



## DEPARTMENT OF PLANNING AND BUILDING

**DATE:** APRIL 12, 2013  
**TO:** AGRICULTURAL PRESERVE REVIEW COMMITTEE  
**FROM:** TERRY WAHLER, SENIOR PLANNER, CURRENT PLANNING  
**SUBJECT:** NOTICE OF MEETING OF THE AGRICULTURAL PRESERVE REVIEW COMMITTEE ON MONDAY, APRIL 22, 2013.

**SUMMARY:**

The first Agricultural Preserve Review Committee meeting for this year is scheduled for Monday, April 22, 2013 from 1:00 to 4:00 p.m. at:

Veteran's Hall  
801 Grand Ave,  
San Luis Obispo, CA 93401

*(Please note the different location)*

**The agenda includes:**

1. Two applications to alter the boundaries of two agricultural preserves to reflect a lot line adjustment.
2. One application to establish an agricultural preserve to enable the applicant to enter into a land conservation contract.
3. One application to enter into a land conservation contract for property that is already within an agricultural preserve.
4. Two applications to reconsider the term of two applications to alter the boundaries of two agricultural preserves to reflect a lot line adjustment that were previously considered by the Review Committee.
5. One request to authorize service of a partial notice of nonrenewal of a land conservation contract and acknowledge that the portion of the contracted land to remain under contract will be in conformance with its land conservation contract.

If you have any questions or comments, or if you are unable to attend the meeting, please call me at 781-5621.

# AGRICULTURAL PRESERVE REVIEW COMMITTEE AGENDA

April 22, 2013  
1:00 - 4:00 p.m.

Veteran's Hall  
801 Grand Ave, San Luis Obispo

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1. Roll call.
2. Public comment period
3. Request for updated APRC member email addresses.
4. Approval of the minutes of the Agricultural Preserve Review Committee meeting of September 17, 2012.
5. FILE NUMBER: AGP2012-00010 – A proposal by Patricia Diane Vineyard, LLC to alter the boundaries of an agricultural preserve, rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel will include approximately 54 acres. The property is located in the Agriculture land use category approximately 0.5 mile west of Buena Vista Drive approximately 2,000 feet east of River Road, north of and abutting the City of Paso Robles. The parcel is in the El Pomar-Estrella Planning Area. APNs: 020-311-030 & PTN of 020-012-017; Supervisorial District No. 1.
6. FILE NUMBER: AGP2012-00011 - A proposal by Woodland Trust to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel will include approximately 114 acres. The property is located in the Agriculture land use category at 3995 Buena Vista Drive north of and abutting the City of Paso Robles. The parcel is in the El Pomar-Estrella Planning Area. APN: 020-012-017; Supervisorial District No. 1.
7. FILE NUMBER: AGP2012-00013 - Proposal by Flight Investments, LLC to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 50 acre parcel is located within the Agriculture land use category at 495 Cripple Creek Road approximately 3/4 mile south of the intersection of Creston Road and Cripple Creek Road and approximately 5.0 miles southeast of the Urban Reserve Line of Paso Robles. The site is in the El Pomar-Estrella planning area. APN: 035-101-051; Supervisorial District No. 1.
8. FILE NUMBER: AGP2012-00009 - Proposal by Aguila Boys to enter into a land conservation contract for land already within an agricultural preserve. The property consists of approximately 64 acres within the Agriculture land use category and is located on Thompson Road between Knotts and Rancho Roads, partially within the southeastern boundary of the Urban Reserve Line of the community of Nipomo. The site is in the South County (Inland) planning area. APN: 090-051-036; Supervisorial District No. 4.
9. FILE NUMBER: AGP2009-00025 - Reconsideration of a proposal by Claudine Blackwell to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new contract to reflect a lot line adjustment. The resulting parcel will remain at approximately 120 acres. The project site is located in the Agriculture land use category at 1030 Penman Springs Road, approximately 0.5 mile southeast of the intersection of Penman Springs Road and Union road, approximately 1.1 mile east of the City of Paso Robles, in the El Pomar-Estrella Planning Area. APNs: 015-053-027 & 28; Supervisorial District No. 5.

10. FILE NUMBER: AGP2009-00026 - Reconsideration of a proposal by Keith Harnish to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel size will remain at approximately 440 acres. The property is located in the Agriculture land use category at 1975 Hidden Acre Lane, approximately 1 mile southeast of the intersection of Penman Springs Road and Union road, approximately 1.5 mile east of the City of Paso Robles, in the El Pomar-Estrella Planning Area. APN: 015-053-025; Supervisorial District No. 5.
11. FILE NUMBER: AGP2012-00008 - Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation. The property consists of 46 acres located within the Agriculture land use category on the eastern side of Upper Los Berros Road approximtely  $\frac{3}{4}$  of a mile north of Lake Lopez and 8.5 miles north east of the city of Arroyo Grande. The site is in the Los Padres planning area. APN: 048-051-052; Supervisorial District No. 4.
12. Review Committee comment and discussion period.
13. Scheduling of next meeting.
14. Adjournment.

# AGRICULTURAL PRESERVE REVIEW COMMITTEE APRIL 2013

<b><u>ORGANIZATION, OR AGENCY</u></b>	<b><u>REGULAR MEMBER</u></b>	<b><u>ALTERNATE MEMBER</u></b>
Agricultural Liaison Committee	Don Warden	Chuck Pritchard
Farm Service Agency	Jennifer Anderson	TBA
Cattlemen's Association	Dick Nock	Anthony Stornetta
Environmental Organization Member	Irv McMillan	Jon Pedotti
Farm Advisor	TBA	Royce Larsen
Farm Bureau	Hugh Pitts	Paul Clark
Land Conservancy of San Luis Obispo County	Kaila Dettman	Beverly Gingg
Public-at-Large Member	Robert M. Sparling	TBD
Soil Science Member	TBD	Lynn E. Moody
Wine Industry	TBD	Dana Merrill
County Agricultural Commissioner	Lynda Auchinachie	Marc Lea
County Assessor	Tom Bordonaro	Michael Garcia
County Department of Planning and Building Department	Nancy Orton	Kami Griffin

ITEM 4  
4-1

SAN LUIS OBISPO AGRICULTURAL PRESERVE REVIEW COMMITTEE  
**DRAFT DRAFT DRAFT**  
MINUTES OF THE MEETING OF  
September 17, 2012

Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held at the U.C. Cooperative Extension Auditorium, 2156 Sierra Way in San Luis Obispo, California, at 1:30 p.m.

The meeting is called to order at 1: 33 P.M. by Lynda Auchinachie.

The following action minutes are listed as they were acted upon by the Chairperson of the Agricultural Preserve Review Committee and as listed on the agenda for the Regular Meeting of September 17, 2012.

**ROLL CALL:**

**AGRICULTURAL PRESERVE REVIEW COMMITTEE**

Present:

Dick Nock	Cattlemen's Association
Paul Clark	Farm Bureau
Robert Sparling	Public-at-Large
John Pedotti	Environmental Organization Member
Lynda Auchinachie	Agriculture Department (serves in the capacity of Chairperson)
Marc Lea	County Agriculture Department (Alternate)
Don Warden	Agricultural Liaison Advisory Board
Michael Garcia	County Assessor
Royce Larson	Farm Advisor
Bob Hill	Land Conservancy of San Luis Obispo
Dana Merrill	Wine Industry (not present for Item 4)

Absent:

Farm Service Agency  
Soil Science Member (Alternate)  
County Planning and Building Department

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

**COUNTY STAFF:**

Terry Wahler	Senior Planner, County Planning & Building Department
Warren Hoag	Planning Staff
Ramona Hedges	Secretary

**PUBLIC PRESENT:**

Jamie Kirk	Item 6
Jori Clarke	Item 7
John Philbrick	Item 8
David Storer	Item 10
Lynn Azevedo	Item 11

**PUBLIC COMMENT**

Lynda Auchinachie: opens Public Comment with no one coming forward.

**AGENDA ITEM # 3 – REQUEST FOR UPDATED APRC MEMBER EMAIL ADDRESS LIST**

No updates to date.

**AGENDA ITEM #4 – APPROVAL OF THE MINUTES OF THE AGRICULTURAL PRESERVE REVIEW COMMITTEE MEETING OF APRIL 30, 2012**

Spelling correction on Pg. 2, Mark should be spelled “Marc”.

Votes for Items 4, 5, 6, & 7 should be 9-0.

Roll call should show Don Warden as being present, and not absent.

Members' abstention votes are due to not being present at the April 30, 2012 APRC.

Thereafter, on motion by Don Warden, the minutes of the April 30, 2012 APRC meeting are approved as corrected. This motion was seconded by Royce Larson, and approved on a 4-5 vote with the Farm advisor member, Farm Bureau member, Environmental Organization member, County Assessor member, and Land Conservancy members abstaining, and the Wine Industry, Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM #6 – AGP2012-00001 – Proposal by Dave Colmar to establish an agricultural preserve to enable the applicant to enter into a land conservation contract.**

Terry Wahler, staff: presents staff report, describes property, agricultural use and basis for eligibility.

Dana Merrill, Wine Industry alternate member, arrives during this item.

No members deliberate item.

Following the discussion, Paul Clark moved to recommend to the Board of Supervisors, approval of this request to establish an agricultural preserve to allow the applicant to enter into a land conservation contract, as follows: Preserve Designation: Templeton Agricultural Preserve No. 60. Minimum Parcel Size: 40 acres. Minimum Term of Contract: 20 years. This motion was seconded by Jon Pedotti, and carried unanimously on a 10-0 vote with the Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM #7 – AGP2010--00015 – Proposal by Jorian Clark to establish an agricultural preserve based on the protection of open space/wildlife habitat resources (as provided for in the Williamson Act) to enable the landowner to enter into a land conservation contract.**

Terry Wahler, staff: presents staff report, describes property, agricultural use and basis for eligibility.

Notes a correction to acreage from 640 acres to 674.56 acres.

Royce Larson: asks if there is currently cattle grazing with Ms. Clarke stating the cattle are not currently grazing in the area because this property is intended for wild life habitat/open space.

Jorian Clarke: explains educational efforts being conducted related to agriculture and long term conservation goals.

Jon Pedotti: asks if there will be monitoring with Mr. Wahler stating the land owner will be expected to limit land uses to those that are consistent with their land conservation contract. Mr. Wahler notes that systematic program monitoring occurs through the Planning Department's Tidemark permit tracking system which flags all contracted properties and enables staff to monitor requests for permit applications for Williamson Act compliance as well as annual questionnaires sent to land owners from the Assessor Office.

Warren Hoag: states the Dept. of Fish & Game becomes involved should any habitat values they regulate become compromised.

Dana Merrill: asks if grazing is outright precluded with Mr. Wahler stating grazing is an allowable use.

Jorian Clarke: states she is looking for contacts at Cal Poly University to evaluate other appropriate agricultural uses.

Don Warden: asks what are compatible land uses for a contract based on conservation purposes.

Warren Hoag: explains allowable uses and notes that the property will require re-zoning from Rural Lands to the Open Space land use category since the Williamson Act requires restrictive zoning on contracted properties.

Royce Larson: asks if there are any structures that would conflict with the open space contract with Mr. Hoag explaining the home is pre-existing and established.

Robert Sparling: feels the Williamson Act is primarily for productive agricultural properties, not open space. Has concerns for conservation efforts that are non-productive as far as agriculture is concerned, including wild life and open space. Wishes to keep the focus on productive agriculture.

Dick Nock: would like to know what the difference in property tax would be from non-contracted status to contracted.

Michael Garcia: states it is a significant assessment change in property tax value which could be as much as \$11,000.00 in tax dollars annually.

Dick Nock: has a concern about this land not being in agricultural production in terms of the overall loss of agricultural land.

Jorian Clarke: explains research has been conducted to find out what the land can be used for with pesticide free production.

Warren Hoag: explains the Williamson Act (WA) has a specific provision for open space uses and reads from the WA. Discusses the letter received from Fish & Game.

Bob Hill: concurs with Mr. Wahler and would support this application. Feels having the land going under contract is cheaper than pursuing a conservation easement with the Land Conservancy.

Marc Lea: asks what the minimum parcel size would be in this category with Mr. Wahler stating it is 320 acres.

