

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

Resolution No. 2022-____

A RESOLUTION OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS TO ACCEPT AN AGRICULTURAL OPEN-SPACE EASEMENT (Gov. Code §51084)

WHEREAS, James P. Dassel and Kathleen C. Dassel, Trustees of the Dassel Family Revocable Living Trust, U/T/A dated August 31, 1993 (Grantor(s)) executed a grant of a permanent *{check one of the following:}*

- open-space easement
- agricultural open-space easement

in perpetuity over land described therein, in favor of the County of San Benito, a political subdivision of the state of California, pursuant to the Open-Space Easement Act of 1974 (Gov. Code §51070 et seq.), which grant has been presented for approval at the Board of Supervisors meeting on January 25, 2022; and

WHEREAS, the San Benito County Planning Commission required the Grantors to provide the agricultural open space easement as Condition of Approval 17 in Planning Commission Resolution No. 2020-16 for Tentative Subdivision Map PLN190035 approved on November 18, 2020, in order that the subdivision be consistent with the San Benito County General Plan, as more specifically set forth in that Resolution No. 2020-16, and the findings made by the Board of Supervisors Resolution No. 2020-108 adopted December 15, 2020, regarding compliance with the General Plan and the California Environmental Quality Act for rezoning to AG-PUD, which findings are incorporated by reference herein; and

WHEREAS, based on the evidence presented to the Board of Supervisors, including, but not limited to the evidence provided in Planning Commission Resolution No. 2020-16, and the staff report prepared for PLN190035, and Board of Supervisors Resolution No. 2020-108, the San Benito County Board of Supervisors hereby finds as follows:

- (a) the preservation of land as open-space/agricultural open-space is consistent with the San Benito County General Plan; and
- (b) the preservation of land as open-space/agricultural open-space is in the best interest of the County of San Benito and in the public interest for the following reason(s) *{check at least one of the following:}*

- {for open-space easements}* the land is essentially unimproved and if retained in its natural state, *{check at least one of the following:}*
 - it has scenic value to the public;
 - it is valuable as a watershed; and/or
 - it is valuable as a wildlife preserve

and the grant of easement contains appropriate covenants to that end;

- {for open-space and/or agricultural open-space easements}* it is in the public interest that the land be retained as open-space because such land *{check at least one of the following:}*
 - will add to the amenities of living in neighboring urbanized areas; and/or
 - will help preserve the rural character of the area in which the land is located;

- {for open-space and/or agricultural open-space easements} the public interest will be served in the following manner and consistent with the purposes of the Open-Space Easement Act of 1974 and section 8 of article XIII of the California Constitution: residential density has been transferred from the agricultural open-space area, thereby ensuring that the open-space has no further development potential.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors of the County of San Benito hereby approves and accepts the easement represented by the Grant Deed submitted herewith.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 25th DAY OF JANUARY, 2022 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

Bea Gonzales, Chair
San Benito County Board of Supervisors

APPROVED AS TO LEGAL FORM:
Barbara J. Thompson, San Benito County Counsel

Dated: January 25, 2022

By: 
Joel Ellinwood, Assistant County Counsel

ATTEST:
Jennifer Frechette, Clerk Of The Board

Dated: _____

By: _____