

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/10/2015	(3) CONTACT/PHONE Terry Wahler, Senior Planner / 781-5621	
(4) SUBJECT Submittal of a resolution amending an existing land conservation contract to add 2.1 acres of land for Clayton Andrew Poteete and Marisol Poteete (AGP2013-00005) located at 1991 Noel Way approximately 3.0 miles northeast of San Simeon; pursuant to the California Land Conservation Act of 1965. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt and instruct the chairperson to sign the resolution amending the existing land conservation contract.			
(6) FUNDING SOURCE(S) Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Terry Wahler, Senior Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 3/10/2015

SUBJECT: Submittal of a resolution amending an existing land conservation contract to add 2.1 acres of land for Clayton Andrew Poteete and Marisol Poteete (AGP2013-00005) located at 1991 Noel Way approximately 3.0 miles northeast of San Simeon; pursuant to the California Land Conservation Act of 1965. District 2.

## **RECOMMENDATION**

It is recommended that the Board adopt and instruct the chairperson to sign the resolution amending the existing land conservation contract.

## **DISCUSSION**

The objectives of the San Luis Obispo County Agricultural Preserve Program, as provided by the California Land Conservation Act of 1965 or Williamson Act, are to protect agricultural lands for continued production of food and fiber and limited types of land devoted to open-space and recreational uses.

An agricultural preserve is established by landowner request in an area devoted to an agricultural use, recreational use, and/or an open-space use as defined in and established in accordance with the California Land Conservation Act of 1965. Establishment of an agricultural preserve is a prerequisite for landowners to enter into land conservation contracts with the county. A land conservation contract is a contract entered into by and between the property owner and lien holders (if any) and the county to enforceably restrict the use of the land for agricultural and compatible uses for a minimum term of 10 years or more.

The following is a brief description of the applicant's request:

File Number: AGP2013-00005 – A proposal by Clayton Poteete to amend an existing land conservation contract by adding 2.1 acres through a lot line adjustment with a resulting 163 acre parcel. The property is located at 1991 Noel Way 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 approximately 3.0 miles northeast of San Simeon. The property is in the North Coast Planning Area. Assessor Parcel Numbers: 011-291-027, 013-021-012 and a portion of 013-021-011; Supervisorial District No. 2

## **OTHER AGENCY INVOLVEMENT/IMPACT**

The agricultural preserve associated with this contract was approved by the Board of Supervisors on January 28, 1992 at a public hearing. The amendment to the agricultural preserve to add land was approved by the Board of Supervisors on December 2, 2014. The Agricultural Preserve Review

Committee reviewed this request in 2014 and recommended approval. The Agricultural Preserve Review Committee includes representatives from the Agricultural Liaison Committee, the Assessor's Office, the Agriculture Department, the Department of Planning and Building and the Farm Advisor's Office. County Counsel reviewed and approved the resolutions and contracts as to form and legal effect.

### **FINANCIAL CONSIDERATIONS**

Approval of land conservation contracts usually results in a significant reduction in county tax revenues received from the affected properties. Revenue losses have been in past years only partly compensated by state subventions but no subventions have been received since 2008/2009. However, the overall tax impacts should be considered on a program-wide basis rather than on an individual application basis.

The Assessor's Office evaluated the land to be added with respect to potential property tax reduction. Since the request involves only 2.1 acres, the Assessor's staff concluded that the change in assessment values for the property being considered today would be minimal.

### **RESULTS**

The approval and recording of the land conservation contract will keep the subject property in agricultural and compatible uses for a term of 10 years, which by the provisions in the contract renews annually to maintain the 10 year term. This is consistent with the countywide Vision Statement & Communitywide Results of having healthy and prosperous communities.

### **ATTACHMENTS**

Attachment A1 – Resolution for adoption – AGP2013-00005 – Clayton and Marisol Poteete  
Attachment A2 – Land Conservation Contract with “Exhibit A” Agricultural Preserve  
and Vicinity Map