



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 11, 2018  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Planning and Development  
Dianne M. Black, Director, (805) 568-2086  
Contact Info: Jeff Wilson, Deputy Director, (805) 934-6559  
Development Review Division

**SUBJECT:** Bemi Notice of Nonrenewal of Agricultural Preserve Contract, Los Alamos Area,  
Third Supervisorial District

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**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) Receive and consider the Agricultural Preserve Advisory Committee (APAC) recommendation to non-renew Agricultural Preserve Contract 84-AP-006;
- b) Approve the Nonrenewal of Agricultural Preserve Contract 84-AP-006 (Attachment 1) due to non-compliance with Uniform Rule 1-2.3 – Commercial Production and Reporting Requirements; and direct the Clerk of the Board to record the approved Notice of Nonrenewal; and
- c) 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:**

On April 6, 2018, the APAC reviewed the ongoing eligibility of agricultural contract 84-AP-006 as an agricultural preserve and its consistency with the Uniform Rules. The property owner was notified of APAC's review and did not attend the meeting. APAC voted 4-0 (Shapero absent) to recommend to the Board of Supervisors that agricultural preserve contract 84-AP-006 be placed in nonrenewal due to noncompliance with Uniform Rule 1-2.3-commercial agricultural production requirements. APAC meeting minutes are included as Attachment 4.

The 84.50-acre property (APN 133-100-075) is part of an existing prime contract and subject to Uniform Rule 1-2.3. In order to maintain ongoing eligibility, the property must be used principally for the production of commercial agricultural products and meet the minimum productive acreage requirement that mandates that the land maintain a minimum of either 50 percent of the premises or 50 acres, whichever is less, fully planted 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. APAC determined that the owner does not meet the 50% requirements and verified that the owner cannot increase the area of production due to the size and soil types on the property.

The contract went into effect in 1984 and applies to approximately 84.50 acres in the Los Alamos area. Attachment 2 is the approved legal description of the property. In accordance with Section 6-1.1 of the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones, the property must continue to comply with the Williamson Act and Uniform Rules for the duration of the contract, which would expire on December 31, 2027.

### **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.

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 at least 60 days in advance of the annual renewal date of the contract. Pursuant to Uniform Rule 6-1.7, the Agricultural Preserve Advisory Committee (APAC) may recommend that the Board issue a notice of nonrenewal after providing the landowners with notice of the recommendation. APAC held a hearing on the matter on April 6, 2018 and provided notice to the landowners. Upon receiving the Board approved notice of nonrenewal, the Clerk of the Board is required to record the notice of nonrenewal. Upon recordation, the County's role related to the notice of nonrenewal is complete.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The total estimated cost to process this agricultural preserve contract non-renewal is approximately \$3,000.00. This is a county-initiated case, thus no processing fees were collected. Processing for this project is budgeted in the Permitting Budget Program on page D-272 of the FY 2018-19 budget.

**Special Instructions:**

Clerk of the Board shall distribute copies of the recorded non-renewal (with legal description and vicinity map) and Minute Order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Amber Long, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Owner: Atul and Armida Bembi, 2426 Kellogg Court, Duarte, CA 91010


**Attachments:**

1. County-Initiated Application for Non-Renewal
2. Approved Legal Description
3. Vicinity Map
4. Excerpt from April 6, 2018 APAC Minutes

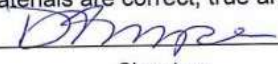
**Authored by:**

Amber Long, Planner, (805) 934-6587  
Development Review Division, Planning and Development Department

