



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE 11/6/2018		(3) CONTACT/PHONE Stephanie Fuhs, Planner / (805) 781-5721 Theresa Braden, Secretary / (805) 781-1392	
(4) SUBJECT Request to authorize service of a Notice of Partial Nonrenewal (AGP2017-00003) of a Land Conservation Contract for Erik Ustin pursuant to the California Land Conservation Act of 1965. Exempt from CEQA. District 5.					
(5) RECOMMENDED ACTION It is recommended that the Board of Supervisors authorize service of the Erik Ustin Notice of Partial Nonrenewal of a Land Conservation Contract and direct the County Clerk-Recorder to record said document.					
(6) FUNDING SOURCE(S) Planning Department Budget		(7) CURRENT YEAR FINANCIAL IMPACT \$0.00		(8) ANNUAL FINANCIAL IMPACT \$0.00	
(9) BUDGETED? Yes					
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)					
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A					
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)				(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP Attached		(15) BUSINESS IMPACT STATEMENT? No		(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW David E Grim					
(18) SUPERVISOR DISTRICT(S) District 5					



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner / (805) 781-5721
Theresa Braden, Secretary / (805) 781-1392

DATE: 11/6/2018

SUBJECT: Request to authorize service of a Notice of Partial Nonrenewal (AGP2017-00003) of a Land Conservation Contract for Erik Ustin pursuant to the California Land Conservation Act of 1965. Exempt from CEQA. District 5.

RECOMMENDATION

It is recommended that the Board of Supervisors authorize service of the Erik Ustin Notice of Partial Nonrenewal of a Land Conservation Contract and direct the County Clerk-Recorder to record said document.

DISCUSSION

Background

The state's Williamson Act agricultural preserve program is a voluntary program whose purpose is to incentivize the protection of (and continued use of) agricultural land for commercial agriculture by offering reduced property tax for participants. A landowner may serve the County with a notice of nonrenewal to stop the annual renewal of a land conservation contract and run the term out on their contract at any time. A landowner may also elect to file a partial notice of nonrenewal and request that a portion of their property be nonrenewed while the rest of the property remain under contract.

The Agricultural Preserve Review Committee reviews the request and makes a recommendation on continued eligibility of the remaining property to the Board of Supervisors. Because the Board approves all land conservation contracts initially, and is the other party to the contract, the partial nonrenewal request is then scheduled on consent for approval by the Board of Supervisors. Much like an amendment to a contract, the portion of the property to remain under contract must be found to be consistent with the terms of the original land conservation contract by the Board.

Landowner Request

The land owners are requesting to remove an 18-acre parcel from their established agricultural preserve contract for the purposes of future development. The remainder of their ranch will remain under contract. The parcel is located at 4044 Las Pilitas Road in the Las Pilitas sub-area of the North County Planning Area, approximately seven

miles east of the community of Santa Margarita. The 18 acres to be removed consists of Class VI soils listed as fair-to poorly suited as rangeland, thus the removal of this parcel through nonrenewal would not significantly reduce the rangeland capability of the property. The remaining 360 acres is considered consistent with the original contract provisions because it continues to be used for cattle grazing (maintains the original agricultural land use under which it qualified) and the conveyance to the Ustin family exceeded the minimum parcel size for conveyance of 320 acres.

The Notice of Partial Nonrenewal was discussed at the Agricultural Preserve Review Committee meeting of February 26, 2018. The Committee acknowledged the continued eligibility of the remaining land under the land conservation contract and recommended approval of the request to the Board of Supervisors.

OTHER AGENCY INVOLVEMENT/IMPACT

The Notice of Partial Nonrenewal has also been reviewed and approved as to form and legal effect by County Counsel and will need to be recorded by the County Clerk-Recorder. The Department of Planning and Building will send a copy of the recorded notice to the State Director of Conservation and notify the Assessor's Office of the nonrenewal through its annual report of contract activity.

FINANCIAL CONSIDERATIONS

County property tax revenues will increase for the portion of the property being nonrenewed beginning in late 2019 based on a graduated increase in the valuation from Williamson Act value to fair market value or Proposition 13 rate, if applicable, during the nonrenewal period.

RESULTS

The portion of the land owner's property subject to nonrenewal will continue in agricultural land use until the contract terminates in 2028, at which time the owner may submit an application to disestablish the underlying agricultural preserve and pursue other land use options.

ATTACHMENTS

The original Notice of Partial Nonrenewal of Land Conservation Contract has been "Clerk's Filed". A copy of the signed Notice is presented as Attachment 1 followed by the staff report for the Agricultural Preserve Review Committee which includes a graphic "Exhibit A" showing the portion of the property subject to partial nonrenewal and the other parcels to remain under land conservation contract.

1. Attachment 1 - Notice of Partial Nonrenewal of Land Conservation Contract
2. Attachment 2 - Agricultural Preserve Review Committee Staff Report