



**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 December 2, 2014	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Clayton Poteete	FILE NO. AGP2013-00005
SUBJECT A proposal by Clayton Poteete to alter the boundaries of an agricultural preserve and amend an existing land conservation contract by adding 1.7 acres through a lot line adjustment with a resulting 163 acre parcel. The property is located between Van Gordon Creek and the South Fork of Pico Creek about 1.0 mile northeast of the terminus of Van Gordon Creek Road and four miles north of Cambria. The property is in the North Coast Planning Area.			
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows: Preserve Designation: San Simeon Agricultural Preserve No. 9, Amendment No. 1 Minimum Parcel Size: 320 Acres Minimum Term of Contract: 10 years			
ENVIRONMENTAL DETERMINATION A Categorical Exemption (Class 17) was issued on June 27, 2014 (ED13-269).			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area, Sensitive Riparian Vegetation, Local Coastal Plan	ASSESSOR PARCEL NOS: 011-291-027, 013-021-012 and portion of 013-021-011	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 23.04.024d(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Single-family residence, barn, landing strip, generator building, orchards			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/grazing, undeveloped <i>East:</i> Agriculture/ single family residence, grazing <i>South:</i> Agriculture/single family residence, grazing <i>West:</i> Agriculture/ single family residence, grazing			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Moderate to steeply sloping		VEGETATION: Orchards, grasses, ornamentals, oak trees	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: May 21, 2014	
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 applicant, Clayton Poteete and his neighbor have applied for a lot line adjustment so that approximately 1.7 acres of land can be acquired by Mr. Poteete. The primary purpose of the lot line adjustment is to increase the area around Mr. Poteete's house which is relatively close to the property line. The land consists of a portion of one legal parcel (APN 013-021-011). A small sliver of land (0.51 acre) is already owned by Mr. Poteete but was never added to the land conservation contract and will also be added at this time (APN 013-021-012). The boundaries of the existing agricultural preserve need to be altered (and expanded) and the Poteete land conservation contract must be amended to add land to the contract.

The land conservation contract was approved by Board Resolution No. 92-130, entered into on February 25, 1992 and recorded on February 26, 1992 as Document No. 12273, Book 3836, Pages 926 through 942 inclusive. The agricultural preserve (San Simeon Agricultural Preserve No. 9) was established by Resolution No. 92-69, recorded on February 13, 1992 as Document No. 9245, Book 3829, Pages 871 through 873, inclusive. The total acreage including the original contract and added land is 163 acres.

Site and Area Characteristics

The 1.7 acres proposed for conveyance is almost entirely comprised of Class 4 soil with slightly less Class 7 soil. A small portion (approximately ½ acre) of the Class 4 soils is free of oak trees and is suitable for orchards but most of the 1.7 acres is covered with dense oak trees or chaparral.

The following table shows the Natural Resources Conservation Service soils rating of the resulting 163 acre parcel:

Land Capability Class		Orchards	Fallow / Oak Woodland	Grazing	Acres
If Irrigated	Non-Irrigated				
4	4	0	0.8 (added)	na	0.8
7	7	0	0.9 (added)	na	0.9
4	4	4.5	na	6.8	11.3
6	6	20.5	na	na	20.5
6	6	na	40	19.5	59.5
7	7	na	30	40	70
TOTALS		25	71.7	66.3	163

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

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Compliance with the Williamson Act and the Rules of Procedure to Implement the Land Conservation Act of 1965

Criteria for Establishing an Agricultural Preserve

Although the Williamson Act, and our local Rules of Procedure do not require landowners who are adding land to existing contracts to re-qualify the property under current eligibility standards, it is useful to note that the property within this existing contract, with 163 gross acres and 25 acres of irrigated orchards, would qualify for a prime land agricultural preserve under current eligibility standards.

Qualifying for a Land Conservation Contract

With the existing 25 acres of irrigated orchard on Class 4 and 6 soils the property would also qualify for a land conservation contract under current eligibility standards. The 1.7 acres to be added does not affect the property's eligibility but would add approximately ½ acre of Class 4 land that would be suitable for additional orchard.

Complying with the Williamson Act and the Rules of Procedure

Lot Line Adjustment Criteria

Government Code Section 51257 (Williamson Act) sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and equal quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically.

Although this application involves a lot line adjustment as the means of conveying land to Mr. Poteete, it is actually an addition of land and does not involve any exchange of contracted land to another land owner. Since land is being added to the existing contract, the intent of the Williamson Act will be met.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting parcels will consist of at least 90 percent (in this case 100%) of the contracted land remaining under contract. Overall, there will be no net loss of land under contract. (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.)

Additions of Land

The 1.7 acres qualifies for addition to the existing 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 Agricultural Preserve will need to be expanded to include the additional acreage.

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The existing property subject to contract includes approximately 161.3 acres. The proposed 1.7 acre addition constitutes an insignificant increase of land suitable for agriculture however an area of about ½ an acre could be used to increase the orchard.

The existing contract qualified at a time when 100 acres of land with 100 acres of soil rated as moderately to well-suited as rangeland was sufficient to qualify. Because the existing contract has a 320 acre minimum parcel size for conveyance, the property has a mix of orchard and grazing potential, and only a small amount of land is being added, the appropriate minimum parcel size remains at 320 acres.

The appropriate term for the contract amendment is 10 years because that is the term running on the existing contract.

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

Kami Griffin: opens Public Comment.

John Sanders, agent: is available for questions.

Terry Wahler: asks Mr. Sanders if Mr. Poteete plans on adding more irrigated orchard with Mr. Sanders stating not at the present time due to water constraints. But potentially in the future he may like to add more.

Following the discussion, Lynda Auchinachie moved to recommend the Board of Supervisors approve this request to alter the boundaries of an agricultural preserve and amend an existing land conservation contract. Preserve Designation: San Simeon Agricultural Preserve No. 9, Amendment No. 1. Minimum Parcel Size: 320 acres. Minimum term of Contract: 10 years. This motion was seconded by Don Warden, 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 alter the boundaries of an agricultural preserve to the Board of Supervisors as follows:

**Preserve Designation: San Simeon Agricultural Preserve No. 9,
Amendment No. 1**
Minimum Parcel Size: 320 Acres
Minimum Term of Contract: 10 years

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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, 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 contract amendment will enforceably restrict the added land from 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 amended contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F.** The reconfigured 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 (and actually results in one less parcel).

Report prepared by Terry Wahler, Senior Planner
Agricultural Preserve Program