Jon Pedotti: asks the applicant if she has considered a reduced level of grazing with Ms. Clarke stating experts would be welcome to provide insight and recommendations for other compatible agricultural uses and indicates she would be open to considering other agricultural uses such as grazing.

Terry Wahler, staff: explains the existing Rural Lands land use category and the requirement to change the zoning to Open Space and indicates that the Open Space land use category is more restrictive.

Following the discussion, Bob Hill moved to recommend to the Board of Supervisors, approval of this request to establish an agricultural preserve to allow the applicant to enter into a land conservation contract, as follows: Preserve Designation: El Pomar Agricultural Preserve No. 87. Minimum Parcel Size: 320 acres. Minimum Term of Contract: 20 years. This motion was seconded by Dana Merrill, and carried on an 8-1-1 vote with the Cattlemen's Association member abstaining from the vote, the Public At Large member voting "No", and the Farm Service Agency, Soil Science, and County Planning Department members being absent.

Dick Nock: explains his abstention vote is due to his concern with more lands coming under contract without agricultural production.

Robert Sparling: explains his 'No' vote is because he feels that the emphasis of the Williamson Act (and compensation for land owners in the form of reduced property taxes) should be on productive agricultural lands and not open space.

**AGENDA ITEM #8 – AGP2010-00012 - Proposal by John Philbrick to alter and expand the boundaries of an existing agricultural preserve and contract by adding approximately 160 acres, resulting in a total of 463 acres**

Terry Wahler, staff: presents staff report. Explains history of property, eligibility and indicates that the Exhibit for Item 9 was inadvertently inserted into the Item 8 staff report which will be corrected.

No members deliberate the item

Following the discussion, Dick Nock moved to recommend to the Board of Supervisors, approval of this request to alter and expand the boundaries of an existing agricultural preserve and contract as follows: Preserve Designation: La Panza Agricultural Preserve No. 11, Amendment No. 2. Minimum Parcel Size: 320 acres. Minimum Term of Contract: Remaining minimum term of existing contract. This motion was seconded by Royce Larson and carried unanimously on a 10-0 vote with the Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM #10 – AGP2012-00004 - Proposal by Robert Geringer to alter the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a lot line adjustment.**

Terry Wahler, staff: presents staff report and explains that the need for the agricultural preserve amendment and new contract is based on a lot line adjustment. Explains the landowner's reasoning for the lot line adjustment.

No members deliberate this item.

Following the discussion, Don Warden moved to recommend to the Board of Supervisors, approval of this request to alter the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract as follows: Preserve Designation: Adelaida Agricultural Preserve No. 16, Amendment No. 1. Minimum Parcel Size: 160 Acres. Minimum Term of Contract: 20 years. This motion was seconded by Dick

Nock and carried unanimously on 10-0 vote with the Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM #11 – AGP2012-00003 – Proposal by John Taylor to rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract for property that is currently in non-renewal.**

Terry Wahler, staff: presents staff report. Explains that the property is currently under nonrenewal but the new owner wishes to enter into a new land conservation contract and remain under the Williamson Act program.

Linda Azevedo, realtor representing owner: states new owners are restoring the barn and the ranch house and preserving grazing. States escrow is scheduled to close next week.

Dick Nock: asks how long has this property be in nonrenewal status with Mr. Wahler stating approximately 7 years.

Following the discussion, Bob Hill moved to recommend to the Board of Supervisors, approval of this request to rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract as follows: Preserve Designation: Cayucos Agricultural Preserve No. 2. Minimum Parcel Size: 320 acres. Minimum Term of Contract: 20 years. This motion was seconded by Don Warden and carried unanimously on a 10-0 vote with the Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM #5 – AGP2011-00008 Proposal by the Giacomazzi Trust, to establish an agricultural preserve to enable the applicant to enter into a land conservation contract.**

Terry Wahler, staff: presents staff report, describes existing agricultural land use and eligibility.

No members deliberate item.

Following the discussion, John Pedotti moved to recommend to the Board of Supervisors, approval of this request to establish an agricultural preserve to allow the applicant to enter into a land conservation contract, as follows: Preserve Designation: Los Osos Valley Agricultural Preserve No. 25. Minimum Parcel Size: 160 acres. Minimum Term of Contract: 20 years. This motion was seconded by Royce Larson, and carried unanimously on a 10-0 vote with the Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM #9 – AGP2012-00002 - Proposal by the Attiyeh Foundation to alter and expand the boundaries of an existing agricultural preserve and contract by adding approximately 40 acres, resulting in a total of 7,572 acres in the Agricultural Preserve**

Terry Wahler, presents staff report and provides history of land acquisition and additions to the agricultural preserve by the Attiyeh Foundation. Discussion ensues.

Royce Larson: confirms there is grazing occurring.

Bob Hill: abstains from the vote due to being personally acquainted with the owners of the ranch and also the Land Conservancy being a beneficiary of the property.

Following the discussion, Don Warden moved to recommend to the Board of Supervisors, approval of this request to alter and expand the boundaries of an existing agricultural preserve and contract, as follows: Preserve Designation: Nacimiento Agricultural Preserve No. 10, Amendment No. 9. Minimum Parcel Size: 320 acres. Minimum Term of Contract: Remaining minimum term of existing contract. This motion was seconded by Jon Pedotti and carried on a 9-0-1 vote with the Land Conservancy member abstaining, and the Farm Service Agency, Soil Science, and County Planning Department members being absent.

**AGENDA ITEM 12 – Review Committee comment and discussion period**

Royce Larson: understands the concerns of members who do not want so much agricultural land protected as open space. However if the members want this noted it should be changed in the rules.

Paul Clark: asks if the APRC has denied requests in the past for wild life habitat values with Mr. Hoag stating yes.

Terry Wahler, staff: explained how he attempted to pre-qualify the Item 7 property prior to application and could not get to the required 100 acres with soil rated as moderately to well suited as rangeland. States the applicants elected to explore the wildlife habitat option.

Dick Nock: explains his concerns for the provision of wild life habitat because it does not support the production of food and fiber.

Robert Sparling: asks if the State dictates the specifics with Mr. Hoag stating the State provides the framework and the County implements it.

Terry Wahler, staff: clarifies the recent changes made to the Rules of Procedure for grazing land.

Dana Merrill: reports Justin Baldwin will no longer be representing the Wine industry on the APRC with Mr. Wahler stating Mr. Baldwin needs to write a letter indicating his desire not to serve in the APRC capacity.

Terry Wahler, staff: clarifies vacant positions on the APRC are for the Farm Service Agency Alternate member, the Public At Large Alternate member, the Soils Science Regular member, and the Planning and Building Department Regular member.

Bob Hill: reports Beverly Gingg has stepped down from being the Land Conservancy Alternate Member and is not sure if this qualifies as an alternate with Mr. Hoag stating it is the Land Conservancy's decision.

**Scheduling of next meeting**

No more meetings are scheduled for 2012. The next meeting may be held in February.

There being no further discussion, the APRC adjourned at 3:05.

Respectfully submitted,  
Ramona Hedges, APRC Secretary  
Dept. of Planning and Building



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

5-1

ITEM 5

Promoting the wise use of land  
Helping build great communities

**Agricultural Preserve Review Committee**

<b>MEETING DATE</b> April 22, 2013	<b>CONTACT/PHONE</b> Terry Wahler, 781-5621	<b>APPLICANT</b> Patricia Diane Vineyard, LLC	<b>FILE NO.</b> AGP2012-00010						
<b>SUBJECT</b> A proposal by Patricia Diane Vineyard, LLC to alter the boundaries of an agricultural preserve, rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel will include approximately 54 acres. The project site is located in the Agriculture land use category approximately 0.5 mile west of Buena Vista Drive approximately 2,000 feet east of River Road, north of and abutting the City of Paso Robles. The parcel is in the El Pomar-Estrella Planning Area.									
<b>RECOMMENDED ACTION</b> Recommend to the Board of Supervisors approval of this request to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation as follows:  <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><b>Preserve Designation:</b></td> <td><b>Estrella Agricultural Preserve No. 10 Amendment No. 1</b></td> </tr> <tr> <td><b>Minimum Parcel Size:</b></td> <td><b>40 Acres</b></td> </tr> <tr> <td><b>Minimum Term of Contract:</b></td> <td><b>10 years</b></td> </tr> </table>				<b>Preserve Designation:</b>	<b>Estrella Agricultural Preserve No. 10 Amendment No. 1</b>	<b>Minimum Parcel Size:</b>	<b>40 Acres</b>	<b>Minimum Term of Contract:</b>	<b>10 years</b>
<b>Preserve Designation:</b>	<b>Estrella Agricultural Preserve No. 10 Amendment No. 1</b>								
<b>Minimum Parcel Size:</b>	<b>40 Acres</b>								
<b>Minimum Term of Contract:</b>	<b>10 years</b>								
<b>ENVIRONMENTAL DETERMINATION</b> Categorical Exemption (Class 17) was issued on April 10, 2013 (ED12-174)									
<b>LANDUSE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Airport Review Area	<b>ASSESSOR PARCEL NO:</b> 020-311-030 and portion of 020-012-017	<b>SUPERVISOR DISTRICT(S)</b> 1						
<b>PLANNING AREA STANDARDS:</b> None Applicable		<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves							
<b>EXISTING USES:</b> Irrigated vineyard, residence (with added land), oak trees									
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><i>North:</i> Agriculture/Residence, vineyard, grazing, oaks</td> <td style="width: 50%;"><i>East:</i> Agriculture/ Vineyard</td> </tr> <tr> <td><i>South:</i> City of Paso Robles</td> <td><i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing</td> </tr> </table>				<i>North:</i> Agriculture/Residence, vineyard, grazing, oaks	<i>East:</i> Agriculture/ Vineyard	<i>South:</i> City of Paso Robles	<i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing		
<i>North:</i> Agriculture/Residence, vineyard, grazing, oaks	<i>East:</i> Agriculture/ Vineyard								
<i>South:</i> City of Paso Robles	<i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing								
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None, no referrals necessary									
<b>TOPOGRAPHY:</b> Generally flat		<b>VEGETATION:</b> Oaks trees							
<b>PROPOSED SERVICES:</b> None required		<b>ACCEPTANCE DATE:</b> March 21, 2013							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242									

**PROJECT REVIEW**

**Background**

The applicant, Patricia Diane Vineyards, LLC, is requesting a lot line adjustment to acquire approximately 14 acres from the neighboring land owners (Woodland Trust). The alteration of the agricultural preserve boundaries and new contracts are necessary because both parcels involved in the lot line adjustment are under separate land conservation contracts as well as different agricultural preserves. The lot line adjustment would involve new parcel boundaries and legal descriptions and increase the acreage of this parcel from the current 40 acres to 54 acres.

The Patricia Diane Vineyards property (APN: 020-311-030), the subject of this application, is in Estrella Agricultural Preserve No. 10 established on 2/17/76 by Resolution No. 76-171 (APZ751205:1). The southeastern corner of Estrella Agricultural Preserve No. 10 was subsequently annexed into the city of Paso Robles. The parcel is under a land conservation contract recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371, inclusive.

The Woodland property (APN 020-012-017) is part of Estrella Agricultural Preserve No. 9 established on 1/12/76 by Resolution 76-22 (APZ751106:1). The original land conservation contract (approved by Resolution 76-201 and recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371) was terminated by nonrenewal. A new contract was entered into by the Woodlands on 12/8/98 and recorded on 12/11/98 as Document No. 1998-082542. A previous lot line adjustment resulted in an amendment to this original contract (Resolution 2003-458). A portion of Estrella Agricultural Preserve No. 9 was annexed into the city of Paso Robles. The Agricultural Preserve includes another parcel owned by the Woodlands (APN 020-012-018), however this parcel is not under a land conservation contract and is not part of the current lot line adjustment.

**Site and Area Characteristics**

The land being added is entirely comprised of non-irrigated Class 4 soil, according to the Natural Resources Conservation Service soils survey. The existing parcel is currently planted almost entirely in irrigated vineyard (approximately 38 acres) on Class 2 irrigated and Class 4 irrigated soil. The land to be acquired is used as a rural residence with scattered oak trees and is not currently used for agricultural purposes.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Grazing/Fallow	Building Site	Acres
If Irrigated	Non-Irrigated				
1	4	0.5	na	na	0.5
2*	4	14	na	na	14
4	4	23.5	14	2	39.5
TOTALS		38	14	2	54

\*from NRCS Soils Survey book/data used when original contract was entered into.

