

SAN LUIS OBISPO AGRICULTURAL PRESERVE REVIEW COMMITTEE

MINUTES OF THE MEETING OF

May 19, 2008

Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held at the U.C. Cooperative Extension Auditorium, San Luis Obispo, California, at 1:30 p.m.

The meeting is called to order at 1:36 P.M. by Warren Hoag.

The following action minutes are listed as they were acted upon by the Chairman of the Agricultural Preserve Review Committee and as listed on the agenda for the Regular Meeting of May 19, 2008.

ROLL CALL:

AGRICULTURAL PRESERVE REVIEW COMMITTEE

Present:	Chuck Pritchard	Agricultural Liaison Committee
	Dick Nock	Cattlemen's Association
	Irv McMillian	Environmental Organization Member – Regular Member
	Jon Pedotti	Environmental Organization Member – Alternate Member
	Hugh Pitts	Farm Bureau
	Ed Carson	Land Conservancy of San Luis Obispo County
	Michael Garcia	County Assessor
	Justin Baldwin	Wine Industry – Regular Member
	Dana Merrill	Wine Industry – Alternate Member
	Warren Hoag	County Planning and Building Department
	Robert Sparling	Public-at-Large Member
	Thomas J. Rice	Soil Science
	Mary Bianchi	Farm Advisor
	Linda Auchinachie	Agriculture Department

Absent: Jennifer Anderson Farm Service Agency

COUNTY STAFF:

Terry Wahler	Senior Planner, County Planning & Building Department
Ramona Hedges	Secretary, County Planning & Building Department
Jim Orton	County Counsel
Paula Wooley	Admin. Assistant, County Planning & Building Department
John McKenzie	Environmental Specialist, Co. Planning & Building Department
Michael Isensee	Agriculture Department

It is determined there is a quorum for today's meeting

PUBLIC PRESENT:

Jamie Kirk
Andrew Blodgett
Tami Poe
Carol Florence

Ty Green
Morgan Miles
Warren Miller
Gina Miller
William Miller
Robert Hill

PUBLIC COMMENT

No one coming forward.

Ed Carson introduces Robert Hill, the Land Conservancy's alternate member. Irv McMillian introduces John Pedotti, the Environmental Organization's alternate member.

AGENDA ITEM #3

Warren Hoag introduces new APRC members and alternates.

AGENDA ITEM #4 – APPROVAL OF THE MINUTES OF THE APRC MEETINGS OF OCTOBER 30, 2007 & SEPTEMBER 17, 2007.

Thereafter, on motion by Tom Rice, and seconded by Ed Carson, the Minutes of the September 17, 2007 meeting are approved on a 11-0 vote.

AGENDA ITEM #5 AGP2007-00017 – Proposal by Andrew Blodgett to establish an agricultural preserve to allow the applicant to enter into a land conservation contract. The project site consists of an approximately 115 acre open-space & agricultural parcel from an agricultural cluster subdivision. The property is located within the Agriculture land use category, at 4737 Jespersen Road, on the southwest portion of the intersection of Buckley Road and Jespersen Road, south of and adjacent to the City of San Luis Obispo Urban Reserve Line. The site is in the San Luis Obispo planning area. Assessor parcel no: 076-061-074. Supervisorial District #3.

Terry Wahler, staff: presents staff report. Provides background history of parcels. Linda Auchinachie discusses minimum parcel size establishment due to lack of row crops and feels the minimum parcel size should be 40 acres, asks if the APRC will consider a 40 acre minimum on this site.

Warren Hoag: discusses establishment of vineyards which would qualify for the 40 acre minimum.

Carol Florence, agent representing Andrew Blodgett: discusses Mr. Blodgett's challenges in reference to qualifying for applications to establish an agricultural cluster. Thanks staff for the suggestion of a 40 acre minimum. Discusses repair of water lines in reference to irrigation and row crops. Asks that the minimum parcel size in the contract be 20 acres vs. 40 acres.

