

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE December 5, 2006		(3) CONTACT/PHONE Warren Hoag, Division Manager, 805-781-5982 Terry Wahler, Senior Planner, 805-781-5621	
(4) SUBJECT A request to authorize the processing of amendments to the San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 to address various aspects of processing and reviewing agricultural preserve requests and to consider revising the allowable uses and establishing permitted residential density for contracted land, with accompanying amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance, Titles 22 and 23 of the County Code. All Supervisorial Districts.					
(5) SUMMARY OF REQUEST The county Agricultural Preserve Review Committee is recommending that amendments to the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 be authorized for processing to address the determination of reductions in minimum parcel size for land with mixed agricultural potential or use, clarify the qualifying criteria for discontinuous parcels under one ownership, allow establishment of Farmland Security Zones simultaneously with Agricultural Preserves, preclude exclusion of portions of parcels from contracts and revise Table 2, "Agricultural and Compatible Uses for Lands Subject to Land Conservation and Farmland Security Zone Contracts" to modify the allowable uses and establish the permitted residential density to reflect recent state law changes such as the Laird Bill. Accompanying amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance are also recommended for processing to include revisions to reflect the proposed changes to the Rules of Procedure.					
(6) RECOMMENDED ACTION Review and determine whether the proposed amendments should be authorized for processing.					
(7) FUNDING SOURCE(S) Department Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Agricultural Preserve Review Committee, Planning Commission					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. 45 min)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 cc pies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 cc pies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date: 4/11/06 & 11/21/06
(23) ADMINISTRATIVE OFFICE REVIEW  <p align="center"><i>OK Leslie Brown</i></p> <p align="right"><i>12-5-06 D-1</i></p>					



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS

**FROM:** WARREN HOAG, AICP, DIVISION MANAGER, CURRENT PLANNING  
TERRY WAHLER, SENIOR PLANNER *WH*

**DATE:** DECEMBER 5, 2006

**SUBJECT:** A request to authorize the processing of amendments to the San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 to address various aspects of processing and reviewing agricultural preserve requests and to consider revising the allowable uses and establishing permitted residential density for contracted land, with accompanying amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance, Titles 22 and 23 of the County Code. All Supervisorial Districts.

**RECOMMENDATION**

Review and determine whether the proposed amendments should be authorized for processing.

**DISCUSSION**

**Background**

The county Agricultural Preserve Review Committee (APRC) is the advisory body established by the Board of Supervisors to develop policies for, and assist in, guiding the administration of the county's agricultural preserve program for implementing the California Land Conservation Act of 1965 (also known as the Williamson Act). The APRC has reviewed recent legislative changes to the Williamson Act and identified program trends and issues raised during the consideration of individual requests for agricultural preserves and contracts. The APRC has recommended several areas of possible amendments to the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 to reflect these legislative changes and address the program trends and issues. Your Board considered the APRC's initial recommendations on April 11, 2006 and directed that the APRC develop specific wording changes for the recommended amendments and bring them back for the Board's authorization to begin formal processing of the proposals.

The APRC has completed its work on developing specific wording changes to implement the recommended amendments to the Rules of Procedure and these changes are being brought to your Board for authorization in two groups. The APRC's recommended changes to Table 1, "Minimum Ownership Sizes for Qualification and Minimum Parcel Sizes for Conveyance of Land & New Land Divisions," were considered by your Board on November 21, 2006.

The APRC is recommending additional amendments to the Rules of Procedure be authorized for processing today to address the determination of reductions in minimum parcel size for land

with mixed agricultural potential or use, clarify the qualifying criteria for discontinuous parcels under one ownership, allow establishment of Farmland Security Zones simultaneously with Agricultural Preserves, preclude exclusion of portions of parcels from contracts and revise Table 2, "Agricultural and Compatible Uses for Lands Subject to Land Conservation and Farmland Security Zone Contracts" to modify the allowable uses and establish the permitted residential density to reflect recent state law changes such as the Laird Bill. Accompanying amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance are also recommended for processing to include revisions to reflect the proposed changes to the Rules of Procedure.

### **Authority**

The California Land Conservation Act of 1965 sets forth the authority by which the county's Rules of Procedure for its implementation can be amended. The first step in this process is the Board of Supervisors' authorization to proceed with the amendments, which should include consideration of the following factors by the Board of Supervisors:

- a. Review of legislative changes to California Land Conservation Act of 1965 (Williamson Act) relative to the existing Rules of Procedure to evaluate the need for amendments to the Rules.
- b. Review of recent changes to local ordinances, general plan elements, and local policies that may necessitate revisions to the Rules of Procedure.
- c. Review of functional program implementation issues or changing local circumstances that may warrant changes to the Rules of Procedure.

### **Major Issues**

The proposed amendments being considered both at your meeting of November 21, 2006 and at today's meeting raise the following issues to be addressed in the review process:

1. Will the proposed changes adequately address recent legislative changes to the California Land Conservation Act of 1965 (Williamson Act) consistent with the guidelines of the Department of Conservation?
2. Will the proposed changes bring the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 into closer consistency with the Inland and Coastal Land Use Ordinances, Land Use Element policies and the policies of the Agriculture and Open Space Element?
3. Will the proposed amendments strengthen the county's agricultural preserve program and help better protect agricultural and open space lands throughout the county?
4. What potential environmental effects, negative or positive, will the proposed amendments have, if any?

