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

Promoting the wise use of land
Helping build great communities

Planning Commission

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
October 26, 2005	Terry Wahler, 781-5621	Carrasco Properties LP	AGP2004-00027

SUBJECT
Proposal by Carrasco Properties LP to alter and expand the boundaries of an agricultural preserve, establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract. The project site consists of 160 acres within the Agricultural land use category and is located at the southwestern corner of Highway 46 and Geneseo Road approximately 3.0 miles east of Paso Robles. The site is located in the El Pomar Estrella planning area.

RECOMMENDED ACTION
Recommend to the Board of Supervisors approval of this request to alter and expand the boundaries of an agricultural preserve, establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract:

Preserve Designation: **El Pomar Agricultural Preserve No. 4 Amendment No. 2 & El Pomar Farm Land Security Zone No. 3**
Minimum Parcel Size: **40 Acres**
Minimum Term of Contract: **20 years**

ENVIRONMENTAL DETERMINATION
Categorical Exemption (Class 17)

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Agriculture	None	015-041-013	1

PLANNING AREA STANDARDS:	LAND USE ORDINANCE STANDARDS:
None Applicable	Section 22.22.040 – Minimum parcel size for agriculture category

EXISTING USES:
vineyard

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture/Vineyard *East:* Agriculture/ Vineyard
South: Agriculture/ Vineyard *West:* Residential Suburban/ Residential

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
None

TOPOGRAPHY:	VEGETATION:
Generally flat with	Scattered oak trees

PROPOSED SERVICES:	ACCEPTANCE DATE:
None required	June 24, 2005

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

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Background

The southern half of the site is located in El Pomar Agricultural Preserve No. 4 Established in 1973 (Clerk's file 209.0148). Records indicate that this portion of the preserve was never placed under a land conservation contract. The applicant is requesting an amendment to alter the boundaries of this preserve to expand it to include the northern half of the site. The applicant is also requesting to establish a Farm Land Security Zone so he can enter into a Farm Land Security Zone contract. Paragraph 1 on page 25 of the Rules of Procedure describes the provisions of State Senate Bill 1182 which created the Farmland Security Zone provisions. It states that the land must already be in an agricultural preserve and under a land conservation contract before a Farmland Security zone can be established, however this Government Code section has been changed and it is not necessary to first be under a land conservation contract. (This section of the Rules of Procedure is essentially an outline of the Government Code provision for Farmland Security Zones as it existed in 2002 and does not appear to be establishing more restrictive local regulations.) Since half of the property is already under a preserve and it just needs to be expanded, and there is nothing to be gained from entering into a land conservation contract only to immediately rescind it, staff is recommending the current Government Code be followed.

Site and Area Characteristics

Land in agricultural preserve and under contract is located north, east and south of the site. The site is currently planted extensively with vineyard. Exhibit A shows the location, topography, and land use designations of the site and adjacent properties. (See attached map)

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

Land Capability Class		Irrigated Crop Suitability	Rangeland Suitability	Dry Farm Suitability	Acres
If Irrigated	If Non-Irrigated				
II	IV	Well-Suited	NA	NA	4
IV	IV	Well-Suited	NA	NA	150
				Total	154

The applicant has requested that an unplanted area of the site consisting of approximately 20 acres be excluded from the contract for the purposes of later establishing a winery and wine tasting facility. The Williamson Act allows property owners to exclude portions of legal parcels if they wish to, although it is not commonly requested. The qualifying portion of the property consists of 134 acres of irrigated vineyard exclusively.

Compliance with the agricultural Preserve Rules of Procedure

The Rules of Procedure provides that existing agricultural preserves may be expanded for the purposes of placing additional land under land conservation contracts. This property containing 134 acres of irrigated vineyard on Class II and IV soils is clearly eligible as a Primeland Preserve.

To be eligible for a farmland security zone, the property must be identified as having a qualifying designation on the California Department of Conservation's Important Farmlands Series Maps.

The property is designated as "Unique Farmland", a qualifying category under the Williamson Act and the County Rules of Procedure.

The appropriate minimum parcel size for the property is 40 acres since the entire portion of the site being placed under contract consists of irrigated vineyard.

The required term of contract is 20 years since the property is being placed in a Farmland Security Zone and entering into a Farmland Security Zone contract.

Agricultural Preserve Review Committee

The Review Committee meeting was held from 1:30 to 4:00 p.m. on July 25, 2005, at the U.C. Cooperative Extension auditorium in San Luis Obispo. The agenda included one request to establish a new agricultural preserve to enable an applicant to enter into a land conservation contract; one request to establish a Farmland Security Zone to enable an applicant to enter into a Farmland Security Zone contract; two requests to add or remove land from contracts to reflect lot line adjustments without altering agricultural preserve boundaries; four requests to alter the boundaries of agricultural preserves, rescind a contract and simultaneously enter into new contracts to reflect lot line adjustments; and an interpretation of eligibility for the James Cushman property.

Voting members of the Review Committee present were Dick Nock (Cattleman's Association), Irv McMillan (Environmental Organization Member), Wayne Jensen (Farm Advisor), Hugh Pitts (Farm Bureau), Ed Carson (Land Conservancy of San Luis Obispo County), Robert M. Sparling (Public-at-Large Member), Lynda Auchinachie (County Agricultural Commissioner's Office), County Assessor (Sara Sylwester), and Warren Hoag (County Planning and Building Department).

Absent from the meeting were representatives of the Agricultural Liaison Committee, Farm Service Agency, and Soil Science Member. The meeting was chaired by Warren Hoag. Staff reports were presented to the committee by Terry Wahler and Andrea Miller of the Planning and Building Department.

The applicant was not present for this item. Staff described the applicant's request, summarized the staff report including the current agricultural use and the suitability of the soils for the intended agricultural use. Staff noted that a portion of the site not under cultivation was to be excluded from the contract and that the Williamson Act does not require that the entire parcel be placed under contract.

Irv Mc Millan questioned the exclusion of the small portion of land from contract and asked staff if that would be used for a commercial land use in future. Staff explained that the land owner intends to use that area for a winery, which is allowed in the Agriculture land use category and is allowed on contracted land by the Rules of Procedure. Discussion ensued.

Following the discussion, Lynda Auchinachie moved that the committee recommend approval of the request as recommended by staff. This motion was seconded by Sara Sylwester. The Review Committee voted in favor of the recommendation 8 to 1 with Irv Mc Millan dissenting due to his concern about the portion of the parcel to be excluded from the contract and the potential for non-agricultural uses on that portion of the property.

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RECOMMENDATIONS

Recommend to the Board of Supervisors approval of this request to alter and expand the boundaries of an agricultural preserve, establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract as follows:

Preserve Designation: El Pomar Agricultural Preserve No. 4 Amendment No. 2 & El Pomar Farm Land Security Zone No. 3

Minimum Parcel Size: 40 Acres

Minimum Term of Contract: 20 years

FINDINGS

A. The proposed alteration and expansion of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element and the Agricultural and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.

B. The proposed alteration and expansion of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

C. The proposed establishment of this Farmland Security Zone 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.

D. The proposed establishment of this Farmland Security Zone is appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler
and reviewed by Warren Hoag, Division Manager
Agricultural Preserve Program