Andrew Blodgett, applicant: provides history of site and repairs made to irrigation system.

Justin Baldwin: asks about the lack of row crops with Ms. Auchinachie clarifying effect of project qualification for 20 acre minimum.

Irv McMillian: asks about the Class II irrigated soil in reference to irrigation which qualifies for the 20 acre minimum with Mr. Wahler clarifying qualification standards. Ms. Auchinachie clarifies subdivision

standards which Mr. McMillan is referring to which he states is not in line with Williamson Act standards.

Warren Hoag: discusses history of row crops qualifying for 20 acre minimum with Ms. Florence agreeing the agricultural cluster subdivision being the driving force for the minimum parcel size. Mr. Hoag states qualification without row crops should be a policy decision

Following the discussion, Ed Carson moved to approve this request to establish an agricultural preserve to allow the applicant to enter into a land conservation contract. Preserve Designation: Edna Valley Agricultural Preserve No. 40. Minimum Parcel Size: 20 acres. Minimum Term of Contract: 10 years. This motion was seconded by Michael Garcia on a 10-1-1 vote with the Agriculture Department voting “No”, the Farm Advisor abstaining, and the Farm Service agency absent.

Robert Sparling: further discusses irrigation with Mr. Blodgett and Mr. Baldwin asking when the row crops will be planted with Mr. Blodgett responding.

Mary Bianchi: asks why this is a precedent change with Mr. Carson replying the 20 acre minimum is consistent with the rules of procedure.

Ms. Auchinachie provides reasoning for her “No” vote as being due to the length of time row crops have not been planted..

AGENDA ITEM #6 Proposal by Johansing Farms LLC to amend an existing agricultural preserve and land conservation contract to decrease the minimum parcel size from 640 acres to 320 acres. The site consists of approximately 5,313 acres within the Agricultural land use category and is located at 6242 Estrella Road and generally north by north east from Estrella Road to the County line, approximately 8.5 miles east of San Miguel. The site is located in the El Pomar-Estrella planning area. Assessor parcel No: 015-021-037. Supervisorial District #1.

Terry Wahler, staff: presents staff report and provides history and reasoning for request.

Warren Hoag: further adds information in reference to the first preserve created in Shandon with a 640 acre minimum parcel size established. States later when the rules were adopted the largest minimum parcel size was 320 acres. Notes that this property entered into contract when preserve map specified a 640 minimum parcel size. States 320 is largest minimum parcel size now and this map could be looked at as a re-qualification.

Tami Poe, agent: hands out reference maps to the members which reference soils data and land use designations.

Tom Rice: asks about the map provided in reference to individual parcels within the contracted land with Ms. Poe clarifying. Mr. Rice asks about the one contract with multiple Assessor Parcel Numbers (APN's), with Ms. Poe explaining that each parcel holds a Certificate of Compliance.

Terry Wahler, staff: discusses the exhibit which staff prepared in reference to the outside line of the property and explains the exhibit will be revised when this proposal goes to the Board of Supervisors.

Dick Nock: asks Ms. Poe for reasoning for request with Ms. Poe explaining. Asks if the applicant is amenable to a 20 year contract, with Ms. Poe stating she would have to check with her client.

Irv McMillan: states his approval of this proposal. Discusses amount of acreage in reference to soils classifications and precedent setting of this request. States his concerns with dry land farm and range land minimum parcel sizes in reference to sale of lots.

Tami Poe: states a soils analysis was performed.

Justin Baldwin: asks why, when lots change, there is not an automatic change with Mr. Hoag explaining.

James Orton, County Counsel: discusses being bound by the 640 acre minimum.

Robert Sparling: would like to know where the water resources are on this site with Mr. Nock responding and Ms. Poe further clarifying there are 7 wells, springs, and concludes there is good dry farming production.

Dana Merrill: discusses concern with the 20 year minimum contract term with Mr. Nock explaining reduction in acreage is a major change.

