



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

Promoting the wise use of land

PLANNING COMMISSION

MEETING DATE June 9, 2016	CONTACT/PHONE Stephanie Fuhs, Terry Wahler (805)781-5721, (805)781-5621 sfuhs@co.slo.ca.us , twahler@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2015-00011
SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend the Land Use Element land use categories from Rural Lands to Agriculture and Open Space and amend the Conservation and Open Space Element land use designations from Large Lot Rural to Agriculture (Land Under Conservation Contract) for properties recently put into agricultural preserves in the locations noted below: <u>Amendments to the El Pomar sub-area of the North County Area Plan:</u> LRP2015-00011:1 – Clarke – located at 9017 Goldie Lane approximately 2,500 feet north of Calf Canyon Highway, approximately 4.0 miles due south of the Community of Creston. <u>Amendments to the Los Padres sub-area of the South County Area Plan:</u> LRP2015-00011:2 – Attig – located on the northern side of Highway 166 approximately 20 miles northeast of the intersection of Highway 166 and Highway 101 adjacent to the Cuyama River. <u>Amendments to the South County sub-area of the South County Area Plan:</u> LRP2015-00011:3 – Keller – located at 1175 Upper Los Berros Road approximately 4.0 miles north of Nipomo. <u>Amendments to the Nacimiento sub-area of the North County Area Plan:</u> LRP2015-00011:4 – Attiyeh Foundation – located at the southernmost bend in the Nacimiento River approximately 3.5 miles west of the Oak Shores Village Area. <u>Amendments to the Salinas River sub-area of the North County Area Plan & Estero Area Plan:</u> LRP2015-00011:5 – Procter – located at 2980 Atascadero Road, on the southern side of Atascadero Road at its intersection with Bear Ridge Road, approximately 4.5 miles east of the City of Morro Bay. The purpose of the request is to bring properties that do not currently have Agriculture or Open Space as a land use category within the Land Use Element, and properties that do not currently have Agriculture (Land Under Conservation Contract) as a land use designation within the Conservation and Open Space Element into conformance with the Rules of Procedure to Implement the Land Conservation Act of 1965 (Williamson Act) by changing the categories and designations to Agriculture or Open Space.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of this general plan amendment as shown in the attached Exhibits LRP2015-00011:1 through LRP2015-00011:5 based on the findings set forth in this staff report.			
ENVIRONMENTAL DETERMINATION This general plan amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this general plan amendment may have a significant effect on the environment; therefore, the general plan amendment is not subject to CEQA.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER Multiple	SUPERVISOR DISTRICT(S) 1,2 ,4, and 5
PLANNING AREA STANDARDS: N/A			
EXISTING USES: Various agricultural land uses			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The Agricultural Preserve Review Committee acknowledged the need for these amendments when the Agricultural preserves were reviewed and recommended for approval.	
TOPOGRAPHY: Varied	VEGETATION: Various
PROPOSED SERVICES: N/A	ACCEPTANCE DATE: N/A
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	

PROJECT DESCRIPTION

The request is to update the Official Maps of the Land Use Element and Coastal Zone Land Use Element by including lands on which agricultural preserves have been established in the Agriculture and Open Space land use categories. The general plan amendment also includes changes to the Conservation and Open Space Element from Large Lot Rural to Agriculture(Land Under Conservation Contract).

Staff's goal is to process these amendments once a year to maintain up-to-date mapping, but since only one or two properties required updating each year for the past few years, these properties were batched together for a comprehensive amendment package including new agricultural preserve properties from the years 2011-2015. All of the land conservation contracts for these preserves restrict uses to those allowed in the Agriculture or Open Space categories, with additional limitations specified by Table 2, Agriculture and Compatible Uses, in the County Rules of Procedure to Implement the California Land Conservation Act of 1965. The following list identifies the Planning Area for each property:

Amendments to the **El Pomar sub-area of the North County Area Plan:**

LRP2015-00011:1 – Clarke – located at 9017 Goldie Lane approximately 2,500 feet north of Calf Canyon Highway, approximately 4.0 miles due south of the Community of Creston.
 Assessor's Parcel Number: 043-291-031

Amendments to the **Los Padres sub-area of the South County Area Plan:**

LRP2015-00011:2 – Attig – located on the northern side of Highway 166 approximately 20 miles northeast of the intersection of Highway 166 and Highway 101 adjacent to the Cuyama River.
 Assessor's Parcel Number: 085-461-030