### ATTACHMENT 1: COUNTY-INITIATED APPLICATION FOR NON-RENEWAL

	<b>PLANNING &amp; DEVELOPMENT PERMIT APPLICATION</b>
SITE ADDRESS: <u>9000 Alisos Canyon Road</u>	
ASSESSOR PARCEL NUMBER: <u>133-100-075</u>	
(acres/sq.ft.): Gross <u>84.249</u> acres Net _____	
ZONING: <u>AG-II-100</u>	
COMPREHENSIVE/COASTAL PLAN DESIGNATION: <u>AC</u>	
Are there previous permits/applications? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes numbers: _____ (include permit # & lot # if tract)	
Did you have a pre-application? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes if yes, who was the planner? _____	
Are there previous environmental (CEQA) documents? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes numbers: _____	
Project description summary: <u>County initiated nonrenewal of contract 84-AP-006</u>	
1. <b>Financially Responsible Person</b> _____ Phone: _____ FAX: _____ (For this project) Mailing Address: _____ Street City State Zip	
2. <b>Owner:</b> <u>Atul Bembi</u> Phone: _____ FAX: _____ Mailing Address: <u>2426 Kellogg Ct, Duarte, CA 91010</u> E-mail: _____ Street City State Zip	
3. <b>Agent:</b> _____ Phone: _____ FAX: _____ Mailing Address: _____ E-mail: _____ Street City State Zip	
4. <b>Arch./Designer:</b> _____ Phone: _____ FAX: _____ Mailing Address: _____ State/Reg Lic# _____ Street City State Zip	
5. <b>Engineer/Surveyor:</b> _____ Phone: _____ FAX: _____ Mailing Address: _____ State/Reg Lic# _____ Street City State Zip	
6. <b>Contractor:</b> _____ Phone: _____ FAX: _____ Mailing Address: _____ State/Reg Lic# _____ Street City State Zip	

I hereby certify to the best of my knowledge, the information contained in this application and all attached materials are correct, true and complete.

  
\_\_\_\_\_  
Signature

Debra Trupe 11-13-18  
Print name/date

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Case Number **18AGP-00000-00020**  
Supervisoria BEMBI COUNTY INITIATED AGRICULTURAL  
Applicable Z 9000 ALISOS CANYON RD 10/2/18  
Project Plan  
Zoning Desig LOS ALAMOS 133-100-075

UNTY USE ONLY  
Companion Case Number: \_\_\_\_\_  
Submittal Date: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_  
Accepted for Processing \_\_\_\_\_  
Comp. Plan Designation \_\_\_\_\_

**ASSESSOR'S DESCRIPTION OF PROPERTY**  
 Assessor's Parcel No. 133-100-075

TheTax Code Area No.	Book – Page - Parcel	Acreage	Assessed Value Land Only
080-130	Bk 133 – Pg 10	84.249	\$787,188

Attach copy of Current Assessor's Map showing proposed Preserve Boundaries  
 (NOTE: Only latest Assessor's Map; do not substitute others.)

STATUS OF OWNERSHIP (check box):

Fee\_\_\_; Probate\_\_\_; Trust\_\_\_; Escrow

Other: \_\_\_\_\_

LAND TENURE (check): Owner-operated\_\_\_; Rented\_\_\_; Leased\_\_\_; Sharecropped\_\_\_; Other\_\_