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### **California Land Conservation Act of 1965 (Williamson Act) and the County's Rules of Procedure**

The objectives of the San Luis Obispo County Agricultural Preserve Program, as provided by the California Land Conservation Act of 1965 (also known as the Williamson Act), are to protect agricultural lands for continued production of food and fiber and limited types of land devoted to open-space and recreational uses. The county's Rules of Procedure to Implement the California Land Conservation Act of 1965 establish the standards for property eligibility and land use restrictions under the program and provide procedures for contract terminations and program monitoring. Changes to the Rules of Procedure must be consistent with the Williamson Act, including all subsequent legislative changes. A major underlying reason to amend the Rules of Procedure now is to bring the local rules into better compliance with recent legislative changes to the Williamson Act such as AB 1492, also known as the Laird Bill.

### **General Plan and Land Use Ordinance Considerations**

In determining whether to approve specific changes to the Rules of Procedure, the Board of Supervisors must also consider consistency with existing goals and policies in the general plan, primarily the Land Use Element and the Agriculture and Open Space Element.

#### General Goals of the Land Use Element

Applicable general goals of the Land Use Element include: balancing the capacity for growth with the sustained availability of resources, the identification and maintenance of important agricultural, natural and other rural areas between cities and communities; the protection of agricultural land for the production of food, fiber and other agricultural commodities; the encouragement of first using underutilized "infill" parcels and lands next to existing development; and, if public facilities are necessary in rural areas, to allow for sufficient buffers to protect environmental and agricultural lands.

#### Agriculture and Open Space Element

The Agriculture and Open Space Element contains policies to protect agricultural and open space lands. The Williamson Act program is identified as the county's primary tool to protect these lands from inappropriate and premature development and, as such, functions as the instrument to implement the policies of the Agriculture and Open Space Element. Any changes to the Rules of Procedure must consider the consistency of such changes with the Agriculture and Open Space Element.

#### Inland and Coastal Zone Land Use Ordinance

The proposed changes to the Land Use Ordinances are limited to those sections and references to the land uses allowed on agricultural, open space or recreational lands under land conservation contracts or open space easements.

### **Agricultural Preserve Review Committee**

The APRC discussed potential revisions to the Rules of Procedure on March 19, 2004, May 16, 2005, February 27, 2006, April 10, 2006, June 26, 2006, July 17, 2006, October 16, 2006 and October 30, 2006. The changes finalized by the APRC on October 30, 2006 are being considered by your Board today and are shown in the attached Exhibits A, B and C.

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## PROPOSED AMENDMENTS

This portion of the request to authorize the processing of amendments to the San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 and Land Use Ordinances includes the following revisions:

### **A. Text changes (Exhibit A)**

The text changes to the Rules of Procedure are intended to achieve the following objectives:

- 1) Clarify the method used to determine reductions in minimum parcel size for land with mixed agricultural potential or use to help applicants understand how the Rules will be applied and help staff interpret applications consistently.
- 2) Clarify the qualifying criteria for discontinuous parcels under one ownership to help the APCR and staff ensure that discontinuous properties meet a reasonable standard of operational productivity as a farm or ranching enterprise.
- 3) Allow establishment of Farmland Security Zones simultaneously with Agricultural Preserves to save landowners processing time and expense by being able to enter the Farm Land Security Zone part of the program more easily.
- 4) Preclude the possibility for exclusion of portions of parcels from contracts to enable the county to better ensure consistency with the Williamson Act, especially the principles of compatibility contained within it.

### **B. Table 2 Amendments - "Agricultural and Compatible Uses for Lands Subject to Land Conservation and Farmland Security Zone Contracts" (Exhibit B)**

The overall goal of the Table 2 amendments is to update and refine the allowable land uses and residential density to reflect changes to the Williamson Act brought about by the passage of the Laird Bill. Since financial penalties can now result from material breaches of contracts due to the enactment of the Laird Bill, it is important to protect landowners and the county by making changes in the allowable status of certain uses and clarifying permitted residential density.

The recommended changes to the allowable uses in Table 2 include: 1) allowing all non-soil dependent nursery specialties in the inland area and on coastal non-prime soils; 2) allowing livestock auction sales facilities as part of specialized animal facilities; 3) deleting small scale manufacturing, stone & cut stone products, residential care, and eating and drinking places as allowable uses; 4) requiring airfields and landing strips to be directly linked to and in support of the on-site agricultural enterprise; 5) limiting warehousing and wholesaling & distribution uses to those essential for agricultural products produced on-site or by local agricultural enterprises; and 6) basing residential density on the minimum parcel size for each contract rather than each individual parcel

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within a contract, with each residence to be incidental to and in support of the agricultural enterprise on the site.

The APRC is not recommending any changes at this time to the allowable status of temporary events and bed & breakfast facilities. However, the APRC recommends that these uses be reviewed by the committee for further recommendations after pending amendments to the Land Use Ordinance and Coastal Zone Land Use Element/Land Use Ordinance for those use groups are adopted by your Board

### **C. Amendments to the Inland and Coastal Zone Land Use Ordinances (Exhibit C)**

Titles 22 and 23 of the County Code will need minor ordinance revisions to reflect the recommended changes to the Rules of Procedure, legislative changes such as the Laird Bill and other clarifications for consistency with the California Land Conservation Act of 1965.

## **ADDITIONAL RULES AMENDMENT PROPOSAL**

### **Reduce the Minimum Prime Land Agricultural Preserve Size for Specialized Farm Properties**

The California Land Conservation Act of 1965 requires that an agricultural preserve, which may consist of one ownership or two or more contiguous ownerships, shall be at least 100 acres in size unless the county finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the county general plan.

