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ATTACHMENT E - 2

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

MEETING DATE November 6, 2012	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT John Philbrick	FILE NO. AGP2010-00012						
SUBJECT 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. The property consists of approximately 160 acres within the Agriculture land use category and is located on the northern side of Parkhill Road approximately ¾ of a mile east of the intersection of River Road and Parkhill Road, approximately 3 miles due north of Pozo, and approximately 12.5 miles east of the Community of Santa Margarita. The site is in the Las Pilitas planning area.									
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter and expand the boundaries of an existing agricultural preserve to the Board of Supervisors as follows: <table border="0" style="width: 100%;"> <tr> <td style="width: 35%;">Preserve Designation:</td> <td>La Panza Agricultural Preserve No. 11, Amendment No. 2</td> </tr> <tr> <td>Minimum Parcel Size :</td> <td>320 Acres</td> </tr> <tr> <td>Minimum Term of Contract:</td> <td>Remaining Minimum Term of Existing Contract</td> </tr> </table>				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
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Minimum Parcel Size :	320 Acres								
Minimum Term of Contract:	Remaining Minimum Term of Existing Contract								
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17)									
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION none	ASSESSOR PARCEL NUMBER 071-051-016	SUPERVISOR DISTRICT(S) 5						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)							
EXISTING USES: Rangeland, vacant									
SURROUNDING LAND USE CATEGORIES AND USES: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><i>North:</i> Agriculture/Rangeland</td> <td style="width: 50%;"><i>East:</i> Agriculture/Rangeland</td> </tr> <tr> <td><i>South:</i> Agriculture/Rangeland</td> <td><i>West:</i> Agriculture/Rangeland</td> </tr> </table>				<i>North:</i> Agriculture/Rangeland	<i>East:</i> Agriculture/Rangeland	<i>South:</i> Agriculture/Rangeland	<i>West:</i> Agriculture/Rangeland		
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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None									
TOPOGRAPHY: Gently to steeply sloping		VEGETATION: Oak trees, chaparral, shrubs							
PROPOSED SERVICES: None required		ACCEPTANCE DATE: September 4, 2012							
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 160 acres subject to this request is located between three parcels owned by different members of the Philbrick family. These three parcels are currently under three separate land conservation contracts.

In 1986 La Panza Agricultural Preserve was established on 351 acres owned by Clyde and Gweneth Philbrick. A land conservation contract was entered into the same year (File No. A850719:1). In 2001, the family applied to add two additional parcels to the agricultural preserve as Amendment No. 1. Once the expansion of the agricultural preserve was established, two separate land conservation contracts were entered into by different family members -- a northerly 535 acre parcel and a 303 acre parcel located east of the initial preserve and contract.

When the previous owner of the 160 acre subject parcel, the Stevens family, decided to sell the property, the Philbricks were given the opportunity to purchase it under "first right of refusal". Located between the Philbrick properties, the site has been used historically for grazing cattle by the Philbrick family under a grazing lease. Ranch roads, fencing and gates attest to the fact that these properties function as a single cohesive ranch.

Because the 160 acre parcel is too small to qualify on its own for a separate contract, it is being added to the adjacent 303 acre parcel. The subject parcel is being re-conveyed so that it and the 303 acre parcel are owned by the same family members, thus allowing the 160 acre parcel to be added to the existing contract. The applicant intends to continue to graze between 10 and 20 head of cattle on the property. The property is currently vacant.

Site and Area Characteristics

The subject parcel consists of gently to steeply sloping rangeland interspersed with chaparral, brush and oak trees. Two distinct drainage courses run through the property. The soils associated with the drainage courses are sandy and excessively drained making them poorly suited as rangeland. The parcel was field viewed by Robert Sparling and Terry Wahler on June 23, 2011.

Surrounding properties to the north, west and south are used primarily for cattle grazing and dry farm. Properties to the east are used for rangeland and vineyards.

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

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Land Capability Class		Irrigated Crop Suitability	Rangeland Suitability	Dry Farm Suitability	Acres
If Irrigated	Non-Irrigated				
2	4	NA	poorly suited	NA	24
3	4	NA	well suited	NA	12
NA	7	NA	poorly suited	NA	124
				Total	160

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

Compliance with the Agricultural Preserve Rules of Procedure

The 160 acre property is not eligible for a separate contract because it does not meet the current eligibility requirements for an agricultural rangeland preserve since it has less than 100 acres of land described in the soils report as “well-suited as rangeland” and is less than 320 acres in size.

However, the site qualifies for addition to the existing agricultural preserve and land conservation contract according to the following provision in the Rules of Procedure: *“A property owner under contract who acquires adjacent parcels of any size may add this land by amendment of the existing agricultural preserve and contract; the contract amendment is to recognize the remaining term of the original contract but in no event less than 10 years.”*

The existing property subject to contract includes approximately 303 acres of land with 100 acres moderately suited as rangeland. The proposed addition constitutes a small increase, but will add some additional rangeland to the contracted property.

The appropriate minimum parcel size is 320 acres because the existing contract specifies a 320 acre minimum parcel size and the site's use is limited to grazing. The remaining term of the existing contract is 10 years and is the appropriate term for the added land.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on September 17, 2012 at the U.C. Cooperative Extension Auditorium, San Luis Obispo, California, at 1:30 p.m.

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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 approve this request to alter and expand the boundaries of an existing agricultural preserve and contract, 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.

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter and expand the boundaries of an existing agricultural preserve to the Board of Supervisors 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

FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, the Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- 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
and reviewed by Warren Hoag
Land Conservation Program

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