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ATTACHMENT G - 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 Robert Geringer	FILE NO. AGP2012-00004						
SUBJECT 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. The property consists of approximately 131 acres located within the Agriculture land use category, at 8530 Vineyard Drive approximately 7 miles northwest of Templeton. The site is in the Rural Adelaida planning area.									
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter the boundaries of an existing agricultural preserve to the Board of Supervisors as follows: <table border="0"> <tr> <td>Preserve Designation:</td> <td>Adelaida Agricultural Preserve No. 16, Amendment No. 1</td> </tr> <tr> <td>Minimum Parcel Size:</td> <td>160 Acres</td> </tr> <tr> <td>Minimum Term of Contract:</td> <td>20 years</td> </tr> </table>				Preserve Designation:	Adelaida Agricultural Preserve No. 16, Amendment No. 1	Minimum Parcel Size:	160 Acres	Minimum Term of Contract:	20 years
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Minimum Parcel Size:	160 Acres								
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ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17)									
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NO: 014-331-071 and 014-101-004 (PTN)	SUPERVISOR DISTRICT(S) 1						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves							
EXISTING USES: Olive oil processing facility, residence, barn									
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Vineyard, dry farm <i>East:</i> Agriculture/Dry farm, grazing, oak trees <i>South:</i> Agriculture/Residence, oaks <i>West:</i> Agriculture/ Vineyard, oaks, dry farm									
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary									
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Olive orchard & oak woodland,							
PROPOSED SERVICES: None required		ACCEPTANCE DATE: August 31, 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									

ATTACHMENT G - 2

PROJECT REVIEW

Background

The application to amend the agricultural preserve boundaries is necessary because the applicant, Robert Geringer, on behalf of the prospective purchaser of the property, has applied for a lot line adjustment to remedy a drive way encroachment between this property and the neighbor's.

The subject parcel is under agricultural preserve and land conservation contract, the neighbor's adjoining property is not. The alteration of the agricultural preserve boundary and a new contract are necessary because the Government Code (Williamson Act) requires new contracts to be entered into when contracted land is subject to lot line adjustment. Also, the legal description for the contract must match the legal description for the parcel.

The lot line adjustment involves a very minor amount of land. This land owner will acquire 1,944 square feet from the adjacent property to the south owned by Ronald Joliffe and Colleen Runyen so that the driveway can be owned in fee instead of being subject to an access easement. Thus, the lot line adjustment will involve an enlargement of the existing contracted property.

The subject property is located within the Adelaida Agricultural Preserve No. 16 established on 1/19/88 by Resolution No. 88-29 and is under a land conservation contract recorded on 5/24/91 as Document No. 29828, Book 3697, Pages 425 through 439 inclusive.

Site and Area Characteristics

The land area being added to the contracted land through lot line adjustment is not used as farmland since it functions as a driveway. The Natural Resources Conservation Service soils survey indicates the area subject to the adjustment is comprised of non-irrigated Class 4 soil. Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

The existing property subject to contract includes approximately 131 acres with approximately 36 acres of irrigated olive orchard, 23 acres suitable for dry farming, 35 acres for grazing land and the remaining 37 acres covered in oak woodland, structures, access roads or otherwise unsuitable for commercial agricultural use.

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

Land Capability Class		Irrigated Orchard Suitability	Rangeland Suitability	Dry Farm Suitability	Agricultural Use/Potential	Acres
If Irrigated	Non-Irrigated					
2	4	well suited	well suited	well suited	orchard	12
2	4	well suited	well suited	well suited	fallow	11
4	4	well suited	well suited	well suited	orchard	16
4	4	well suited	well suited	well suited	dry farm	23
4	4	well suited	well suited	well suited	fallow	12
NA	7	suited	moderately suited	NA	orchard	8
NA	7	NA	moderately suited	NA	grazing	49
				Total		131

ATTACHMENT G - 2

As can be seen from the above table, the property is cultivated in irrigated olive orchard on class 2, 4 and 7 soils. Most of the remaining portion of the property has soils rated as moderately to well suited as rangeland, although it appears that only about 23 acres of land has been dry farmed in recent years and the applicant has not indicated in the application that the property is used for grazing cattle.

Compliance with the agricultural Preserve Rules of Procedure

Because the Rules of Procedure have changed substantially since the property entered the program in 1991, staff feels it is useful to re-evaluate the property for eligibility under current Rules. Also, the effective minimum parcel size for conveyance (320 acres) is out of date and does not reflect the intensified agriculture on the property at this time.

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 131 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, or must be 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. Due to the recognized high value of irrigated olive orchards on prime soils, the property qualifies for a prime-land preserve with 36 acres in irrigated orchard on a combination of Class 2, 4 and 7 soils. (Under the Williamson Act and the Rules of Procedure, Class 3, 4, 6 & 7 soils are considered "prime" when irrigated and planted in either orchards or vineyards.)

To qualify for a land conservation contract, the property also must meet the eligibility requirement of 10 acres of irrigated crops on Class 2 soils or 20 acres of irrigated orchard on Class 3, 4, 6, or 7 soils. The property meets both of the above with approximately 12 acres of irrigated orchard on Class 2 soils and approximately 24 acres of irrigated orchard on Class 4 & 7 soils for a total of 36 acres of irrigated orchard on the combined soil types.

Because only 36 acres of the 131 acre site is actually cultivated, it is appropriate to use the mixed use averaging formula to establish the appropriate minimum parcel size for conveyance. Appendix E of the Rules of Procedure establishes procedures for determining minimum parcel sizes for conveyance or subdivision of land with mixed agricultural potential or use. As is customary, the property's fallow or unused acreage has been grouped together with the grazing land for the purposes of calculating minimum parcel size. The mixed use calculation for this property is as follows:

Land Capability / Agricultural Use	Acres	Minimum Parcel Size	Fractional Portion
Irrigated Class 2 / Irrigated Orchard	12	20	0.60
Irrigated Class 4 & 7/ Irrigated Orchard	24	40	0.60
Class 4 / Dry Farm	23	160	0.14
Non-Irrigated Class 4 & 7 / Grazing	72	320	0.23
Total	131		1.57

ATTACHMENT G - 2

The property size of 131 acres divided by 1.57 (the total fractional proportions) is 83.44, which is rounded up to a 160 acre minimum parcel size category in Table 1 of the Rules of Procedure.

The appropriate minimum parcel size is 160 acres and the appropriate minimum term of contract is 20 years because the site is located more than one mile from the Templeton urban reserve line, the closest urban reserve line in the vicinity.

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 the former contract resulting in no net loss of land under contract, and the land area added is of like soil type. (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.) The resulting parcel configuration represents a "status quo" in terms of agricultural productivity.

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.

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 approve this request to alter the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract, 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.

RECOMMENDATIONS

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

Preserve Designation:	Adelaida Agricultural Preserve No. 16, Amendment No. 1
Minimum Parcel Size:	160 acres
Minimum Term of Contract:	20 years

ATTACHMENT G - 2

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 Warren Hoag
Land Conservation Program