Amendments to the **South County sub-area of the South County Area Plan:**

LRP2015-00011:3 – Keller – located at 1175 Upper Los Berros Road approximately 4.0 miles north of Nipomo. Assessor's Parcel Numbers: 048-141-002 & 048-121-009

Amendments to the **Nacimiento sub-area of the North County Area Plan:**

LRP2015-00011:4 – Attiyeh Foundation – located at the southernmost bend in the Nacimiento River approximately 3.5 miles west of the Oak Shores Village Area.
 Assessor's Parcel Number: 080-211-020

Amendments to the **Salinas River sub-area of the North County Area Plan & Estero Area Plan:**

LRP2015-00011:5 – Procter – located at 2980 Atascadero Road, on the southern side of Atascadero Road at its intersection with Bear Ridge Road, approximately 4.5 miles east of the City of Morro Bay.
 Assessor's Parcel Numbers: 073-011-059 & 060

PROPOSED LAND USE CATEGORY CHANGES

Table 1 provides a summary of the proposed Land Use Element map amendments, and Exhibits LRP2015-00011:1 through LRP2015-00011:5 show the locations of the changes in land use categories. The table identifies the general plan amendment exhibits, planning areas, current property owners, existing and proposed land use categories, assessor parcel numbers, and acreages of the land use category changes.

The following table summarizes the proposed land use category changes:

TABLE 1

Site / Name	Size (acres)	Existing Land Use Category	Proposed Land Use & COSE Categories	Assessor Parcel Numbers (APN)
LRP2015-00011:1 Clarke	634.5	Rural Lands	Open Space & Agriculture – Conservation Contract	APN: 043-291-031
LRP2015-00011:2 Attig	320	Rural Lands	Agriculture & Agriculture – Conservation Contract	APN: 085-461-030
LRP2015-00011:3 Keller	388	Rural Lands	Agriculture & Agriculture – Conservation Contract	APNs: 048-141-002 & 048-121-009
LRP2015-00011:4 Attiyeh Foundation	7,572 total area (added 40)	Rural Lands	Agriculture & Agriculture – Conservation Contract	APN: 080-211-020
LRP2015-00011:5 Procter	331	Rural Lands	Agriculture & Agriculture – Conservation Contract	APNs: 073-011-059 & 060

General Plan Considerations

Changes to the Land Use Category Maps

The five properties included in this general plan amendment involve changes to the Agriculture and Open Space land use categories and are supported by the following specific statements in Framework for Planning, Inland Area, Part I of the Land Use Element:

1. *All lands previously designated for agricultural preserve, whether or not under contract, according to the adopted agricultural preserve rules of procedure. (Agriculture character statement d, page 6-12, Chapter 6, Land Use Categories and Allowable Uses)*
2. *When not already included in the Agriculture land use category, all lands for which agricultural preserves are approved will be placed in the Agriculture category by the county amending the Land Use Element. (Page 8-2, Chapter 8, Implementation and Administration)*

The requirement to redesignate land in the Agriculture category for properties on which agricultural preserves have been established based on agricultural uses is also stated in item B1a on page 4 of the county's Rules of Procedure to Implement the California Land Conservation Act of 1965, which contains the following requirement:

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General Plan Amendment LRP2015-00011/County of San Luis Obispo

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General Plan Land Use Designations. Land to qualify for an agricultural preserve may be located in any rural land use designation of the San Luis Obispo County General Plan if it meets preserve and ownership size eligibility requirements. The California Land Conservation Act of 1965 requires that the establishment of any agricultural preserve within the county must be found to be consistent with the county general plan. Most eligible land is already located in the Agriculture category of the Land Use Element or Agriculture designations of the Agriculture Element. When not already included in agricultural designations, all lands for which agricultural preserves are approved based on agricultural uses will be placed in these agricultural designations by general plan amendments initiated by the county within one year after the agricultural preserves are established.

The California Land Conservation Act of 1965 (Williamson Act) contains the following requirement for land uses in agricultural preserves: *An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning or other suitable means in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter* (from Government Code Section 51230).

The Jorian Clarke property qualified for the Williamson Act Program under the Wildlife Habitat provisions. This property is required to have a Land Use Element category designation of "Open Space" to reflect the wildlife habitat value as opposed to agricultural potential of the land. The Conservation and Open Space Element does not have an Open Space designation. The most appropriate designation is Agriculture (Land Under Conservation Contract).

All other properties involve a change from Rural Lands to Agriculture for the respective land use category official maps.