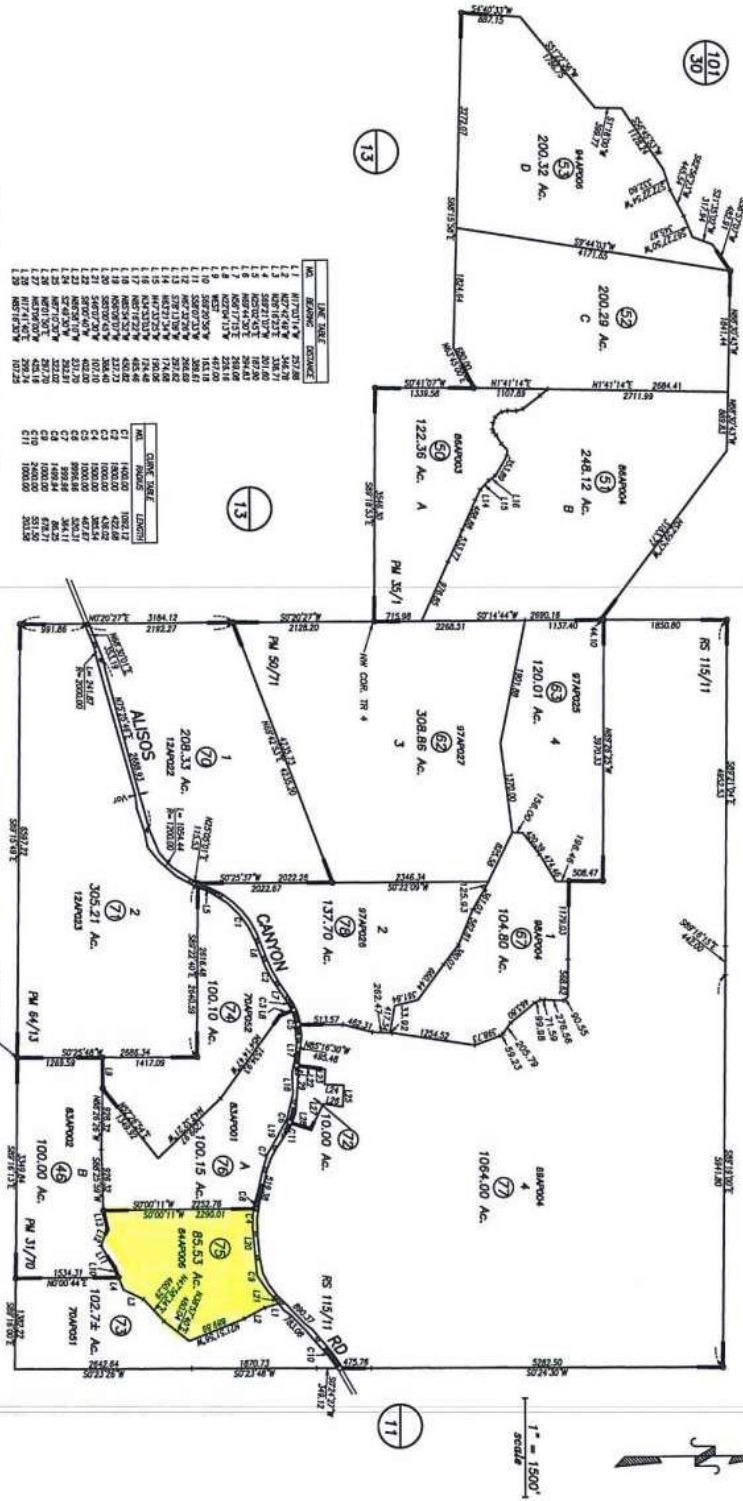
The following section must be filled out completely and accurately. Please do not leave any of the boxes blank. If there are no crops or acreage in a particular land class, then indicate that by writing in NONE.

**PRESENT LAND USE, CLASS, AND ACREAGE**

Land Class	Crop or Use	Soil Class, Rating, or Income/acre	Acreage
PRIME Farmland			
		Total Prime Land Acreage	
NONPRIME Farmland Rangeland 100%	less than 50%		84.249
		Total Nonprime Acreage	
NONFARM and/or Open Space and/or Recreation (This includes all structures. Please indicate what kinds of structures exist on the property.)			
		Total NonFarm Acreage	
Total Acreage in Preserve			84.249

POR. RANCHO LA LAGUNA

133-10



**NOTICE**  
 Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

NO.	LINE	BEARING	DISTANCE
1.1	N 17° 03' 14" W	252.88	
1.2	N 82° 52' 41" E	206.79	
1.3	S 82° 52' 41" E	201.60	
1.4	S 82° 52' 41" E	201.60	
1.5	N 82° 52' 41" E	201.60	
1.6	N 82° 52' 41" E	201.60	
1.7	N 82° 52' 41" E	201.60	
1.8	N 82° 52' 41" E	201.60	
1.9	N 82° 52' 41" E	201.60	
1.10	N 82° 52' 41" E	201.60	
1.11	N 82° 52' 41" E	201.60	
1.12	N 82° 52' 41" E	201.60	
1.13	N 82° 52' 41" E	201.60	
1.14	N 82° 52' 41" E	201.60	
1.15	N 82° 52' 41" E	201.60	
1.16	N 82° 52' 41" E	201.60	
1.17	N 82° 52' 41" E	201.60	
1.18	N 82° 52' 41" E	201.60	
1.19	N 82° 52' 41" E	201.60	
1.20	N 82° 52' 41" E	201.60	
1.21	N 82° 52' 41" E	201.60	
1.22	N 82° 52' 41" E	201.60	
1.23	N 82° 52' 41" E	201.60	
1.24	N 82° 52' 41" E	201.60	
1.25	N 82° 52' 41" E	201.60	
1.26	N 82° 52' 41" E	201.60	
1.27	N 82° 52' 41" E	201.60	
1.28	N 82° 52' 41" E	201.60	
1.29	N 82° 52' 41" E	201.60	
1.30	N 82° 52' 41" E	201.60	

