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

Planning Commission

Promoting the wise use of land
Helping build great communities

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
Novemeber 10, 2005	Terry Wahler, 781-5621	Brave Oak Vineyards, LLC	AGP2005-00009

SUBJECT
Proposal by Brave Oak Vineyards, LLC to alter the boundaries of an agricultural preserve by adding approximately 44.2 acres, rescinding an existing contract and entering into one of two new contracts (Contract No. 2). The project site is located at 6675 Airport Road approximately one mile south of the intersection of Airport Road and Estrella Road, approximately ¾ of a mile north of the City of Paso Robles. The site is in the Salinas River Planning Area.

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

Preserve Designation: **Estrella Agricultural Preserve No. 21 Amendment No. 1**
Minimum Parcel Size: **40 Acres**
Minimum Term of Contract: **10 years**

ENVIRONMENTAL DETERMINATION
Categorical Exemption (Class 17)

LANDUSE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBERS:	SUPERVISOR DISTRICT(S)
Agriculture	None Applicable	026-183-052 & 053	1

PLANNING AREA STANDARDS:	LAND USE ORDINANCE STANDARDS:
None Applicable	Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves

EXISTING USES:
Vineyards, agricultural accessory structure

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture/Grazing & Rural Residences
South: Agriculture/Vineyard, Grazing & Rural Residences
East: Agriculture/Vineyards
West: Agriculture/Grazing

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: N/A

TOPOGRAPHY:	VEGETATION:
Generally flat	Vineyards
PROPOSED SERVICES:	ACCEPTANCE DATE: September 7, 2005
None required	

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

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PROJECT REVIEW

Background

The applicant applied for a tentative parcel map to divide the site into two parcels of 43.5 and 46.2 acres each. During the course of the initial case review, staff discovered that a small sliver of land identified by Assessors parcel number 026-183-053 is part of a preserve and contract inadvertently separated from the parent contract by a lot line adjustment. The purpose of the lot line adjustment (COAL97-054) was to remedy a property line and record-map legal-description discrepancy between two adjacent parcels. There was no intent to convey a significant amount of contracted property below the affective minimum parcel size, just a desire to resolve the property line issue between two neighbors.

The property involves Estrella Agricultural Preserve No. 21 which was established on approximately 85 acres of land in 1991 (APN: 026-183-050). The contract (recorded 2/25/91 in volume 3650 page 557; resolution number 91-104) established a 40 acre minimum parcel size for this vineyard parcel.

The applicant is requesting an alteration of the existing preserve, a portion of which is within the subject ownership. Expanding the agricultural preserve will enable the applicant to put all of the parcel into a land conservation contract and also correct the Williamson Act violation on the property.

The applicant is also requesting that two 40 acre land conservation contracts be approved, consistent with the minimum parcel size for conveyance, reflecting the tentative parcel map application. County Counsel affirmed that the Williamson Act does not prohibit two contracts on a single parcel. Although it is not common practice and staff will not be advocating it on a routine basis, the special circumstances of this application warrant it in this case because the lot line adjustment should not have been approved to begin with, the current owner was not the one that initiated the lot line adjustment and the violation was not discovered until the tentative map application was submitted. The contract for parcel one is being processed under file number (AGP2005-00005) and the second contract for parcel two is being processed under file number (AGP2005-00009).

Site and Area Characteristics

The area to be added to the preserve is generally flat with little remaining native vegetation due to extensive areas of cultivation. Of the 89.7 total acres, 79.1 acres are in irrigated vineyards equally distributed over the entire property. Proposed parcel one consists of 43.5 acres, 2 acres of which are already in preserve and under contract.

Proposed parcel two consists of 46.2 acres, approximately 2 acres of which is also currently under preserve and contract. (The areas to be added are 41.5 acres and 44.2 acres respectively.) A 275 gallon per minute well serves the site. The existing preserve and contract are located on the approximately 80 foot wide sliver along the southern property line, identified by Assessors parcel number 026-183-053.

The parent parcel for which the preserve was established (APN 026-183-050) consists of approximately 81 acres also planted in irrigated vineyard and remains in conformance with the existing contract. This parcel is currently under separate ownership by Wellsona Vineyards, LLC. Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

All three Assessors parcels were re-evaluated by staff for their Natural Resources Conservation Service soils ratings. The two parcels included in this application (APNs 026-183-052 & 053) were found to be predominantly Class IV irrigated/Class IV non-irrigated soils with small portions that are Class II irrigated/Class IV non-irrigated soils.