Warren Hoag: explains the effects of having a minimum of a 20 year contract especially in reference to property valuation.

Chuck Pritchard: discusses Conservation Reserve Program (CRP) reasoning would vote against this due to term of contract.

Dick Nock and Ed Carson: discuss present rules of procedures in reference to the 640 and 320 acre minimums.

Mary Bianchi: would like point of clarification on original term of contract with Mr. Hoag clarifying contract terms.

Following the discussion, Dick Nock moved to amend the existing agricultural preserve and land conservation contract to decrease the minimum parcel size from 640 acres to 320 acres but with a 20 year term of contract. This motion was seconded by Lynda Auchinachie, and failed on a 5-7 vote, with the Farm Service Agency being absent, and with Chuck Pritchard, Ed Carson, Robert Sparling, Tom Rice, Michael Garcia and Justin Baldwin voting “No”.

Following the discussion, Ed Carson moved to amend the existing agricultural preserve and land conservation contract to decrease the minimum parcel size from 640 acres to 320 acres with the remaining 10 year contract. This motion was seconded by Justin Baldwin, and approved on a 7-5 vote with the Farm Service Agency being absent, and Irv McMillan, Mary Bianchi, and Lynda Auchinachie voting “No”.

AGENDA ITEM #7 DISCUSSION & RECOMMENDATION ITEM – Excelaron-Mankins conditional use permit for oil well & staging area (DRC2005-00022) - Williamson Act consistency review.

John McKenzie, staff: provides a Power Point presentation regarding land use application. Provides reasoning for the request, and discusses history of site.

Terry Wahler, staff: presents staff report, proposal description, and Williamson Act consistency review. Clarifies the three principals of consistency which are used to determine consistency requirements.

Carol Florence, states she feels this application is not setting a new precedent.

Ed Carson; would like clarification if any portion of well drilling is on contracted land with Mr. Wahler clarifying and explaining.

Dick Nock: asks if proceeds from oil go towards ag. land with Mr. Carson explaining. States income from oil should be income on the ag. property.

Chuck Pritchard: discusses extraction of minerals, and surface rights in reference to a split estate.

Warren Hoag: speaks to what the APRC is recommending today on this proposal.

Tom Rice: asks about compatibility with ag. use in reference to extraction of oil with Mr. Wahler referencing a provision of principal two.

Warren Hoag: further explains principal two in reference to displacement and ag. production.

Mary Bianchi: asks about the conditional use permit in reference to additional disturbance should there be a compromise of the original hole.

Justin Baldwin: asks about limitations and boundaries with Mr. McKenzie clarifying.

Irv McMillan: asks about the road in and out of project, and if it is going through ag. land with Mr. Matlick explaining and discussing extraction of water from oil. Feels this is not incidental to the range land operation.

Jon Pedotti: asks about criteria for road in reference to trucking with Mr. McKenzie responding.

Following the discussion, Ed Carson moved to recommend to the Planning Commission that this proposal is consistent with the Williamson Act Principles of Compatibility. The motion was seconded by Dick Nock and approved on a 10-0 vote, with the Farm Service Agency being absent, and with Irv McMillan and Mary Bianchi abstaining.

AGENDA ITEM #8 DISCUSSION & RECOMMENDATION ITEM – Ramos-Miller Equestrian Facility Williamson Act consistency review (DRC2007-00099)

Terry Wahler, staff: presents staff report.

Jamie Kirk, agent: makes a Power Point presentation. States the applicant's position is that this proposal is an agricultural use and presents reasoning for such. States staff report did not evaluate proposal as an ag. use. Cites Ca. Gov. Code section 51201d. definitions. Cites Ag. Use LUO Table 2-2, Rules of Procedure, and Qualification table for Farm Support, and SLO County Code Definition for Ag. Use, and Title 9 definition of live stock. Feels staff's analysis is incorrect and provides an example of using the compatible use test. Provides reasoning for facility providing an agricultural commodity.

