



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

PLANNING DEPARTMENT HEARING

Promoting the wise use of land
Helping build great communities

MEETING DATE March 20, 2015	CONTACT/PHONE Airlin M. Singewald / (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT Santa Margarita Cemetery District	FILE NO. COAL14-0112 SUB2014-00040
SUBJECT A request by the Santa Margarita Cemetery District for a Lot Line Adjustment (COAL14-0112) to adjust the lot lines between two (2) existing parcels of 2.95 acres and 1,685.67 acres. The adjustment will result in two (2) parcels of 3.63 acres and 1,684.99 acres. This adjustment is for the Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch. The site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 14-0112 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption (ED14-161) was issued on January 28, 2015			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard Area	ASSESSOR PARCEL NUMBER 070-091-015 and 037	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: FEMA Flood Hazard Area, Salinas River Planning Area, Atascadero Planning Impact Area, Santa Margarita Ranch – Rural			
LAND USE ORDINANCE STANDARDS: 22.10.095 – Highway Corridor Design Standards 22.22.040 – Subdivision Design Standards for the Agriculture land use category			
EXISTING USES: Cemetery, grazing, agricultural uses			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture & Rural Lands / grazing & quarry <i>South:</i> Agriculture, Residential Suburban, Public Facilities / grazing, residential, elementary school		<i>East:</i> Agriculture, Residential Rural, Rural Lands / grazing & quarry <i>West:</i> Agriculture, Residential Suburban, Commercial Retail / grazing, residential, tank facility, commercial	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Environmental Health, Cal Fire, Cal Trans, Santa Margarita Area Advisory Council, and City of Atascadero			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Non-native grasses, oak trees	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic Fire Protection: Cal Fire		ACCEPTANCE DATE: January 28, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