The parent contracted parcel to the south (APN 026-183-050) was found to have approximately 37 acres of Class IV irrigated/Class IV non-irrigated soils and approximately 44 acres of Class II irrigated/Class II non-irrigated soils.

Compliance with the Agricultural Preserve Rules of Procedure

Although the subject property would qualify for two separate prime land preserves with over 20 acres each in irrigated vineyard on Class IV or better soils and over 40 acres each of land, staff is recommending that the existing Estrella Agricultural Preserve No. 21 simply be expanded as amendment No. 1 due to the fact that the sliver (APN 026-183-053) is currently in this preserve, and the record is clearer to expand the existing preserve as opposed to creating new ones.

The property easily qualifies for two individual contracts with well over 20 acres of irrigated vineyard on Class IV or better soils.

By expanding the agricultural preserve and entering into two land conservation contracts the existing Williamson Act violation on the property will be corrected. Staff also verified that the parent parcel for which the preserve was established (APN 026-183-050) will be in conformance with the existing contract, despite the loss of the 4.0 acre area to the northerly parcel through lot line adjustment.

The appropriate minimum parcel size is 40 acres, consistent with the existing contract minimum, the current Rules of Procedure and the existing irrigated vineyard.

The appropriate term of the contract is 10 years based on the site's location within 1 mile of the urban services line and City limits of Paso Robles.

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Agricultural Preserve Review Committee

The Review Committee meeting was held from 1:30 to 4:00 p.m. on September 19, 2005, at the U.C. Cooperative Extension auditorium in San Luis Obispo. The agenda included one request to expand an existing adjacent agricultural preserve to enable an applicant to enter into a land conservation contract; one request to a establish a new agricultural preserve to enable an applicant to enter into a land conservation contract; two requests to expand an existing agricultural preserve to enable an applicant to rescind an existing contract and enter into new expanded land conservation contracts; two requests to rescind a single contract and simultaneously enter into new contracts; a correction of the minimum parcel size provision for a previously approved preserve and contract amendment; a partial notice of nonrenewal for Carl Linn; and a discussion of the Tompkins Property Notice of Proposed Public Acquisition of Land in Agricultural Preserve and Contract.

Voting members of the Review Committee present were Don Warden (Agricultural Liason Committee), Wayne Jensen (Farm Advisor), Hugh Pitts (Farm Bureau), Ed Carson (Land Conservancy of San Luis Obispo County), Robert M. Sparling (Public-at-Large Member, was absent for item 3, arriving for item 4), Lynda Auchinachie (County Agricultural Commissioner's Office), Sara Sylwester (County Assessor), and Warren Hoag (County Planning and Building Department).

Absent from the meeting were representatives of the Farm Service Agency, Cattlemen's Association, and Environmental Organization 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's representative Tammy Clark was present for this item. Staff described the applicant's request and summarized the staff report including the background for the related parcel map and the current violation resulting from the lot line adjustment. Staff also outlined the agricultural use and the suitability of the soils for the current irrigated vineyard. Warren Hoag inquired about the exhibit and the location of the strip of land currently under contract. Terry Wahler clarified the location for the Review Committee. Discussion of related issues ensued.

Following the discussion, Ed Carson moved that the committee recommend approval of the request. This motion was seconded by Lynda Auchinachie and approved by the Review Committee 9 to 0.

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RECOMMENDATIONS

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

Preserve Designation:	**Estrella Agricultural Preserve No. 21 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 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 enlarged into a more usable grazing unit.

