

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/19/2013	(3) CONTACT/PHONE Stephanie Fuhs, Planner III / (805) 781-5721	
(4) SUBJECT Request for an authorization to process a General Plan Amendment application (LRP2012-00001) by California Serengeti Corporation to change the Land Use Category from Agriculture to Commercial Retail on a 32 acre portion of a 632 acre parcel located in California Valley, District 5.			
(5) RECOMMENDED ACTION Recommend that your Board not authorize the processing of this application based on necessity, timing and location factors of the proposed amendment.			
(6) FUNDING SOURCE(S) Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>30 minutes</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 5			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building/Stephanie Fuhs, Planner III

VIA: Ellen Carroll, Department of Planning and Building

DATE: 3/19/2013

SUBJECT: Request for an authorization to process a General Plan Amendment application (LRP2012-00001) by California Serengeti Corporation to change the Land Use Category from Agriculture to Commercial Retail on a 32 acre portion of a 632 acre parcel located in California Valley, District 5.

RECOMMENDATION

Recommend that your Board not authorize the processing of this application based on necessity, timing and location factors of the proposed amendment.

DISCUSSION

California Serengeti Corporation is requesting an authorization to process a General Plan Amendment (Land Use Element) to change the land use category from Agriculture to Commercial Retail on a 32 acre portion of a 632 acre parcel located at 12900 Soda Lake Road, approximately a mile and a half from the intersection of Highway 58 and Soda Lake Road within the Village Reserve Line of California Valley. The site is in the Shandon-Carrizo planning area.

The site includes three parcels, two of which are 4.36 acres each in size and are currently designated Commercial Retail. The third parcel is 632 acres and is designated Agriculture. The request is to change the land use category on a 32 acre portion of the 632 acre parcel from Agriculture to Commercial Retail. The 32 acre area is adjacent to and surrounds the two existing Commercial Retail parcels. The applicant's goal is to create a total of 40 acres of Commercial Retail for the purpose of developing a destination wellness center.

Background

The two existing commercial parcels (8.72 acres) are partially developed with a motel, restaurant, store and gas station. These businesses have been opened sporadically over the years. Currently, the motel and store are in operation. The 632 acre Agriculture parcel that surrounds the commercial parcels is partially covered by a conservation easement which was required as mitigation for a solar energy plant. The site is under the ownership of the solar plant; however, the applicant has an option to buy back 52 acres of the site which was excluded from the conservation easement.

Summary of Project Site Characteristics	
California Serengeti Corporation Site	
Planning Area	Shandon-Carrizo
Community	California Valley
Land Use Category	Commercial Retail and Agriculture
Assessor Parcel Numbers	072-141-021, 072-141-022, 072-141-023
Area	640 acres: 632 ac of AG and 8.72 ac of CR
Existing Uses and Improvements	Agriculture: vacant

Summary of Project Site Characteristics	
California Serengeti Corporation Site	
	Commercial Retail: Underutilized, 20-unit motel, restaurant, convenience store and gas station (gas station currently not in operation)
Topography	Mostly level
Vegetation	Grasses
Water Supply	On-site well
Sewage Disposal	On-site septic
Fire Response	Cal-Fire
Surrounding Land Use Categories and Uses	North: Agriculture - Conservation land for solar projects South: Agriculture - Conservation land for solar projects East: Agriculture - Conservation land for solar projects West: Agriculture - Conservation land for solar projects
General Plan Information	Land Use Category – Agriculture and Commercial Retail Combining Designation – Flood Hazard Planning Area Standards - None

There have been a number of recent permit application requests for this site and this applicant. In August 2011, a Conditional Use Permit for a 100-bed rehabilitation/residential care facility on the Agriculture designated parcel was denied on appeal at the Board of Supervisors. In November 2012, a Minor Use Permit for a remodel and expansion of the existing motel was approved.

AUTHORITY

Unlike the processing of land use permits, the first step when considering requested changes to the General Plan or Land Use Ordinance is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report are completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Board, in making their decision whether to authorize this amendment request, should consider the following factors:

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

MAJOR QUESTIONS

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Commercial Retail land use category?
2. Is the request consistent with the policies of the Agriculture Element? Would this be an appropriate conversion of agricultural land? Will allowing commercial retail uses in this area create land use conflicts with surrounding agricultural uses and/or facilitate additional agricultural conversion in the immediate vicinity?
3. Does the request represent a logical location for the Commercial Retail land use category?
4. Is there a need to designate more land in the Commercial Retail land use category in this area?