SUMMARY

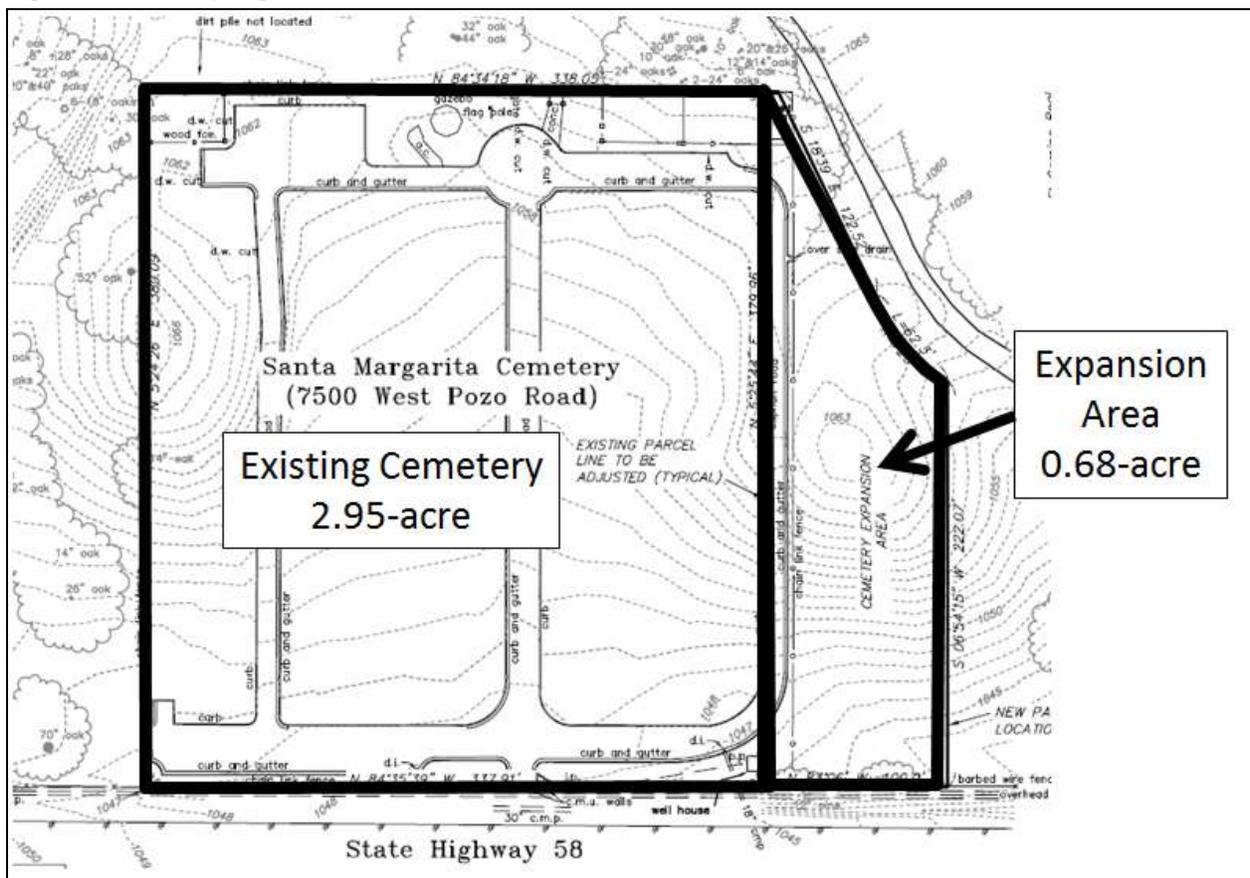
Purpose

The purpose of the proposed lot line adjustment is for the Santa Margarita Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch for the expansion of the existing 2.95-acre Santa Margarita Cemetery. The cemetery expansion project also involves a General Plan Amendment (LRP2008-0004) to change the land use category of the site from Agriculture to Public Facilities and a Conditional Use Permit (DRC2014-00077) to authorize the expansion.

Background

The Santa Margarita Cemetery District was formed in 1909. In 1915, Santa Margarita Ranch owner Frank Reis gifted the District three acres for the creation of the Santa Margarita Cemetery. Since that time, it has served the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. The cemetery includes 1,740 plots, of which only 20 remain available for new burials. The current Santa Margarita Ranch ownership (Major Domo, LLC) has donated an additional 0.68-acre of adjacent land to the east for the cemetery expansion. The District estimates that this expansion area would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. Physical development associated with the proposed expansion would include some grading for future burial spaces and the extension of interior roads to accommodate services and visitors to the cemetery.

