



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

**PLANNING COMMISSION**

*Promoting the wise use of land*

MEETING DATE February 11, 2016	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT Jim Jeffers	FILE NO. LRP2014-00022
SUBJECT A request by JIM JEFFERS for an amendment to the Shandon-Carrizo sub area of the North County Planning Area of the Land Use and Circulation Element to change the land use category of approximately eight acres from Agriculture to Commercial Service. Also to be considered is inclusion of planning area standards contained in Title 22 (Land Use Ordinance, North County Area Plan, Shandon-Carrizo subarea) in order to accommodate an existing steel fabrication yard at the site. The site is located on the north side of Highway 46 East, approximately 1.5 miles west of Bitterwater Road, east of the community of Shandon.			
RECOMMENDED ACTION Recommend to the Board of Supervisors: Approval of this general plan amendment as shown in the attached Exhibits LRP2014-00022: B and LRP2014-00022:C based on the recommended findings contained in this report.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED15-172) was issued on, January 6, 2016.			
LAND USE CATEGORY Agriculture and Commercial Service	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 017-131-039 and 017-131-050	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Section 22.94.090C. – Commercial Service Standards in the Shandon Carrizo Subarea of the North County Area Plan			
LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Steel fabrication yard			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Agriculture/Grazing                      East: Agriculture/Grazing</i> <i>South: Agriculture/Grazing                     West: Agriculture/Grazing</i>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Shandon Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire, Air Pollution Control District, Department of Fish and Wildlife, Cal Trans			
TOPOGRAPHY: Mostly level		VEGETATION: Grasses, ornamentals	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire		Date Authorized: June 2, 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			

## **DISCUSSION**

### **Project Summary**

The applicant is requesting a General Plan and corresponding Planning Area Standard Amendment to change the land use category on approximately eight acres of property from Agriculture to Commercial Service in order to encompass an existing steel fabrication yard on a single parcel.

The proposal includes two parcels, one 9.98 acre parcel zoned Agriculture and Commercial Service (APN 017-131-039, adjacent to Highway 46 East) and the other, a 28.2 acre parcel (APN 017-131-050), that is zoned Agriculture and is currently being used for grazing. The site is located at 17995 East Highway 46, approximately 2.6 miles northeast of the community of Shandon.

The smaller commercial service property contains a steel fabrication yard that was permitted by the County in November 2004 (see attached Planning Commission staff report), following a Board approved planning area amendment to allow additional uses in the commercial service land use category in October 2004.

The original approval in 2004 granted use of a portion of the property (approximately 1.8 acres) to be used for the business. The approval included construction of a shop building, office and storage yard. Since then, the operation has expanded onto the neighboring property to include additional storage of materials used in the fabrication business (please see attached project description provided by the applicant's agent).

The amendments requested will require amending the official maps, the Land Use Element, and Section 22.94.090C of the North County Area Plan. The area plan amendments will include amending the text and exhibit to reflect the new land use category boundary.

If the amendments are approved by the Board, the applicant will need to process a Lot Line Adjustment and Conditional Use Permit. The Lot Line Adjustment will reconfigure the 9.98 acre parcel by shifting approximately eight acres of the existing AG/CS parcel to encompass the expanded operations of the fabrication yard, resulting in the same parcel size that currently exists (9.98 acres). The existing agriculturally zoned parcel of 28.2 acres will remain the same size as well, just reconfigured to encompass the land along Highway 46 that will shift over to the existing business (see attached graphic depiction). An amendment to the existing Williamson Act Land Conservation Contract will also need to be processed in order to reflect the adopted changes to encompass the existing business on a single commercial service zoned property. A Pre-application meeting was held in September 2014 and the Agricultural Commissioner's office did not have any significant concerns with the proposal because it would actually add undeveloped agriculturally zoned land to the site.

If the amendments are authorized and ultimately approved by the Board, the applicant will then process a Lot Line Adjustment, Conditional Use Permit to memorialize the expanded yard area from 1.8 acres to 9.98 acres, and Williamson Act Land Conservation Contract amendment to reflect the adopted changes to encompass the existing business on a single commercial service zoned property.

### **Project Data**

The entire project site consists of two parcels totaling 38 acre that contains an existing steel fabrication yard (Pacific Tank and Construction, Inc.) located in the North County Planning Area, Shandon-Carrizo Plain Sub Area and is within both the Agriculture and Commercial Service land use categories. The proposed project is located northeast of the community of Shandon along Highway 46 East.