The county's Rules of Procedure contains an interpretation of uniqueness that provides for the establishment of agricultural preserves smaller than 100 acres if the preserve consists of at least 40 acres or more of prime land. The Rules define prime land for the purpose of establishing a preserve as: 1) irrigated Class I or II land or, 2) other irrigated lands that have suitable soils, climate and water supply which sustain irrigated crops which have produced an annual gross value of \$1,000 or more per acre for three of the previous five years, or land planted in orchards, vineyards and other perennial crops that would produce an average annual gross value of \$1,000 or more per acre if in full commercial bearing.

Throughout the county geographically, but in limited total numbers, there appears to be a trend toward extremely productive small farms producing a variety of high value crops. In many cases, they involve organic farmers, direct marketers or other enterprising individuals trying new farming techniques, new crops and new marketing approaches. Some of these small farms cannot gain access to the Williamson Act program because they are too small to establish their own 40-acre prime land preserve, no adjacent properties are within agricultural preserves that they could join and no surrounding property owners are interested in establishing a common (shared) prime land preserve. From time to time, staff is approached by these individuals who have sufficient acreage of irrigated crops on prime soils (at least 10 acres) to qualify for a land

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conservation contract as an individual property, but the property cannot meet the minimum prime land preserve size of 40 acres.

In the course of the discussions over the past year by the APRC on possible Rules of Procedure amendments, staff was contacted by an owner of a specialized farm property with sufficient irrigated crops on prime soils to individually qualify for a land conservation contract. However, the property could not meet the requirement of first being in an agricultural preserve because it was less than 40 acres and not adjacent to an existing preserve.

The APRC discussed this issue at their meeting of October 30, 2006 (see Attachment 4 - Excerpt of Draft Minutes from the October 30, 2006 APRC meeting, Item #9). After a broad ranging discussion, the APRC reached a general consensus to ask your Board to authorize studying the possibility of amending the Rules of Procedure to allow establishment of prime land preserves less than 40 acres in size for special small farm enterprises, under specific criteria to be developed, as part of the package of amendments currently proposed for authorization. If you wish to do so, your Board can consider accommodating this request as one of the alternatives identified below for authorizing this application for processing.

#### **ALTERNATIVES**

Your Board can choose from the following alternatives on whether to authorize this request for processing:

- a. Choose to authorize the processing of this request as recommended in Exhibits A, B and C.
- b. Choose to authorize the processing of this request with modifications.
- c. Choose to include in this authorization studying the possible reduction of the prime land preserve size for special small farm enterprises.
- d. Choose to not authorize the processing of this request.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

The Agricultural Preserve Review Committee participated in the development of this authorization request. If the request is authorized for processing, the proposal will be referred to all applicable agencies, including the Agricultural Liaison Board, Agriculture Commissioner, Local Agency Formation Commission, County Assessor, Community Advisory Councils and the California Department of Conservation.

#### **FINANCIAL CONSIDERATIONS**

The actual cost of processing the amendments will be absorbed in the Department of Planning and Building's budget.

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## RESULTS

Authorization of the requested Rules of Procedure and ordinance amendments will allow continued processing and a final decision to occur. Not authorizing the request will stop the further processing of these amendments.

## ATTACHMENTS

1. Exhibit A – Text Changes - Proposed Revisions to the Rules of Procedure to Implement the California Land Conservation Act of 1965
2. Exhibit B – Table 2 Changes - Proposed Revisions to the Rules of Procedure to Implement the California Land Conservation Act of 1965
3. Exhibit C – Amendments to the Inland and Coastal Zone Land Use Ordinances
4. Excerpt of Draft Minutes from the October 30, 2006 Agricultural Preserve Review Committee meeting.

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## EXHIBIT A - TEXT CHANGES

### Agricultural Preserve Review Committee Recommended Changes to the Rules of Procedure to Implement the California Land Conservation Act of 1965

October 30, 2006

(Additions are underlined and deletions are ~~struck over~~)

#### 1. Method to Determine Reduction in Minimum Parcel Size

CHAPTER E, APPENDIX 1, Section C.  
Page 32, after the last paragraph:

Language to be added:

For the purposes of evaluating individual contracts for ownerships with more than one legal parcel, or for contract amendments involving reduction in minimum parcel sizes to rescind the existing contract and establish multiple contracts for multiple parcels, each proposed parcel may demonstrate eligibility independently of the other(s).

#### 2. Qualifying Criteria for Discontiguous Parcels Under One Ownership

CHAPTER B. 1. d. (4): Property consisting of discontiguous parcels.  
Page 9:

Existing language:

- (4) **Property consisting of discontiguous parcels.** Discontiguous parcels under one ownership may qualify for, or be added to, a single agricultural preserve if they collectively meet the criteria in B1a, b and c, and are operated as a single agricultural enterprise.

Language to be added to the above paragraph:

Agricultural enterprises on two or more discontiguous parcels under a single contract must be functionally operational on a collective basis to qualify.

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### 3. Table "O" Reference to Reflect New Inland Land Use Ordinance Format

#### CHAPTER B. 3: Agricultural and Compatible Uses.

Page 11, first paragraph:

Table 2 lists all land use definitions contained in Tables 2-2 for the Inland Portion and Table O; for the Coastal Zone, of Framework for Planning, Part I of the Land Use Element, ~~for both the Inland Portion and the Coastal Zone of San Luis Obispo County.~~ The respective columns indicate if the uses are: (1) allowable - "Yes", (2) conditional per Table 2 footnotes, or (3) prohibited - "No" for lands subject to land conservation contracts or farmland security zone contracts. Allowable uses are subject to all applicable standards in the Land Use Element and Land Use Ordinance/Coastal Zone Land Use Ordinance for the Agriculture land use category. These standards supersede the pre-1981 Zoning Ordinance for A-2 and A-3 zoning districts attached as "Exhibit B" to previous contracts.

