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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Board of Supervisors

MEETING DATE December 2, 2014	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Keith Martin	FILE NO. AGP2013-00011
SUBJECT			
Proposal by Keith Martin to amend an Agricultural Preserve to reduce the minimum parcel size, 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 74.24 acres located within the Agriculture land use category, at 8865 Chimney Rock Road approximately 8 miles northwest of Paso Robles. 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 amend an agricultural preserve to the Board of Supervisors as follows:			
Preserve Designation:		Adelaida Agricultural Preserve No. 1, Amendment No. 5	
Minimum Parcel Size:		40 Acres	
Minimum Term of Contract:		10 years	
ENVIRONMENTAL DETERMINATION			
A Categorical Exemption (Class 17) was issued for this project (ED 14-043)			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NO: 014-311-072 and 014-311-043 (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: Residence, barns, vineyards			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Grazing, oak woodland <i>East:</i> Agriculture/Grazing, residence, oak woodland <i>South:</i> Agriculture/Dry Farm, Grazing, oak trees <i>West:</i> Agriculture/ Vineyard, oaks trees, dry farm			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Oak trees	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: June 9, 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 application to rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract is necessary because two land owners, the applicant, Keith Martin (Makeminered, LLC) and his neighbor, Nancy Stanton have applied for a lot line adjustment to resolve a property boundary discrepancy. The proposed lot line adjustment is part of a "Settlement Agreement and Mutual Release" agreed to by the landowners which requires approval of a lot line adjustment. The adjustment involves relatively small acreage exchanges, 1.43 acres from Martin to Stanton and 3.15 acres Stanton to Martin.

Both parcels are under separate agricultural preserves and land conservation contracts. Boundary amendments for each agricultural preserve and a new contract for each property are necessary because the Government Code (Williamson Act) requires new contracts to be entered into when contracted land is adjusted through a lot line adjustment. Also, the legal description for the preserve and contract must match the legal description for the parcel.

The subject property is located within the Adelaida Agricultural Preserve No. 1 established on 1/13/69 by Resolution No. 69-19 and is under a land conservation contract entered into on 1/24/72 and recorded on 1/28/72 as Document No. 2819, Book 1650, Page 592 through Page 606 inclusive.

The existing Martin property was part of a larger ownership that included a 165.5 acre parcel to the south. When the Martin property was conveyed out of this larger ownership the property sale violated the minimum parcel size limit in the contract for minimum 80 acre conveyance. To remedy this situation, part of this application is a request to requalify the property based on the recently intensified agricultural use --- irrigated vineyard. The portion of the contract now owned by Keith Martin will be rescinded as he enters into a new contract but the other portion of the original contract---under different ownership---will remain under the original contract.)

Both parcels are under the same agricultural preserve, Adelaida Agricultural Preserve No. 1, which covers a large area and many parcels. The proposed lot line adjustment does not affect the boundaries of the agricultural preserve so it is not necessary to amend the boundaries of the agricultural preserve.

Site and Area Characteristics

The resulting Martin parcel will be 75.96 (or approximately 76) acres in size. Currently there are 23.74 (or approximately 24) acres planted in irrigated vineyard. The vineyards were planted in 2009, 2011 and 2013. A 25 gallon per minute well serves the vineyard. The remainder of the property is fallow with some scattered oaks and is well suited for use as grazing land but is not used for this purpose.

The following table shows the Natural Resources Conservation Service soils ratings of the resulting Martin parcel:

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Land Capability Class		Irrigated Vineyard	Homesite & barns	Fallow/Oaks	Acres
If Irrigated	Non-Irrigated				
2	4	3	na	17	20
3	4	5		0.5	5.5
4	4	16	1	33.5	50.5
TOTALS		24	1	51	76

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

As can be seen from the above table, the property is cultivated with 24 acres of irrigated vineyard on Class 2, 3 and 4 soils. Most of the remaining portion of the property has soils that are well suited as rangeland, although the property is not used for grazing cattle.

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. As discussed above the applicant is requesting a reduction in minimum parcel size from 80 acres to 40 acres and re-qualification as an intensified prime land preserve.

The 76 acres (resulting from the lot line adjustment) exceeds the 40 acres (gross) 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 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.

Due to the recognized high value of irrigated vineyard on non-prime soils, and 24 acres of irrigated vineyard, 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 24 acres of irrigated vineyard on Class 2, 3, & 4 soils. (Table 1 Section B. 1.c).

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Lot Line Adjustment Consistency - Williamson Act, Government Code Section 51257

The Natural Resources Conservation Service soils survey indicates the area subject to the adjustment is comprised of Class 4 soil (non-irrigated). The two narrow strips of land being exchanged are not cultivated. The 3.5 acres being conveyed from Stanton to Martin is comprised of Class 4 soil and currently serves as grazing land. The 1.43 acres to be conveyed from Martin to Stanton consists of Class 4 (non-irrigated) and could also serve as grazing land. The Stanton's net loss of approximately 2.0 acres is not a significant amount of acreage. Overall, there is no loss of contracted land and the agricultural productivity is unchanged for both landowners.

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 exchanged 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.

Minimum Term and Parcel Size for Conveyance

Because the sole agricultural use of the property is irrigated vineyard the appropriate minimum parcel size for conveyance is 40 acres. It should be noted that this will not make it possible to convey any portion of this property or subdivide it since it lacks sufficient acreage and intensified agriculture, however it will bring the currently non-compliant property into compliance. The appropriate minimum term of contract is 10 years because it is customary to recognize the term running on the current land conservation contract when entering into a new contract resulting from a lot line adjustment.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on August 25, 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 and the consequences of a settlement agreement requiring a lot line adjustment. Discusses a reduction in minimum parcel size as it pertains to entering into a new contract. Explains agricultural uses in terms of qualification criteria.

Bill Robeson: asks if members have any questions of staff.

Don Warden: asks how many years from the original term of contract is left with Mr. Wahler stating that the existing contract is adding one year every January to maintain a 10 year term (going down to 9 years but back to 10 years in January when all 10 year contracts renew).

Bill Robeson: invites the agent to comment.

Jamie Kirk, agent: states she is available for questions.

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Bill Robeson: opens Public Comment with no one coming forward.

Following the discussion, Jennifer Anderson moved to recommend the Board of Supervisors approve this request to amend an agricultural preserve. Preserve Designation: Adelaida Agricultural Preserve No. 1, Amendment No. 5. Minimum Parcel Size: 40 acres. Minimum term of Contract: 10 years. This motion was seconded by Don Warden, and unanimously approved on an 8-5 vote with the Cattleman's Association, Farm Advisor, Wine Industry, Farm Bureau, and County Assessor's office members being absent.

RECOMMENDATIONS

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

Preserve Designation: Adelaida Agricultural Preserve No. 1, Amendment No. 5

Minimum Parcel Size: 40 acres

Minimum Term of Contract: 10 years

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.

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- 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
Land Conservation Program