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Division of Land Resource Protection
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Edmund G. Brown Jr., Governor
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VIA EMAIL: LISA.FITZPATRICK@SDCOUNTY.CA.GOV

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Dear Planning Commission:

**HOSKING'S RANCH TENTATIVE MAP (PDS2003-3100-5312), SUBDIVISION OF
LAND UNDER CALIFORNIA LAND CONSERVATION ACT CONTRACT**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the proposed Hosking's Ranch Tentative Map/Subdivision. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Department offers the following comments and recommendations with respect to the proposed project's impacts on Williamson Act land and agricultural land and resources.

Project Description

The project proposes a tentative map to subdivide approximately 1,416 acres of land currently restricted by a Williamson Act Contract. The project would create 24 lots with a minimum lot size of 40 acres. The site is located in the unincorporated area of east-central San Diego County, approximately one mile southwest of the unincorporated town of Julian. Currently the project site is used for livestock grazing and breeding and is surrounded by residential and agricultural land uses.

Department Comments

Both the Williamson Act and the Subdivision Map Act speak to the subdivision of contracted land which would result in residential development that is not incidental to the commercial agricultural use of the land¹. The overarching purpose of the Williamson Act is to curb "the rapid and virtually irreversible loss of agricultural land to residential and other developed uses." (Sierra Club v. City of Hayward 1981 28 Cal. 3d 840,850). The Williamson Act was intended to protect farmland from conversion into scattered, low density, single family subdivisions. (Honey Springs Homeowners Assn. v. Board of Supervisors (1984) 157 Cal. App. 3d 1122, at 1139).

The Legislature, through the enactment of Senate Bill 985², concurred with several Attorney Generals' Office opinions and made declaratory of existing law the following: "The enacting Section 14 of this Act...clarifying that a landowner's right to subdivide is subject to the Williamson

¹ California Government Code § 51200-51297.5 & 66474.4.

² Chapter 1018, Statutes of 1999, Section 15

Act...therefore, the subdivision of enrolled lands for residential purposes is prohibited by both the Williamson Act and by Section 66474.4 of the Government Code...”.

The proposed subdivision of contracted land has no relevance to the existing commercial agricultural use of the land; therefore, the imminent residential development which will follow this subdivision cannot be considered incidental. For these reasons, the Department finds the proposed subdivision inconsistent with the Williamson Act and the Subdivision Map Act. The Department’s opinion was provided to the County during the NOP phase of the project’s development in November 2003.

Conclusion

If the applicant wishes to move forward with the subdivision and residential development of the project site, the Department suggests that the current contract be placed in nonrenewal. At the end of the current 10 year contract, the project could then be revisited without violating of the Williamson and Subdivision Map Act.

Thank you for the opportunity to comment on the proposed Hosking’s Ranch Tentative Map. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: San Diego County Farm Bureau