GENERAL PLAN CONSIDERATIONS

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the guidelines listed in Exhibit C. These criteria include:

- consistency with existing goals and policies in the general plan,
- consistency with the applicable purpose and character statements,
- compatibility with the character of the general area,
- convenient access to a road system in the area that is adequate to accommodate the traffic generated,
- availability of needed public services and facilities
- protection of prime agricultural soils, and
- if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit D). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Commercial Retail

The *purpose statements* for the Commercial Retail (CR) land use category include:

For Visitor Serving Commercial Areas:

- providing limited areas for highway traveler services and uses associated with tourists and vacationers within urban areas on collectors or arterials or in rural areas where other commercial areas are distant;
- allowing for commercial compatible accessory uses related to resort or recreational activities;

For Neighborhood Commercial areas:

- providing convenient locations for retail commercial and service establishments to meet daily shopping needs of residential areas.

The *character* of Commercial Retail land is described as being:

For Visitor Serving Commercial Areas:

- Areas that serve transient and tourist needs incidental to traveling rather than location or regional residential demands, located within urban or village areas or at remote locations distant from

urban or village areas where highway services already exist or would be accommodating of traveler safety in new locations;

- Areas where certain use groups contained in the Land Use Ordinance (see Exhibit D for specific uses) are eligible;
- Areas that are easily accessible and apparent from regional transportation routes;
- Areas in communities that are close to cultural, recreational and entertainment destinations or where needed to provide travel and tourism services;
- Areas that concentrate tourist accommodations and services and preclude functionally unrelated multi-family and retail commercial uses, discouraging dispersion of motels and other highway commercial uses in other commercial or residential areas.

For Neighborhood Commercial areas:

- Limited areas where small-scale neighborhood commercial and service uses can be allowed to enable each community to attain self-sufficiency without disrupting the residential character of the area;
- Locations between residential areas and downtown areas along collector and arterial streets to reduce the number of shopping trips for daily needs and encourage walking and biking;
- Sites between two and five acres, related to the population within a one-half mile radius market area;
- Areas with individual uses of generally less than 8,000 square feet of floor area to support small-scale business, with site and building design to blend with surrounding residential character (see Exhibit D for specific use groups).

The purpose and character statements listed above do not include Central Business Districts (CBD) because this area is not in/near a CBD and is not proposed to become a CBD.

Staff Response

The purpose and character statements contained within the Framework for Planning were written primarily for commercial areas within urbanized and developed areas and where services and road networks provide for easy access to such services. California Valley is predominately undeveloped and does not contain a large resident population.

There are currently 8.72 acres of commercially zoned property at this location, the majority of which is not developed. The portion that is developed (i.e., the market, gas station and restaurant) has been in operation sporadically over the years. Currently, the motel and store are open for business. This is primarily in response to demand created by the two large solar plants currently under construction.

The California Valley commercial area is surrounded by Agriculture designated property, the majority of which is covered by conservation easements which was mitigation for the solar projects currently under construction. Beyond the properties designated Agriculture is the California Valley subdivision which is designated Residential Suburban. The majority of these parcels are undeveloped and will most likely remain so due to limited water availability and remoteness of the area.

In conclusion, the necessity of expanding the commercially zoned property in this area by an additional 32 acres is not seen as an appropriate use for this land at this time given the lack of development, population base and public services within the California Valley and Carrizo Plain that would use commercial operations. The existing commercially designated property would appear to adequately meet the needs in this area consistent with the purpose and character statements for Commercial Retail.

Flood Hazard Combining Designation

The Flood Hazard (FH) combining designation is applied to flood-prone areas identified through review of available data from various federal, state, or local agencies. It also includes flood elevations of existing lakes and reservoirs.

The purpose of the FH combining designation is: to encourage land development that is designed to minimize adverse effects on drainage ways and watercourses; to avoid damage to property improvements through flood inundation, destruction of natural resources, loss of water retention facilities, open space and wildlife habitats, and impairment of public and private water supplies; to encourage a coordinated land and water management program which will support non-structural land uses in flood-prone areas; and to support location of permanent structures and other artificial obstructions to not adversely restrict water flow.

Projects proposed in the FH combining designation should achieve the following objectives: projects should not be constructed, moved, or remodeled so as to result, directly or indirectly, in adverse stream channel alteration, or diminish the capacity of a designated stream course. In addition, no use should be permitted that would increase the amount of potentially damaging materials in downstream flood flows or increase flood hazards to neighboring properties. Areas of highest flood hazard should remain undeveloped in accordance with the principles of the Federal Flood Insurance Program.

Staff Response

An unnamed blue line tributary runs through the 32 acre portion of the Agriculture designated property that is partly proposed for conversion to Commercial Retail. As the majority of the parcel is currently in a conservation easement, no development would be allowed to occur. However, if the Board authorized the amendment request and the land use category change is ultimately approved, the site would be subject to Flood Hazard standards contained in the Land Use Ordinance for future development.

