



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

Submitted on:
(COB Stamp)

Items marked with an * contain macros. Double-click the text to launch the macro.

Select_List items can only be used once; the text selected will replace the text displayed.

Department Name: Planning and Development
Department No.: 053
For Agenda Of: 12/11/07
Placement: * Administrative*
Estimated Tme: * N/A
Continued Item: No*
If Yes, date from:
Vote Required: Majority*

TO: Board of Supervisors
FROM: Department John Baker, Director (568-2085)
Director Planning and Development
Contact Info: Dave Ward, Deputy Director, (568-2520)
Development Review - South County
SUBJECT: * Six New Agricultural Preserve Contracts, Bixby (Cojo) Ranch

County Counsel Concurrence *

As to form: Yes *

Other Concurrence: * N/A *

As to form: No *

Recommended Actions: *

That the Board of Supervisors:

Auditor-Controller Concurrence *

As to form: N/A *

Conduct a hearing on December 11, 2007 at the request of Walt Alves, agent for owner, California Ocean Gardens LLC., to consider Case Nos. 07AGP-00000-00025, 07AGP-00000-00026, 07AGP-00000-00027, 07AGP-00000-00028, 07AGP-00000-00029, and 07AGP-00000-00030 for approval of the creation of six new nonprime (rangeland) agricultural preserve contracts at the Bixby (Cojo) Ranch. The new contracts involve Assessor Parcel Numbers (APN) 083-510-014, -052, & -053 (07AGP-00000-00025); 083-510-010, -045, & -046 (07AGP-00000-00026); 083-510-049, -050, & 051 (07AGP-00000-00027); 083-600-015 & a portion of -030 (07AGP-00000-00028); a portion of 083-600-030 (07AGP-00000-00029); and 083-510-047 & 048 (07AGP-00000-00030), located off Jalama Road, in the Bixby (Cojo) Ranch area, Third Supervisorial District.

At the December 11, 2007 hearing, the Board of Supervisor's action should include the following:

A. Approve the creation of new nonprime Agricultural Preserve Contract 07AGP-00000-00025:

1. Accept the exemption, included as Attachment A1 of this board letter, pursuant to Section 15317 of the CEQA Guidelines;
2. Execute an agreement, included as Attachment A2 of this board letter creating Agricultural Preserve, 07AGP-00000-00025; and
3. Adopt a resolution, included as Attachment A3 of this board letter creating Agricultural Preserve, 07AGP-00000-00025.

B. Approve the creation of new nonprime Agricultural Preserve Contract 07AGP-00000-00026:

1. Accept the exemption, included as Attachment B1 of this board letter, pursuant to Section 15317 of the CEQA Guidelines;
2. Execute an agreement, included as Attachment B2 of this board letter creating Agricultural Preserve, 07AGP-00000-00026; and
3. Adopt a resolution, included as Attachment B3 of this board letter creating Agricultural Preserve, 07AGP-00000-00026.

C. Approve the creation of new nonprime Agricultural Preserve Contract 07AGP-00000-00027:

1. Accept the exemption, included as Attachment C1 of this board letter, pursuant to Section 15317 of the CEQA Guidelines;
2. Execute an agreement, included as Attachment C2 of this board letter creating Agricultural Preserve, 07AGP-00000-00027; and
3. Adopt a resolution, included as Attachment C3 of this board letter creating Agricultural Preserve, 07AGP-00000-00027.

D. Approve the creation of new nonprime Agricultural Preserve Contract 07AGP-00000-00028:

1. Accept the exemption, included as Attachment D1 of this board letter, pursuant to Section 15317 of the CEQA Guidelines;
2. Execute an agreement, included as Attachment D2 of this board letter creating Agricultural Preserve, 07AGP-00000-00028; and
3. Adopt a resolution, included as Attachment D3 of this board letter creating Agricultural Preserve, 07AGP-00000-00028.

