



**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 July 17, 2015	CONTACT/PHONE Megan Martin (805)781-4163 mamartin@co.slo.ca.us	APPLICANT Eleanor Garcia	FILE NO. COAL14-0116 SUB2014-00037
SUBJECT Hearing to consider a request by ELEANOR GARCIA for a Lot Line Adjustment (COAL14-0116) to adjust the lot lines between two (2) parcels of 4.5 acres and 453.5 acres each, resulting in two (2) parcels of 138 acres and 320 acres. The project will not result in the creation of any additional parcels. The project site is within the Agriculture land use category, located at 1710 Toro Creek Road, 2.85 miles east of the community of Cayucos. The site is in the Adelaida sub area of the North County Planning Area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL14-0116 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED14-233) was issued on April 29, 2015			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area	ASSESSOR PARCEL NUMBERS 046-201-009, 073-092-026 and 073-092-048 (PTN)	SUPERVISOR DISTRICT(S): 2
PLANNING AREA STANDARDS: North County Planning Area – Adelaida Sub Area			
LAND USE ORDINANCE STANDARDS: Section 21.02.030 – Real Property Division Ordinance – Lot Line Adjustments Section 22.22.040 – Minimum Parcel Size - Agriculture Category			
EXISTING USES: Single family residences and cattle grazing			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Grazing <i>East:</i> Agriculture/Row crops, residence, barns <i>South:</i> Agriculture/Dry Farm, Grazing, oak trees <i>West:</i> Agriculture/ Grazing, residence, barns			
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			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Cal Fire, Regional Water Quality Control Board, Cayucos Citizens' Advisory Council	
TOPOGRAPHY: Gently sloping to moderately sloping	VEGETATION: Grassland
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: April 23, 2015

BACKGROUND:

The landowners would like to transfer the ownership of their ranch (three existing legal parcels), currently under a land conservation contract entered into in 1978, to a new generation so that the property remains in the family and the agricultural activities can continue into the future. In order to do this it is necessary to obtain approval of a lot line adjustment to reconfigure two of the three existing legal parcels within the current agricultural preserve and contract into parcel configurations that can re-qualify for new land conservation contracts under current standards and regulations.

The lot line adjustment includes the reconfiguration of the lot lines between two parcels where the smaller of the two is not currently under the preserve and contract. Following the tentative lot line adjustment approval, the preserve and contract will be amended to add the smaller parcel and include it as part of the new contract. The certificates of compliance or final (parcel) map and the new land conservation contracts will be recorded concurrently as required by the conditions of approval.

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two (2) legal parcels as follows:

PARCEL	EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
1	4.5	138
2	453.5	320

Parcel Design

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.

The adjustment will result in the reconfiguration of the two parcels to allow parcel one (recently intensified with irrigated row crops) to comply with the Rules of Procedure's eligibility standards as a stand-alone separate land conservation contract. Parcel one will also improve the existing situation by absorbing an existing 4.5 acre non-conforming parcel. Parcel one will be a

conforming "mixed use" (irrigated row crop and grazing land) parcel under the Rules of Procedure (Williamson Act). Resulting parcel two will remain conforming to both the Williamson Act and Title 22 land division standards as a 320 acre grazing land parcel.

The adjustment will not result in the creation of any additional parcels and will not create any additional development potential than what exists today. The parcels resulting from the proposed lot line adjustment will maintain a position which is better than the existing situation relative to the county's zoning and building ordinances.

Minimum Lot Size

Section 22.22.040 of the Inland Land Use Ordinance establishes the minimum parcel size in the Agriculture land use category based on a series of tests: Size based on existing use, land compatibility, and agricultural preserve. The minimum lot size requirement for these properties is 320 acres, however as noted above, parcel one includes 9.5 acres of irrigated row crops on Class 2 (prime) soils and also absorbs an existing non-conforming 4.5 acre parcel enlarged to 138 acres. Resulting parcel one is thus a betterment of the situation.

Williamson Act

When a property is subject to the Williamson Act and under a land conservation contract, there are certain eligibility standards and lot size requirements based on the soil type, acreage and crop or agricultural use. The property owner is entering into new contracts and requalifying all of the property under current eligibility standards to meet the "mixed use" and grazing qualifications. One of the resulting parcels will meet the minimum lot size requirement of 320 acres and the smaller of the two will be 138 acres after the adjustment, nearer to the minimum parcel size.

On May 18, 2015, the Agricultural Preserve Review Committee (APRC) considered a request by the Garcia Trust to amend the boundaries of the existing Agricultural Preserve between three parcels to add land and rescind the existing land conservation contract and enter into a new land conservation contract to reflect revised property boundaries for the proposed lot line adjustment. The APRC recommended the Board of Supervisors approve the requalification and amendment as a "mixed-use" agricultural preserve.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257 (a) & (b) because the lot line adjustment involves existing parcels internal to an existing contract. The resulting parcels will consist of at least 90 percent of the land under the current contract resulting in no net loss of land under contract, and the land area exchanged is of like soil type. The resulting parcel configuration represents a "status quo" in terms of agricultural productivity.

SB 497 and Title 21 Section 21.02.030

As of January 1, 2002, lot line adjustments are limited to four or fewer resulting adjoining parcels. This adjustment will result in two (2) 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. In determining acceptable parcel sizes and other factors, 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 noted above, parcel one will increase in size from 4.5 acres to 138 acres and be a conforming "mixed use" (irrigated row crop and grazing land) parcel under the Rules of Procedure (Williamson Act). Although reduced in size, resulting parcel two will remain conforming to both the Williamson Act and Title 22 land division standards as a 320 acre grazing land parcel. Staff has concluded that the adjustment is consistent with both state and local law and will be a betterment of the situation.

COMMUNITY ADVISORY GROUP COMMENTS:

The Cayucos Citizens' Advisory Council at a regular meeting on February 4, 2015 had no concerns with the lot line adjustment.

AGENCY REVIEW:

Public Works – No concerns.

Agricultural Commissioner – Considered the proposal to be equal to the existing parcel configuration in terms of agricultural resources (L. Auchinachie, January 23, 2015.)

Cal Fire – No concerns as presented (T. Gomes, January 28, 2015.)

Regional Water Quality Control Board – No response received.

LEGAL LOT STATUS:

One of the two existing parcels was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL90-172, Parcel #2 (Volume 3780 of Official Records, Pages 347-350) at a time when that was a legal method of creating parcels.

One of the two existing parcels is a portion of the Subdivision of Lot 35 of the Rancho Moro Cayucos according to the map recorded in Book A, Page 160 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels. Certificate of Compliance C04-0015, Parcel 1 was recorded on March 5, 2004 for the subject parcel (Document Number 2004-017845).

Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.