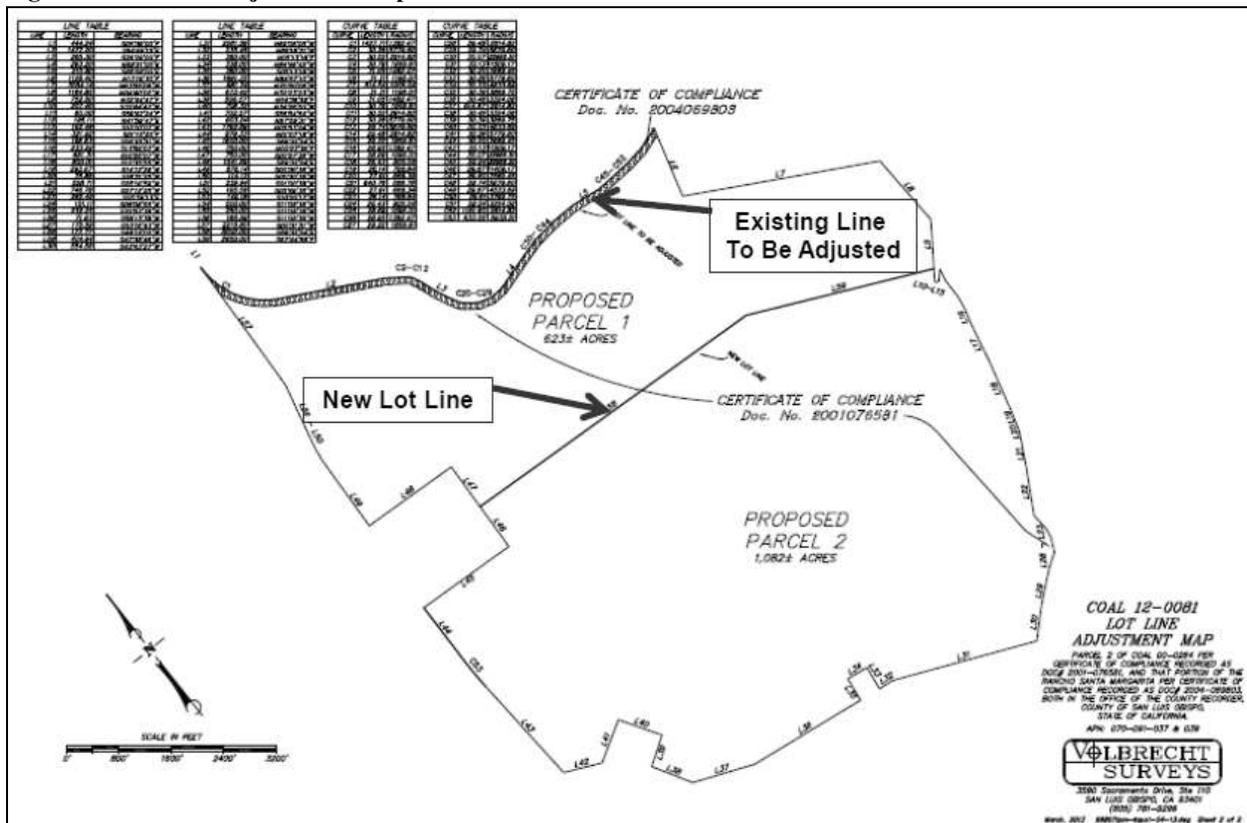
Figure 1: Cemetery Expansion



Major Domo, LLC Lot Line Adjustment COAL12-0081 (SUB2012-00025)

On September 5, 2014, the County approved Lot Line Adjustment COAL12-0081 to adjust the Santa Margarita Ranch / Major Domo parcel (070-091-037) and a 20-acre parcel (070-091-039) into two parcels of approximately 623 acres and 1,082 acres. Upon recordation of COAL12-0081, the ranch parcel (070-091-037) would be reduced in size from approximately 1,686 acres to 1,082 acres. After recordation of both COAL12-0081 and COAL14-0112 (the current LLA under consideration), the size of the ranch parcel would be reduced to 1,081.32 acres.

Figure 2: Lot Line Adjustment Map COAL12-0081



LAND USE ORDINANCE (TITLE 22), PLANNING AREA STANDARDS COMPLIANCE

The following standards from the Land Use Ordinance (LUO/Title 22) apply to the property:

- A. FEMA Flood Hazard Area (22.014.060). This combining designation is applied when new development and their uses may be subject to inundation by a 100-year flood event. These standards are also intended to minimize the effects of development on drainage ways and watercourses. The proposed lot line adjustment would facilitate the expansion of the Santa Margarita Cemetery. The existing cemetery and the expansion area are not located within the flood hazard combining designation. Any future development within the flood hazard area will be reviewed for compliance with this standard.
- B. Highway Corridor Design Standards (22.10.095). This standard indicates that construction of new residential structures, residential accessory buildings, residential access roads, specified agricultural accessory buildings, and signs may be subject to Highway Corridor Design Standards. This standard would be applied at the time development is proposed on the project site.

- C. Salinas River Sub-area Standards (22.94.080). Section 22.94.080 contains the Salinas River Sub-area Standards. Project conformity with these standards is discussed briefly below:
1. *Atascadero Planning Impact Area (22.94.080 B)*. This standard applies when a project is located within the planning impact area of the city of Atascadero. In such a case, discretionary permits are referred to the city for review and comment. This standard requires that project improvements be evaluated for consistency with city plans. Per this section of the Land Use Ordinance, Figure 94-34 (Atascadero Planning Impact Area), a small portion of the project site (across from Garden Farms) is within the referral area. The proposed lot line adjustment was referred to the city of Atascadero on January 29, 2015. The city had no comment on the proposed lot line adjustment.
 2. *Open Space Preservation (22.94.080 C)*. This standard applies to land that contains important biological, visual, historic, and/or prime agricultural resources either onsite or on adjacent properties. The intent of this standard is to encourage new development to preserve such resources in permanent open space. Further this standard indicates that lot lines should be adjusted to concentrate development in suitable areas and leave other areas undeveloped and subject to open space or conservation easements. As indicated in the Santa Margarita Ranch Agricultural Residential Subdivision Project and Future Development Program Environmental Impact Report (EIR) the project site does contain important resources. The reconfiguration of the existing two parcels will result in parcels of 3.63 acres and 1,684.99 acres (3.63 acres and 1,081.32 acres after recordation of both COAL12-0081 and COAL14-0112) and will retain the site's agricultural uses. The proposed lot line adjustment will allow for an expansion of the Santa Margarita Cemetery while not adversely affecting the site's natural resources or agricultural uses. New development would be reviewed for consistency with this standard.
 3. *Section D, Salinas River Resource Protection (22.94.080 D)*. This standard indicates that discretionary permits and land divisions shall protect the habitats and resource integrity of the Salinas River floodplain. Development shall be designed and located to protect the river as a water resource and to maintain the natural features and habitats within the floodplain. The Salinas River is located east of the project site. Agricultural uses would be retained onsite. New development proposed onsite would be reviewed for consistency with this standard.
 4. *Section E, Prime Agricultural Areas – Prime Soils Retention (22.94.080 E)*. This standard indicates that new development on lands the Soil Conservation Service¹ designates as prime, Class I or II soil if irrigated, shall be designed to minimize the loss of prime agricultural soils for potential agricultural use by selective placement of buildings and new parcels. According to the Natural Resource Conservation Service Web Soil Survey, soils on the project site have a non-

¹ The Soil Conservation Service has now been replaced by the Natural Resource Conservation Service.

irrigated capability class of IV or higher. The proposed lot line adjustment would reconfigure two existing parcels into two new parcels of 3.63 acres and 1,684.99 acres (3.63 acres and 1,081.32 acres after recordation of both COAL12-0081 and COAL14-0112). New development would be reviewed for consistency with this standard.

5. *Section F, Other Land of Agricultural Value – Soils Retention (22.94.080 F)*. This standard indicates that new development on land that has existing agricultural production or that is classified by the Soil Conservation Service¹ as Class III or IV soils shall be designed to minimize the loss of soils for potential agricultural use by selective placement of buildings and new parcels. As noted above, according to the Natural Resource Conservation Service Web Soil Survey, soils on the project site have a non-irrigated capability class of IV or higher. The proposed lot line adjustment would retain agricultural uses onsite. New development proposed onsite would be reviewed for consistency with this standard.
6. *Section G, Transit-Oriented Standards (22.94.080 G)*. Minor Use Permit, Conditional Use Permit, and subdivision applications shall provide a design and site development that is consistent with the standards for implementing the County Circulation Element and the Regional Transportation Plan. Agricultural uses would be retained onsite. New development proposed in the future would be reviewed for consistency with this standard.

D. Santa Margarita Ranch – Rural (22.94.082). This standard applies to lands that are part of the Santa Margarita Ranch and have a land use designation of Agriculture (as identified in Figure 94-36). Per this standard a specific plan must be prepared and approved for the areas defined in Figure 94-36 prior to the approval of additional Ranch subdivisions. The proposed lot line adjustment is within the area designated on Figure 104-25; however, this planning area indicates that this restriction does not apply to lot line adjustments.