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

**Compliance with the Williamson Act and the Rules of Procedure**

**Criteria for Establishing an Agricultural Preserve**

Although the property is already under an agricultural preserve, it is appropriate to review the property's eligibility, since the agricultural preserve is being amended. The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's proposed 54 acres exceeds the *gross acreage* necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land *under production* (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture).

The gross acreage must be 40 acres or larger, however a property may meet the eligibility criteria for establishing a prime land agricultural preserve with less than 40 acres in production if the property is planted in orchards, vineyards and other perennial crops that would produce an average annual gross value of \$1,000 or more per acre (averaged over 40 acres) if in full commercial bearing.

With 38 acres planted in irrigated vineyard, the property meets current criteria for establishing an agricultural preserve, based on the recognized high value of irrigated vineyard on non-prime soils, and the income & value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

**Qualifying for a Land Conservation Contract**

A property must also meet the eligibility requirement of 20 acres of irrigated vineyard on Class 3, 4, 6, or 7 soils to qualify for a land conservation contract and does so with approximately 38 acres of irrigated vineyard on Class 2 & 4 soils. (Table 1 Section B. 1.c).

**Complying with the Williamson Act**

Williamson Act, Government Code Section 51257, sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically.

This lot line adjustment, the attendant agricultural preserve amendments and new replacement land conservation contracts involve the enlargement of one contracted parcel and the reduction in size of the other parcel. Since both properties are currently under contract and both resulting parcels have sufficient irrigated vineyard to re-qualify under current eligibility criteria, the intent of the Williamson Act will continue to be met.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting property will consist of at least 90 percent (in this case 100%) of the land under former contract resulting in no net loss of land under contract. (This section of the Government Code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.)

Because the property is planted in irrigated vineyard the appropriate minimum parcel size is 40 acres.

The appropriate term for the new contract is 10 years because the property is located less than 1 mile from the urban reserve line of the City of Paso Robles.

**Agricultural Preserve Review Committee**

The Agricultural Preserve Review Committee minutes will be inserted for the Planning Commission and Board of Supervisor’s reports.

**RECOMMENDATIONS**

Recommend to the Board of Supervisors approval of this request to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation as follows:

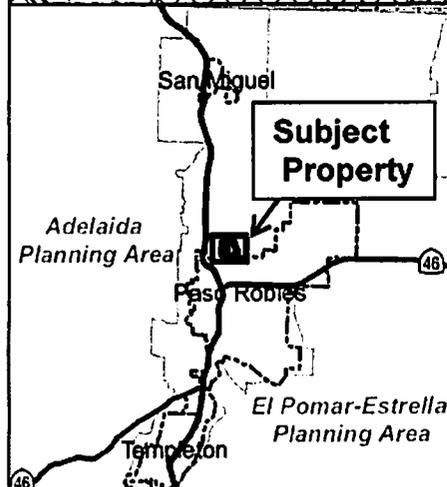
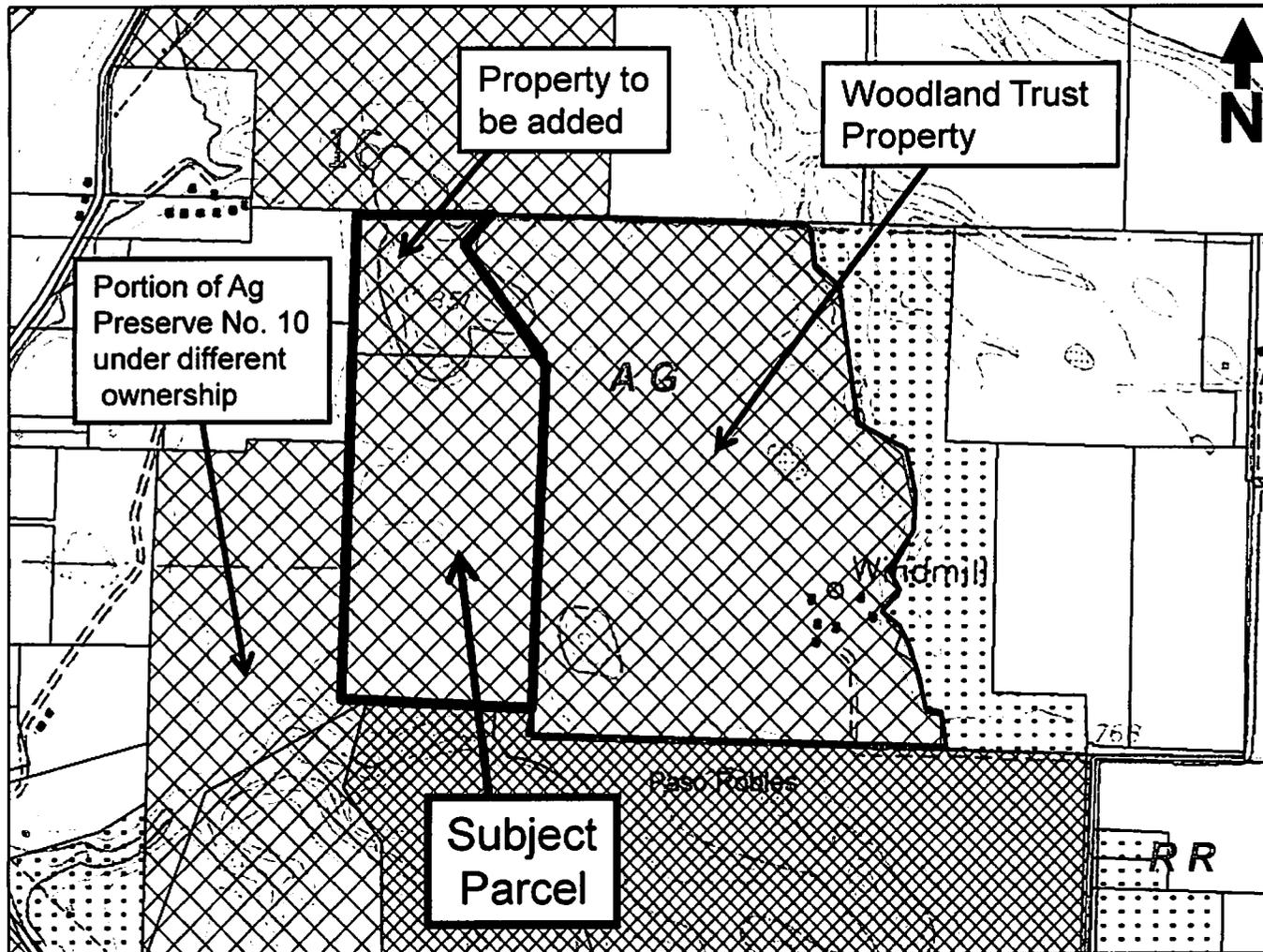
- Preserve Designation: Estrella Agricultural Preserve No. 10 Amendment No. 1**
- Minimum Parcel Size: 40 Acres**
- Minimum Term of Contract: 10 years**

**FINDINGS**

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, Conservation and Open Space Element, and the county’s Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B. The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C. The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D. There is no net decrease in the amount of acreage restricted by land conservation contract.
- E. The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F. The parcel of land after the adjustment will be large enough to sustain the current agricultural use.

- G. The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.**
- H. The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.**
- I. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.**

Report prepared by Terry Wahler, Senior Planner  
and reviewed by Bill Robeson, Supervising Planner  
Agricultural Preserve Program



**EXHIBIT A: Estrella Agricultural Preserve No. 10 Amendment No. 1**

-  Subject Property APNs: 020-311-030 & PTN of 020-012-017
-  Land in Existing Preserve & Contract
-  Paso Robles City Limits

**EXHIBIT A: Amending an Agricultural Preserve to Reflect a Lot Line Adjustment**

File No. AGP2012-00010	Patricia Diane Vineyard, LLC
Minimum Parcel Size:	40 Acres
Minimum Term of Contract:	10 years
Resolution No:	Date:



**PROJECT REVIEW**

**Background**

The applicant, Woodland Trust, is requesting a lot line adjustment to transfer approximately 14 acres to a neighboring land owner to the west. The alteration of the agricultural preserve boundaries and new contracts are necessary because both parcels involved in the lot line adjustment are under separate land conservation contracts as well as different agricultural preserves and the lot line adjustment would involve new parcel boundaries and legal descriptions. The adjustment would decrease the acreage of this parcel from the current 128 acres to approximately 114 acres.

This property (APN 020-012-017) is part of Estrella Agricultural Preserve No. 9 established on 1/12/76 by Resolution 76-22. The original land conservation contract (approved by Resolution 76-201 and recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371) was terminated by nonrenewal. A new contract was entered into by the Woodlands on 12/8/98 and recorded on 12/11/98 as Document No. 1998-082542. A previous lot line adjustment resulted in an amendment to this original contract (Resolution 2003-458). A portion of Estrella Agricultural Preserve No. 9 was annexed into the city of Paso Robles. The Agricultural Preserve includes another Woodland parcel (APN 020-012-018), however this parcel is not under a land conservation contract and is not part of the current lot line adjustment.

The neighboring Patricia Diane Vineyards property (APN: 020-311-030), the property to be expanded, is in Estrella Agricultural Preserve No. 10 established on 2/17/76 by Resolution No. 76-171 (APZ751205:1). The southeastern corner of Estrella Agricultural Preserve No. 10 was subsequently annexed into the city of Paso Robles. The parcel is under a land conservation contract recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371, inclusive.

**Site and Area Characteristics**

The 14 acres proposed for conveyance to the neighboring parcel is entirely comprised of non-irrigated Class 4 soil, according to the Natural Resources Conservation Service soils survey. The existing 128 Woodland parcel is currently planted in approximately 92 acres of irrigated vineyard on Class 2 irrigated and Class 4 irrigated soil. The land to be conveyed is not currently used for agricultural purposes since most of it serves as a home site, barn and corrals.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Fallow / Oak Woodland	Building Site	Acres
If Irrigated	Non-Irrigated				
2*	4	64	8	4	76
4	4	28	NA	NA	28
7	7	NA	10	NA	10
TOTALS		92	18	4	114

\*from NRCS Soils Survey book/data used when original contract was entered into.

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

**Compliance with the Williamson Act and the Rules of Procedure to Implement the Land Conservation Act of 1965**

**Criteria for Establishing an Agricultural Preserve**

Although the property is already under an agricultural preserve, it is appropriate to review the property's eligibility, since the agricultural preserve is being reduced in size by 14 acres. The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's proposed 114 acres exceeds the 40 acres *gross acreage* necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land *under production* (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture). The proposed parcel will easily meet the requirement for a minimum of 40 acres under production with 92 acres planted in irrigated vineyards – a perennial crop that produces an average annual gross value in excess of \$1,000 or more per acre in full commercial bearing. The property meets current criteria for establishing an agricultural preserve, based on the recognized high value of irrigated vineyard on non-prime soils, and the income and value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

**Qualifying for a Land Conservation Contract**

A property must also meet the eligibility requirement of 20 acres of irrigated vineyard on Class 3, 4, 6, or 7 soils to qualify for a land conservation contract and does so with approximately 92 acres of irrigated vineyard on Class 2 & 4 soils. (Table 1 Section B. 1.c).

**Complying with the Williamson Act**

Williamson Act, Government Code Section 51257, sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically.

This lot line adjustment, the attendant agricultural preserve amendments and new replacement land conservation contracts involve the reduction in size of the Woodland parcel and the enlargement of the Patricia Diane Vineyard, LLC parcel. Since both properties are currently under contract and both resulting parcels have sufficient irrigated vineyard to re-qualify under current eligibility criteria, the intent of the Williamson Act will continue to be met.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting parcels will consist of at least 90 percent (in this case 100%) of the contracted land remaining under contract. Overall, there will be no net loss of land under contract. (This section of the Government Code is focused on the equal exchange of contracted

and non-contracted land, however it is still necessary to do this analysis and make the required findings.)

Because the property is planted in irrigated vineyard the appropriate minimum parcel size is 40 acres.