Changes to the Conservation & Open Space Element

All of the above properties are designated "Large Lot Rural" under the Conservation & Open Space Element map. These properties need to be redesignated "Agriculture (Land Under Conservation Contract)", a separate designation from "Agriculture" on the Conservation & Open Space Element map.

Staff Comments

This general plan amendment will bring the five properties into compliance with the requirements of the Land Conservation Act of 1965 (Williamson Act), the local Rules of Procedure, Framework for Planning, Inland Area, Part I of the Land Use Element and Framework for Planning, Coastal Zone, Part I of the Land Use Element.

RECOMMENDATION AND FINDINGS

Recommend to the Board of Supervisors approval of this general plan amendment as shown in the attached Exhibits LRP2015-00011:1 through LRP2015-00011:5 based on the findings attached in Exhibit A.

Staff report prepared by Stephanie Fuhs
and reviewed by Terry Wahler, Senior Planner

EXHIBIT A – FINDINGS
LRP2015-00011
(County of San Luis Obispo - Ag. Preserves General Plan Amendment)

- A. The proposed map amendments for changes to the Agriculture and Open Space categories are consistent with the San Luis Obispo County General Plan because Framework for Planning, Part I of the Land Use Element and Framework for Planning and Part I of the Coastal Zone Land Use Element, require that all lands for which agricultural preserves are approved, when not already included in the Agriculture category, are to be placed in the Agriculture (or Open Space) category by the county amending the Land Use Element.
- B. The proposed map amendments for the changes to the Conservation and Open Space Element map to “Agriculture (Land Under Conservation Contract)” are consistent with the San Luis Obispo County General Plan because they are consistent with the policies of the Conservation and Open Space Element to designate and protect agricultural lands under Agricultural Preserves and land conservation contracts.
- C. The proposed map amendments are consistent with the county’s Rules of Procedure to Implement the California Land Conservation Act of 1965 because all lands on which agricultural preserves have been established based on agricultural or wildlife habitat uses are to be placed in the Agriculture or Open Space categories.
- D. The proposed map amendments are consistent with the California Land Conservation Act of 1965 because the state law requires land placed in agricultural preserves to be appropriately zoned or restricted for agricultural, open space and compatible uses.
- E. This general plan amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this general plan amendment may have a significant effect on the environment; therefore, the general plan amendment is not subject to CEQA.



NOTICE OF EXEMPTION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

Project Title and No.: County of San Luis Obispo Ag. Preserves General Plan Amendments, LRP2015-00011, ED15-282

Project Location(Specific address): See attached list (5 separate locations)	Project Applicant/Phone No./Email: See attached list/ /
Project Location(County): San Luis Obispo	Applicant Address (Street, City, State, Zip): See attached list

Description of Nature, Purpose and Beneficiaries of Project

A request by the County of San Luis Obispo to amend the Land Use Element land use categories from Rural Lands to Agriculture and Open Space and amend the Conservation and Open Space Element land use designations from Large Lot Rural to Agriculture (Land Under Conservation Contract) for properties recently put into agricultural preserves. The purpose of the request is to bring properties that do not currently have Agriculture or Open Space as a land use category within the Land Use Element, and properties that do not currently have Agriculture (Land Under Conservation Contract) as a land use designation within the Conservation and Open Space Element into conformance with the Rules of Procedure to Implement the Land Conservation Act of 1965 (Williamson Act) by changing the categories and designations to Agriculture or Open Space.

Name of Public Agency Approving Project: County of San Luis Obispo

Exempt Status: (Check One)

- Ministerial {Sec. 21080(b)(1); 15268}
 Declared Emergency {Sec. 21080(b)(3); 15269(a)}
 Emergency Project {Sec. 21080(b)(4); 15269(b)(c)}
 Categorical Exemption. {Sec. ____; Class: ____}
 Statutory Exemption {Sec. ____}
 General Rule Exemption. {Sec. 15061(b)(3)}

Reasons why project is exempt: The proposed amendments will change less (or equally restrictive) land use categories & open space designations to more (or equally restrictive) land use categories & open space designations and will therefore not result in potential increases in physical effects on the environment. The proposed amendments will simply bring recently approved agricultural preserves into compliance with the Williamson Act provision that requires agricultural preserves to be under restrictive (protective) zoning.