#### 4. Establishing Farmland Security Zones Simultaneously with Agricultural Preserves

#### CHAPTER C. FARMLAND SECURITY ZONES

Page 25, section no. 1 after the first paragraph under the Chapter C heading:

1. Land included in this program is known as a farmland security zone and it ~~must~~ can be established on land that is already in an agricultural preserve and subject to a land conservation contract. The existing land conservation contract is rescinded and simultaneously replaced by a farmland security zone contract. If more than one landowner requests the creation of a farmland security zone and the parcels are contiguous, the county shall place those parcels in the same farmland security zone.

Page 27, after section no. 8:

Add new section:

9. A property owner whose land is not currently located within an agricultural preserve may establish an agricultural preserve and a farm land security zone under the same application with concurrent actions at the Board of Supervisors.

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5. Exclusion of Portion of Parcel from Contract

CHAPTER B 1. d. Special Qualification Provisions

Page 10:

Insert new language after section (6):

- (7) **Partial Exclusion.** A property owner may not exclude a portion of an existing legal parcel from a land conservation contract approved after \_\_\_\_\_ (add date) \_\_\_\_\_ . However, more than one existing legal parcel may be included in a single land conservation contract.

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## EXHIBIT B - TABLE 2 CHANGES

Agricultural Preserve Review Committee Recommended Changes to  
the Rules of Procedure to Implement the California Land  
Conservation Act of 1965

October 30, 2006

*(Additions are underlined and deletions are ~~struck over~~)*

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TABLE 2

**AGRICULTURAL AND COMPATIBLE USES FOR  
LANDS SUBJECT TO LAND CONSERVATION CONTRACTS  
AND FARMLAND SECURITY ZONE CONTRACTS**

USE GROUP	INLAND	COASTAL ZONE	
	AREA	PRIME SOILS <sup>1</sup>	NON-PRIME SOILS
<u>AGRICULTURE</u>			
Ag Accessory Structures	Yes	Yes	Yes
Ag Processing	Yes	Yes	Yes
Animal Raising & Keeping	Yes	Yes	Yes
Aquaculture	Note 3	No	Yes
Crop Production & Grazing	Yes	Yes	Yes
Farm Equipment & Supplies	Yes	Note 2	Yes
Nursery Specialties	Yes	Yes	Yes
Soil Dependent	Yes	Yes	Yes
Non-Soil Dependent	Notes 4&5	Notes 4&5	Notes 4&5
Specialized Animal Facilities	Note 6	Note 6	Note 6
<u>COMMUNICATIONS</u>			
Broadcasting Studios	No	No	No
Communications Facilities	Yes	No	Yes
<u>CULTURAL, EDUCATION &amp; RECREATION</u>			
Cemeteries & Columbariums	No	No	No
Churches	No	No	No
Coastal Accessways	Note 3	Yes	Yes
Drive-In Theaters	No	No	No
Indoor Amusements & Recreation	No	No	No
Libraries & Museums	No	No	No
Marinas	No	No	No
Membership Organization Facilities	No	No	No
Off-Road Vehicle Courses	No	No	No
Outdoor Sports & Recreation	No	No	No
Passive Recreation	Note 3	No	No
Public Assembly & Entertainment	No	No	No
Rural Recreation and Camping	Yes Note 4	No	Yes Note 4
Schools - College & University	No	No	No
Schools - Pre thru Secondary	No	No	No

TABLE 2 - (Continued)

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USE GROUP	INLAND AREA	COASTAL ZONE	
		PRIME SOILS <sup>1</sup>	NON-PRIME SOILS
Schools - Specialized Education & Training	No	No	No
Social Service Organizations	No	No	No
Sports Assembly	No	No	No
Temporary Events	Yes <u>Note 10</u>	No	Yes <u>Note 10</u>
<u>MANUFACTURING &amp; PROCESSING</u>			
Apparel Products	No	No	No
Chemical Products	No	No	No
Concrete, Gypsum & Plaster Products	Note 4	No	Notes 2 & 4
Electrical Equipment, Electronic & Scientific Instruments	No	No	No
Electric Generating Plants	No	No	No
Food & Kindred Products	Yes	Note 2	Yes
Furniture & Fixtures Products	No	No	No
Glass Products	No	No	No
Lumber & Wood Products	No	No	No
Machinery Manufacturing	No	No	No
Metal Industries, Fabricated	No	No	No
Metal Industries, Primary	No	No	No
Motor Vehicles & Transportation Equipment	No	No	No
Paper Products	No	No	No
Paving Materials	Note 4	No	Note 4
Petroleum Refining & Related Industries	No	No	No
Plastics & Rubber Products	No	No	No
Printing & Publishing	No	No	No
Recycling Collection Stations	Yes	No	Yes
Recycling & Scrap	No	No	No
Small Scale Manufacturing	<del>Note 4</del> No	No	<del>Notes 2 &amp; 4</del> No
Stone & Cut Stone Products	<del>Note 4</del> No	No	<del>Note 4</del> No
Structural Clay & Pottery - Related Products	No	No	No
Textile Products	No	No	No

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TABLE 2 - (Continued)