E. Approve the creation of new nonprime Agricultural Preserve Contract 07AGP-00000-00029:

1. Accept the exemption, included as Attachment E1 of this board letter, pursuant to Section 15317 of the CEQA Guidelines;
2. Execute an agreement, included as Attachment E2 of this board letter creating Agricultural Preserve, 07AGP-00000-00029; and
3. Adopt a resolution, included as Attachment E3 of this board letter creating Agricultural Preserve, 07AGP-00000-00029.

F. Approve the creation of new nonprime Agricultural Preserve Contract 07AGP-00000-00030:

1. Accept the exemption, included as Attachment F1 of this board letter, pursuant to Section 15317 of the CEQA Guidelines;
2. Execute an agreement, included as Attachment F2 of this board letter creating Agricultural Preserve, 07AGP-00000-00030; and
3. Adopt a resolution, included as Attachment F3 of this board letter creating Agricultural Preserve, 07AGP-00000-00030.

Summary Text:

Each of the proposed six new agricultural preserves would operate as rangeland, or as “nonprime” preserves. All six preserves are located within a “zero development zone” mandated by Vandenberg Air Force Base which is located under the airspace for missile launches from the base. A summary of the sizes of each proposed new agricultural preserve is provided below. Site plans for each of the preserves are located in Attachments A5, B5, C5, D5, E5, and F5, respectively.

Agricultural Preserve Contract	Assessor Parcel Numbers	Number of Legal Parcels	Comp. Plan Designation/ Zone District	Preserve Size (acres)
07AGP-00000-00025	083-510-014, -052 & -053	1	AG-II-320	259
07AGP-00000-00026	083-510-010, -045 & -046	2	AG-II-320	143.7
07AGP-00000-00027	083-510-049, -050 & -051	3	AG-II-320	155.7
07AGP-00000-00028	083-600-015 & a portion of -030	2	AG-II-320	149.7
07AGP-00000-00029	A portion of 083-600-030	1	AG-II-320	175.8
07AGP-00000-00030	083-510-047 & -048	1	AG-II-320	429.2

The County's Agricultural Preserve Program Uniform Rules were recently updated and adopted by the Board of Supervisors on September 27, 2007. The proposed new agricultural preserve contracts are subject to these new Uniform Rules. Pursuant to Uniform Rule 1, Sections 1-2.2.A and 1-2.2.C.1, each new preserve would meet the minimum 100 acres required for a nonprime preserve and would be under single ownership by California Ocean Gardens LLC. as required. At their November 2, 2007 meeting, the Agricultural Preserve Advisory Committee (APAC) found all six proposed preserves consistent with the County's Uniform Rules; for agricultural preserve contracts 07AGP-00000-00027 and -00028, the APAC made their consistency finding contingent upon recordation of shared water agreements with adjoining parcels within a year.

The boundaries of an agricultural preserve must coincide with the boundaries of legal parcels. The legal parcels at Bixby Ranch do not coincide with the boundaries of the Assessor Parcels and on the ranch, previous agricultural preserve contracts were erroneously described by APN. These contracts are in nonrenewal status initiated by the County as a result of the discrepancy between the boundaries of the APNs and legal parcels at Bixby Ranch. APN 083-510-052 and -051 are currently part of existing agricultural preserve 70-AP-131 and APN 083-510-045, -047, and -050 are currently part of existing agricultural preserve 72-AP-197. These APNs would be incorporated into the proposed new agricultural preserves as described, however, the remainder of the existing agricultural preserves will remain in nonrenewal status until the contracts expire.

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 Agricultural Preserve Program Uniform Rules. 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.

Pursuant to Government Code §51200 and 65090, a notice shall be published in at least one newspaper of general circulation. Mailed notice required 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).

Fiscal and Facilities Impacts:

On November 14, 2006, the Board of Supervisors approved a revised fee schedule which eliminated specific categories of agricultural preserve application fees. Fees associated with new contracts have been waived by the Board of Supervisors. This fee schedule went into effect on January 13, 2007 (60 days after approval).