Stephanie Fuhs (sfuhs@co.slo.ca.us)

(805)781-5600

Lead Agency Contact Person

Telephone

If filed by applicant:

1. Attach certified document of exemption finding
 2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Signature Stephanie Fuhs Date May 18, 2016

Name (Print) Stephanie Fuhs Title Planner III

On _____ the project was Approved by:

- Board of Supervisors Subdivision Review Board Other
 Planning Commission Planning Dept Hearing

G:\Environmental\Initial Study\FORMS\CE-GRE\CE-GREform

Attachment 1 - GRE Form

1. Clarke - Jorian Clarke, 131 W. Seeboth St., Ste. A, Milwaukee, WI 53204
Jorian Clarke 131westseeboth@gmail.com (414) 305-7742
Site address: 9017 Goldie Lane, Santa Margarita, CA 93453

2. Attig - Bruce Attig, 704 No. Juanita, Redondo Beach, CA 90277
bruce.attig@MSSB.com (310) 963-8309
Site address: Cuyama Highway, Santa Maria, CA 93454

3. Keller - Larry Keller, 3813 Mesa Grande, Bakersfield, CA 93304
dogs4@pacbell.net (661) 747-4415
Site address: 1175 Upper Los Berros Road, Arroyo Grande, CA 93420

4. Attiyeh Foundation - 210 S. Canyon View Drive, Los Angeles, CA 90049
(310) 394-3799
Site address: No situs address, no structures

5. Procter - James Procter, 1167 Say Road, Santa Paula, CA 93060
jprocter@wps-law.net (805)278-0920
Site address: 2980 Atascadero Road, Morro Bay, CA 93442

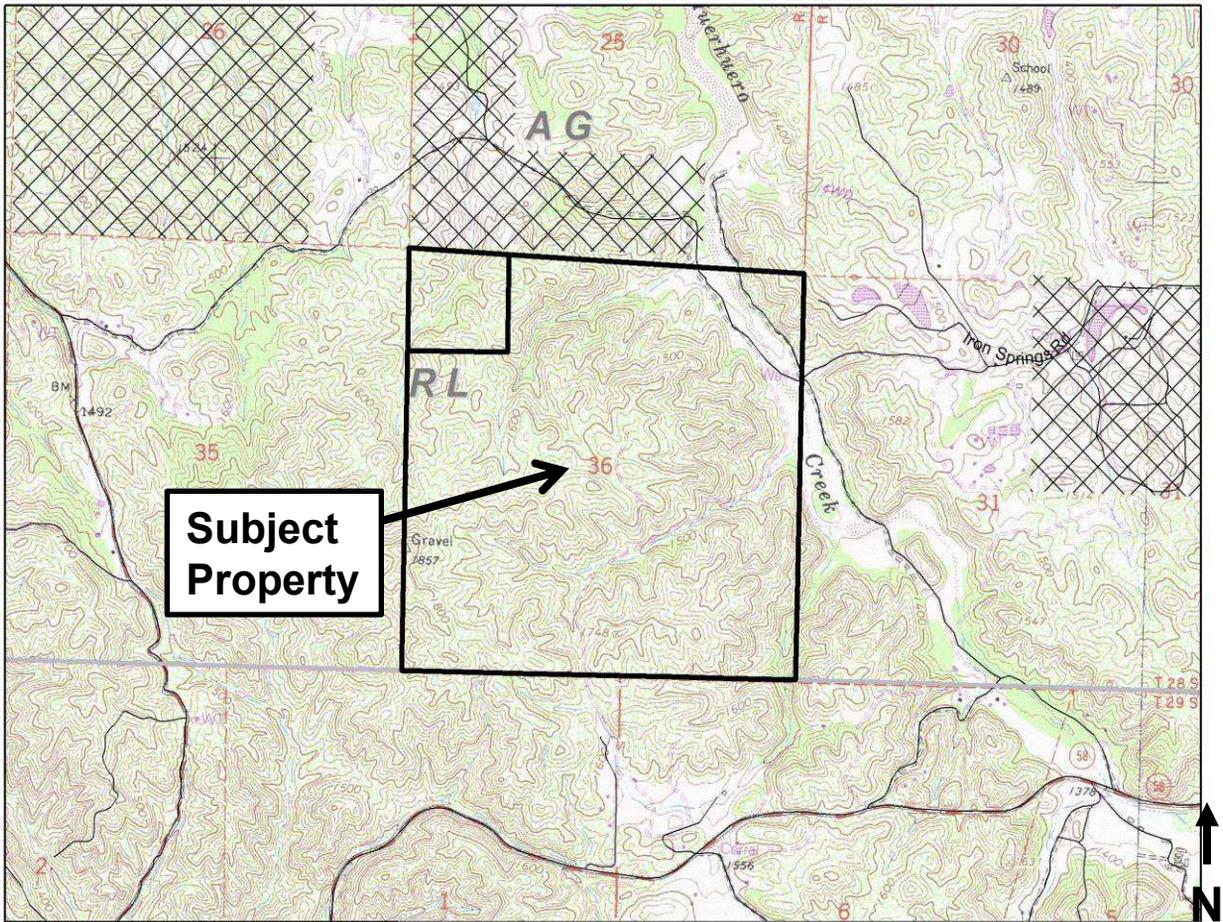


EXHIBIT A: LRP2015-00011:1 Clarke

-  Parcel subject to amendment
APN: 043-291-031
-  Land in Agricultural Preserve

Initiating precise land use designations:

A - Land Use Category Map from Rural Lands to Open Space

**B - Conservation and Open Space Element Map from
Large Lot Rural to Agriculture-(Land Under Conservation Contract)**

(Official Maps on file in the Department of Planning and Building)

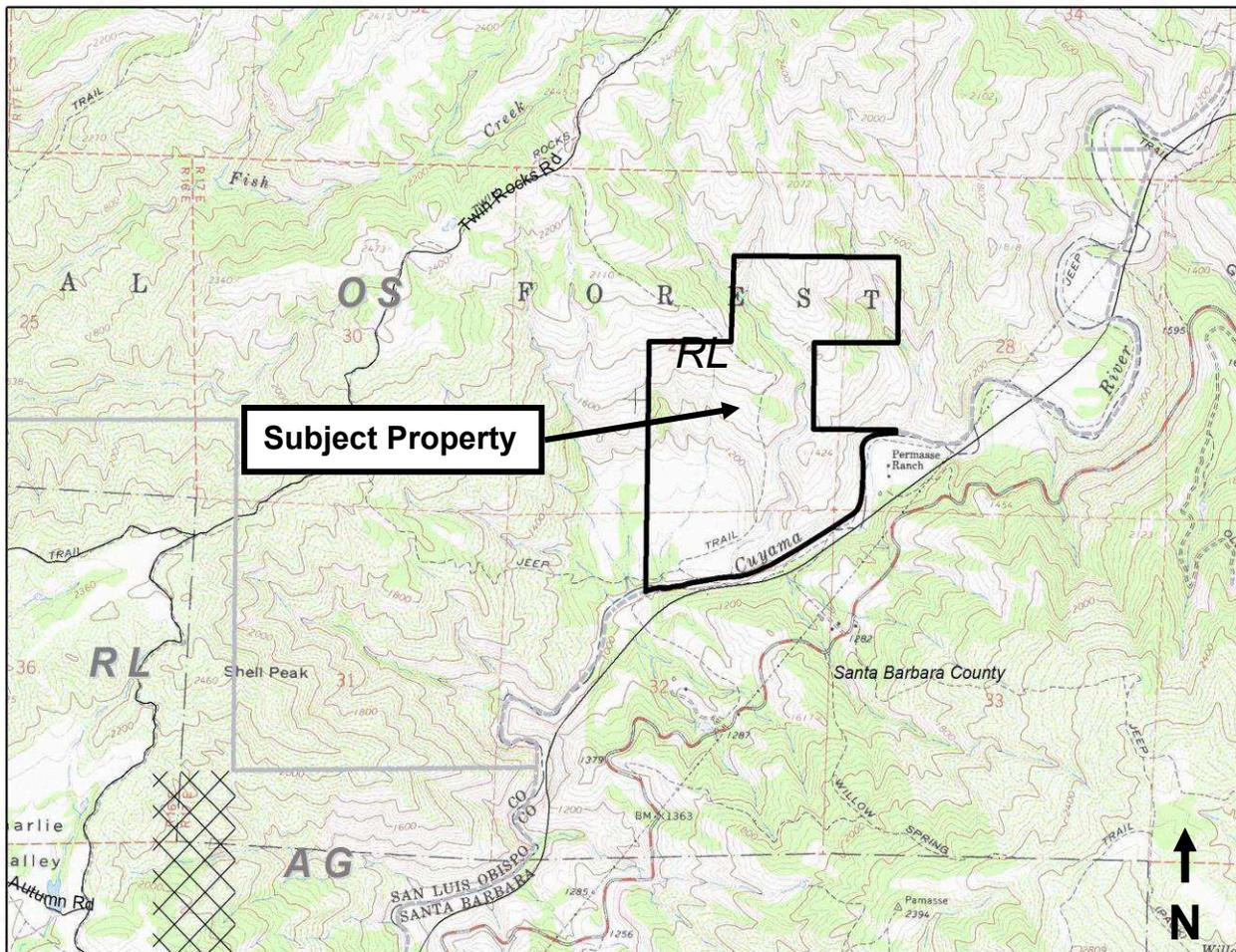


EXHIBIT A: LRP2015-00011:2 Attig

-  Parcel subject to amendment
APN: 085-461-030
-  Land in Agricultural Preserve

Initiating precise land use designations:

A - Land Use Category Map from Rural Lands to Agriculture

B - Conservation and Open Space Element Map from

Large Lot Rural to Agriculture- (Land Under Conservation Contract)

(Official Maps on file in the Department of Planning and Building)

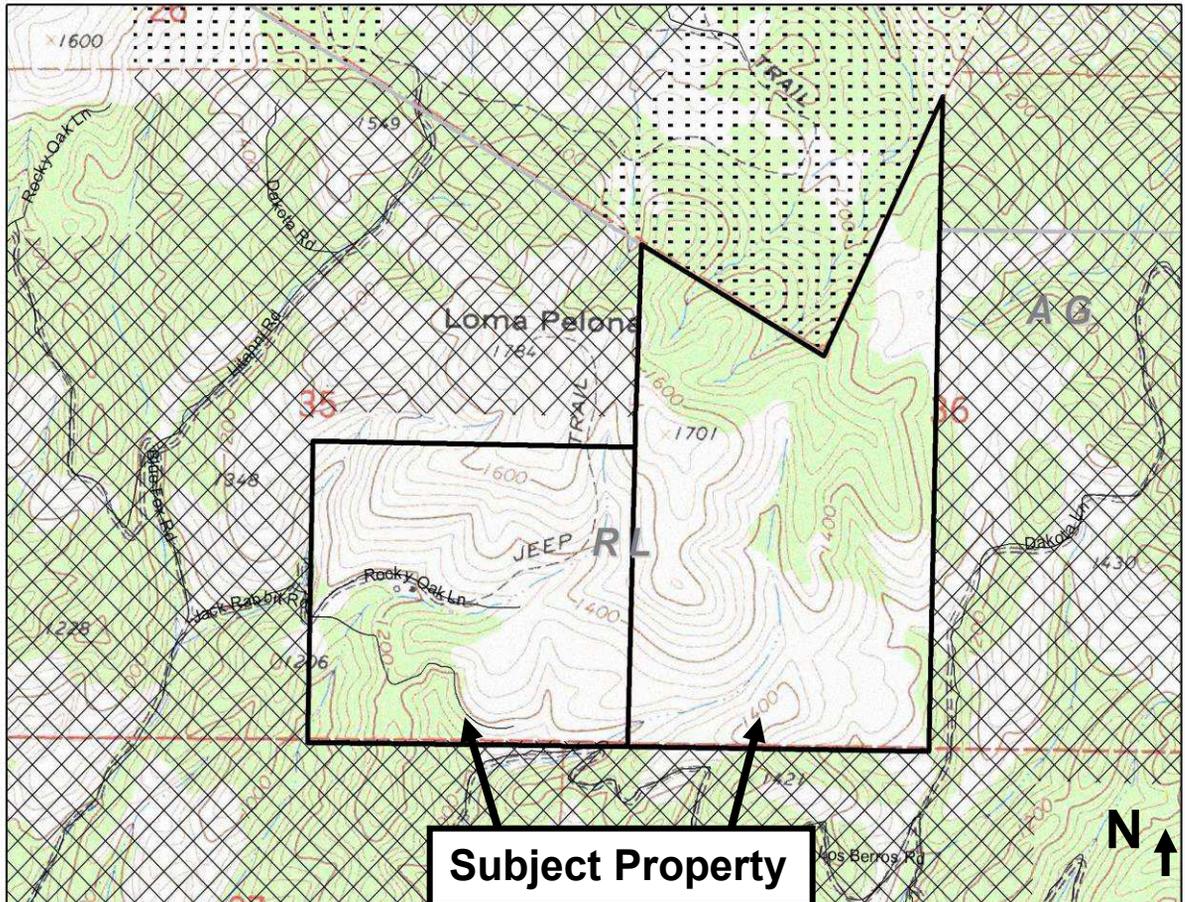


EXHIBIT A: LRP2015-00011:3 Keller



**Parcels subject to amendment
APNs: 048-141-002 & 048-121-009**



Land in Agricultural Preserve

Initiating precise land use designations:

A - Land Use Category Map from Rural Lands to Agriculture

B - Conservation and Open Space Element Map from

Large Lot Rural to Agriculture- (Land Under Conservation Contract)