USE GROUP	INLAND	COASTAL ZONE	
	AREA	PRIME SOILS <sup>1</sup>	NON-PRIME SOILS
<u>RESIDENTIAL USES</u>			
Caretaker Residence	Yes <u>No</u>	Yes <u>No</u>	Yes <u>No</u>
Farm Support Quarters	Yes <u>Note 9</u>	Yes <u>No</u>	Yes <u>Note 9</u>
Home Occupations	Yes	Yes	Yes
Mobilehome Parks	No	No	No
Mobilehomes	Yes <u>Note 9</u>	Yes <u>No</u>	Yes <u>Note 9</u>
Multi-Family Dwellings	No	No	No
Nursing & Personal Care	No	No	No
Organizational Houses	No	No	No
Residential Accessory Uses	Yes	Yes	Yes
Residential Care	Yes <u>No</u>	Yes <u>No</u>	Yes <u>No</u>
Secondary Dwelling Units	No	No	No
Single Family Dwellings	Yes <u>Note 9</u>	Yes <u>No</u>	Yes <u>Note 9</u>
Temporary Dwelling	Yes	Yes	Yes
<u>RESOURCE EXTRACTION</u>			
Fisheries & Game Preserves	Yes	Note 2	Yes
Forestry	Yes	No	Yes
Mining	Note 4	No	Note 4
Petroleum Extraction	Note 4	No	Note 4
Water Wells & Impoundments	Note 3	Yes	Yes
<u>RETAIL TRADE</u>			
Auto, Mobilehome & Vehicle Dealers & Supplies	No	No	No
Building Materials & Hardware	No	No	No
Eating & Drinking Places	Yes <u>No</u>	No	Yes <u>No</u>
Food & Beverage Retail Sales	No	No	No
Fuel & Ice Dealers	No	No	No
Furniture, Home Furnishings & Equipment	No	No	No
General Merchandise Stores	No	No	No
Mail Order & Vending	No	No	No
Outdoor Retail Sales	No	No	No
Roadside Stands	Yes	Note 2	Yes
Service Stations	No	No	No

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TABLE 2 - (Continued)

USE GROUP	INLAND	COASTAL ZONE	
	AREA	PRIME SOILS <sup>1</sup>	NON-PRIME SOILS
<u>SERVICES</u>			
Auto & Vehicle Repair & Service	No	No	No
Business Support Services	No	No	No
Construction Contractors	No	No	No
Consumer Repair Services	No	No	No
Correctional Institutions	No	No	No
Financial Services	No	No	No
Health Care Services	No	No	No
Laundries & Dry Cleaning Plants	No	No	No
Offices	No	No	No
Offices, Temporary	Yes	No	Note 2
Personal Services	No	No	No
Public Safety Facilities	Yes	No	No
Storage, Accessory	Yes	Note 2	Yes
Storage Yards & Sales Lots	No	No	No
Temporary Construction Yards	Yes	No	Yes
Waste Disposal Sites	No	No	No
<u>TRANSIENT LODGINGS</u>			
Bed & Breakfast Facilities	Yes <u>Note 10</u>	No	Yes <u>Note 10</u>
Homestays	No	No	No
Hotels & Motels	No	No	No
Recreational Vehicle Parks	No	No	No
Temporary Construction Trailer Parks	Yes	No	No
<u>TRANSPORTATION</u>			
Airfields & Landing Strips	Yes <u>Note 7</u>	No	Yes <u>Note 7</u>
Harbors	Note 3	No	No
Marine Terminals & Piers	Note 3	No	No
Pipelines and Transmission Lines	Yes	Yes	Yes
Public Utility Facilities	Yes	No	Yes
Transit Stations & Terminals	No	No	No
Truck Stops	No	No	No
Vehicle & Freight Terminals	No	No	No
Vehicle Storage	No	No	No

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TABLE 2 - (Continued)

USE GROUP	INLAND	COASTAL ZONE	
	AREA	PRIME SOILS <sup>1</sup>	NON-PRIME SOILS

WHOLESALE TRADE

Warehousing	Yes <u>Note 8</u>	<del>Note 2</del> <u>No</u>	Yes <u>Note 8</u>
Wholesaling & Distribution	Yes <u>Note 8</u>	<del>Note 2</del> <u>No</u>	Yes <u>Note 8</u>

NOTES:

- 1) The definition of "prime soils" used in the Coastal Zone Land Use Element and Coastal Zone Land Use Ordinance is the same as the definition of "prime agricultural land" in the California Land Conservation Act of 1965, California Government Code Section 51201(c). The definition of "prime land" in Section B1b of the Rules of Procedure is different; it applies only to minimum agricultural preserve size for the San Luis Obispo County agricultural preserve program.
- 2) The Review Committee recommends that the county initiate an amendment to the Land Use Element and Land Use Ordinance/Coastal Zone Land Use Ordinance to consider inclusion of this land use definition as an allowable use in the Agriculture land use category with a subsequent amendment of the Rules of Procedure to include it in the listing of agricultural and compatible uses.
- 3) The land use definition is not used in the Land Use Element for the Inland Area.
- 4) Applications for land use permits are subject to prior review and recommendations by the Review Committee.
- ~~5) Nursery specialties are allowed only if they are essential to local farming operations in an area, such as production of vegetable seedlings. (Renumber subsequent notes accordingly)~~
- 6) The following definition of Specialized Animal Facilities, which is a modification of the definition in the Land Use Element, limits the range of uses for lands subject to land conservation contracts:

Specialized Animal Facilities: Intensive agricultural and other animal care or keeping establishments including: hog ranches, dairies, dairy and beef cattle feedlots (the distinction between a grazing operation and a feedlot is established by the Land Use Ordinance or the Coastal Zone Land Use Ordinance and by the definition of "Animal Raising and Keeping"); livestock auction, sales building and sales lot facilities; chicken, turkey and other poultry ranches; riding academies, accessory equestrian exhibition facilities and large scale horse ranches; and kennels. See also "Animal Raising and Keeping," "Crop Production and Grazing."