NO.	CURVE	LENGTH
C1	180.00	180.00
C2	180.00	180.00
C3	180.00	180.00
C4	180.00	180.00
C5	180.00	180.00
C6	180.00	180.00
C7	180.00	180.00
C8	180.00	180.00
C9	180.00	180.00
C10	180.00	180.00
C11	180.00	180.00

01/02/1919 R.M. Bk. 11, Pg. 177-180, Tract "Survey Showing Division of Wickenden Ranch & Portion of Rancho La Laguna"

Assessor's Map Bk. 133-Pg. 10  
 County of Santa Barbara, Calif.

10/14

**ATTACHMENT 2: APPROVED LEGAL DESCRIPTION**

*County of Santa Barbara  
Public Works Department*

***Office of the County Surveyor***

123 E. Anapamu Street  
Santa Barbara, California 93101  
805/568-3020 FAX 805/568-3318

*Aleksandar Jevremovic, County Surveyor*



**TRANSMITTAL**

**TO:** Amber Long, Planner

**DATE:** 11/6/2018

**ADDRESS/DEPARTMENT:** Planning and Development

**FROM:** Aleksandar Jevremovic, County Surveyor *AJ*

**PHONE:** 3012

**SUBJECT: 18AGP-00000-00020**  
Bembi County Initiated Ag Preserve Non-Renewal  
APN: 133-100-075

QTY	DESCRIPTION
1	Approved Legal Description with exhibit map

**ACTION:**

- As Requested
- For Your Use
- Approved as Noted
- For Review and Comment

REMARKS:

Bembi Agricultural Preserve  
No. 18 AGP-00000-00020

**Legal Description**

APN: 133-100-075

That portion of Tract No. 1 as laid down and designated on the map entitled "Map of a Survey made by F.F. Flournoy, showing division of the Wickenden Rancho and portion of La Laguna Rancho, Santa Barbara County, California, scale 1 Inch=300 Feet November 1918", recorded in Book 11, pages 177 to 180, inclusive, of Maps and Surveys, in the Office of the County Recorder of Santa Barbara County, California, described as follows:

Beginning at a ½ inch survey pipe set in the center line of Fithian Road and the South line of said Tract No. 1 from which the most westerly-southwest corner of said Tract No. 1 bears North 89° 24' 15" West 23.93 feet;

Thence 1<sup>st</sup>, along the westerly line of said Tract 1 North 0° 23' East 2640.00 feet to the northwesterly corner of said tract;

Thence 2<sup>nd</sup>, along the northerly line of said Tract 1 South 89° 25' East 7372.4 feet to a 2 inch Brass Capped monument set at the northeasterly corner of said Tract 1;

Thence 3<sup>rd</sup>, along the easterly line of said Tract 1, South 0° 24' 15" West 475.76 feet to a ½ inch survey pipe set at Station 163+33.68 on the center line of county road, known as Fithian Road described in the Deed to the County of Santa Barbara recorded October 13, 1955 as Instrument No. 18490 in Book 1340, at Page 481 of Official Records;

Thence 4<sup>th</sup>, along the arc of a curve concave to the southeast having a tangent which bears South 59° 17' 28" West, a radius of 2400 feet, a central angle of 13° 10' 18" and a length of 551.50 feet to Station 168+85.18;

Thence 5<sup>th</sup>, South 46° 07' 30" West 783.06 feet;