(Official Maps on file in the Department of Planning and Building)

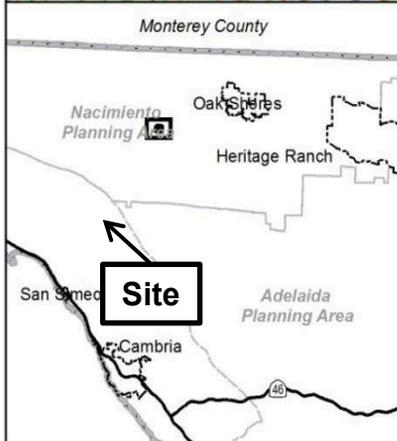
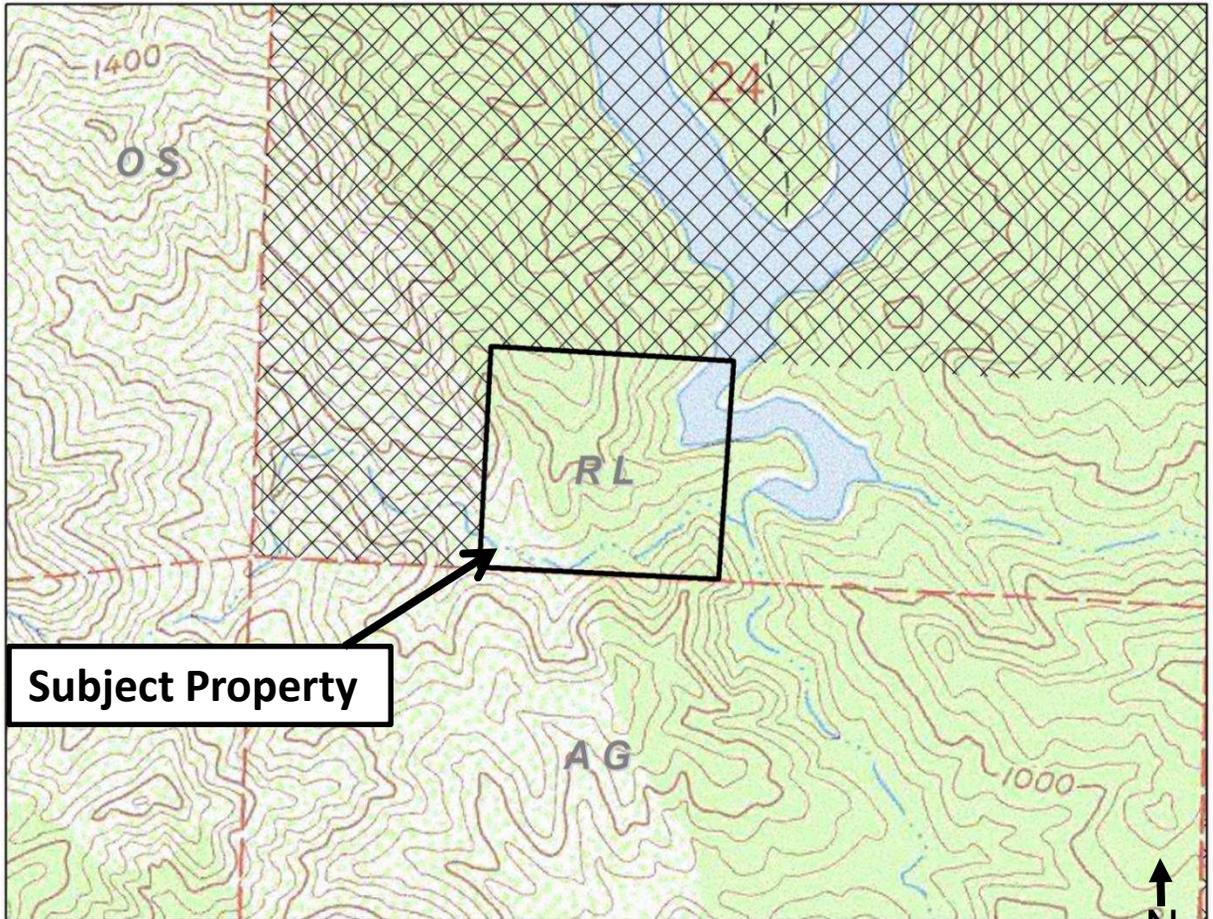


Exhibit A: LRP2015-00011:4 Attiyeh Foundation

-  Parcel subject to amendment
APN: 080-211-020 (portion)
Subject Property APN: 080-211-013
-  Existing Preserve & Contract