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- 7) Applications for Airfields and Landing Strips must demonstrate that they are directly linked to and in support of the agricultural enterprise on-site either for crop spraying, transporting, marketing or management of agricultural products and are consistent with the Williamson Act Principles of Compatibility.
- 8) Warehousing and Wholesaling & Distribution as land uses are limited to essential warehousing, wholesaling and distribution of agricultural products produced on-site or in support of approved on-site agricultural processing facilities that support local agricultural enterprises. Mini-warehouse facilities or other warehouses for lease to the public are prohibited on contracted properties. The property owner must demonstrate compliance with the Williamson Act.
- 9) Residential density for Single Family Dwellings, Mobilehomes and Farm Support Quarters is based on the minimum parcel size for each contract, not on each individual parcel within a contract. In some, but not all cases, multiple residences may be warranted. Each proposed residence must be incidental to and in support of the agricultural enterprise on the property and demonstrate compliance with the principles of compatibility and the Laird Bill provisions of the Williamson Act. In most cases it will be necessary to qualify the multiple residences as Farm Support Quarters under Section 23.08.167c. and e. of the Coastal Zone Land Use Ordinance or Section 22.30.480 B. and C. of the Land Use Ordinance.
- 10) The Review Committee recommends that the title, organization and allowable status of this use group be reviewed for further recommendations from the committee after pending amendments to the Land Use Ordinance and Coastal Zone Land Use Element/Land Use Ordinance for the use group are adopted.

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## EXHIBIT C - LUO/CZLUO CHANGES

### Agricultural Preserve Review Committee Recommended Amendments to the Inland and Coastal Zone Land Use Ordinances to Reflect Proposed Changes to the Rules of Procedure to Implement the California Land Conservation Act of 1965

October 30, 2006

*(Additions are underlined and deletions are ~~struck over~~)*

#### Recommended Amendments to the Inland and Coastal Zone Land Use Ordinances:

##### 1. Residential Density

###### Inland LUO

New language:

Residential density on lands under Williamson Act Land Conservation Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Land Conservation Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

Insert new language at:

Chapter 22.10, Section .130  
Page 3-32

Chapter 22.30, Section .480  
Page 4-99

###### Coastal Zone LUO

New language:

Residential density on lands under Williamson Act Land Conservation Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Land Conservation Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

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Insert new language at:  
Section 23.04.080  
Page 4-29

Insert new language at:  
Section 23.08.167  
Page 8-74

## 2. Allowed Uses

### Inland LUO

New language for footnotes:

Land uses on property under Williamson Act Land Conservation Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Land Conservation Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

Insert new language at Table 2-2:

Footnote (8) on page 2-13 with a numerical reference (8) at the top of the land use category column on page 2-12 by the reference "AG"

Footnote (12) on page 2-15 with a numerical reference (12) at the top of the land use category column on page 2-14 by the reference "AG"

Footnote (9) on page 2-17 with a numerical reference (9) at top of the land use category column on page 2-16 by the reference "AG"

Footnote (10) on page 2-19 with a numerical reference (10) at top of the land use category column on page 2-18 by the reference "AG"

Footnote (7) on page 2-21 with a numerical reference (7) at top of the land use category column on page 2-20 by the reference "AG"

Footnote (9) on page 2-23 with a numerical reference (9) at top of the land use category column on page 2-22 by the reference "AG"

Footnote (7) on page 2-25 with a numerical reference (7) at top of the land use category column on page 2-24 by the reference "AG"

### Coastal Zone LUO

New footnote:

(1) Land uses on property under Williamson Act Land Conservation Contracts must

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adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Land Conservation Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

Insert new language at Coastal Table O, end of the table as footnote (1) with numerical reference (1) at the top of each land use category column for "Agriculture-Prime Soils and Agriculture Non-Prime Soils", at all pages of the table.

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# ATTACHMENT 4

## SAN LUIS OBISPO AGRICULTURAL PRESERVE REVIEW COMMITTEE

### **D R A F T (Excerpt)** MINUTES OF THE MEETING OF

October 30, 2006

Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held at the U.C. Cooperative Extension Auditorium, San Luis Obispo, California, at 1:30 p.m.

The meeting is called to order at 1:37 P.M. P.M. by Warren Hoag.

The following action minutes are listed as they were acted upon by the Chairman of the Agricultural Preserve Review Committee and as listed on the agenda for the Regular Meeting of October 30, 2006.

#### ROLL CALL:

#### AGRICULTURAL PRESERVE REVIEW COMMITTEE

Present:	Don Warden	Agricultural Liaison Committee
	Dick Nock	Cattlemen's Association
	Irv McMillan	Environmental Organization Member
	Paul Clark	Farm Bureau
	Wayne Jensen	Farm Advisor
	Ed Carson	Land Conservancy of San Luis Obispo County
	Robert M. Sparling	Public-at-Large Member
	Gidi Pullen	Public-at-Large Member - Alternate Member
	Lynda Auchinachie	County Agricultural Commissioner's Office
	Sara Sylwester	County Assessor
	Warren Hoag	County Planning and Building Department
	Thomas Rice	Soil Science Member

Absent: Farm Service Agency

#### COUNTY STAFF:

Terry Wahler	Senior Planner, County Planning and Building Department
Mary Velarde	Secretary, County Planning and Building Department

#### PUBLIC PRESENT:

Susan Harvey, North County Watch  
Patti Davis, Concerned Citizen  
Gary Davis, Concerned Citizen

It is determined there is a quorum for today's meeting.

