



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: September 7, 2010  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department: Planning and Development  
Director: Glenn Russell, PhD., Director (568-2085)  
Contact Info: Michael Hays, Agricultural Land Use Planner (934-6923)  
Agricultural Land Use Planning Division  
**SUBJECT:** Zannon New Agricultural Preserve Contracts and Consistency Rezone, Cuyama area

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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:

Consider a consistency rezone, Case No. 09RZN-00000-00011 and the request of Eugene Zannon and Gail Zannon, owners, for a new prime agricultural preserve contract, Case No. 09AGP-00000-00024 and E.F. Zannon (Anacapa Fund Pension/Profit Trust), owner, for a new prime agricultural preserve contract, Case No. 09AGP-00000-00025.

A. Approve the Rezone:

1. Adopt the required findings for 09RZN-00000-00011 specified in Attachment A of the Planning Commission action letter dated June 30, 2010 (included herein as Exhibit 1) including CEQA findings;
2. Accept the exemption, included as Exhibit 2 of this Board Letter, dated September 7, 2010, pursuant to CEQA Section 15061(b)(3);
3. Adopt Zoning Map Amendment for Assessor's Parcel Numbers 149-170-044 and 149-230-060 amending the Inland Zoning Map from U, (Ordinance 661), to AG-II-100 (Land Use and Development Code) for the Cuyama Valley Rural Areas Zones included herein as Exhibit 3 of this Board Letter;

- B. Approve the creation of one new prime Agricultural Preserve Contract(Case # 09AGP-00000-00024):
1. Accept the exemption, included herein as Exhibit 2 of this Board Letter, dated September 7, 2010, pursuant to CEQA Section 15317;
  2. Execute an agreement, included as Exhibit 4 of this Board Letter creating Agricultural Preserve, 09AGP-00000-00024; and,
  3. Adopt a resolution, included as Exhibit 5 of this Board Letter creating Agricultural Preserve, 09AGP-00000-00024.

The site is identified as Assessor's Parcel Number 149-170-044 located on Foothill Road in the Cuyama area, Fifth Supervisorial District.

- C. Approve the creation of one new prime Agricultural Preserve Contract (Case # 09AGP-00000-00025):
1. Accept the exemption, included herein as Exhibit 2 of this Board Letter, dated September 7, 2010, pursuant to CEQA Section 15317;
  2. Execute an agreement, included as Exhibit 6 of this Board Letter creating Agricultural Preserve, 09AGP-00000-00025; and,
  3. Adopt a resolution, included as Exhibit 7 of this Board Letter creating Agricultural Preserve, 09AGP-00000-00025.

The site is identified as Assessor's Parcel Number 149-230-060 located on Highway 33 in the Cuyama area, Fifth Supervisorial District.

**Summary Text:**

At the Planning Commission hearing on June 30, 2010 the Commission voted unanimously to recommend the consistency rezone (Case No. 09RZN-00000-00011) to the Board of Supervisors. The Planning Commission's June 30, 2010 Action Letter is included as Exhibit 1 of this Board Letter, and the June 18, 2010 staff report is included herein as Exhibit 8 of this Board Letter.

The proposed new Zannon Agricultural Preserve contract #1 (09AGP-00000-00024) would be a prime preserve consisting of one 80 acre parcel (APN 149-170-044). The proposed new Zannon Agricultural Preserve contract #2 (09AGP-00000-00025) would be a prime preserve consisting of one 98.78 acre parcel (APN 149-230-060). Both parcels are fully planted with pistachio trees, currently zoned U (Unlimited Agriculture) under Ordinance 661, and are proposed to be rezoned to AG-II-100 under the Land Use and Development Code. Santa Barbara County's Uniform Rules for Agricultural Preserves and Farmland Security Zones requires eligible land to have land use and zoning designations consistent with Agriculture, Mountainous, or Resource Management. Uniform Rules 1-2.1 states: " Interested landowners with ineligible land use or zoning designations should request and

secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject to the provisions outlined in section 1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request". Uniform Rule 1-2.4D states: "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".