The appropriate term for the new contract is 10 years because the property is located less than 1 mile from the urban reserve line of the City of Paso Robles.

### **Agricultural Preserve Review Committee**

The Agricultural Preserve Review Committee minutes will be inserted for the Planning Commission and Board of Supervisor's reports.

### **RECOMMENDATIONS**

Recommend to the Board of Supervisors approval of this request to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation as follows:

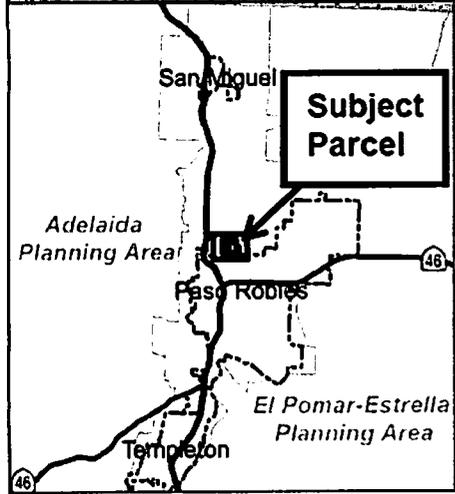
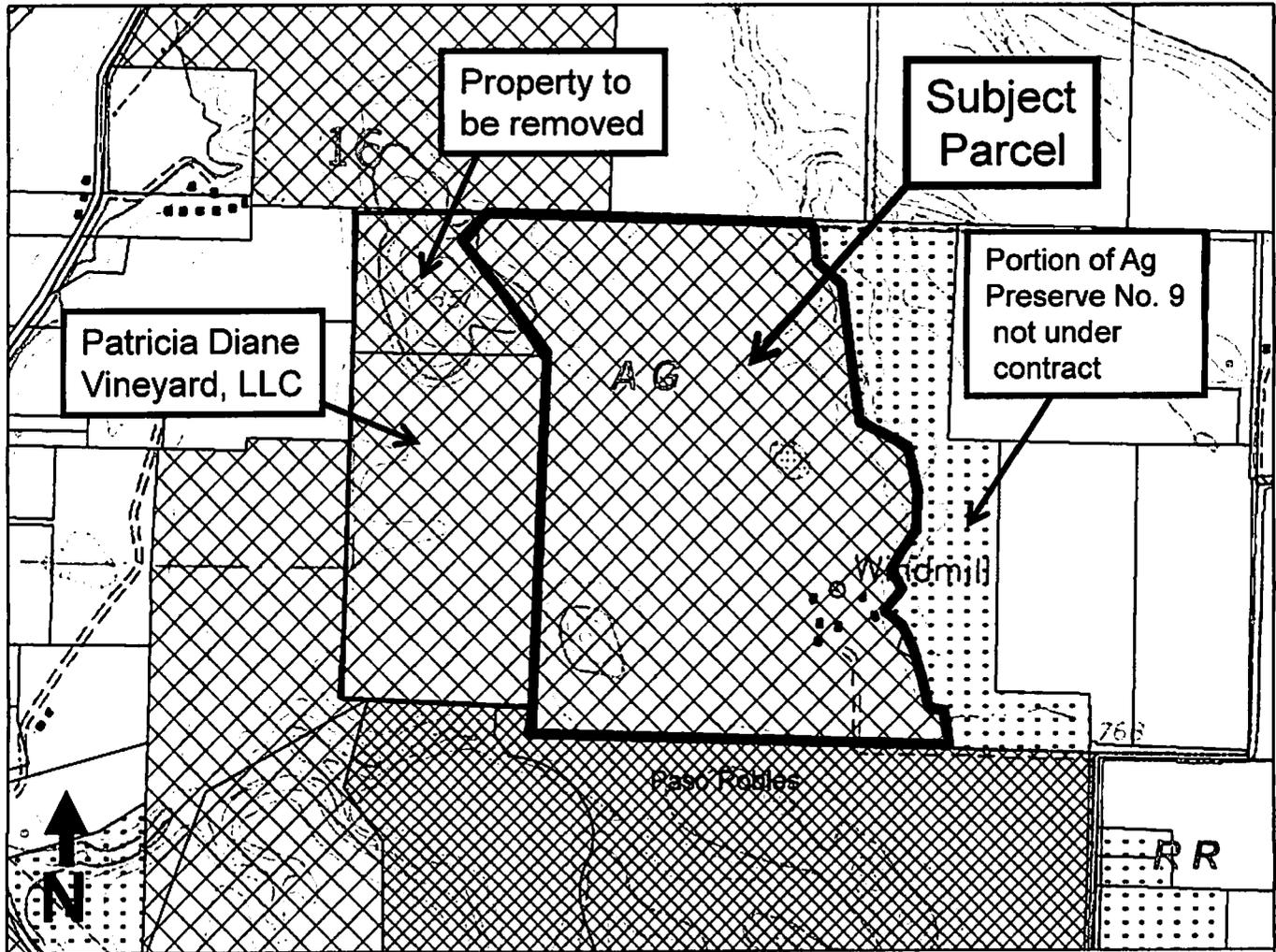
**Preserve Designation: Estrella Agricultural Preserve No. 10 Amendment No. 1**  
**Minimum Parcel Size: 40 Acres**  
**Minimum Term of Contract: 10 years**

### **FINDINGS**

- A.** The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- E.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.

- F. The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G. The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H. The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner  
and reviewed by Bill Robeson, Supervising Planner  
Agricultural Preserve Program



**EXHIBIT A: Estrella Agricultural Preserve No. 9 Amendment No. 2**

-  Subject Property APN: 020-012-017
-  Land in Existing Preserve & Contract
-  Paso Robles City Limits

**EXHIBIT A: Amending an Agricultural Preserve to Reflect a Lot Line Adjustment**

File No. AGP2012-00011	Woodland Trust
Minimum Parcel Size:	40 Acres
Minimum Term of Contract:	10 years
Resolution No:	Date:



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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

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Agricultural Preserve Review Committee

MEETING DATE April 22, 2013		CONTACT/PHONE Terry Wahler, 781-5621		APPLICANT Flight Investments, LLC		FILE NO. AGP2012-00013							
SUBJECT Proposal by Flight Investments, LLC to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 50 acre parcel is located within the Agriculture land use category at 495 Cripple Creek Road approximately 3/4 mile south of the intersection of Creston Road and Cripple Creek Road and approximately 5.0 miles southeast of the Urban Reserve Line of Paso Robles. The site is in the El Pomar-Estrella planning area.													
RECOMMENDED ACTION Recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:  <table border="0"> <tr> <td><b>Preserve Designation:</b></td> <td><b>El Pomar Agricultural Preserve No. 88</b></td> </tr> <tr> <td><b>Minimum Parcel Size :</b></td> <td><b>40 Acres</b></td> </tr> <tr> <td><b>Minimum Term of Contract:</b></td> <td><b>20 Years</b></td> </tr> </table>								<b>Preserve Designation:</b>	<b>El Pomar Agricultural Preserve No. 88</b>	<b>Minimum Parcel Size :</b>	<b>40 Acres</b>	<b>Minimum Term of Contract:</b>	<b>20 Years</b>
<b>Preserve Designation:</b>	<b>El Pomar Agricultural Preserve No. 88</b>												
<b>Minimum Parcel Size :</b>	<b>40 Acres</b>												
<b>Minimum Term of Contract:</b>	<b>20 Years</b>												
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) was issued on April 5, 2013 (ED12-168).													
LAND USE CATEGORY Agriculture		COMBINING DESIGNATION None		ASSESSOR PARCEL NUMBER 035-101-051		SUPERVISOR DISTRICT(S) 1							
PLANNING AREA STANDARDS: None Applicable				LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)									
EXISTING USES: Residence, Vineyards, Oak woodland													
SURROUNDING LAND USE CATEGORIES AND USES: <table border="0"> <tr> <td><i>North:</i> Residential Rural/ rural residences</td> <td><i>East:</i> Agriculture/ grazing &amp; rural residence</td> </tr> <tr> <td><i>South:</i> Agriculture/grazing &amp; rural residence</td> <td><i>West:</i> Agriculture/ grazing &amp; vineyard</td> </tr> </table>								<i>North:</i> Residential Rural/ rural residences	<i>East:</i> Agriculture/ grazing & rural residence	<i>South:</i> Agriculture/grazing & rural residence	<i>West:</i> Agriculture/ grazing & vineyard		
<i>North:</i> Residential Rural/ rural residences	<i>East:</i> Agriculture/ grazing & rural residence												
<i>South:</i> Agriculture/grazing & rural residence	<i>West:</i> Agriculture/ grazing & vineyard												
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None													
TOPOGRAPHY: Generally flat				VEGETATION: Scattered oak trees									
PROPOSED SERVICES: None required				ACCEPTANCE DATE: March 21, 2013									
<p style="text-align: center;">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:  COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242</p>													

## PROJECT REVIEW

### Site and Area Characteristics

The property consists of generally flat land planted extensively in vineyards. The property includes a residence, scattered oaks and small fallow areas. The vineyards were planted in 2000 through 2002. An irrigation well produces 370 gallons per minute of water. Properties to the north are zone residential rural and are developed with rural residences. Lands located east of the parcel are cultivated in irrigated vineyards and properties to the south and east are primarily used for grazing cattle. The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Homesite	Fallow/Oaks	Acres
If Irrigated	Non-Irrigated				
3	4	13.34	2.25	1.91	17.5
4	4	28.3	1.18	3.02	32.5
TOTALS		41.64	3.43	4.93	50

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

### Compliance with the Williamson Act and the Rules of Procedure

#### Establishing an Agricultural Preserve

The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's 64 acres exceeds the gross acreage necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land under production (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture).

The gross parcel size must be 40 acres or larger, however a property may meet the eligibility criteria for establishing a prime land agricultural preserve with less than 40 acres in production if the property is planted in orchards, vineyards and other perennial crops that would produce an average annual gross value of \$1,000 or more per acre (averaged over 40 acres) if in full commercial bearing.

Since the property has in excess of 40 acres (41.64) planted in irrigated vineyard the property meets the criteria for establishing an agricultural preserve. Due to the recognized high value of irrigated vineyard on non-prime soils, the property would also qualify for a prime-land preserve based on the income & value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

Agricultural Preserve Review Committee  
AGP2012-00013  
Flight Investments, LLC  
Page 3

**Qualifying for a Land Conservation Contract**

To qualify for a land conservation contract the property must also meet the eligibility requirements for individual land conservation contracts and have 20 acres of irrigated vineyard on Class 3, 4, 6, or 7 soils. The property qualifies for a land conservation contract by having approximately 41.64 acres of irrigated vineyard on Class 3 & 4 soils. (Table 1 Section B. 1.c).

The appropriate minimum parcel size is 40 acres due to the primary use of the property for irrigated vineyard.

The appropriate minimum term of contract is 20 years because the site is located more than one mile from the Paso Robles urban reserve line.

**Agricultural Preserve Review Committee**

Minutes will be inserted for the Planning Commission and Board of Supervisors reports.

