

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. _____
3 BOARD OF SUPERVISORS APPROVING A LOT LINE)
4 ADJUSTMENT BETWEEN THREE CONTIGUOUS)
5 AGRICULTURAL PRESERVES UNDER CONTRACT)
6 NUMBERS 80-017, 80-018 AND 80-021)

7 **WHEREAS**, Counties are authorized to establish agricultural preserves and to establish local
8 procedures for creating, altering and terminating agricultural preserves, under the California Land
9 Conservation Act (Cal. Government Code section 51200 et seq.); and

10 **WHEREAS**, the Board of Supervisors of the County of San Benito adopted an ordinance
11 implementing the California Land Conservation Act in the County of San Benito, now codified in the
12 San Benito County Code, title 19, chapter 19.01, article II, commencing with section 19.01.020; and

13 **WHEREAS**, California Government Code section 51257 and County Code section 19.01.021(B)(3)
14 set forth the procedural requirements for the Board of Supervisors' consideration of requests for lot
15 line adjustments involving existing agricultural preserves; and

16 **WHEREAS**, County Code section 19.01.021(B)(3)(a) requires that lot line adjustments between
17 preserved land must be between contiguous preserves and the proposed preserves, following
18 adjustment, must still meet the minimum acreage and income production generation requirements
19 specified in section 19.01.021(D)(1)(a) and (b); and

20 **WHEREAS**, the owner of three (3) Assessor's Parcels, comprising approximately 1116 acres of
21 land under agricultural preserve Contract Number 80-017, the owner of 17 Assessor's Parcels,
22 comprising approximately 3,530 acres of land under agricultural preserve Contract Number 80-018,
23 and the owner of one (1) Assessor's Parcel, comprising approximately 120 acres of land under
24 agricultural preserve Contract Number 80-021, requested a lot line adjustment between contiguous
25 agricultural preserves; and

26 **WHEREAS**, approximately 20 acres of land would be removed from agricultural preserve Contract
27 Number 80-017 and transferred to agricultural preserve Contract Number 80-021; and

28 **WHEREAS**, approximately 46 acres of land would be removed from agricultural preserve Contract
29 Number 80-018 and transferred to agricultural preserve Contract Number 80-021; and

30 **WHEREAS**, the net result of these transfers is that the total acreage in agricultural preserve
31 Contract Number 80-017 would be reduced from 1116 acres to 1096 acres, the total acreage in
32 agricultural preserve Contract Number 80-018 would be reduced from 3530 acres to 3484 acres, and
33 the total acreage in agricultural preserve Contract Number 80-021 would be increased from 120
34 acres to 186 acres; and

35 **WHEREAS**, the Agricultural Preserve Advisory Committee considered the request for a lot line
36 adjustment, found that the request meets the criteria of San Benito County Code section
37 19.01.021(B)(3) and (D)(1) and California Government Code section 51257, and recommends that
38 the Board of Supervisors approve the request for a lot line adjustment; and

1 **WHEREAS**, the Board of Supervisors held a duly noticed public hearing to consider the request for
2 a lot line adjustment; and

3 **WHEREAS**, at the public hearing, the Board of Supervisors heard and received all oral and written
4 testimony and evidence that was made, presented, or filed, and all persons present at the hearing
5 were given ample opportunity to hear and be heard with respect to any matter related to the division
6 request; and

7 **WHEREAS**, at the conclusion of public testimony, the Board closed the public hearing, deliberated
8 and considered the merits of the request for a lot line adjustment.

9 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
10 Benito that it hereby finds that the proposed lot line adjustment meets the criteria for an adjustment
11 between agricultural preserves, pursuant to San Benito County Code sections 19.01.021(B)(3) and
12 (D)(1) because:

- 13 1) The affected parcels are located within contiguous agricultural preserves;
- 14 2) At 1096, 3484, and 186 acres, respectively, all of the proposed preserves will continue to
15 meet and exceed the minimum acreage requirements set forth in section 19.01.021(D)(1)(a);
- 16 3) The minor net reduction of total acreage in agricultural preserve Contract Number 08-017 by
17 approximately 20 acres out of 1116 acres will not significantly impact its ability to generate
18 income and it will continue to meet the income production generation requirements specified
19 in section 19.01.021(D)(1)(b) following adjustment; and
- 20 4) The minor net reduction of total acreage in agricultural preserve Contract Number 08-018 by
21 approximately 46 acres out of 3530 acres will not significantly impact its ability to generate
22 income and it will continue to meet the income production generation requirements specified
23 in section 19.01.021(D)(1)(b) following adjustment.

24 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
25 hereby finds that the proposed lot line adjustment meets the criteria for an adjustment between
26 agricultural preserves, pursuant to California Government Code section 51257, because:

- 27 1) The new contracts will enforceably restrict the adjusted boundaries of the parcels for an
28 initial term for not less than 10 years;
- 2) There is no net decrease in the amount of the acreage restricted;
- 3) All of the acreage under the existing contracts will remain under the new contracts, which is
well over the 90 percent minimum retention required;
- 4) After the lot line adjustment, the parcels of land subject to contract will be large enough to
sustain their agricultural use, as defined in Government Code section 51222;
- 5) The lot line adjustment will not compromise the long-term agricultural productivity of the
parcels or other agricultural lands subject to a contract or contracts;

6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and

7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the San Benito County General Plan.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito that it hereby approves the lot line adjustment, based on its findings and determinations, and supported by substantial evidence in the record and the Agricultural Preserve Advisory Committee's recommendation.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 14th DAY OF JUNE, 2016 BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):
Noes: Supervisor(s):
Absent: Supervisor(s):
Abstain: Supervisor(s)

By: _____
Robert Rivas, Chair

ATTEST:
Louie Valdez, Clerk of the Board

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

By: _____

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

Date: _____

Date: June 1, 2016