<b>Planning Area:</b>	North County
<b>Subarea:</b>	Shandon-Carrizo
<b>Assessor Parcel Numbers:</b>	017-131-039 (CS) and 017-131-050 (AG)
<b>Area:</b>	Approximately 38 acres total
<b>Topography:</b>	Mostly level
<b>Water Supply:</b>	On-site well
<b>Sewage Disposal:</b>	On-site septic
<b>Vegetation:</b>	Grasses, ornamentals
<b>Existing Use and Improvements:</b>	Steel fabrication business which includes a 3,600 square foot shop building, 750 square foot office and storage yard

### **Surrounding Land Uses/ Land Use Category**

**North:** Agriculture/Grazing

**South:** Agriculture/Grazing

**East:** Agriculture/Grazing

**West:** Agriculture/Grazing

### **General Plan Information**

**Land Use Element Category:** Agriculture and Commercial Service

**Combining Designation:** None

**Planning Area Standards:** Section 22.94.090C. – Commercial Service Standards in the Shandon Carrizo Subarea of the North County Area Plan

## **GENERAL PLAN CONSIDERATIONS**

### **Guidelines for Land Use Category Amendments**

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit D. These criteria include consistency with existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

### **Purpose and Character Statements**

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit F). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

### **Commercial Service**

The purpose statements for the Commercial Service (CS) land use category include the following:

- a. To provide areas for commercial or industrial trade services and light manufacturing where they will not adversely affect surrounding properties.
- b. To protect adjacent incompatible uses from harmful influences and prevent intrusion of conflicting uses.
- c. To provide suitable locations for retail, wholesale, heavy commercial and service establishments usually located near highway traffic or where terminal facilities are convenient.

The character of Commercial Service land is described as being the following:

- a. Areas characterized by existing heavy commercial, service, and small-scale industrial uses.
- b. Areas where uses generally serve occasional needs rather than day-to-day needs.
- c. Areas and uses that will not create extensive, incompatible land use mixtures.
- d. Areas within urban service and reserve lines, or village reserve lines.
- e. Areas located to promote infill and restructuring of existing heavy and service commercial areas and discourage proliferation of scattered service uses.
- f. Areas appropriate for developments using planned development concepts where unified landscaping, signing, building design, service capabilities and adequate circulation can be ensured.
- g. Areas located to have access from collector and arterial streets to avoid use of residential streets for access or deliveries.
- h. Areas with slopes less than 15 percent and located generally outside of flood ways, fault zones and other hazardous or environmentally sensitive areas.

### Staff Response

*The existing steel fabrication business produces metal tank parts for delivery and installation at off-site locations. Traffic generated by the business is minimal, generally for employees to and from work, and periodic deliveries of their products to clients. This equates to approximately ten am/pm peak hour trips daily.*

*The location and type of business that is being operated currently on the property generally meets the purposed and character statements for the Commercial Service land use category because it is located on a highway, is a light industrial use and does not negatively impact surrounding properties that are used primarily for grazing. The site is not within an urban or*

*village reserve line, but the business has been operating at its current location for over ten years and provides a small scale manufacturing use that serves occasional needs, does not create extensive, incompatible land use mixtures and is located on mostly level terrain outside of flood hazard and other sensitive areas.*

#### **AUTHORITY**

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Commission and the Board, in making their decision, should consider the following factors:

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

#### Staff's Response

*Necessity – As stated above, Pacific Tank and Construction has been operating at its current location since 2004. Over the past ten years, the business has expanded and now encompasses approximately ten acres. The current amendment request would allow the owner to concurrently process a lot line adjustment, Conditional Use Permit and Williamson Act amendment applications to permit the business to be located on a single commercial service zoned property.*

*Timing – The business has expanded over the past decade. This expansion has resulted in storage areas being located on neighboring agriculturally zoned property. The current request would allow the business to be located on commercial service zoned property.*

*Vicinity – The site is surrounded by agriculturally zoned property that is either grazed or fallow. Expansion of the commercial service zone to encompass the existing steel fabrication yard will not negatively impact surrounding properties, reduce resource availability or carrying capacity for the area. The primary environmental constraint is water. No new structures are proposed, so no increase in water usage is anticipated.*

#### **MAJOR QUESTIONS**

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Commercial Service land use category?
2. Is the request consistent with applicable policies of the Agriculture Element? Would this be an appropriate conversion of agricultural land? Will allowing commercial service

operations in this area create land use conflicts with surrounding agricultural uses and/or facilitate additional agricultural conversion in the immediate vicinity?

3. Does the request represent a logical location for the Commercial Service land use category?
4. Are there safety issues with allowing commercial service operations located along East Highway 46?

