



Promoting the wise use of land
Helping build great communities

**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 Lewis G. Feuerstein	FILE NO. AGP2014-00003
SUBJECT Proposal by Lewis G. Feuerstein to alter the boundaries of an Agricultural Preserve to add land and rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract for property that is currently in non-renewal. The property consists of approximately 313 acres located within the Agriculture land use category, at 4811 La Panza Road south of the intersection of La Panza Road and west of the intersection of La Panza Road and Ryan Road, approximately 1,500 feet north east of the community of Creston. The site is in the North County, El Pomar-Estrella (sub-area) 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: <p style="text-align: center;">Preserve Designation: El Pomar Agricultural Preserve No. 10, Amendment No. 3 Minimum Parcel Size: 80 Acres Minimum Term of Contract: 20 Years</p>			
ENVIRONMENTAL DETERMINATION A Categorical Exemption (Class 17) was issued on September 21, 2014 (ED14-082).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION none	ASSESSOR PARCEL NUMBERS 043-091-053, 063, 073 & 074	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for Agriculture land use category (new agricultural preserves)	
EXISTING USES: Residence, Mobile home, Barn, Accessory structures, grazing			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Vineyard <i>East:</i> Agriculture/ Dry Farm, vineyard <i>South:</i> Agriculture/Orchards, dry farm <i>West:</i> Agriculture/ Dry farm, vineyard, horse farm, irrigated pasture			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None			
TOPOGRAPHY: Flat to moderately sloping		VEGETATION: Oak trees, grasses	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: September 21, 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			

Board of Supervisors
 AGP2014-00003
 Feuerstein
 Page 2

PROJECT REVIEW

Background

The 313 acre land holding consists of three legal parcels ranging in size from approximately 85.9 acres to 137.8 acres that are subject to a Land Conservation Contract and an amendment to that contract (to add land). The original contract was entered into by Alvin Algee under Resolution No. 86-90 (recorded February 27, 1986 as Document Number 11231, in Book 2805, Pages 75 through 89, inclusive). Amendment No. 1 to that contract was also entered into by Alvin Algee (under Resolution No. 2005-410, recorded December 19, 2005 as Document Number 2005105561). Assessor Parcel No. 043-091-053 appears to have been left out of the original contract in 1986, however it is not a separate legal parcel. The landowner is requesting that this property be included in the request for a new land conservation contract. This involves expanding the boundaries of the agricultural preserve to include this property.

In 2007 the land owner served the county with a Notice of Nonrenewal to stop the annual renewal of the Land Conservation Contract (Document No: 2007-067340). The contract was set to expire on February 25, 2017. The land owner has decided to keep the property in the Williamson Act program.

Site and Area Characteristics

The property has a long history of agricultural use. Currently the property has 73 acres of irrigated vineyard, and 141 acres of irrigated alfalfa. The property has a 900 gallon per minute well at a well depth of 400 feet and 8,000 gallons of storage capacity. The property also has a reservoir. Some portions of the property are uncultivated but would be suitable for use as irrigated vineyards, dry farm or rangeland.

The following table shows the Natural Resources Conservation Service soils rating of the property:

Land Capability Class		Irrigated Vineyard	Fallow (Grazing)	Fallow (Dry Farm)	Irrigated Alfalfa	Reservoir & Structures	Soils Class
If Irrigated	If Non-Irrigated						
1	4	na	na	20	45	4	69
2	4	na	na	na	10	na	10
4	4	1	na	21.5	86	1.5	110
6	6	72	51.5	na	na	0.5	124
Totals		73	51.5	41.5	141	6	313

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

Board of Supervisors
AGP2014-00003
Feuerstein
Page 3

Compliance with the Rules of Procedure

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. Although all the acreage (except for the 2.53 acre property to be added) is under a previously established agricultural preserve, (El Pomar Agricultural Preserve No. 10) it should be noted that the property meets the current eligibility requirements for a prime land Agricultural Preserve with 73 acres of Class 4 & 6 soil in irrigated vineyard and 141 acres of Class 4 or better soil in irrigated alfalfa.

The property is also eligible for a new Land Conservation Contract based on the 73 acres of Class 4 & 6 soil in irrigated vineyard and 141 acres of Class 4 or better soil in irrigated alfalfa.

Minimum Parcel Size for Conveyance

Because the property is fairly large and approximately 1/3 of it (99 acres) is not cultivated, it is appropriate to use the mixed use averaging formula to establish the appropriate minimum parcel size for conveyance. Appendix E of the Rules of Procedure establishes procedures for determining minimum parcel sizes for conveyance or subdivision of land with mixed agricultural use or potential use. As is customary, the property's fallow or unplanted acreage has been grouped under the dry land Class 3 & 4 or Class 6 & 7 classification for the purposes of calculating minimum parcel size.

Land Capability / Agricultural Use	Acres	Minimum Parcel Size	Fractional Portion
Irrigated Class 4 and 6/ Irrigated Vineyard	73	40	1.83
Irrigated Class 4 or better/ Alfalfa	141	40	3.53
Non-Irrigated Class 4	47	160	0.30
Non-Irrigated Class 6	52	320	0.16
Total	313		5.82

The mixed use calculation for this property is as follows: The property size of 313 acres divided by 5.82 (the total fractional proportions) is 53.8 which is rounded up to an 80 acre minimum parcel size category in Table 1 of the Rules of Procedure.

The appropriate term of the contract is 20 years since the site is located over one mile from the nearest urban reserve line and is not adjacent to a village reserve line.

Agricultural Preserve Review Committee (APRC)

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on September 29, 2014, at the U.C. Cooperative Extension Auditorium, 2156 Sierra Way, San Luis Obispo, California, at 1:30 p.m.

Terry Wahler: presents the staff report, describes the agricultural uses on the property, the soils capability and the basis for eligibility.

Dan Lloyd, agent, explains the land owner desires to remain in the Williamson Act program.

Lynda Auchinachie asks about additional vineyard plantings with Dan Lloyd responding that 27 acres were added within the last 18 months.

Board of Supervisors
AGP2014-00003
Feuerstein
Page 4

The Review Committee discusses the request.

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

Following the discussion, Dick Nock moved to recommend to the Board of Supervisors approval of this request to alter the boundaries of an Agricultural Preserve to add land and rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract for property that is currently in non-renewal. Preserve Designation: El Pomar Agricultural Preserve No. 10, Amendment No. 3; Minimum Parcel Size: 80 acres. Minimum term of Contract: 20 years. This motion was seconded by Jennifer Anderson and unanimously approved on an 8-5 vote with the Farm Advisor, Farm Bureau, Soil Science, Public at Large and Land Conservancy of San Luis Obispo County 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: | El Pomar Agricultural Preserve No. 10,
Amendment No. 3 |
| Minimum Parcel Size: | 80 Acres |
| Minimum Term of Contract: | 20 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 proposed land conservation contract and the site's long term commercial agricultural use are appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler
Land Conservation Program