Initiating precise land use designations:

A - Land Use Category Map from Rural Lands to Agriculture

B - Conservation and Open Space Element Map from

Large Lot Rural to Agriculture- (Land Under Conservation Contract)

(Official Maps on file in the Department of Planning and Building)

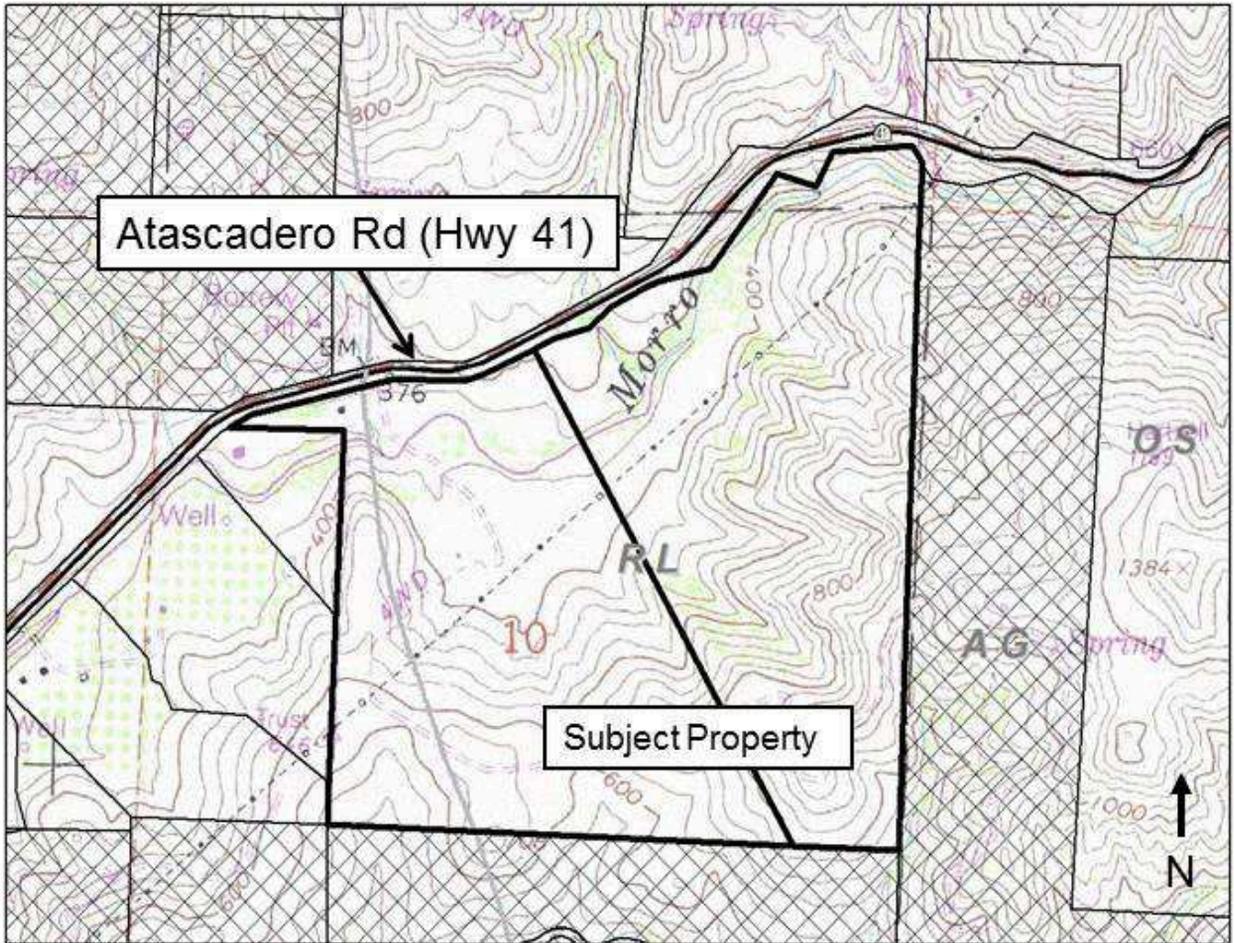


EXHIBIT A: LRP2015-00011:5 Procter



Land in Agricultural Preserve



Parcels subject to amendment APNs: 073-011-059 & 060

Initiating precise land use designations:

A - Land Use Category Map from Rural Lands to Agriculture

B - Conservation and Open Space Element Map from

Large Lot Rural to Agriculture- (Land Under Conservation Contract)

(Official Maps on file in the Department of Planning and Building)