

ITEM 7
7-1

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING



DATE: APRIL 30, 2012
TO: AGRICULTURAL PRESERVE REVIEW COMMITTEE
FROM: TERRY WAHLER, SENIOR PLANNER
SUBJECT: CONTRACT VIOLATION/ COUNTY INITIATED NOTICE OF NONRENEWAL FOR THE EVANS PROPERTY (AGP2011-00006)

DISCUSSION

Background

The 42 acre Evans property (APN: 014-181-028) is located approximately 5 miles east of the community of Cambria on the southern side of Green Valley Road (aka Highway 46 West). This parcel is part of a dis-contiguous land conservation contract which includes an approximately 396 acre parcel (7020 Green Valley Road – APN: 014-181-026) located approximately one-half mile to the east. The two parcels were conveyed as part of an estate planning distribution to two different family members as their separate properties

The larger parcel is used for grazing and the smaller parcel is used for dry farming. No previous agricultural land use such as irrigated row crop, vineyard, or orchard appears evident.

Agricultural Preserve and Land Conservation Contract

Cambria Agricultural Preserve Number 25 was established on the subject property on January 26, 1976 by Resolution No. 76-69. The property was placed under a land conservation contract on February 2, 1976 (Volume 1877 pages 652 through 666). The contract has a 320 acre minimum parcel size provision for subdivision as well as conveyance of existing parcels. The original property subject to contract consisted of two legal parcels totaling approximately 438 acres.

The smaller parcel (014-181-028) appears to be a legal parcel (Lot 1 of PM 13-100). The larger parcel (014-181-026) shows as "U" unverified in computer records. However, the 396 acre parcel has been in the Evans family ownership since at least the 1970s.

The Assessor staff identified the 42 acre property as a potential contract violation and notified Planning Department staff to evaluate contract compliance.

Contract Breach

Paragraph 17 of the land conservation contract covering the site contains the following provision: *Any transfer by Owner of any portion of the property which is the subject of this Contract shall be a violation of this Contract, if the portion transferred is smaller in size than the minimum lot size prescribed by the zoning on the property at the time of the transfer.*

A listing of the parcels is provided below:

Owner	APN(S)	Contract Reso.	Acreage	Status
Charles Evans	014-181-028	76-117	42	Not compliant, contract violation (smaller than 320 acres)
Raymond Evans	014-181-026	76-117	396	No contract violation (larger than 320 acres)
Total			438 acres	(original contract size)

Paragraph 13 of the land conservation contract includes the following provision:

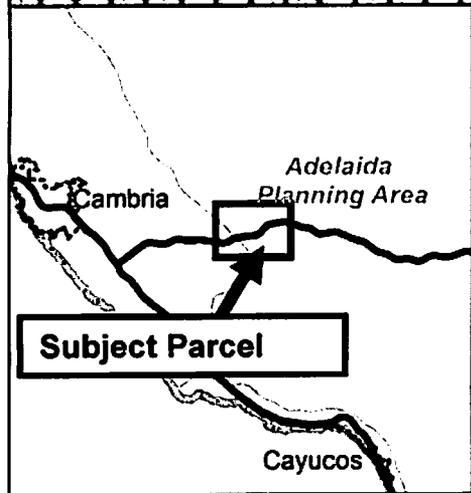
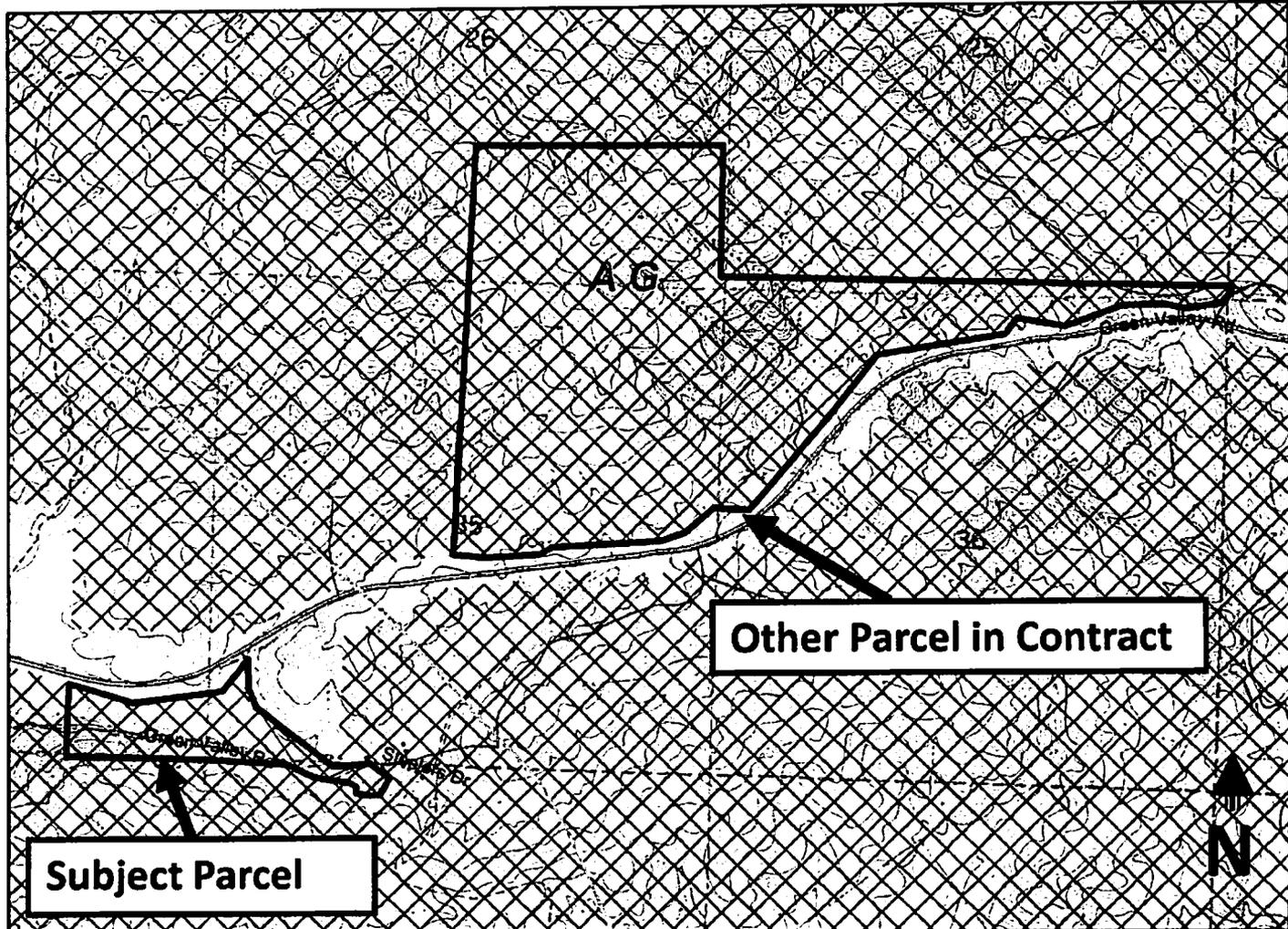
Any conveyance, contract or authorization (whether oral or written) by Owner or his successors in interest which would permit use of the above-described premises contrary to the terms of the Contract may be declared void by the County Board of Supervisors; such declaration or the provisions of this Contract may be enforced by the County by an action filed in the Superior Court of the County for the purposes of compelling compliance or restraining breach thereof.

Remedies

The APRC could recommend that the Board of Supervisors consider petitioning the court to rescind the separate sales of the two properties. This approach would be expensive and time consuming. It is staff's opinion that the most cost effective way to address the violation is for the County to serve a notice of nonrenewal on the 37 acre property.

RECOMMENDATION

Staff recommends to the Agricultural Preserve Review Committee and Board of Supervisors, recordation of a county initiated partial notice of nonrenewal for the Charles Evans property.



**Exhibit A:
Cambria Agricultural Preserve No. 25**

-  Property subject to County-Initiated Non-renewal (014-181-028)
-  Land in Preserve and Contract

**EXHIBIT A: County Initiated Notice of Non-Renewal
of a Land Conservation Contract**

File No. AGP 2011-00006 – Charles Evans

Contract Resolution No. 76-117 (Document No. 4682, Vol. 1877, Pgs. 395-405)