



Attachment B2
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Board of Supervisors

Promoting the wise use of land
 Helping build great communities

MEETING DATE November 4, 2014	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Niels Udsen	FILE NO. AGP2013-00007
SUBJECT Proposal by Niels Udsen to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 185 acre parcel is located within the Agriculture land use category at 675 North Bethel Road, on the western side, approximately 2,000 feet south of the intersection of North Bethel Road and Highway 46, adjacent to the Templeton Urban Reserve line. The site is in the North County-Salinas planning area.			
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Preserve Designation:</p> <p>Minimum Parcel Size :</p> <p>Minimum Term of Contract:</p> </div> <div style="width: 45%;"> <p>Templeton Agricultural Preserve No. 62</p> <p>40 Acres</p> <p>10 Years</p> </div> </div>			
ENVIRONMENTAL DETERMINATION A Categorical Exemption (Class 17) was issued on June 30, 2014 (ED13-271).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 040-061-005; 040-181-005; 040-111-010	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)	
EXISTING USES: Residence, accessory structures, vineyards			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/residence, equestrian <i>South:</i> Agriculture/dry farm & grazing <i>East:</i> Residential Rural/ residences, small vineyards <i>West:</i> Agriculture/ vineyard			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None			
TOPOGRAPHY: Flat to moderately sloping, prominent drainage course/creek		VEGETATION: Grasses, oak trees	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: June 6, 2014	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER <input type="checkbox"/> SAN LUIS OBISPO <input type="checkbox"/> CALIFORNIA 93408 <input type="checkbox"/> (805) 781-5600 <input type="checkbox"/> FAX: (805) 781-1242			

PROJECT REVIEW

Site and Area Characteristics

The property consists of four legal parcels of approximately 53, 56, 56 and 20 acres. The topography of the property ranges from relatively flat to moderately sloping with a prominent creek/drainage course and oak woodland running east-west through the property.

The Assessors records show the property as having one existing residence. The county's GIS aerial map shows the residence and accessory structures. A total of approximately 88 acres is planted in irrigated vineyard. The vineyards were planted in 2001. An agricultural irrigation well produces 80 gallons per minute of water at a well depth of 200 feet. Properties to the west and south are also in the Agriculture land use category. Property to the west is planted in vineyards and to the south dry farm. The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Dry Farm	Homesite & barns	Fallow/drainage course	Acres
If Irrigated	Non-Irrigated					
2	4	23	na	2	17.5	42.5
4	4	65	na	na	29	94
4	4	na	27	na	na	27
6	6	na	na	na	0.5	0.5
7	7	na	na	na	21	21
TOTALS		88	27	2	68	185

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

Compliance with the Williamson Act and the Rules of Procedure

Establishing an Agricultural Preserve

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 185 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 (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture).

Since the property has 88 acres planted in irrigated vineyards (over 40 acres) the eligibility requirements to establish a prime land agricultural preserve are met outright without relying on the "recognized high value of irrigated vineyard and orchards on non-prime soils", under the income & value criteria of Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

Qualifying for a Land Conservation Contract

To qualify for a land conservation contract the property must also meet the eligibility requirements for individual land conservation contracts and have 20 acres of irrigated vineyard or orchard on Class 3, 4, 6, or 7 (or better) soils. The property qualifies for a land conservation contract by having approximately 88 acres of irrigated vineyard on Class 2 & 4 soils. (Table 1 Section B. 1.c).

The appropriate minimum parcel size is 40 acres based on irrigated vineyard as the commercial agricultural use.

The appropriate minimum term of contract is 10 years because the site is located within 1 mile of the Templeton urban reserve line.

Potential Future Conveyance

There is the potential for future conveyance of one of the four individual legal parcels so long as the remaining property and the parcel to be conveyed each have a minimum of 20 acres of irrigated vineyard. As currently configured and planted, it would not be possible to convey more than one parcel and remain consistent with the Williamson Act.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on July 14, 2014 at the Veteran's Hall, 801 Grand Ave, San Luis Obispo, California, at 1:30 p.m.

Terry Wahler presents the staff report. Describes the property, the agricultural use and the basis for program eligibility.

Irv McMillian: would like to know how the 40 acre minimum parcel size was calculated with Mr. Wahler explaining the parcels, agricultural use and the configuration of the land. Discussion ensued regarding Class 7 soils qualification. Comments on fallow drainage courses in terms of Class 7 soils with Mr. Wahler explaining this property is not suitable for grazing land and not appropriate to be included in calculations. Mr. McMillian asks if the wine tasting room is being considered in the calculations.

Jamie Kirk, agent: explains to Mr. McMillian the wine tasting room is on a separate parcel and off of this site.

Kami Griffin: opens Public Comment with no one coming forward.

Following the discussion, Don Warden moved to recommend the Board of Supervisors approve this request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. Preserve Designation: Templeton Agricultural Preserve No. 62. Minimum Parcel Size: 40 acres. Minimum term of Contract: 10 years. This motion was seconded by Dana Merrill, and unanimously approved on a 9-4 vote with the Public at Large, Farm Advisor, Farm Bureau and Soil Science members being absent.

RECOMMENDATIONS

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

Preserve Designation:	Templeton Agricultural Preserve No. 62
Minimum Parcel Size:	40 Acres
Minimum Term of Contract:	10 Years

FINDINGS

- A. The proposed establishment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed establishment of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler
Agricultural Preserve Program