Thence 6<sup>th</sup>, leaving the center line of Fithian Road South 17° 03' 14" East 257.88 feet;

Thence 7<sup>th</sup>, South 27° 42' 49" East 346.78 feet;

Thence 8<sup>th</sup>, South 21° 51' 56" East 889.89 feet to a ½ inch survey pipe set at the north end of the 4<sup>th</sup> course bears North 85° 06' 41" East 420.14 feet;

Thence 9<sup>th</sup>, South 38° 57' 40" West 480.04 feet to a ½ inch survey pipe;

Thence 10<sup>th</sup>, South 47° 58' 34" West 460.29 feet to a ½ inch survey pipe;

Thence 11<sup>th</sup>, South 26° 16' 23" West 336.71 feet to a ½ inch survey pipe;

Thence 12<sup>th</sup>, South 69° 21' 07" West 364.80 feet to a ½ inch survey pipe;

Thence 13<sup>th</sup>, South 58° 07' 44" West 339.67 feet to a ½ inch survey pipe;

Thence 14<sup>th</sup>, North 67° 32' 25" West 266.66 feet to a ½ inch survey pipe;

Thence 15<sup>th</sup>, South 78° 13' 10" West 297.59 feet to a ½ inch survey pipe;

Thence 16<sup>th</sup>, North 2290.19 feet to the center line of Fithian Road, being in the arc of a curve concave to the north, the radial center of which bears North 9° 44' 20" East 1500 feet and having a total central angle of 18° 01' 15" and a total length of 471.78 feet;

Thence 17<sup>th</sup>, westerly along the arc of said curve through a central angle of 2° 17' 40" 86.24 feet to a ½ inch survey pipe at the end of said curve;

Thence continuing along the centerline of Fithian Road the following courses and distances:



18<sup>th</sup>, North 76° 58' West feet to a ½ inch survey pipe set at the beginning of a curve to the right having a radius of 1,000.00 feet and central angle of 20° 51' 45";  
Thence 19<sup>th</sup>, along the arc of said curve 364.12 feet to a ½ inch survey pipe set at the end thereof;  
Thence 20<sup>th</sup>, North 56° 06' 15" West 237.74 feet to a ½ inch survey pipe set at the beginning of a curve to the left having a radius of 1,000.00 feet and central angle of 29° 28' 45";  
Thence 21<sup>st</sup>, along the arc of said curve 520.33 feet to a ½ inch survey pipe set at the end thereof;  
Thence 22<sup>nd</sup>, North 85° 55' West 495.48 feet to a ½ inch survey pipe;  
Thence 23<sup>rd</sup>, North 85° 16' 30" West 495.48 feet to ½ inch survey pipe set at the beginning of a curve having a radius of 1,000.00 feet and a total central angle of 38° 26' 15";  
Thence 24<sup>th</sup>, along the arc of said curve 670.86 feet;  
Thence 25<sup>th</sup>, South 56° 17' 15" West 269.08 feet to the beginning of a curve to the right having a radius of 1800 feet and a central angle of 13° 27' 16";  
Thence 26<sup>th</sup>, along the arc of said curve 422.68 feet;  
Thence 27<sup>th</sup>, South 69° 44' 30" West 294.83 feet to the beginning of a curve to the left having a radius of 1400 feet and a central angle of 44° 41' 45";  
Thence 28<sup>th</sup>, along the arc of said curve 1092.12 feet;  
Thence 29<sup>th</sup>, South 25° 02' 25" West 187.90 feet to the point of beginning.

Excepting that portion of said land lying northerly of the center line of the county road known as Alisos Canyon Road.