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

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

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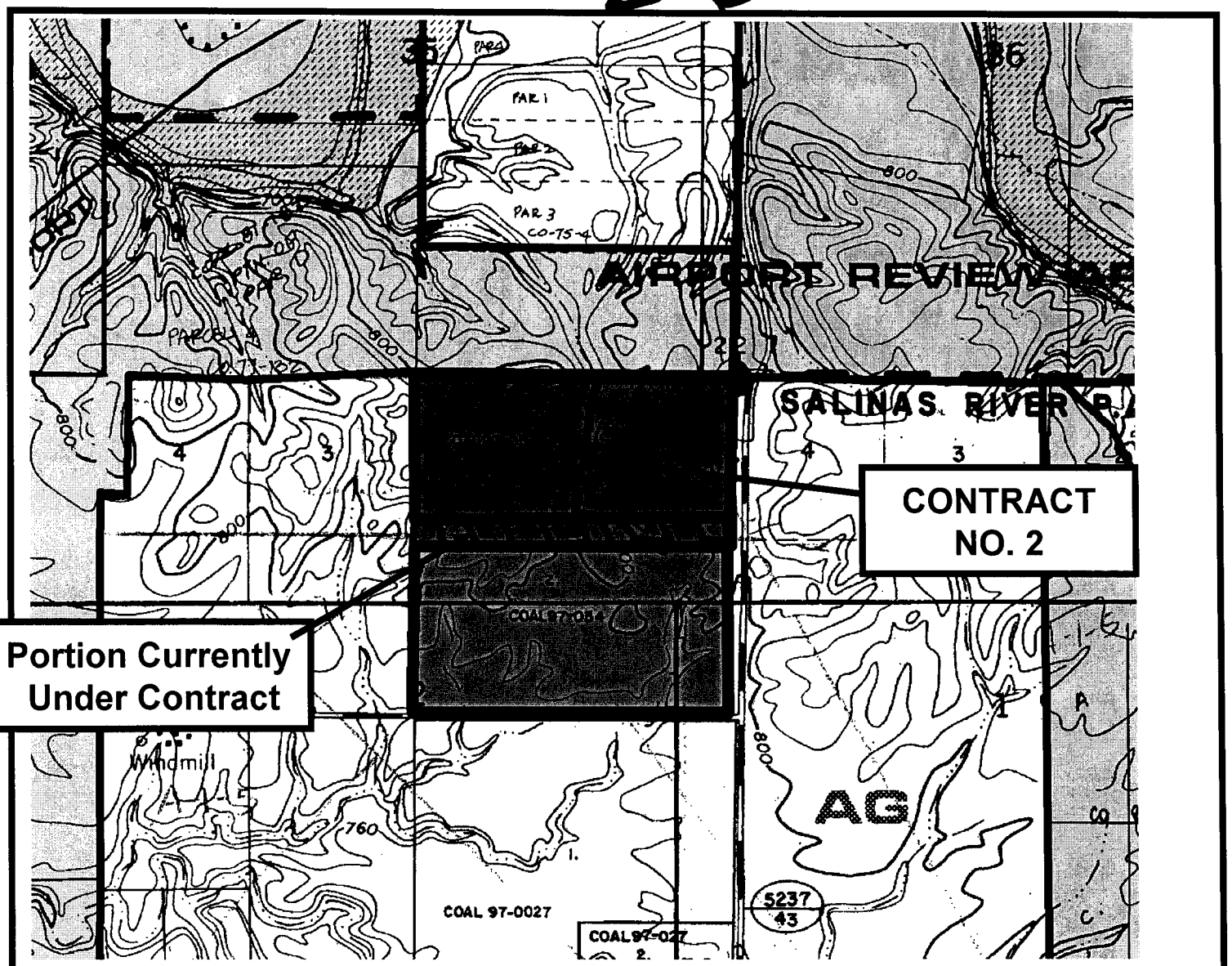

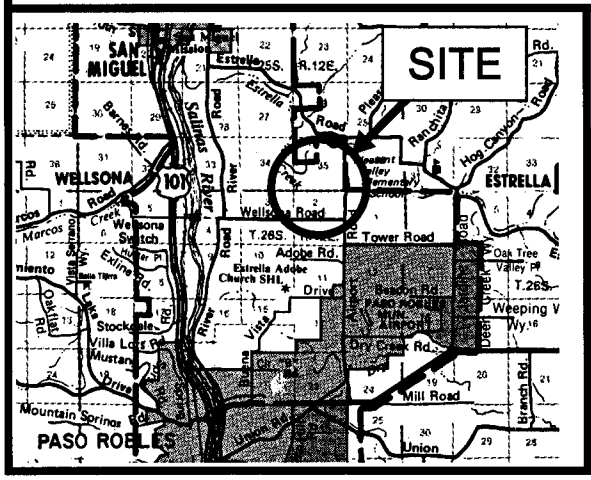

EXHIBIT A: Estrella Agricultural Preserve No. 21, Amendment No. 1

- Parcel Added to Preserve: APN 026-183-052
- Existing Agricultural Preserve to be expanded: APNs 026-183-050 045 & 011-291-049
- Surrounding Land in Preserve and Contract

EXHIBIT A

Altering and Expanding the Boundaries of an Agricultural Preserve (Contract 2 of 2 Contracts)
File No. AGP2005-00009 – Brave Oak Vineyard, LLC
Minimum Parcel Size: 40 acres
Minimum Term of Contract: 10 Years
Resolution No. Date: