

TO: JIM APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PETITION FOR FINAL PARTIAL CANCELLATION OF CALIFORNIA LAND CONSERVATION ACT CONTRACT (WILLIAMSON ACT), KIESSIG FAMILY TRUST

DATE: DECEMBER 17, 2002

Needs: For the City Council to consider a request by Steve Gregory, acting on behalf of the Kiessig Family Trust, for final partial cancellation of two agricultural contracts (Williamson Act).

- Facts:
1. The Kiessig Family Trust holds title to a 117-acre site, located east of North River Road, west of Buena Vista Road and south of the City's northern boundary (see location map attached).
 2. The 117-acre site is currently under two land conservation contracts, (also known as Williamson Act or agricultural contracts) which were entered into in early 1976.
 3. The General Plan land use designation for the 117 acres is Agriculture and the Zoning designation is Agriculture.
 4. On August 20, 2002, the City Council granted tentative cancellation status for two portions of the contract areas totaling 7.44 acres (Attachment 1) subject to specific conditions and contingencies.
 5. By letter dated November 19, 2002, the applicant has informed the City that the conditions and contingencies have been met (Attachment 2).
 6. The City Council has 30 days after receipt of the above letter to determine that the conditions and contingencies have been satisfied, execute Certificates of Final Cancellation and have the Certificates recorded.
 7. Public noticing for the granting of a final cancellation is not required.

Analysis and
Conclusion:

This request for final partial cancellation of two Williamson Act contracts completes the last few steps of the agricultural contract cancellation requirements. The City Council granted tentative cancellation in August of this year. At that time, the tentative cancellation request was subject to noticed public hearings, recordation of tentative cancellation certificates and conditions and contingencies which needed to be satisfied prior to the City Council's granting of final cancellation.

The applicant has provided written notification to the City Council that the conditions and contingencies have been completed. This notification starts a 30-day review period for verification and determination that the conditions and contingencies have been satisfied per City requirements. Once the City Council determines the conditions and contingencies have been satisfied, a certificate for final partial cancellation may be issued.

Following is a summary of the conditions and the contingencies of the tentative cancellation and the criteria used to determine that the item has been satisfied:

1. The Applicant shall pay cancellation fees in the total amount of \$8,750 to the County Treasurer: Receipt received from the County Treasurer (Attachment 3)
2. The Applicant shall obtain all required permits to commence development of the Master Planned Development: Planning Commission's approval of Planned Development 01-019 by Resolution 02-070 and Conditional Use Permit by Resolution 02-071, dated October 22, 2002.
3. The Applicant shall notify the City Council in writing when conditions and contingencies are completed: Letter from the applicant, dated November 19, 2002 (Attachment 2).

The review, approval, and recording of the attached Certificates of Final Partial Cancellation are the last steps in the cancellation process. Once the certificates are recorded, the applicant may process building permits.

Policy

Reference: Municipal Code, General Plan, Department of Conservation's Land Evaluation and Site Assessment Model, Department of Conservation's Guidelines for Cancellation Request

Fiscal

Impact: There are no fiscal impacts to the City, as a result of the partial cancellation.

Options: After consideration of the above information, the City Council should consider the following options:

- A.
 1. Make a determination that the conditions and contingencies of the Tentative Partial Cancellation have been satisfied.
 2. Adopt Resolution No. 02-XX Granting Final Partial Cancellation of Land Conservation Contracts for 4.97 Acres in the Estrella Agricultural Preserve No. 10 and 2.47 Acres in the Estrella Agricultural Preserve No. 9.
- B. Amend, modify, or reject the above options.

Attachments:

1. Location Map
2. Attachment 1 – Areas of Final Partial Cancellation of Land Conservation Contract
3. Attachment 2 – Letter from Applicant, dated November 19, 2002
4. Attachment 3 – County Treasurer's Receipt
5. Resolution Granting Final Partial Cancellation Status
6. Notice of Final Partial Cancellation for 4.97 Acres in Estrella Agricultural Preserve No. 10
7. Notice of Final Partial Cancellation for 2.47 Acres in Estrella Agricultural Preserve No. 9

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446

ATTN.: COMMUNITY DEVELOPMENT
DEPARTMENT

FOR RECORDERS USE ONLY

**CERTIFICATE OF FINAL PARTIAL CANCELLATION
OF A LAND CONSERVATION CONTRACT
ESTRELLA AGRICULTURAL PRESERVE NO. 9**

The City of El Paso de Robles does hereby notify all interested parties that approval of Final Cancellation has been granted for 2.47 acres within Estrella Agriculture Preserve No. 9. This property is located east of the Salinas River, west of Buena Vista Drive and north of Highway 46, south of and adjacent to the City's northern boundary.

A legal description of the property granted final cancellation status is attached hereto as Exhibit A.

This request was made by: Steve Gregory, on behalf of the Kiessig Family Trust.

It has been determined by the City Council, through the Community Development Department, that the conditions and contingencies as required by Resolution 02-172 and the Notice of Tentative Partial Cancellation recorded as Document No. 2002083451, 10/07/2002 in the Office of the County Recorder of San Luis Obispo County, State of California have been satisfied, as follows:

1. Payment to the County Treasurer, in the amount of \$2,875 completed on November 18, 2002, as evidenced by receipt number 03-004815.
2. Permit entitlements granted by the Planning Commission on October 22, 2002 through Resolutions 02-070 and 02-071.
3. Written notification from the applicant to the City Council dated November 20, 2002 stating that all conditions and contingencies as specified in Resolution 02-172 and the Notice of Tentative Partial Cancellation have been met.

Further information regarding this final partial cancellation can be obtained from:

The City of El Paso de Robles
Community Development Department
Planning Division
1000 Spring Street
Paso Robles, California 93446

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446

ATTN.: COMMUNITY DEVELOPMENT
DEPARTMENT

FOR RECORDERS USE ONLY

**CERTIFICATE OF FINAL PARTIAL CANCELLATION
OF A LAND CONSERVATION CONTRACT
ESTRELLA AGRICULTURE PRESERVE NO. 10**

The City of El Paso de Robles does hereby notify all interested parties that approval of Final Cancellation has been granted for 4.97 acres within Estrella Agriculture Preserve No. 10. This property is located east of the Salinas River, west of Buena Vista Drive and north of Highway 46, south of and adjacent to the City's northern boundary.

A legal description of the property granted final cancellation status is attached hereto as Exhibit A.

This request was made by: Steve Gregory, on behalf of the Kiessig Family Trust.

It has been determined by the City Council, through the Community Development Department, that the conditions and contingencies as required by Resolution 02-172 and the Notice of Tentative Partial Cancellation recorded as Document No. 2002083450, 10/07/2002 in the Office of the County Recorder of San Luis Obispo County, State of California, have been satisfied, as follows:

1. Payment to the County Treasurer, in the amount of \$5,875 completed on November 18, 2002 as evidenced by receipt number 03-004815.
2. Permit entitlements granted by the Planning Commission on October 22, 2002 through Resolutions 02-070 and 02-071.
3. Written notification from the applicant to the City Council dated November 20, 2002 stating that all conditions and contingencies as specified in Resolution 02-172 and the Tentative Notice of Cancellation have been met.

Further information regarding this final partial cancellation can be obtained from:

The City of El Paso de Robles
Community Development Department
Planning Division
1000 Spring Street, Paso Robles, California 93446

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
GRANTING FINAL PARTIAL CANCELLATION OF LAND CONSERVATION CONTRACTS FOR
4.97 ACRES IN THE ESTRELLA AGRICULTURAL PRESERVE NO. 10 AND 2.47 ACRES IN THE
ESTRELLA AGRICULTURAL PRESERVE NO. 9, CITY OF PASO ROBLES

WHEREAS, the Kiessig Family Trust owns certain property within the City that is subject to Williamson Act Contracts for Estrella Agricultural Preserve No. 9 and Estrella Agricultural Preserve No. 10 (the "Williamson Act Contracts"); and

WHEREAS, the prior owners of the property filed a Notice of Nonrenewal of both Williamson Act Contracts, which specifies that both contracts shall expire on December 31, 2008; and

WHEREAS, the Kiessig Family Trust has petitioned the City for a Partial Cancellation of the Williamson Act Contracts with respect to a total of 7.44 acres out of the 117 acres covered by the Williamson Act Contracts and such petition includes a proposal for a specified alternative use of the land; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 13, 2002 and by the City Council on August 20, 2002 to consider facts as presented in the staff report prepared for the request, and to accept public testimony regarding the request; and

WHEREAS, the City Council granted the request for tentative partial cancellation subject to conditions and contingencies; and

WHEREAS, the City Council has determined that the conditions and contingencies have been satisfied as evidenced by Receipt No. 03-004815 from the County Treasurer's Office, the action taken by the Planning Commission on October 22, 2002 through Resolutions 02-070 and 02-071 and the letter, dated November 19, 2002, from the applicant; and

WHEREAS, based upon the facts and analysis presented in the staff report, the City Council hereby makes the following findings:

1. The proposed Partial Cancellation of the Williamson Act Contracts is consistent with the purpose, intent and regulations set forth in the Williamson Act as follows:
 - a. The requested partial cancellations are for a portion of land on which a Notice of Nonrenewal has been served. Legal descriptions of the land for which the partial cancellations are requested are attached hereto as Exhibit C and incorporated herein by reference.
 - b. The partial cancellation is not likely to result in the removal of adjacent lands from agricultural use as the request is limited to 7.44 acres out of a total of 117 acres that are covered by the Williamson Act Contracts. The remaining 110 acres shall continue to be subject to the Williamson Act Contracts until the expiration of such Williamson Act Contracts in December 2008.

- c. The area covered by the proposed partial cancellation of the Williamson Act Contracts is currently designated by the City's General Plan and Zoning Ordinance as AG (Agriculture) and proposed uses must be consistent with the allowable uses under these policy documents.
 - d. The proposed alternative use is consistent with the applicable provisions of the City's General Plan and will allow for maximization of one of the City's natural resources, namely the mineral hot springs located in the area.
 - e. Design of the proposed alternative use results is the least disruption to existing agriculture operations.
 - f. The cancellation will not result in a discontinuous pattern of urban development, but will provide an edge to the urban development located south of the project area.
 - g. There is no proximate, noncontracted land, which is both available and suitable for the proposed use as the property directly south of the proposed cancellation areas is currently being dry farmed and use of this area would disrupt existing, viable agriculture operations.
 - h. Consistent with the Williamson Act, this proposed project is dependent on the naturally occurring hot springs, which is a rare and unique attribute to this particular property.
2. The final cancellation request is consistent with the City's General Plan and Zoning Ordinance and implements goals and policies relating to the economic development of the City of Paso Robles.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles:

SECTION 1. The City Council hereby approves the request for final partial cancellation of the Land Conservation Contract, based on the above findings.

SECTION 2. The City Clerk is hereby authorized to record with the Office of the San Luis Obispo County Recorder a certificate of final partial cancellation of the Williamson Act Contracts. The certificate of final partial cancellation shall be in a form approved by the City Manager.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of December 2002 by the following vote:

AYES:
NOES:
ABSTAIN
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk