



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

Promoting the wise use of land
Helping build great communities

Board of Supervisors

MEETING DATE August 25, 2015	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Garcia Trust	FILE NO. AGP2014-00011						
SUBJECT Proposal by the Garcia Trust to amend the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract. The property consists of approximately 40.5 acres located within the Agriculture land use category, at 1750 Toro Creek Road approximately 2.5 miles northeast of the City of Morro Bay. The site is in the Adelaida Sub-area of the North County 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: <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Preserve Designation:</td> <td>Cayucos Agricultural Preserve No. 22, Amendment No. 3</td> </tr> <tr> <td>Minimum Parcel Size:</td> <td>40 Acres</td> </tr> <tr> <td>Minimum Term of Contract:</td> <td>10 years</td> </tr> </table>				Preserve Designation:	Cayucos Agricultural Preserve No. 22, Amendment No. 3	Minimum Parcel Size:	40 Acres	Minimum Term of Contract:	10 years
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ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17)									
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NO: 073-092-049	SUPERVISOR DISTRICT(S) 2						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves							
EXISTING USES: Residence, irrigated row crops									
SURROUNDING LAND USE CATEGORIES AND USES: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">North: Agriculture/Grazing, residence</td> <td style="width: 50%;">East: Agriculture/Grazing, riparian corridor</td> </tr> <tr> <td>South: Agriculture/Row crops, grazing</td> <td>West: Agriculture/ Grazing, residence</td> </tr> </table>				North: Agriculture/Grazing, residence	East: Agriculture/Grazing, riparian corridor	South: Agriculture/Row crops, grazing	West: Agriculture/ Grazing, residence		
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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary									
TOPOGRAPHY: Flat		VEGETATION: Riparian vegetation							
PROPOSED SERVICES: None required		ACCEPTANCE DATE: May 5, 2015							
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 subject property is one of three legal parcels included in Cayucos Agricultural Preserve No. 22 established on 2/21/78 by Resolution No. 78-133. The three parcels are under a land conservation contract entered into on 2/21/78 by Resolution No. 78-146 and recorded on 2/28/78 as Document No. 9246, Book 2051, Page 1 through Page 20 inclusive.

The landowners are preparing to transfer the ownership of their ranch, currently all under this land conservation contract, to a new generation so that the property can remain 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 into new configurations and parcel sizes so that they can re-qualify for new land conservation contracts under current rules. Each of the three applications is somewhat different because each of the resulting parcels includes different agricultural capabilities and uses. This parcel (073-092-049) stands alone and is not part of the lot line adjustment. This application involves a request to requalify the property as an irrigated prime land preserve and contract.

Site and Area Characteristics

Most of the surrounding properties along Torro Creek are used for grazing with a lesser amount of acreage used for irrigated row crops and some orchards. Most of the land within this parcel has long been used for irrigated row crops and will continue to be. The following table shows the Natural Resources Conservation Service soils ratings of the parcel:

Land Capability Class		Irrigated Row Crop	Homesite	Fallow & Riparian	Acres
If Irrigated	Non-Irrigated				
2	3	31	0.5	3.9	35.4
6	6	0	0	1.5	1.5
7	7	0	0	3.6	3.6
TOTALS		31	0.5	9	40.5

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 approximately 31 acres of irrigated row crops on Class 2 soils. (Approximately 1.5 acres of row crops are cultivated on Class 6 soils but Class 6 soils can't be used to qualify so this acreage has been excluded). Most of the remaining portion of the property is comprised of riparian vegetation associated with the creek that traverses the site from north to south, fallow areas and a 0.5 acre home site.

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 requalification as a prime land preserve.

The 40.5 acre parcel exceeds the 40 acres (gross) necessary to qualify as a prime-land agricultural preserve. A prime-land preserve must also have 10 acres of irrigated land with

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Class 1 or 2 soils 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). This property satisfies these criteria with gross acreage of 40.5 acres and 31 acres of irrigated row crop on Class 2 soils.

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 (in this case) 10 acres of irrigated Class 1 or 2 soils under production. The property qualifies for a land conservation contract by having approximately 31 acres of irrigated row crops on Class 2 soils.

Minimum Term and Parcel Size for Conveyance

Because the sole agricultural use of the property is irrigated row crop the appropriate minimum parcel size for conveyance is 40 acres. 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 May 18, 2015 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler: presents staff report.

Lynda Auchinachie: opens Public Comment with no one coming forward.

Thereafter, on motion of Dick Nock, seconded by Don Warden and on the following roll call vote:

AYES: Dick Nock, Don Warden, Irv McMillan, Paul Hoover, Lynda Auchinachie, Paul Clark, Beverly Gingg, Royce Larsen

NOES: None

ABSENT: Jennifer Anderson, Robert Sparling, Lynn Moody, Jeff Stranlund, Bill Robeson

Following the discussion, the Agricultural Preserve Review Committee (APRC) recommends the Board of Supervisors approve this request to amend the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract. Preserve Designation: Cayucos Agricultural Preserve No. 22, Amendment No. 3. Minimum Parcel Size: 40 Acres. Minimum Term of Contract: 10 years.

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: Cayucos Agricultural Preserve No. 22, Amendment No. 3
Minimum Parcel Size: 40 Acres
Minimum Term of Contract: 10 years

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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.

Report prepared by Terry Wahler, Senior Planner
Land Conservation Program