**RECOMMENDATIONS**

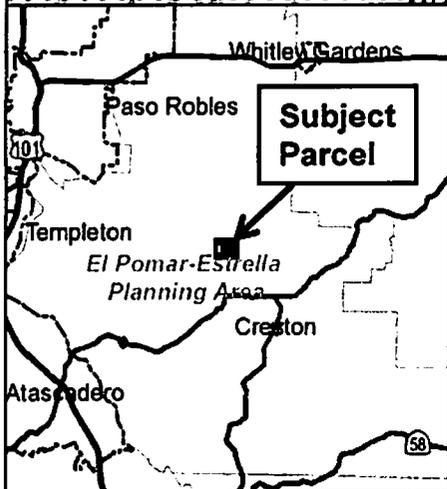
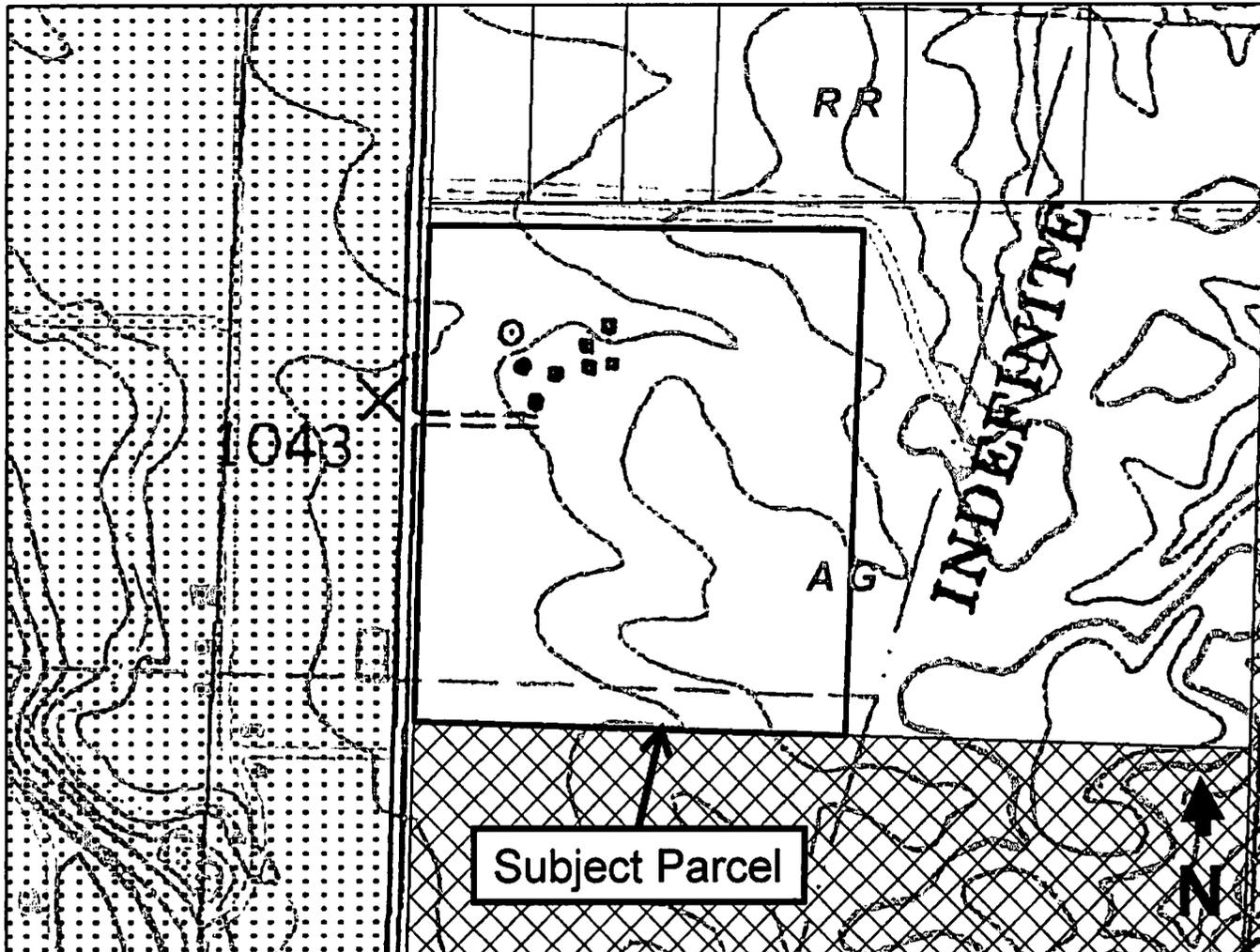
Recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:

<b>Preserve Designation:</b>	<b>El Pomar Agricultural Preserve No. 88</b>
<b>Minimum Parcel Size:</b>	<b>40 Acres</b>
<b>Minimum Term of Contract:</b>	<b>20 Years</b>

**FINDINGS**

- A. The proposed establishment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed establishment of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler & Stephanie Fuhs  
and reviewed by Bill Robeson, Supervising Planner  
Agricultural Preserve Program



**Exhibit A:  
El Pomar Agricultural Preserve No. 88**

-  Subject Property APN:035-101-051
-  Existing Preserve & Contract
-  Existing Preserve Only

**EXHIBIT A: Establishing an Agricultural Preserve**  
 File No. AGP2012-00013      Flight Investments, LLC  
 Minimum Parcel Size:      40 Acres  
 Minimum Term of Contract:      20 years  
 Resolution No:      Date:



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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

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Agricultural Preserve Review Committee

MEETING DATE April 22, 2013	CONTACT/PHONE Stephanie Fuhs 781-5721	APPLICANT Aguila Boys	FILE NO. AGP2012-00009
SUBJECT Proposal by Aguila Boys to enter into a land conservation contract for land already within an agricultural preserve. The property consists of approximately 64 acres within the Agriculture land use category and is located on Thompson Road between Knotts and Rancho Roads, partially within the southeastern boundary of the Urban Reserve Line of the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION Recommend approval of this request to enter into a land conservation contract to the Board of Supervisors as follows: <b>Preserve Designation: Nipomo Agricultural Preserve No. 1</b> <b>Minimum Parcel Size : 40 Acres</b> <b>Minimum Term of Contract: 10 Years</b>			
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) was issued on March 26, 2013 (ED12-163).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 090-051-036	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)	
EXISTING USES: Irrigated row crops, no structures			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Agriculture/ vineyards &amp; orchards</i> <i>South: Agriculture/oak woodland</i> <i>East: Agriculture/ oak woodland &amp; dry farm</i> <i>West: Agriculture/ oak woodland &amp; vineyard</i>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None			
TOPOGRAPHY: Mostly level to gently sloping		VEGETATION: Irrigated row crops, drainage channel	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 15, 2013	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

**PROJECT REVIEW**

**Site and Area Characteristics**

The site consists primarily of irrigated row crops including sudangrass, lettuce and spinach on approximately 60 acres of the 64 acre site. The remainder of the parcel consists of drainage channels on the south and east edges of the property and some unplanted land. An irrigation well produces 350 gallons per minute of water. Properties to the north are primarily single family residential. Properties to the east of the site are planted in orchards. Properties to the south and west consist of a mixture of row crops, dry farm and fallow land.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Row Crop	Drainage Courses	Fallow	Acres
If Irrigated	Non-Irrigated				
3	3	60	3.5	0	63.5
4	4	0	0.5	0	0.5
TOTALS		60	4	0	64

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

**Compliance with the agricultural Preserve Rules of Procedure**

**Ag Preserve**

The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's 64 acres exceeds the gross acreage necessary to qualify as a prime land agricultural preserve. A prime-land preserve must also have 40 acres of Class 3 or 4 irrigated land under production. Because approximately 60 acres are currently in production the site qualifies for the prime land preserve. However, the property is located in the previously established Nipomo Agricultural Preserve No. 1 and it is not necessary for the landowners to include establishment of an agricultural preserve in their request.

**Land Conservation Contract**

The property must meet the eligibility requirement of 40 acres of irrigated row crops on Class 3 or 4 soils to qualify for a land conservation contract and does so with approximately 60 acres of irrigated row crops on Class 3 and 4 soils.

The appropriate minimum parcel size is 40 acres due to the primary use of the property for irrigated row crops on Class 3 & 4 soils.

The appropriate minimum term of contract is 10 years because the site is located within one mile from the Nipomo urban reserve line.

**Agricultural Preserve Review Committee**

Minutes will be inserted for the Planning Commission and Board of Supervisors reports.

## RECOMMENDATIONS

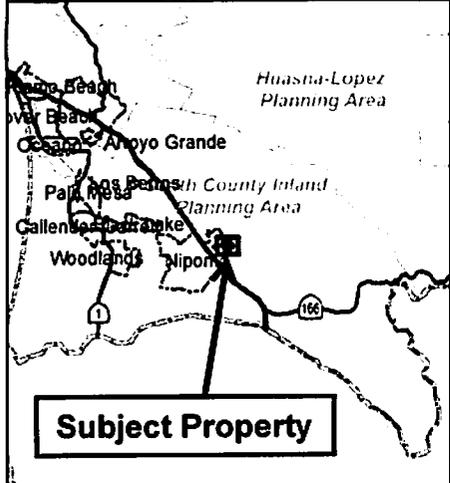
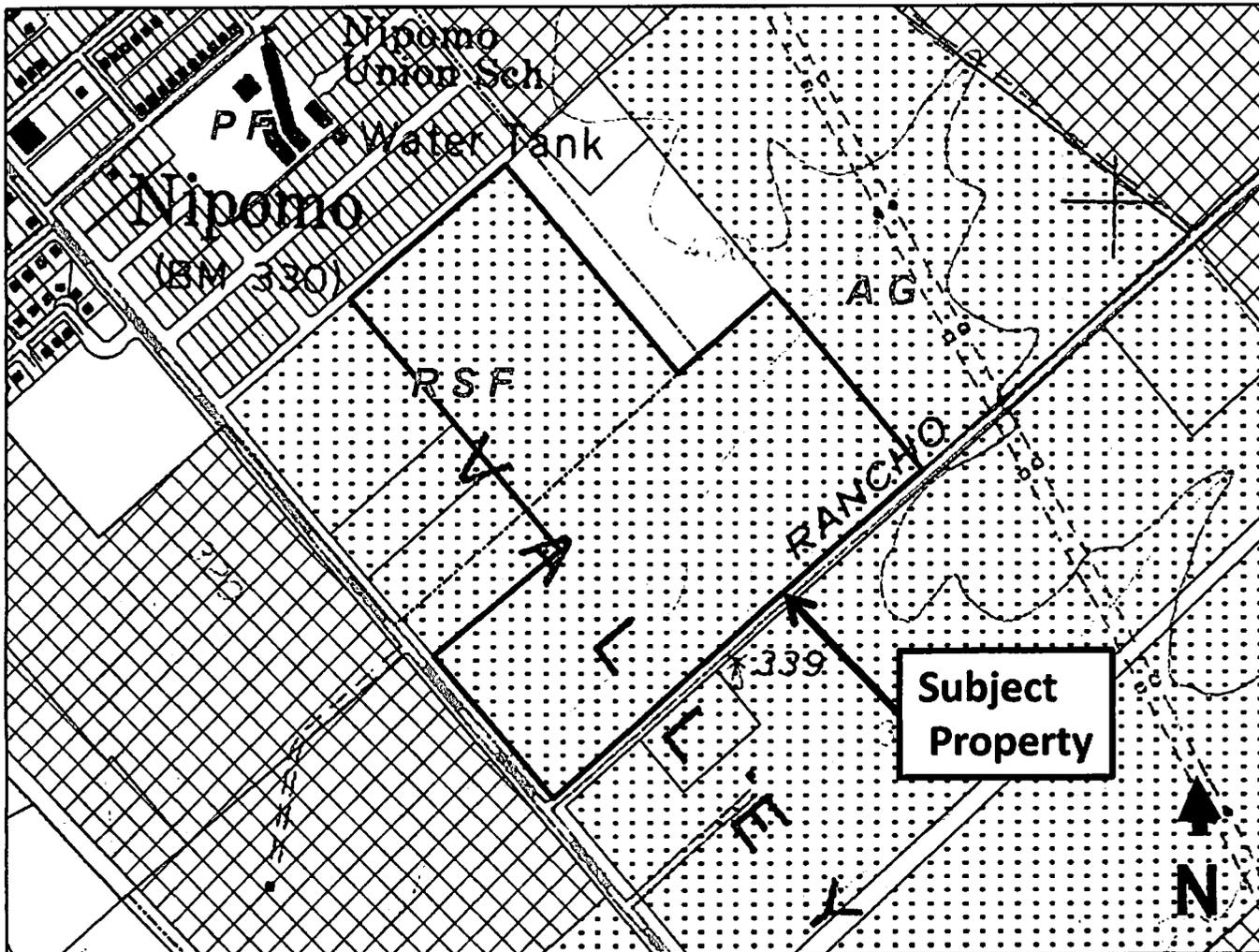
Recommend approval of this request to enter into a land conservation contract to the Board of Supervisors as follows:

<b>Preserve Designation:</b>	<b>Nipomo Agricultural Preserve No. 1</b>
<b>Minimum Parcel Size :</b>	<b>40 Acres</b>
<b>Minimum Term of Contract:</b>	<b>10 Years</b>

## FINDINGS

- A. The proposed land conservation contract is consistent with the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 because the property satisfies the eligibility standards contained therein.
- B. The property is currently within a previously established agricultural preserve and was found to be consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element and the Conservation and Open Space Element.

