



Attachment C2  
**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 <b>November 4, 2014</b>	CONTACT/PHONE <b>Terry Wahler, 781-5621</b>	APPLICANT <b>Douglas Ayres</b>	FILE NO. <b>AGP2013-00004</b>						
SUBJECT Proposal by Douglas Ayres to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 40.5 acre parcel is located within the Agriculture land use category at 1205 Willow Creek Road, south of and abutting the intersection of Willow Creek Road, Peachy Canyon Road and Loose Horse Road, approximately 4 miles northwest of the intersection of Vineyard Drive and Highway 46 and approximately 5.5 miles northeast of the Urban Reserve Line of Templeton. The site is in the North County-Adelaida 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:  <table style="width: 100%; border: none;"> <tr> <td style="width: 35%;"><b>Preserve Designation:</b></td> <td><b>Templeton Agricultural Preserve No. 61</b></td> </tr> <tr> <td><b>Minimum Parcel Size :</b></td> <td><b>40 Acres</b></td> </tr> <tr> <td><b>Minimum Term of Contract:</b></td> <td><b>20 Years</b></td> </tr> </table>				<b>Preserve Designation:</b>	<b>Templeton Agricultural Preserve No. 61</b>	<b>Minimum Parcel Size :</b>	<b>40 Acres</b>	<b>Minimum Term of Contract:</b>	<b>20 Years</b>
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ENVIRONMENTAL DETERMINATION <b>A Categorical Exemption (Class 17) was issued on June 27, 2014 (ED13-268).</b>									
LAND USE CATEGORY <b>Agriculture</b>	COMBINING DESIGNATION <b>None</b>	ASSESSOR PARCEL NUMBER <b>039-051-019</b>	SUPERVISOR DISTRICT(S) <b>1</b>						
PLANNING AREA STANDARDS: <b>None Applicable</b>		LAND USE ORDINANCE STANDARDS: <b>Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)</b>							
EXISTING USES: <b>Two residences, accessory structures, vineyards &amp; orchards</b>									
SURROUNDING LAND USE CATEGORIES AND USES: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>North: Agriculture/dry farm, oak woodland &amp; residences</b></td> <td style="width: 50%;"><b>East: Agriculture/ vineyard, dry farm &amp; residence</b></td> </tr> <tr> <td><b>South: Agriculture/vineyard, orchards &amp; residences</b></td> <td><b>West: Agriculture/ dry farm, orchards &amp; residences</b></td> </tr> </table>				<b>North: Agriculture/dry farm, oak woodland &amp; residences</b>	<b>East: Agriculture/ vineyard, dry farm &amp; residence</b>	<b>South: Agriculture/vineyard, orchards &amp; residences</b>	<b>West: Agriculture/ dry farm, orchards &amp; residences</b>		
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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: <b>None</b>									
TOPOGRAPHY: <b>Moderate to steeply sloping</b>		VEGETATION: <b>Scattered oak trees</b>							
PROPOSED SERVICES: <b>None required</b>		ACCEPTANCE DATE: <b>May 9, 2014</b>							
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 generally moderately sloping land planted in vineyards and olive orchards. The property includes two residences, scattered oaks and small fallow areas. The vineyards were planted in 2005. An agricultural irrigation well produces 18 gallons per minute of water at a well depth of 350 feet. Surrounding properties are also in the Agriculture zone and have a variety of agricultural land uses including grazing, dry farm, orchards and vineyards. The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Orchards	Irrigated Vineyard	Homesite & barns	Fallow/Oaks	Acres
If Irrigated	Non-Irrigated					
3	4	2.5	na	na	na	2.5
4	4	na	6.5	na	na	6.5
7	7	1	11	1.5	18	31.5
TOTALS		3.5	17.5	1.5	18	40.5

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

#### **Residential Density and Williamson Act Land Conservation Contracts**

In 2004 in response to some flagrant abuses of the program in other localities, Government Code Section 51250 (AB 1492), also known as the Laird Bill, was passed as an additional enforcement tool in order to help curtail improper use of contracted agricultural land. The county amended the Rules of Procedure as well as various land use ordinance sections in 2007 to implement this legislation.

The primary concern is to prevent construction of buildings that are not related to an agricultural or compatible use taking place on the property. One of the most common land use issues involves multiple residences on contracted agricultural land. Because our inland land use ordinance allows two primary residences on each legal parcel over 20 acres in size and contracted properties are restricted to one residence per contract minimum parcel size, new properties applying for land conservation contracts must be reviewed for residential density. (What may be allowed by zoning may not be allowed by a land conservation contract since contracted property is more restricted.)

This property has two primary residences, one is a conventional single family residence and the other is a conversion of an accessory structure. If a land owner doesn't have twice the minimum parcel size acreage in their landholding they may apply for a second residence under the "Farm Support Quarters" section of the Land Use Ordinance. In this case the landowner would qualify for Farm Support Quarters based on acreage planted in irrigated vineyard and orchard. Prior to entering into a contract the land owner will need to apply for and enter into a Farm Support Quarters agreement for the second residence.

### **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 40.5 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).

The gross parcel size must be 40 acres or larger, however a property may meet the eligibility criteria for establishing a prime land agricultural preserve with less than 40 acres in production if the property is 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.

Since the property has 21 acres planted in irrigated vineyard and orchards, due to the recognized high value of irrigated vineyard and orchards on non-prime soils, the property qualifies for a prime-land preserve based on the income & value criteria under 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 soils. The property qualifies for a land conservation contract by having approximately 21 acres of irrigated vineyard and orchards on Class 3, 4 & 7soils. (Table 1 Section B. 1.c).

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

The appropriate minimum term of contract is 20 years because the site is located more than one mile from the Templeton urban reserve line.

### **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 need for the landowner to apply for a farm support quarters agreement for one of the two residences on the property since the Rules of Procedure only allow one primary residence in this situation.

Jennifer Anderson: asks if the landowners are currently using the residence for farm support quarters with Mr. Wahler deferring to Ms. Kirk.

Jamie Kirk, agent: explains the residence is currently vacant. Comments that she does not want to record a covenant until the contract records.

Jim Orton, County Counsel: sees no problem with this and defers to Ms. Whitney McDonald, Deputy County Counsel, who has been working with Mr. Wahler on this application.

Terry Wahler: states this can be done since it should be compliant with the program upon establishment of the agricultural preserve.

Jim Orton: agrees the covenant should be tied to the preserve.

Kami Griffin: asks if this were 80 acres there would be no concern because it would be twice the minimum parcel size.

Irv McMillian: requests clarification on there being one primary residence allowed based on each contract's minimum parcel size.

Terry Wahler: clarifies that residential density is based on the contract minimum parcel size. The calculation involves taking the total acreage, and dividing it by the minimum parcel size in the contract and that gives you the number of primary residential units. He notes before the vote is taken that Robert Sparling, Public at Large Member, arrived in time to hear the discussion on this item and will be voting on it.

**Following the discussion, Jennifer Anderson moved to recommend to the Board of Supervisors approval of this request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. Preserve Designation: Templeton Agricultural Preserve No. 61. Minimum Parcel Size: 40 acres. Minimum term of Contract: 20 years. This motion was seconded by Kaila Dettman, and unanimously approved on a 10-3 vote with the, Farm Bureau, Farm Advisor 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:

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## **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

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