#### Staff's Response

1. *The request appears to be consistent with the applicable policies of the Land Use Element relative to the purpose and character statements for the Commercial Service land use category. The property is located on East Highway 46, and is a light manufacturing use that does not negatively impact surrounding land uses.*
2. *The primary applicable policy is AGP24 (Conversion of Agricultural Land). AGP24 – Conversion of Agricultural Land – This policy discourages the conversion of agricultural land to non-agricultural uses. Staff attended a pre-application meeting for this project on September 10, 2014 with the applicant's agent and staff from the Agricultural Commissioner's office. At that meeting, Ag. Commissioner's staff stated that the proposed conversion from Agriculture to Commercial Service is not a major concern because the land is not prime agricultural land and the conversion was done already through the expansion of the storage yard on to the neighboring property.*

*The policy also discusses priority for conservation to be given to prime agricultural lands. This property is not located on prime agricultural soils and is used for grazing. Given the soils, water availability and historic use of the site, the likelihood of intensification of agricultural uses is minimal.*

*Specific findings for conversion are listed within this policy and include: the land does not meet the criteria for inclusion in the Agriculture Element, agricultural production is not feasible due to some physical constraint, adjacent lands are already substantially developed with uses that are incompatible with agricultural uses, the conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production, and there is an over-riding public need for the conversion. Based on discussion with Agricultural Commissioner's staff, there was not a significant concern with the currently proposed conversion because the non-agricultural use has been occurring on the site for several years and the agricultural viability in this particular area is marginal due to soils and water availability. Grazing is the main agricultural use in this general area because of the resource constraints. This project appears to be a fairly unique case where conversion does not necessarily meet the criteria for making the specific findings, but will not significantly impact agricultural resources either.*

*The other issue with the conversion is that the expansion is located on land that is currently under Williamson Act Contract that does not allow the current use on contracted land. The General Plan Amendment and subsequent land use permits and contract amendment seek to remedy this violation by keeping the same acreage under contract as exists under the current contract. This would be accomplished by shifting the contracted land to the area currently under ownership of the applicant to the*

*neighboring property owner which would put better soils in Agriculture and preclude additional Commercial Service development along the highway frontage.*

3. *The subject site is zoned Commercial Service because historically it was used as a wrecking yard. The approval of the steel fabrication business in 2004 recognized the previous use and allowed a modified use at the same location based on review of ordinance policies, environmental resources and potential land use conflicts. Expanding the Commercial Service land use category in this location allows the existing business and use to continue on a single parcel zoned for the use (following approval of the appropriate land use permits and contract amendments).*
4. *As stated previously, the business currently creates ten peak am/pm truck trips daily. No new structures or uses are proposed, so no additional traffic impacts are anticipated. Cal Trans is currently involved in a major realignment/expansion project on Highway 46. The most recent documents show the realignment of the highway going through the most northern edge of the project site and would not interfere with the currently proposed project.*

### **COMMUNITY ADVISORY GROUP COMMENTS**

The Shandon Area Advisory Council supports the proposed change in the land use designation from Agriculture to Commercial Service, in conjunction with a Planning Area standard that allows for additional uses within the Commercial Service land use category.

### **AGENCY INVOLVEMENT**

**Public Works Department** – GPA should adequately address potential impacts to traffic, circulation, drainage and flood hazard

**Agricultural Commissioner's Office** – Complicated site history; if general plan consistency findings and Williamson Act requirements can be made, proposal seems to be a reasonable solution to the existing violations.

**CalFire** – No significant impacts to fire/life safety with the proposal

**Air Pollution Control District (APCD)** – No comments with current GPA proposal, but would like to receive referrals on future development proposals

**Environmental Health** – No comments received

**General Services** – Responded with “no comment”

**Cal Trans** – No comments received

**California Department of Fish and Game** – No comments received

**Northern Chumash Tribal Council** – Does not support conversion of agricultural lands to commercial uses

### Staff Comments

In response to the referral responses, staff has the following comments:

Public Works – All of the uses are existing and no expansion of the fabrication yard is proposed. Existing planning area standards require a discretionary land use permit for any new or expanded uses which would allow for review and comment by the Public Works Department.

Agricultural Commissioner's Office – Existing planning area standards require that all existing and proposed uses are limited to “the producing, assembling, manufacturing and storing of goods and products that are for rural or agricultural applications or operations.” Again, any

future expansion would be subject to a land use permit with opportunity for review and comment by Ag. Commissioner staff.

Northern Chumash Tribal Council – The steel fabrication yard expanded into the agriculturally zoned property and has been operating in this area for over 10 years. The proposal will allow for an exchange of land (approximately eight acres) that will be available for agricultural production.

**LEGAL LOT STATUS:**

The two lots were legally created by certificates of compliance a time when that was a legal method of creating lots.