Report prepared by Stephanie Fuhs  
and reviewed by Terry Wahler  
Agricultural Preserve Program



**Exhibit A:  
Nipomo Agricultural Preserve No. 1**

-  **Subject Property APN: 090-051-036**
-  **Existing Preserve & Contract**
-  **Existing Preserve Only**

**EXHIBIT A: Entering into a land conservation contract**

<b>File No. AGP2012-00009</b>	<b>Aguila Boys, LLC</b>
<b>Minimum Parcel Size:</b>	<b>40 Acres</b>
<b>Minimum Term of Contract:</b>	<b>10 years</b>
<b>Resolution No:</b>	<b>Date:</b>



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

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ITEM 9

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**Agricultural Preserve Review Committee**

<b>MEETING DATE</b> April 22, 2013	<b>CONTACT/PHONE</b> Terry Wahler, 781-5621	<b>APPLICANT</b> Claudine Blackwell	<b>FILE NO.</b> AGP2009-00025
<b>SUBJECT</b> Reconsideration of a proposal by Claudine Blackwell to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new contract to reflect a lot line adjustment. The resulting parcel will remain at approximately 120 acres. The project site is located in the Agriculture land use category at 1030 Penman Springs Road, approximately 0.5 mile southeast of the intersection of Penman Springs Road and Union road, approximately 1.1 mile east of the City of Paso Robles, in the El Pomar-Estrella Planning Area.			
<b>RECOMMENDED ACTION</b> Recommend approval of this revised request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows: <b>Preserve Designation: El Pomar Agricultural Preserve No. 71 Amendment No. 1</b> <b>Minimum Parcel Size: 160 Acres</b> <b>Minimum Term of Contract: 10 years</b>			
<b>ENVIRONMENTAL DETERMINATION</b> Categorical Exemption (Class 17)			
<b>LANDUSE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NO:</b> 015-053-027 & 28	<b>SUPERVISOR DISTRICT(S)</b> 5
<b>PLANNING AREA STANDARDS:</b> None Applicable		<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
<b>EXISTING USES:</b> Irrigated vineyard, cattle grazing, oak woodland, two residences, agricultural accessory buildings			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/orchard, grazing, oak trees <i>East:</i> Agriculture/dry farm, grazing, oak trees <i>South:</i> Agriculture/grazing & Residential Rural/residences <i>West:</i> Agriculture/ dry farm, grazing			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None, no referrals necessary			
<b>TOPOGRAPHY:</b> Gently sloping		<b>VEGETATION:</b> Oaks trees	
<b>PROPOSED SERVICES:</b> None required		<b>ACCEPTANCE DATE:</b> March 21, 2013	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242			

**PROJECT REVIEW**

**Revised Request**

The application to amend the agricultural preserve boundaries was reviewed by staff in 2010, carried forward to the Agricultural Preserve Review Committee for their recommendation and placed on the Planning Commission consent agenda for their consideration prior to being approved by the Board of Supervisors on November 9, 2010.

The contract was prepared and timed to coincide with the processing of the certificates of compliance (to final the lot line adjustment) as is customary in these situations. When the applicants were presented with the contract for signature they became concerned about the 20 year term of the contract.

The first ten years of the existing land conservation contract has run and the contract is now maintaining a ten year term as mandated by the Williamson Act and implemented in the terms of the contract. Because new contracts in our county are required to have a 20 year term in most instances and the Williamson Act requires contracts undergoing lot line adjustment to have new contracts, they typically have a 20 year term. Also, some but not all lot line adjustments involve major reconfiguration of existing substandard parcels for the purpose of future conveyance. A 20 year term is often recommended in these situations to help protect agricultural lands with the full 20 year term.

The contract term issue was reviewed with County Counsel and it was determined that it is not mandatory to have 20 year terms for properties rescinding their existing contracts and entering into new contracts, since the Williamson Act only requires a 10 year term.

The landowner is concerned about future estate issues and wants to retain the flexibility of the existing 10 year term. In light of the minor nature of the lot line adjustment, and the fact that in some instances in the past a 10 year term has been recommended by the Review Committee and approved by the Board of Supervisors, staff is recommending a 10 year term for the new contract.

**Background**

The application to amend the agricultural preserve boundaries is driven by a lot line adjustment application (COAL 08-0158/SUB2008-00053). The lot line adjustment involves a very minor exchange of land between the applicant and a neighboring land owner as a remedy to three different fence line encroachments.

The applicant, Claudine Blackwell is transferring 0.43 of an acre to the neighboring land owners (Harnish Trust). The alteration of the agricultural preserve boundaries and new contracts are necessary because both parcels involved in the lot line adjustment are under separate land conservation contracts and different agricultural preserves. The lot line adjustment also includes a quiet title action for a small strip of land between the two land holdings, correcting a long standing legal description discrepancy, but it does not involve the existing contracts.

The Blackwell property (APNs 015-053-027 & 028) is in El Pomar Agricultural Preserve No. 71 established on 10/28/97 by Resolution No. 97-436 and under a land conservation contract recorded on 12/18/97 as Document No. 1997-071169. The Harnish Trust property (APN 015-053-008) is part of El Pomar Agricultural Preserve No. 1 established on 1/3/72 by Resolution No. 72-2 and under a land conservation contract recorded on 2/14/72 as Document No. 4635 in Book 1653, Pages 388 through 403 inclusive.

### **Site and Area Characteristics**

The land areas being exchanged are almost entirely comprised of non-irrigated Class 4 soil, according to the Natural Resources Conservation Service soils survey. The portions of land being exchanged are all narrow strips of fallow land. The majority of the Blackwell property is planted in irrigated vineyard with the remainder used for rangeland. The Harnish Trust property to the south and east is almost entirely dry farm. The small strips of land being exchanged to correct the fence line encroachment are not being actively farmed since they are on the periphery of the cultivated areas of both properties.

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties

### **Compliance with the Williamson Act and the Rules of Procedure**

The existing property subject to contract includes approximately 120 acres of land with a combination of irrigated and grazing land. The area being exchanged is of like quality soil and like acreage. The resulting parcel configuration represents a "status quo" in terms of agricultural productivity.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting property will consist of at least 90 percent of the land under former contract resulting in no net loss of land under contract, and the land area exchanged is generally of like quality and acreage. (This section of the Government code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.)

Because the current minimum parcel size on the existing contract is 160 acres and the property consists of both irrigated vineyard and rangeland, the appropriate minimum parcel size is 160 acres.

The appropriate term for the new contract is 10 years since the existing contract is currently maintaining a 10 year term and the lot line adjustment that made the amendment to the agricultural preserve boundaries and new contract necessary, is very minor in nature.

### **Agricultural Preserve Review Committee**

The Agricultural Preserve Review Committee minutes will be inserted for the Planning Commission and Board of Supervisor's reports.

**RECOMMENDATIONS**

Recommend approval of this revised request to alter the boundaries of an agricultural preserve and contract by adding land to the Board of Supervisors as follows:

**Preserve Designation: El Pomar Agricultural Preserve No. 71 Amendment No. 1**

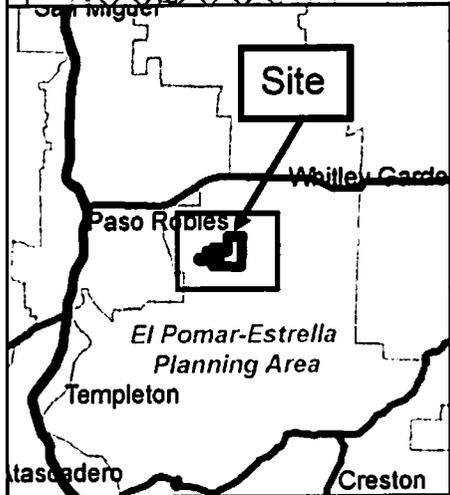
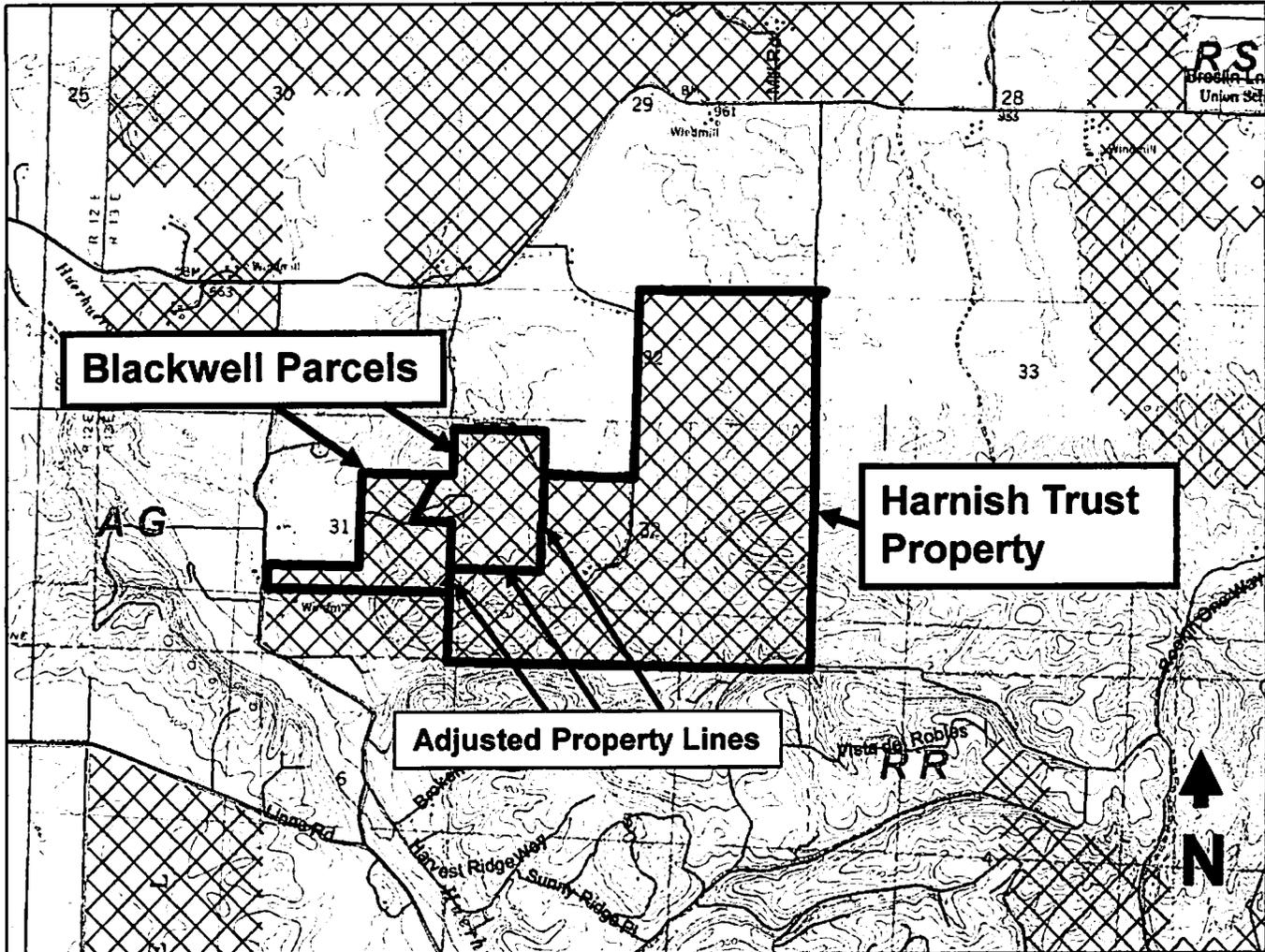
**Minimum Parcel Size: 160 acres**

**Minimum Term of Contract: 10 years**

**FINDINGS**

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B. The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C. The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D. There is no net decrease in the amount of acreage restricted by land conservation contract.
- E. The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F. The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G. The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H. The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner  
and reviewed by Bill Robeson, Supervising Planner  
Agricultural Preserve Program



**EXHIBIT A: El Pomar Agricultural Preserve No. 71, Amendment No. 1**

Contract to be rescinded:  
Document No. 1997-071169.