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**PUBLIC COMMENT**

Warren Hoag presents a summary on the AB 1234 Ethics Training information recently distributed. Clarifies options available, sign-up, etc.

**ITEM #9 DISCUSSION ITEM FOR THE BROADHURST PROPERTY -  
INTERPRETATION OF MINIMUM ELIGIBILITY STANDARDS FOR SMALL FARMS.**

Mr. Broadhurst, applicant, presents his project which is a discussion item today. He describes the family ag operations. He comments on specific crops and soil types, and states most perennial crops are grown on hillsides. He indicates most of the soils on the hillsides are Class II. He discusses future plans, and is here today to see about getting his land into the Williamson Act Program.

Warren Hoag clarifies that the issue here today is the provision in the Rules of Procedure about the size of the ag preserve, stating that the basic requirement is 100 acres but that the Williamson Act allows the creation of smaller primeland preserves if there is a finding that the property is a unique agricultural enterprise. Mr. Hoag cites the requirements for primeland preserves in the county's Rules of Procedure, and explains the applicant is 8 acres short of the 40 acre minimum primeland preserve size at this time. He discusses the possibility of presenting yet another rules amendment to the Board of Supervisors on this issue to allow Mr. Broadhurst to create an individual preserve and enter into an ag preserve contract.

Gidi Pullen asks what other ag activity is adjacent to the owner, with response from Mr. Broadhurst.

Lynda Auchinachie questions current qualifications and asks for clarification. There is discussion, with Mr. Hoag citing information for the record.

Ed Carson asks if there is any precedent in asking for an exception to add this as a separate parcel to a discontinuous preserve. Warren Hoag responds "no", the rules are very clear that the properties in a single preserve must be contiguous.

Lynda Auchinachie suggests an open space easement on this project request.

Sara Sylwester states the tax benefits would be similar with an open space easement situation, and explains the benefits.

Public access options are discussed.

Paul Clark asks about actual easement versus an easement in perpetuity, with Terry Wahler responding. There is further discussion.

Warren Hoag summarizes available options, and discusses the possibility of recommending to the Board of Supervisors to make the minimum primeland preserve size based on uniqueness more flexible.

Ed Carson addresses the perpetuity option, stating he doubts the land conservancy would be interested in this property.

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Ann McMahon addresses the current trend toward smaller ag operations. Suggests that at some point in the future maybe there should be changes made to allow for smaller operations such as the one proposed here today.

Paul Clark asks if this could be added to the current recommendations to the Board of Supervisors, with Warren Hoag responding. There is general discussion of presenting this to the Board of Supervisors at one of their upcoming meetings, with Paul Clark indicating he is in favor of doing so.

Don Warden asks about other requirements in other counties of less than 100 acres. There is discussion.

Dick Nock questions prior qualification requirements. He feels this board should take steps to fix this type of request now.

Tom Rice addresses whether we want to get into economic viability for one parcel. There is further discussion.

Robert Sparling speaks of perpetuity and addresses fragmentation. He suggests re-doing the open space clause appropriately.

Don Warden addresses what currently makes up a preserve, and discusses some options.

Warren Hoag summarizes, clarifying whether this committee feels it is worth exploring since it would involve revising the rules. Since this is only a discussion item at this time, he is reluctant for this committee to make a recommendation on specific wording changes to the Board of Supervisors for consideration. Terry Wahler suggests that this applies to Table 1 changes being discussed. Warren Hoag asks if the Review Committee wishes for him to include a paragraph about this issue in the authorization report that we're doing for one of the upcoming Board of Supervisors meetings on the rules amendments. This would involve asking the Board if it is interested in amending the rules to enable us to look at a less than 40-acre minimum primeland preserve size in unique circumstances. Don Warden objects.

Dick Nock discusses viability. He indicates he feels there will be more of these types of situations, and that this committee should fix the issue now. There is additional discussion.

Ed Carson suggests we submit the item for the Board's review and move on.

Robert Sparling discusses fragmentation in relation to ag preserves. He suggests smaller preserves be in perpetuity for these smaller productive pieces of prime land until such point they can join with other adjacent property and build a bigger ag preserve in order to better comply. Warren Hoag summarizes Mr. Sparling's statement, and clarifies that he feels that there is general consensus to write up this issue and present it to the Board as part of the current rules changes and explain **"the committee has not reviewed the exact language, but that this is something that we think is worth exploring"** and see if the Board wants to authorize the committee to develop specific criteria and wording for this.

It is agreed to take the item to one of the upcoming Board of Supervisors meetings for consideration as part of the currently proposed amendments.

Mr. Broadhurst thanks the committee members for taking his proposal into consideration.

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Thereafter, on general consensus, this item will be presented to the Board of Supervisors with the authorization report to be presented.