REAL PROPERTY DIVISION ORDINANCE (TITLE 21) COMPLIANCE

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
Lot 1 = 2.95	Lot 1 = 3.63
Lot 2 = 1,685.67	Lot 2 = 1,684.99

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances. Minimum parcel size is of particular importance when making this evaluation. The minimum parcel size for Agriculture designated parcels used for grazing is 320 acres. The Major Domo / Santa Margarita Ranch parcel (070-091-037) exceeds

the 320-acre minimum before and after the adjustment.² The existing 2.95-acre San Margarita Cemetery parcel (070-091-015) is well below the 320-acre minimum and is therefore considered nonconforming with respect to minimum parcel size. Although the cemetery parcel would be slightly larger after the adjustment, it would still be significantly smaller than the 320-acre minimum. Therefore, the resulting parcels would maintain an “equal to or better situation” when compared to the existing parcel configuration.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County’s local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. As described above, the proposed lot line adjustment would result in a parcel configuration that is equal to or better than the existing configuration with respect to minimum parcel size because under both scenarios the ranch parcel (070-091-037) exceeds the 320-acre minimum parcel size and the cemetery parcel (070-091-015) falls below the minimum parcel size. Although the cemetery parcel would be slightly larger after the adjustment, it would still be significantly smaller than the 320-acre minimum.

AGRICULTURE ELEMENT OF THE COUNTY GENERAL PLAN

Agriculture Element Policy 34 (Conversion of Agricultural Land) discourages the conversion of agricultural lands to non-agricultural uses and states that new public facilities should be avoided outside urban and village reserve lines unless they serve a rural function of there is no feasible alternative location within the urban and village reserve lines.

The proposed lot line adjustment would facilitate the expansion of the Santa Margarita Cemetery, which is located about 0.5-mile east of the Santa Margarita urban reserve line. The existing cemetery is quickly nearing its capacity and the proposed 0.75-acre expansion was made possible by a land donation from the neighboring Santa Margarita Ranch ownership (Major Domo, LLC). The Cemetery District has a small budget with no available funds for purchasing land within the Santa Margarita village reserve line for the cemetery expansion. Locating the expansion area in the village reserve line would also segment an important community landmark which has historically been located outside the urban reserve line since 1915. Therefore, the proposed lot line adjustment is consistent with this policy because there is no feasible alternative location for the cemetery expansion project.

² After recordation of both COAL12-0081 and COAL14-0112, the size of the ranch parcel would be reduced to 1,081.32 acres, which still exceeds the 320-acre minimum.

ACCESS

Both parcels would have frontage on Highway 58 (West Pozo Road) before and after the proposed adjustment.

FUTURE DEVELOPMENT

The Santa Margarita Ranch Agricultural Residential Subdivision Project and Future Development Program EIR evaluated the entire ranch property including the area proposed under the current lot line adjustment. Several future development scenarios for Santa Margarita Ranch were evaluated under this Program EIR. Although the area proposed under the current lot line adjustment was not a part of the cluster subdivision evaluated in the EIR, mitigation measures identified in the EIR would be applicable to the lot line adjustment properties at the time development is proposed on the resulting parcels.

COMMUNITY ADVISORY GROUP COMMENTS

The Santa Margarita Area Advisory Council (SMAAC) reviewed and supported the project on February 4, 2015.

LEGAL LOT STATUS

The ranch parcel (APN 070-091-037) was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL 00-0264, Parcel #2 (Document #2001-076581) at a time when that was a legal method of creating parcels.

The cemetery parcel (APN 070-091-015) is a portion of the Rancho Santa Margarita, designated as a portion of Section 21, Township 29 South, Range 13 East, and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson, Supervising Planner.