-  Blackwell Property APNs: 015-053-027 & 28
-  Land in Preserve & Contract

**EXHIBIT A: Alter the boundaries of an agricultural preserve, rescind an existing contract, simultaneously enter into a new contract**

File No. AGP2009-00025 – Claudine Blackwell  
 Minimum Parcel Size: 160 Acres  
 Minimum Term of Contract 10 years  
 Resolution No: \_\_\_\_\_ Date: \_\_\_\_\_



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

10-1  
ITEM 10

**Agricultural Preserve Review Committee**

Promoting the wise use of land  
Helping build great communities

<b>MEETING DATE</b> April 22, 2013	<b>CONTACT/PHONE</b> Terry Wahler, 781-5621	<b>APPLICANT</b> Keith Harnish	<b>FILE NO.</b> AGP2009-00026						
<b>SUBJECT</b> Reconsideration of a proposal by Keith Harnish to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel size will remain at approximately 440 acres. The property is located in the Agriculture land use category at 1975 Hidden Acre Lane, approximately 1 mile southeast of the intersection of Penman Springs Road and Union road, approximately 1.5 mile east of the City of Paso Robles, in the El Pomar-Estrella Planning Area.									
<b>RECOMMENDED ACTION</b> Recommend approval of this revised request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows:  <table border="0" style="width: 100%;"> <tr> <td style="padding-right: 20px;"><b>Preserve Designation:</b></td> <td><b>El Pomar Agricultural Preserve No. 1 Amendment No. 20</b></td> </tr> <tr> <td><b>Minimum Parcel Size:</b></td> <td><b>160 Acres</b></td> </tr> <tr> <td><b>Minimum Term of Contract:</b></td> <td><b>10 years</b></td> </tr> </table>				<b>Preserve Designation:</b>	<b>El Pomar Agricultural Preserve No. 1 Amendment No. 20</b>	<b>Minimum Parcel Size:</b>	<b>160 Acres</b>	<b>Minimum Term of Contract:</b>	<b>10 years</b>
<b>Preserve Designation:</b>	<b>El Pomar Agricultural Preserve No. 1 Amendment No. 20</b>								
<b>Minimum Parcel Size:</b>	<b>160 Acres</b>								
<b>Minimum Term of Contract:</b>	<b>10 years</b>								
<b>ENVIRONMENTAL DETERMINATION</b> Categorical Exemption (Class 17)									
<b>LANDUSE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NO:</b> 015-053-025	<b>SUPERVISOR DISTRICT(S)</b> 5						
<b>PLANNING AREA STANDARDS:</b> None Applicable		<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves							
<b>EXISTING USES:</b> Extensive dry farm, residence, mobile home									
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/Vineyard, grazing, oak trees <i>East:</i> Agriculture/dry farm, grazing, oak trees <i>South:</i> Agriculture/Grazing & Residential Rural/residences <i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing									
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None, no referrals necessary									
<b>TOPOGRAPHY:</b> Gently sloping		<b>VEGETATION:</b> Scattered oak trees and some oak woodland							
<b>PROPOSED SERVICES:</b> None required		<b>ACCEPTANCE DATE:</b> March 21, 2013							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242									

## **PROJECT REVIEW**

### **Revised Request**

The application to amend the agricultural preserve boundaries was reviewed by staff in 2010, carried forward to the Agricultural Preserve Review Committee for their recommendation and placed on the Planning Commission consent agenda for their consideration prior to being approved by the Board of Supervisors on November 9, 2010.

The contract was prepared and timed to coincide with the processing of the certificates of compliance to final the lot line adjustment as is customary in these situations. When the applicants were presented with the contract for signature they became concerned about the 20 year term of the contract.

The first ten years of the existing land conservation contract has run and the contract is now maintaining a ten year term as mandated by the Williamson Act and implemented in the terms of the contract. Because new contracts in our county are required to have a 20 year term in most instances and the Williamson Act requires contracts undergoing lot line adjustment to have new contracts, they typically have a 20 year term. Also, some but not all lot line adjustments involve major reconfiguration of existing substandard parcels for the purpose of future conveyance. A 20 year term is often recommended in these situations to help protect agricultural lands with the full 20 year term.

The contract term issue was reviewed with County Counsel and it was determined that it is not mandatory to have 20 year terms for properties rescinding their existing contracts and entering into new contracts, since the Williamson Act only requires a 10 year term.

The landowner wishes to retain the flexibility of the existing contract's 10 year term. Considering the minor amount of land being adjusted in the lot line adjustment, and the fact that in some instances in the past a 10 year term has been recommended by the Review Committee and approved by the Board of Supervisors, staff is recommending a 10 year term for the new contract at the request of the applicant.

### **Background**

Both properties are under agricultural preserves and land conservation contracts. The alteration of the agricultural preserve boundaries and new contracts are necessary because both parcels involved in the lot line adjustment are under separate land conservation contracts and different agricultural preserves.

The application to amend the agricultural preserve boundaries is necessary because the land owner, Harnish Trust, has applied for a lot line adjustment to remedy fence line encroachments between this property and their neighbor's (COAL 08-0158/SUB2008-00053).

The lot line adjustment involves a very minor amount of land. This landowner, Harnish Trust, is transferring 0.26 of an acre to Claudine Blackwell, and Claudine Blackwell is transferring 0.43 of an acre to the Harnish Trust.

The lot line adjustment also includes a quiet title action for a small strip of land between the two land holdings, correcting a long standing legal description discrepancy, but it does not involve the existing contracts.

The Harnish Trust property (APN 015-053-025) is part of El Pomar Agricultural Preserve No. 1 established on 1/3/72 by Resolution No. 72-2 and under a land conservation contract recorded on 2/14/72 as Document No. 4635 in Book 1653, Pages 388 through 403 inclusive.

The Blackwell property (APNs 015-053-027 & 028) is in El Pomar Agricultural Preserve No. 71 established on 10/28/97 by Resolution No. 97-436 and under a land conservation contract recorded on 12/18/97 as Document No. 1997-071169.

**Site and Area Characteristics**

The land areas being exchanged are almost entirely comprised of non-irrigated Class 4 soil, according to the Natural Resources Conservation Service soils survey. The Harnish Trust parcel being adjusted is almost exclusively dry farm with some oak woodland. The Blackwell property to the north and west is extensively planted in irrigated vineyard, however the planted area is not included in the land area to be exchanged in the lot line adjustment. The small strips of land being adjusted will simply result in the fence lines being located within the new property boundaries.

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties

**Compliance with the Williamson Act and the Rules of Procedure**

The existing property subject to contract includes approximately 440 acres of land with extensive dry farm. The area being exchanged is of like quality soil and like acreage. The resulting parcel configuration represents a "status quo" in terms of agricultural productivity.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting property will consist of at least 90 percent of the land under former contract resulting in no net loss of land under contract, and the land area exchanged is generally of like quality and acreage. (Although this section of the Government Code is focused on the equal exchange of contracted and non-contracted land, it is still necessary to do this analysis and make the required findings.)

The appropriate term for the new contract is 10 years since the existing contract is currently maintaining a 10 year term and the lot line adjustment that made the amendment to the agricultural preserve boundaries and new contract necessary, is very minor in nature.

The appropriate minimum parcel size is 160 acres based on the extensive dry farm agricultural use.

**Agricultural Preserve Review Committee**

The Agricultural Preserve Review Committee minutes will be inserted for the Planning Commission and Board of Supervisor's reports.

## RECOMMENDATIONS

Recommend approval of this revised request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows:

**Preserve Designation:** El Pomar Agricultural Preserve No. 1 Amendment No. 20

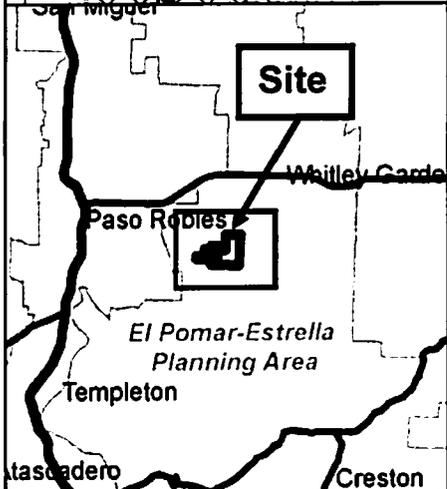
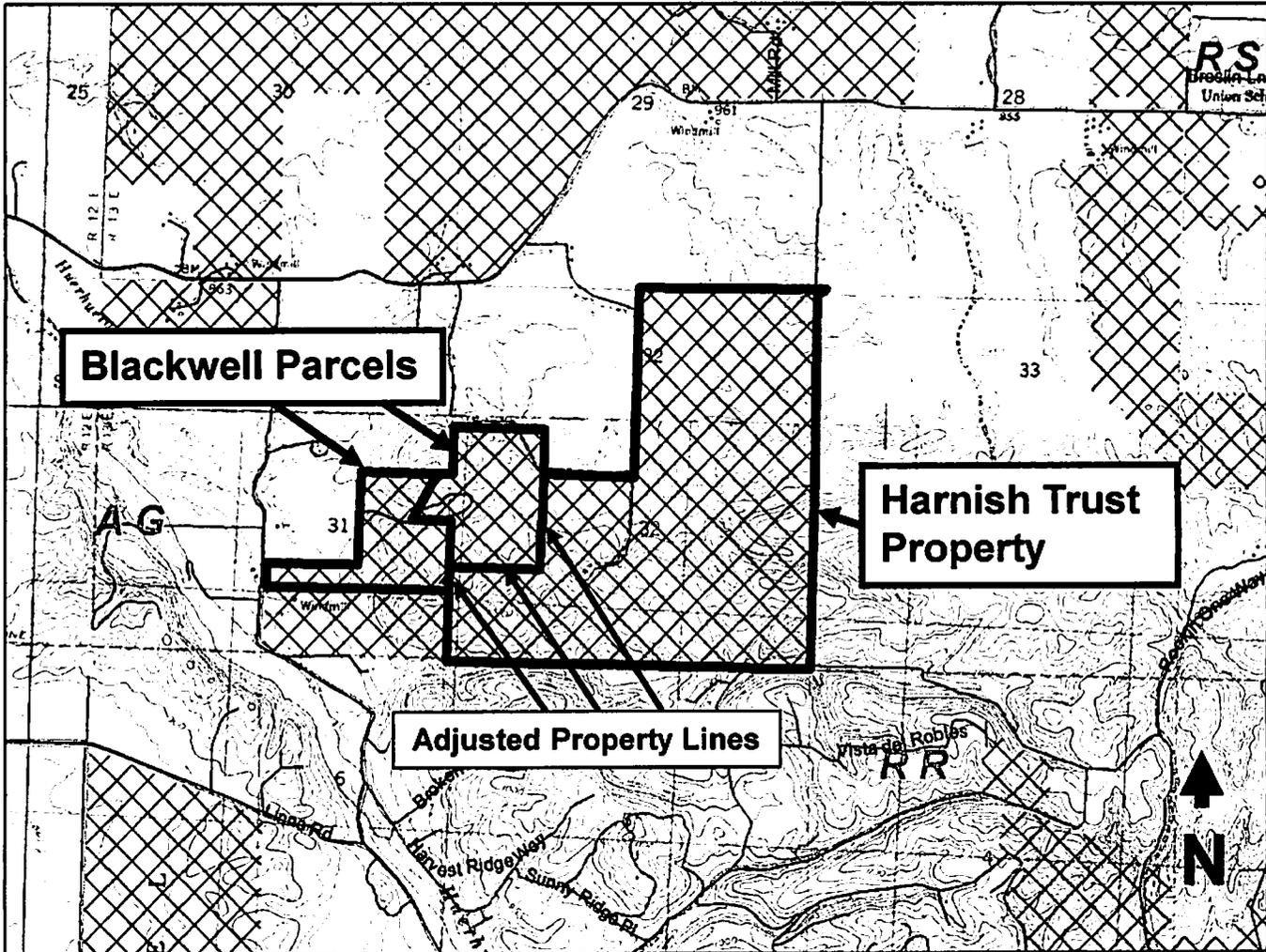
**Minimum Parcel Size:** 160 acres

