2019, APAC found the request for Agricultural Preserve Replacement Contract No. 19AGP-00000-00014 consistent with the Uniform Rules.

Background:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land in an agricultural use. The County of Santa Barbara has adopted such a program, which is codified under the Uniform Rules for Agricultural Preserves and Farmland Security Zones. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary. Therefore, there are no state mandates associated with this program.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs to process the project were borne by the applicant through the payment of processing fees. The total estimated cost to process this agricultural preserve contract is approximately \$3,600.00. Funding for this project is budgeted in the Planning and Development's Permitting Budget Program on page D-269 of the County of Santa Barbara Fiscal Year 2019-20 adopted budget.

Special Instructions:

Clerk of the Board shall endorse the fact of this adoption and the date thereof on said Surveyor map and shall record this Short Form Land Conservation Contract (Short Form Contract Attachment 2) with description attached at the Office of the Santa Barbara County Recorder. In addition, the Clerk of the Board shall forward to the following interested parties copies of the documents as follows:

1. To the County Recorder, a copy of the Surveyor's map;
2. To the property owner (Richard Russell, 5029 Newcastle Avenue, Encino, CA 91316), a conformed copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map;
3. To the Planning and Development Department (Tina Mitchell and David Villalobos), a conformed copy of the Short Form Contract, a certified copy of the Resolution, and a copy of the Surveyor's map;
4. To the Assessor, a certified copy of the Short Form Contract, a certified copy of this Resolution, and a copy of the Surveyor's map; and
5. To the Surveyor, a certified copy of the Short Form Contract.

Attachments:

1. Agricultural Preserve Resolution
2. Agricultural Preserve Contract
3. Approved Legal Description
4. Vicinity Map

Authored by:

Tina Mitchell, Planner 805-934-6289
Development Review Division, Planning and Development Department

ATTACHMENT 1: Agricultural Preserve Resolution

ATTACHMENT 2: Agricultural Preserve Contract

ATTACHMENT 3: Approved Legal Description

ATTACHMENT 4: Vicinity Map