General Goals of the Land Use Element

Applicable general goals of the Land Use Element include: encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community, locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses and encourage the phasing of urban development in a compact manner, first using vacant or underutilized parcels, infill parcels and lands next to existing development.

Staff Response

The property is within the village area of California Valley, which has largely remained undeveloped since it was subdivided more than 50 years ago. As stated earlier, the majority of the surrounding area is undeveloped and likely to remain so for the foreseeable future. There is currently 8.72 acres of commercially designated property, the majority of which is undeveloped and underutilized. The timing and necessity of converting 32 acres of Agriculture designated property is not seen as appropriate at this time. The existing commercially designated property is adequate to serve the needs of the area.

In comparison to other small urban areas or villages within the county, California Valley already has approximately 14 acres of Commercial Retail designated land serving a population of 356 people compared to, for example, 9 acres in Santa Margarita (population of 1,260) and 22 acres in Shandon (population of 1,200). The population estimates are for 2010 and are taken from population statistics prepared by AECOM for San Luis Obispo Council of Governments, July, 2010.

Agriculture Element

The overall goal of the Land Use Element specifies that the County should encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities as well as the Agriculture Element policies regarding conversion of agricultural lands. Specifically, Ag Policy 24 "Conversion of Agricultural Land" provides detailed guidance and includes specific required findings. These findings require a site specific evaluation to determine: if the site meets the criteria for being designated Agriculture, if agricultural production is not physically constrained, if adjacent land uses are incompatible uses, and if the conversion will adversely affect existing or potential agricultural production.

Staff Response

The Agricultural Commissioner's office did not have significant concerns with the proposal because the Agriculture designated properties that surround the existing commercial parcels are now subject to conservation easements for the solar projects. Those easements restrict agricultural use to grazing only. However, a detailed site evaluation has not yet been completed, and based on preliminary review, the site likely would **not** meet several of the findings required in Ag Policy 24 for conversion of agricultural land. One of the findings would be that the land does not meet the criteria to be designated Agriculture; in this case, it appears that the land does meet the criteria based on soil type and size (600+ acres). Another finding relates to physical constraints affecting agricultural production; the site does not appear to be physically constrained because there is a well that produces 500 gallons of water/minute, according to the applicant. Two other findings relate to incompatible uses and potential effects to on-site or adjacent agricultural uses; if the applicant's request is authorized, a more detailed analysis will be conducted to determine if buffers or other mitigations are needed to address incompatible uses. The final finding that would need to be made is that there is an over-riding public need to convert the land which outweighs the need to protect the land for long-term agricultural use, which is unlikely to be case.

Conclusion

Staff is recommending that the Board not authorize the General Plan Amendment application due to necessity, timing and location factors. There is currently 8.72 acres of underutilized and undeveloped Commercial Retail property under the ownership of the applicant. The population being served by the commercial property is small and will remain so for the foreseeable future due to lack of resources and remoteness of the area. Designating more land for commercial retail use at this time is not seen as necessary. In comparison to other small urban areas or villages within the county, California Valley already has approximately 14 acres of Commercial Retail designated land compared to 9 acres in Santa Margarita and 22 acres in Shandon. The location of the property is remote and is not served by traditional urban services. When the original Conditional Use Permit for a rehabilitation facility was denied by the Board of Supervisors, Cal Fire and the Sheriff's office were concerned about providing adequate services to such a facility because it is located so far from those services. While there is a Cal Fire station located in close proximity to the proposed property, it is unclear once the solar projects are operational if the level of service currently provided will remain or if it will be reduced.

AUTHORIZATION OPTIONS

Your Board should consider the following options as part of your discussions when determining whether to authorize this project for processing:

1. Do not authorize the processing of this application because there is not a clear necessity for designating more land as commercial retail in this remote, undeveloped area of the County.
2. Authorize the application for processing as requested to change the Land Use Category from Agriculture to Commercial Retail on an approximately 32 acre portion of a 632 acre parcel. If authorized for processing, the Department would recommend that specific Planning Area Standards be added for this site to require a Conditional Use Permit for any future development.

OTHER AGENCY INVOLVEMENT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral notification that the amendment was requested, but has not yet been authorized for processing. To date no formal responses were received. In conversations with the Agricultural Commissioner's office, they indicated they did not have a concern with this application due to the fact that the majority of the Agriculture designated site is covered by a conservation easement. The Sheriff's Department and Cal Fire have previously responded that they have concerns regarding the ability to provide adequate services in this remote location.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the General Plan Amendment application will allow continued processing and a final decision to occur. Not authorizing the application will stop the further processing of the General Plan Amendment. Any unused portion of fees collected will be refunded.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Land Use Category Map

Attachment C – Guidelines for Land Use Category Amendments

Attachment D – Purpose and Character Statements for the Commercial Retail land use category

Attachment E – Applicant's Project Description