**Minimum Term of Contract:** 10 years

## FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element and the Agriculture and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B. The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C. The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D. There is no net decrease in the amount of acreage restricted by land conservation contract.
- E. The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F. The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G. The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H. The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner  
and reviewed by Bill Robeson, Supervising Planner  
Agricultural Preserve Program



**EXHIBIT A: El Pomar Agricultural Preserve No. 1, Amendment No. 20**

Contract to be rescinded: Resolution 72-110  
 Recorded on 2/14/72 as Doc. No. 4635 in  
 Book 1653, Pages 388 through 403 inclusive

-  Harnish Trust Property APN: 015-053-025
-  Land in Preserve & Contract

**EXHIBIT A: Alter the boundaries of an agricultural preserve, rescind an existing contract, simultaneously enter into a new contract**

File No. AGP2009-00026 – Harnish Trust  
 Minimum Parcel Size: 160 Acres  
 Minimum Term of Contract 10 years  
 Resolution No: \_\_\_\_\_ Date: \_\_\_\_\_



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

11-1  
**ITEM 11**

**Agricultural Preserve Review Committee**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> April 22, 2013		<b>CONTACT/PHONE</b> Terry Wahler, 781-5621		<b>APPLICANT</b> Landau Corporation		<b>FILE NO.</b> AGP2012-00008	
<b>SUBJECT</b> Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation. The property consists of 46 acres located within the Agriculture land use category on the eastern side of Upper Los Berros Road approximately 3/4 of a mile north of Lake Lopez and 8.5 miles north east of the city of Arroyo Grande. The site is in the Los Padres planning area.							
<b>RECOMMENDED ACTION</b> Recommend the Board of Supervisors authorize service of the Landau Corporation Notice of Partial Nonrenewal of land conservation contract (Clerk's File) and direct Clerk-Recorder to record it.							
<b>ENVIRONMENTAL DETERMINATION</b> Categorical Exemption (Class 17)							
<b>LAND USE CATEGORY</b> Agriculture		<b>COMBINING DESIGNATION</b> None		<b>ASSESSOR PARCEL NUMBER</b> 048-051-052		<b>SUPERVISOR DISTRICT(S)</b> 4	
<b>PLANNING AREA STANDARDS:</b> None Applicable				<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040 – Minimum parcel size for Agriculture category (new agricultural preserves)			
<b>EXISTING USES:</b> Cattle raising							
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Open Space/U.S. Forest Service - Rangeland <i>East:</i> Open Space/U.S. Forest Service - Rangeland <i>South:</i> Agriculture /Rangeland <i>West:</i> Open Space/U.S. Forest Service - Rangeland							
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None							
<b>TOPOGRAPHY:</b> Gently to very steeply sloping				<b>VEGETATION:</b> Oak trees, chaparral, grasses			
<b>PROPOSED SERVICES:</b> None required				<b>ACCEPTANCE DATE:</b> March 15, 2013			
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ Fax: (805) 781-1242</b>							

**PROJECT REVIEW**

**Partial Notice of Nonrenewal**

The landowner, the Landau Corporation, is filing a Partial Notice of Nonrenewal. The subject property is located within the Agriculture land use category on the eastern side of Upper Los Berros Road approximately ¾ of a mile north of Lake Lopez and 8.5 miles north east of the city of Arroyo Grande.

The portion to be removed consists of approximately 46 acres of land abutting U.S. Forest Service land. The portion to remain under contract consists of approximately 391 acres of land used for grazing cattle.

The parcel subject to the request for partial nonrenewal is one of five existing parcels within the remaining contract. These five parcels were determined to be legal parcels and received Certificates of Compliance (C.C. O.R. 11-034360).

The parcel is part of Arroyo Grande Valley Agricultural Preserve No. 13 established March 18, 1974 by Ordinance No. 1355, and part of a land conservation contract entered into on April 22, 1974 recorded on April 30, 1974 as book 1776, Page 324 through 339, inclusive.

The original contract included approximately 814 acres, however a previous partial notice of nonrenewal in 1995 (OR 1995-042804) removed approximately 423 acres resulting in 391 acres remaining under land conservation contract. The current partial non-renewal would reduce the land in contract to approximately 345 acres. The contract has a minimum parcel size of 320 acres. At 345 acres, the reduced acreage would be consistent with the contract minimum parcel size.

The contract began with a term of 20 years in 1974 but once the first 10 years of the term ran down, it has been maintaining a 10 year minimum term with the standard annual renewal provision contained in all standard form contracts.

The parcel subject to partial non-renewal is steeply sloping with limited flat areas suitable for grazing and is geographically isolated from the rest of the property. This portion of the property is not used for grazing and the land owner would like to remove this unused parcel from the rest of the property for possible future sale.

**Compliance with the Williamson Act and the Rules of Procedure**

Since the Williamson Act program is voluntary, a land owner may at any time serve the county with a notice of nonrenewal which effectively stops the automatic annual renewal of the contract and starts running down the remaining 10-year contract term.

However, the Williamson Act and the County's Rules of Procedure require that partial notices of nonrenewal be reviewed to ensure that the remaining portion of the contracted property remains eligible for the program. Although the county must record properly filed notices of nonrenewal, and therefore does not have discretion on the filing of the notice, the County may initiate a County-initiated notice of non-renewal on the remaining portion if it does not meet the terms of

Agricultural Preserve Review Committee  
AGP2012-00008  
Landau Corporation  
Page 3

its contract or is otherwise ineligible for the program due to the forthcoming removal of a portion of the contracted land. The Rules of Procedure require that partial notices of nonrenewal be authorized by the Board of Supervisors prior to servicing.

Staff has evaluated the remaining land within this land conservation contract and determined that it would continue to meet the terms of its original contract, specifically the minimum parcel size of 320 acres.

On November 8, 2011 the Board of Supervisors approved amendments to The Rules of Procedure to Implement the California Land Conservation Act of 1965 that primarily effected range land and dry farm agricultural properties. The current Rules of Procedure require range land agricultural preserves and land conservation contracts to contain 320 acres of land. The property remaining under the Landau Corporation contract exceeds this amount. It should also be noted that the resolution approving the amendments included the following provision:

“Further it is the intention of the Board of Supervisors that the amendments proposed herein are to effect only new applications for agricultural preserves and land conservation contracts filed on or after January 1, 2012, and shall not effect amendments to agricultural preserves and contracts existing prior that date, including, but not limited to, amendments to reflect lot line adjustments, additions of land, and eligibility of parcels remaining under contract as exclusions from partial notices of non-renewal.”

Staff has concluded that the remaining portion of the contract would remain eligible for the program and would remain in conformance with the minimum parcel size stipulated in the original contract. No amendment to the contract would be necessary, and there would be no basis for the County to initiate a notice of nonrenewal on the remaining contracted land.

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

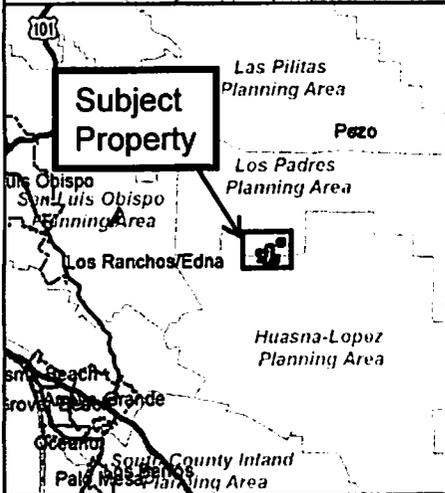
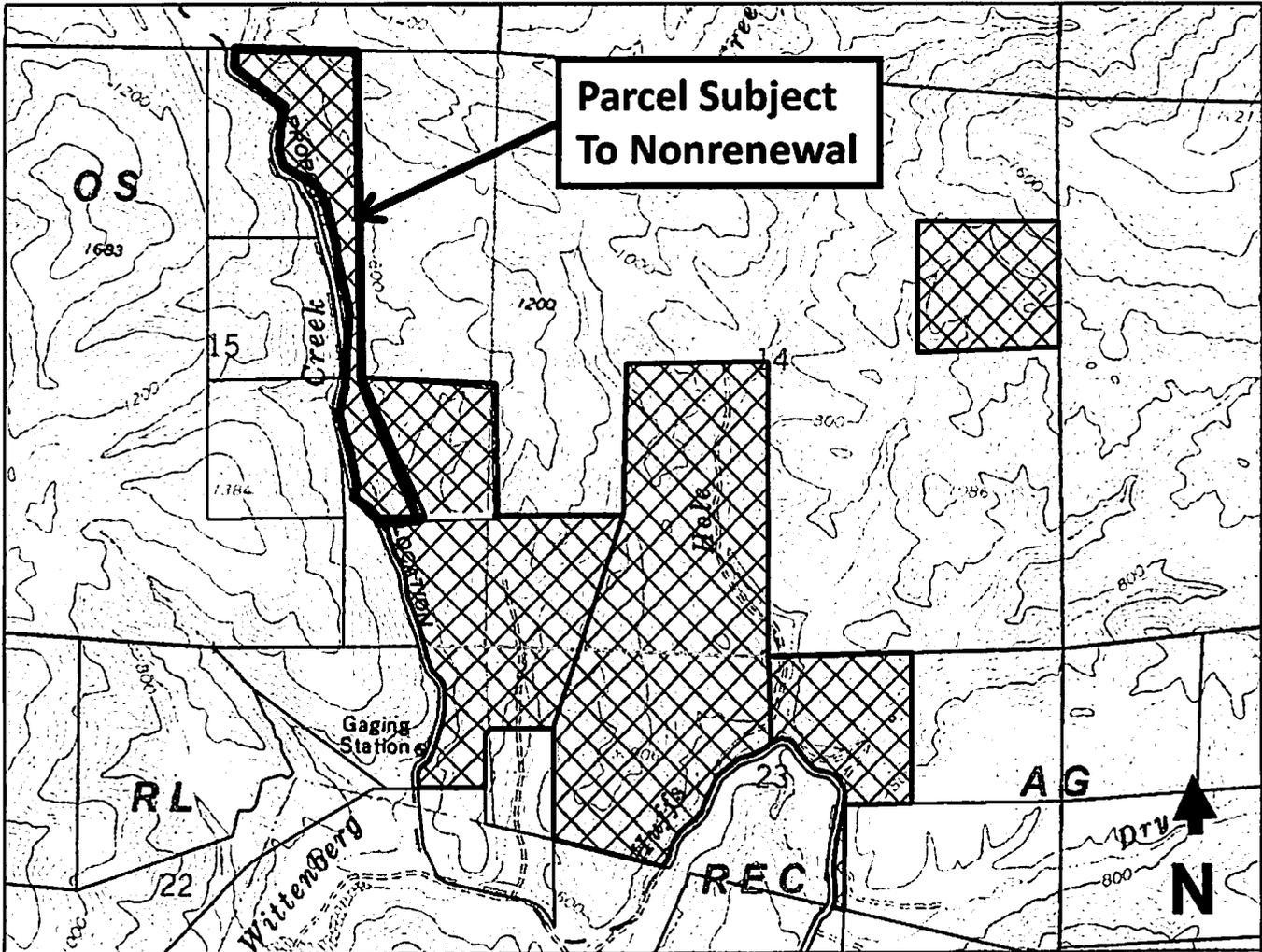
### **Agricultural Preserve Review Committee**

Minutes from the Agricultural Preserve Review Committee meeting will be inserted for the Board of Supervisors report.

### **RECOMMENDATION**

Staff is recommending that the Review Committee consider the request and acknowledge that the portion of the contracted land to remain under contract will be in conformance with its land conservation contract and the Williamson Act Program in general.

Report prepared by Terry Wahler  
and reviewed by Bill Robeson, Supervising Planner  
Agricultural Preserve Program



**EXHIBIT A: Arroyo Grande Agricultural Preserve No. 13**

Existing Land Conservation Contract: Document No: 13159  
Book 1776, Page 324 through 339, inclusive

-  Parcel Subject to Nonrenewal  
APN: 048-051-052
-  Existing Land Conservation Contract  
Parcels to Remain Under Contract

**EXHIBIT A: Partial Notice of Nonrenewal**

File No. AGP2012-00008 - Landau Corporation  
Current Contract Minimum Parcel Size: 320 Acres