APPROVED AS TO FORM  
AND SURVEY CONTENT

*A. Jevremovic*  
ALEKSANDAR JEVREMOVIC  
COUNTY SURVEYOR  
LICENSE EXP. 12/31/2019



*11/5/2018*



**ATTACHMENT 3: VICINITY MAP**



**ATTACHMENT 4: EXCERPT FROM APRIL 6, 2018 APAC MINUTES**



**COUNTY OF SANTA BARBARA**

**AGRICULTURAL PRESERVE ADVISORY COMMITTEE  
APPROVED MINUTES MEETING OF APRIL 6, 2018  
9:00 A.M.**

The regular meeting of the Agricultural Preserve Advisory Committee was called to order by Debbie Trupe at 9:00 A.M. in the Santa Barbara County Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

<u>COMMITTEE MEMBERS</u>	<u>PRESENT:</u>
Debbie Trupe, Agricultural Commissioner	x
Sergio Ricardo, Assessor's Office	x
David Lackie, Planning and Development	x
Aleks Jevremovic, County Surveyor	x
Matthew Shapero, U.C Cooperative Extension	<input type="checkbox"/>

<u>STAFF MEMBERS</u>	<u>PRESENT</u>
Michelle Montez, Deputy County Counsel	x
Sharon Foster, Planning & Development	x

NUMBER OF INTERESTED PERSONS: 5  
ADMINISTRATIVE AGENDA:

- I. MEETING CALLED TO ORDER: *by Chair, Debbie Trupe*
- II. PUBLIC COMMENTS: *None*
- III. MINUTES: The Minutes of February 2, 2018 and March 2, 2018, 2017 were considered as follows:

**ACTION:** Lackie moved, seconded by Trupe, and carried by a vote of 4-0 (Shapero absent) to approve the Minutes of February 2, 2018.

**ACTION:** Stark moved, seconded by Jevremovic, and carried by a vote of 3-2 (Shapero absent, Lackie & Trupe abstained) to approve the Minutes of March 2, 2018.

**NEW ITEMS**

- 1. 72-AP-095 Eisengart New Guest House, Detached Garage and Access Driveway Hollister Ranch Lot 84  
17CDH-00000-00043 Kathryn Lehr, Planner (805) 568-3560

Consider the request of A34 Studio, agent for the owner, Bruce Eisengart, of Case No. 17CDH-00000-00043 regarding the proposed guest house with a detached garage and access driveway and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules

AGRICULTURAL PRESERVE ADVISORY COMMITTEE APPROVED MINUTES  
Meeting of April 6, 2018  
Page 2

and any enforcement actions pursuant to Uniform Rule 6. The property is 113.81 acres identified as Assessor's Parcel Number 083-690-003, zoned AG-II-320 with an A-II-320 Comprehensive Plan designation located at Hollister Ranch Lot 84 in the Gaviota area, Third Supervisorial District. (Continued from 3/2/18)

Lackie moved, seconded by Jevremovic, and carried by a vote of 4-0 (Shapero absent) to continue the project at the request of the applicant to the May 4, 2018 APAC meeting.

2. 76-AP-008 Contract Eligibility Lompoc

Consider the ongoing eligibility of the properties listed below making up agricultural preserve contract 76-AP-008 and their consistency with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. All of the properties are located in the Mail Road-Drum Canyon area, Third Supervisorial District.

099-170-024 (Lompoc, LLC)  
099-210-051 (Lompoc, LLC)  
099-210-060 (Lompoc, LLC)  
099-210-076 (415 South Olive, LLC)  
099-210-077 (Brian Strange)

Lackie moved, seconded by Ricardo and carried by a vote of 4-0 (Shapero absent) to authorize the chair to send a 60 day letter to all owners of current record of contract 76-AP-008 informing them that the APAC Committee will consider initiating their contract for non-renewal.

3. 86-AP-006 Bembi Ongoing Contract Eligibility Los Alamos

Consider the consistency of ag contract No. 84-AP-006, owned by Atul Bembi, with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 84 acres identified as Assessor's Parcel Number 133-100-075 zoned AG-II-100 with an AC Comprehensive Plan designation located at 9000 Aliso Canyon Road in the Los Alamos area, Third Supervisorial District. (Continued from 7/7/17, 8/11/17, 9/1/17, 11/3/17)

Ricardo moved, seconded by Lackie, and carried by a vote of 4 -0 (Shapero absent) to recommend that the Board of Supervisors non-renew contract number 86-AP-006 due to non compliance with Uniform Rule 1-2.3., Commercial Production and Reporting Requirements.