**ITEM #11 CONTINUED REVIEW OF SPECIFIC WORDING CHANGES TO THE RULES OF PROCEDURE AND THE INLAND AND COASTAL ZONE LAND USE ORDINANCE.**

- A. Amendments to the San Luis Obispo County Rules of Procedure to Implement the California Land Conservation Act of 1965 to: 1) clarify the method used to determine reductions in minimum parcel size for land with mixed agricultural potential or use; 2) clarify the qualifying criteria for discontinuous parcels under one ownership; 3) allow establishment of Farmland Security Zones simultaneously with Agricultural Preserves; 4) preclude exclusion of portions of parcels from contracts;
- B. Amendments to establish Laird Bill contract consistency criteria including revisions to Table 2, "Compatible Uses for Contracted Land" to clarify allowable residential density, revision of the status of Bed and Breakfasts, definition of the scope of agricultural tourism & farm stay uses, and revision of the scope of Temporary Events, and possible changes to the allowable status of other uses.
- C. Related amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance, Titles 22 and 23 of the County Code, to include necessary ordinance revisions to reflect legislative changes such as the Laird bill and other clarifications for consistency with the California Land conservation Act of 1965.

Warren Hoag summarizes the proposed wording changes, with Irv McMillan asking for further clarification of the changes.

**There is a motion by Ed Carson and a second by Dick Nock to approve wording changes presented here on Item 11, as is, for submittal to the Board of Supervisors for authorization.**

Lynda Auchinachie indicates she would like to hear the specific changes to be able to offer her comments.

Warren Hoag suggests a vote on Exhibits A & C, and then separate discussion on Item B, Table 2 changes.

**Thereafter, on motion of Ed Carson and second by Dick Nock, the text changes indicated in Exhibits A and C are approved for presentation to the Board of Supervisors for authorization, as submitted by staff. The motion passes 11-0.**

Item B changes to Table 2, "Agricultural and Compatible Uses" are discussed at length.

Lynda Auchinachie suggests changes under the Agriculture Use Group to include:

- Suggests deletion of note 5 for the Non-Soil Dependent group under nursery specialties (except for Coastal Zone prime soils)
- Add a note to include floral green houses as being allowed.
- Discusses the appropriateness of Rural Recreation and Camping being located under Cultural, Education & Recreation Group

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- Address livestock auction and horse training and livestock facilities categories regarding consistency with the Williamson Act.

Jamie Kirk speaks of a prior project involving horse riding facilities and consistency with the Williamson Act. She cites the lack of a threshold.

There is discussion of the suggested changes.

Irv McMillan addresses concerns with non-soil based nursery specialties operations and ag preserve qualifications, with Warren Hoag responding that the land still has to have the production capability to qualify. This would be an allowed use on land that has enough moderately to well-suited soils or other intensive crops that qualify. Irv McMillan states he feels the county is trying to slough off on ag land a responsibility to zone land that is appropriate for this type of large, industrial ag/animal operation. There is a request as to what the Land Use Ordinance actually states. Warren Hoag quotes language from the Inland Land Use Ordinance, as requested.

**Per a straw vote, it is unanimous to add language to note 6 to include livestock auction sales, building and sales lot facilities to the Table 2 definition of Specialized Animal Facilities.**

Sue Harvey, North County Watch, asks for specifics on ag uses for clarity.

Lynda Auchinachie addresses the Rural Recreation and Camping category and suggests changing the "yes" to "Note 4" under Inland Area Soils and Non-Prime only. The Prime Soils column under Coastal Zone will remain a "No."

Lynda Auchinachie addresses Paving Materials under the Manufacturing & Processing column, stating she doesn't know if this is appropriate or not.

It is decided the committee will now address "Events" as a category of land uses.

Changes under "Events" are discussed. Warren Hoag summarizes the proposed changes. Jamie Kirk asks for a definition of "temporary events" including specifics, with Warren Hoag citing current definitions and proposed changes from staff for each item, including Agricultural, Public Assembly & Entertainment, Temporary, and Special Events.

There is discussion of future topics to be addressed for review and detailed clarification by this group. Mr. Hoag explains this process is to get the Board of Supervisors to allow us to begin the process of amending the rules, and is a "work-in-progress."

Don Warden states we should go with what we have, not change temporary events at this time, and wait until it comes back to this committee after the LUO is amended. Warren Hoag clarifies that what he is hearing is that Temporary Events be left as is with a note saying, "**Subject to further recommendation based on LUO amendment outcome.**"

Lynda Auchinachie suggests the inclusion of a "place holder" in the authorization report presented to the Board of Supervisors to enable future discussion.

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It is suggested the same procedure be done for the Bed and Breakfast Facilities category. There is general consensus to leave both categories as is with notes added to say ***"This item will be revisited by this committee when the LUO amendments are acted upon."***

The question is posed whether this board would rather review winery / event proposals individually to decide if they are appropriate under the Laird Bill or not, with Warren Hoag responding.

The matter is put to the committee members for comment. Thomas Rice responds. Dick Nock states we should continue the current process. Warren Hoag suggests adding a note to Table 2 stating, ***"...that requires our committee's review for proposals for winery special events."***...

There is discussion.

Lynda Auchinachie suggests this committee rely on staff's discretion as to those projects that need review by the committee.

Susan Harvey cites issues with the Bed and Breakfast category and for clarification on recycling collection stations, with Warren Hoag responding.

Tom Rice motions to adjourn and to accept Table 2 with changes as presented except as amended here today and to leave the rest to staff's discretion, leaving the Temporary Events and Bed and Breakfast sections in to be revisited at a later date.

Wayne Jensen discusses electric generating plants.

**Thereafter, on motion by Tom Rice and second by Ed Carson, motion to accept all changes in Exhibit B, as presented by staff except as amended by the committee, for presentation to the Board of Supervisors for authorization is approved by a 11 – 0 vote.**

There being no further business, the meeting is adjourned at 5:10 P.M. to the next scheduled meeting, date to be announced.

Respectfully submitted,

Mary Velarde, Secretary  
Planning and Building Department

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