On April 2, 2010 the Agricultural Preserve Advisory Committee (APAC) reviewed 09AGP-00000-00024, 09AGP-00000-00025 and 09RZN-00000-00011. The APAC determined 09AGP-00000-00025 and 09RZN-00000-00011 projects to be consistent with the Uniform Rules and 09AGP-00000-00024 consistent with the Uniform Rules contingent upon obtaining the recorded document No. 80-20363(a grant deed proving a secure water source). The recorded agreement was obtained and meets the APAC's required contingency.

Subsequent to the April 2, 2010 APAC meeting, it became known Assessor's Parcel Number 149-230-060 may not be a legal parcel. The County's Surveyor's Office would need a Certificate of Compliance application to determine parcel validity. Therefore on June 4, 2010 the Agricultural Preserve Advisory Committee reviewed 09AGP-00000-00024 a second time to determine whether the parcel validity issue would preclude Assessor's Parcel Number 149-230-060 from entering into an agricultural preserve contract. Uniform Rule 1-2 Eligibility Requirements states, "Where a landowner applies to enroll their entire contiguous landholding in a single contract, and the landholding complies with these rules, the landowner shall not be required to provide a certificate of compliance or other evidence that the landholding is a legally created parcel or parcels. Documentation of parcel validity will be required should the landowner make a request for development on the parcel or parcels". The landowner applied to enroll their entire contiguous landholding in a single contract and is not requesting to develop the parcel at this time. The APAC's motion states "the project is consistent with the Uniform Rules. This finding does not conclude that this is a legal parcel."

Therefore, the rezone and agricultural preserve projects are considered to be 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.

Government Code §658565 requires that upon receipt of an affirmative recommendation of the Planning Commission on a proposed rezoning, the legislative body shall hold a public hearing on the matter.

### **Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

There are no fees associated with agricultural preserve contracts or consistency rezones. The cost for the contract review and preparation of this report is estimated to be \$10,208, and is budgeted in the Agricultural Planning program on Page D-344 of the adopted 2010–2011 fiscal year budget.

**Special Instructions:**

Please distribute copies of the recorded contracts with attached legal descriptions and copies of the Board of Supervisors Minute Order as follows:

Stephanie Stark, P&D	Contracts, Legal Description, Maps
Assessor	Contracts, Maps
Surveyor	Contracts
Clerk	Contracts
Eugene and Gail Zannon	Contracts, Maps
P.O. Box 21957	
Santa Barbara, CA 93121	

The Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Hearing Support Section, Attn: David Villalobos.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation. The Clerk of the Board shall mail a notice to property owners within 300 feet of the project, including the real property owners, project applicant, and agencies expected to provide essential services shall be done at least 10 days prior to the hearing (Government Code Section 65091) and publish a notice in the Santa Barbara Daily Sound.

Planning & Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

**Exhibits**

1. Planning Commission Action Letter, dated June 30, 2010
2. CEQA Exemptions for Agricultural Preserve and Rezone
3. Ordinance to Rezone
4. Agricultural Preserve Contract, 09AGP-00000-00024 (2 copies)
5. Resolution Creating Agricultural Preserve, 09AGP-00000-00024
6. Agricultural Preserve Contract, 09AGP-00000-00025 (2 copies)
7. Resolution Creating Agricultural Preserve, 09AGP-00000-00025
8. Staff Report, dated June 18, 2010
9. Planning Commission Rezone Resolution
10. Legal Description and Vicinity Map, 09AGP-00000-00024
11. Legal Description and Vicinity Map, 09AGP-00000-00025
12. Site Plan, 09AGP-00000-00024
13. Site Plan, 09AGP-00000-00025

**Authored by:**

Stephanie Stark, Agricultural Planner, 805-681.5604  
Agricultural Planning Division, Planning and Development Department