Funding for the contract review and preparation of this report is estimated to be \$1,500.00, and is budgeted in the Permitting & Compliance Program of the Development Review, South Division on Page D-290 of the adopted 2007 – 2008 fiscal year budget.

Special Instructions:

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

Michelle Gibbs, P&D	Contract, Map
Assessor	Contract, Map
Surveyor	Contract
Clerk	Contract
Walt Alves	Contract, Map
P.O. Box 931	
Solvang, CA 93464	

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

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

Attachments:

- A. Agricultural Preserve Contract 07AGP-00000-00025
 - A1. CEQA Exemption for Agricultural Preserve 07AGP-00000-00025
 - A2. Agricultural Preserve Contract 07AGP-00000-00025 (2 copies for signature)
 - A3. Resolution Creating Agricultural Preserve 07AGP-00000-00025
 - A4. Legal Description for Agricultural Preserve 07AGP-00000-00025
 - A5. Site Plan for Agricultural Preserve 07AGP-00000-00025
- B. Agricultural Preserve Contract 07AGP-00000-00026
 - B1. CEQA Exemption for Agricultural Preserve 07AGP-00000-00026
 - B2. Agricultural Preserve Contract 07AGP-00000-00026 (2 copies for signature)
 - B3. Resolution Creating Agricultural Preserve 07AGP-00000-00026
 - B4. Legal Description for Agricultural Preserve 07AGP-00000-00026
 - B5. Site Plan for Agricultural Preserve 07AGP-00000-00026
- C. Agricultural Preserve Contract 07AGP-00000-00027
 - C1. CEQA Exemption for Agricultural Preserve 07AGP-00000-00027
 - C2. Agricultural Preserve Contract 07AGP-00000-00027 (2 copies for signature)
 - C3. Resolution Creating Agricultural Preserve 07AGP-00000-00027
 - C4. Legal Description for Agricultural Preserve 07AGP-00000-00027
 - C5. Site Plan for Agricultural Preserve 07AGP-00000-00027
- D. Agricultural Preserve Contract 07AGP-00000-00028
 - D1. CEQA Exemption for Agricultural Preserve 07AGP-00000-00028
 - D2. Agricultural Preserve Contract 07AGP-00000-00028 (2 copies for signature)
 - D3. Resolution Creating Agricultural Preserve 07AGP-00000-00028
 - D4. Legal Description for Agricultural Preserve 07AGP-00000-00028
 - D5. Site Plan for Agricultural Preserve 07AGP-00000-00028

Six New Agricultural Preserve Contracts at Bixby (Cojo) Ranch
07AGP-00000-00025, 07AGP-00000-00026, 07AGP-00000-00027, 07AGP-00000-00028,
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- E. Agricultural Preserve Contract 07AGP-00000-00029
 - E1. CEQA Exemption for Agricultural Preserve 07AGP-00000-00029
 - E2. Agricultural Preserve Contract 07AGP-00000-00029 (2 copies for signature)
 - E3. Resolution Creating Agricultural Preserve 07AGP-00000-00029
 - E4. Legal Description for Agricultural Preserve 07AGP-00000-00029
 - E5. Site Plan for Agricultural Preserve 07AGP-00000-00029
- F. Agricultural Preserve Contract 07AGP-00000-00030
 - F1. CEQA Exemption for Agricultural Preserve 07AGP-00000-00030
 - F2. Agricultural Preserve Contract 07AGP-00000-00030 (2 copies for signature)
 - F3. Resolution Creating Agricultural Preserve 07AGP-00000-00030
 - F4. Legal Description for Agricultural Preserve 07AGP-00000-00030
 - F5. Site Plan for Agricultural Preserve 07AGP-00000-00030

Authored by:

Michelle Gibbs, Planner III, 805-568-3508
Development Review Division – South, Planning and Development Department

