



**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 9, 2014  
**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:** Department: Planning and Development  
Director: Glenn Russell, Ph.D., Director, 568-2085  
Contact Info: Kevin Drude, Deputy Director, 934-6559  
Energy & Minerals Division  
**SUBJECT: Bolthouse Properties, LLC Notice of Nonrenewal of Agricultural Preserve Contract, Cuyama Area, First Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: No

**Other Concurrence:** N/A

As to form: No

**Recommended Actions:**

That the Board of Supervisors:

1. Receive the notice of nonrenewal submitted by the landowner for Land Conservation Contract (Agricultural Preserve) 76-AP-072, Case No. 14AGP-00000-00020 (Attachment 1); and
2. 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) (Attachment 4).

**Summary Text:**

The property owner requested a nonrenewal of Land Conservation Contract (Agricultural Preserve) 76-AP-072 on August 13, 2014. The contract consists of two parcels, totaling approximately 1,529 acres in size. Existing crops include primarily carrots and rotational crops, including onions, barley and potatoes. The request for nonrenewal is associated with the property on which the Cuyama Solar Project is proposed, which is also before your Board on the Departmental Agenda on September 9, 2014.

The Cuyama Solar Project includes cancellation of the Agricultural Preserve Contract 76-AP-072 (Case No. 10AGP-00000-00002) to allow for development of a 40 megawatt solar photovoltaic facility on 167 of the Contract's 1,529 acres. As part of the Cuyama Solar Project, this existing contract would be replaced by a replacement Agricultural Preserve Contract that includes the remaining 1,362 acres. All agricultural uses on the 167 acres would cease and be replaced by the Solar Facility. The project was reviewed by the Agricultural Preserve Advisory Committee (APAC) on October 2, 2009 and on February 7, 2014. The APAC found (in a vote of 3-0) the project to be consistent with the County's Uniform Rules. An Environmental Impact Report was prepared for the Cuyama Solar Project to analyze the environmental impacts of the proposed project.

Filing of the notice of a nonrenewal is a necessary but not sufficient action required to support a finding for cancellation of an Agricultural Preserve Contract (Uniform Rule 6-1.2.A.1a(1), Government Code Section 51282(b)(1)). If your Board does not grant tentative cancellation of the Agricultural Preserve Contract as proposed by the Cuyama Solar Project, the property must continue to comply with the Williamson Act and Uniform Rules for the duration of the contract.

### **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 in advance of the annual renewal date of the contract. Upon receiving notice of nonrenewal by the landowner, 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:**

Costs to process this notice of nonrenewal, including environmental review, are fully reimbursed by the applicant per the department's adopted fee schedule. Permit revenues are budgeted in the Permitting Program of the Planning & Development Department's FY 2014/15 Budget on page D-212.

Regarding the 167 acres of the project site that is proposed to be removed from the Williamson Act Contract, property taxes paid by the owner for that portion would increase.

### **Special Instructions:**

Clerk of the Board is directed per California Government Code Section 51245 to record a copy of the notice of nonrenewal with the county recorder. Clerk of the Board shall distribute copies of the recorded contract (with legal description and vicinity map) and Minute Order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Kathy McNeal Pfeifer, Planning and Development Department

- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Owner: Steve DeBranch, Bolthouse Properties, LLC, 2000 Oak Street, Suite 250, Bakersfield, CA 93301

**Attachments:**

1. Notice of Non-Renewal and Legal Description
2. Short Form Land Conservation Contract No. 76-AP-072
3. Vicinity Map
4. CEQA Notice of Exemption

**ATTACHMENT 1**

**NOTICE OF NON-RENEWAL APPLICATION  
AND LEGAL DESCRIPTION**

**ATTACHMENT 2**

**SHORT FROM LAND CONSERVATION CONTRACT**  
**NO. 76-AP-072**

**ATTACHMENT 3**

**VICINITY MAP**

**ATTACHMENT 4**

**CEQA EXEMPTION**