Ty Green provides basis of why this is an agricultural use.

Lynda Auchinachie: would like the process of the breeding facility explained with Ms. Miller explaining.

Tom Rice: asks Ms. Miller about the reassessments of land after the improvements are made in reference to tax advantages of Williamson Act, with Mr. Green responding.

Lynda Auchinachie: asks for clarification of qualifying requirements once the facility is developed with Mr. Wahler explaining the test for compatible uses. Discusses recreational uses and requirements of land.

Ed Carson: discusses qualifications based on land, not horse facilities.

Lynda Auchinachie: feels there should be parking associated with this with Ms. Miller stating there is parking provided.

Chuck Pritchard: discusses other horse facilities in area in reference to this proposal setting a precedent should it be approved.

Warren Hoag: Notes animal specialties were a qualifying use until 1991 and provides reasoning for the change and why this is being considered by the county as incompatible.

Following the discussion, Ed Carson moved to deny this application finding the size and scale is inconsistent with the Williamson Act as there is not a sufficient amount of remaining land for commercial production. The motion was seconded by Irv McMillian, and failed on a 5-7 vote, with the Farm Service Agency being absent , and with Chuck Pritchard, Mary Bianchi, Dick Nock, Hugh Pitts, Robert Sparling, Tom Rice, Michael Garcia, and Justin Baldwin voting “No”.

Tom Rice then moved to recommend to the Planning Commission that this project is consistent with the Rules of Procedure and the principles of compatibility of the Williamson Act. The motion was seconded by Dick Nock, and failed on a 6-6 vote, with the Farm Service Agency being absent, and with Chuck Pritchard, Irv McMillian, Mary Bianchi, Ed Carson, Lynda Auchinachie, and Warren Hoag voting “No”.

Lynda Auchinachie: asks what the size & scale of facility is based on. States this does not qualify to be under the Williamson Act due to requirements of program.

Justin Baldwin: asks for clarity on specifics of acreage with Mr. Wahler responding. Would like further clarification.

Mary Bianchi: cites letter from the Department of Conservation in reference to consistency.

Terry Wahler: explains the rules of procedure do not allow for a horse facility to qualify under the Williamson Act.

Mary Bianchi: asks if this is not consistent with the act, could the applicant be in violation.

Tom Rice: asks for clarification on qualifications for horse facilities.

Dana Merrill: discusses horses being raised as an agricultural product in reference to future applications for contracts involving animal facilities.

Ed Carson withdraws his motion for denial and discusses a continuance of this item for further analysis of compatibility.

Dick Nock: provides history of property. States horses are compatible with agriculture.

Following the discussion Chuck Pritchard moves to continue this application to the next APRC meeting, June 23, 2008, for further analysis and clarification on amount of acreage that is currently irrigated pasture land and review of government codes. The motion is seconded by

Mary Bianchi and passed on a 11-1 vote, with the Farm Service Agency being absent, and with Dick Nock voting “No”.

Terry Wahler: states we need further analysis and would like county counsel to review code sections. Further states he would like to make a site visit and come back with his findings at the next APRC meeting.

Jamie Kirk: discusses her concern for the continuance and prompts this is a time sensitive issue with financial implications.

AGENDA ITEM #9 STATUS OF THE RECENTLY ADOPTED AMENDMENTS TO THE RULES OF PROCEDURE.

Terry Wahler: provides overview.

AGENDA ITEM #10 REVIEW COMMITTEE COMMENT AND DISCUSSION PERIOD

No comments given.

AGENDA ITEM #11 Next scheduled meeting date

Discussion ensues on challenges for meeting room locations. It is decided the next meeting of the APRC will be on, June 23, 2008, at the Farm Bureau’s meeting room.

There being no further business to discuss the meeting adjourned at 4:45 P. M.

Respectfully submitted,
Ramona Hedges, Secretary
County Planning and Building