

STAFF REPORT

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COUNTY OF SAN BENITO

Date: December 11, 2018

To: Honorable Members of the Board of Supervisors

From: Tom Slavich, Assessor 

Subject: LCA Staff Report for Division, Compatible Use and Lot Line Adjustment

1) DIVISION REQUEST -

- A) Las Aguilas Corp - This agricultural preserve consists of 26,900 acres under LCA Contract 69-034. This cattle ranch is located about 7 miles east and southeast of Hollister off of Santa Ana Valley Road. This request is to divide the 26,900 acre preserve into 7 new preserves of 5043 acres, 1719 acres, 1840 acres, 1384 acres, 1200 acres, 8350 acres and 7364 acres.

The minimum acreage requirement for grazing land is 160 acres per preserve and a minimum income requirement of \$3500 annual gross income per preserve.

These 7 preserves would meet the minimum acreage and minimum income requirements specified in our County Ordinance §19.01.021 (B)(2) & (D)(1).

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS DIVISION REQUEST.

- B) Shingai - This agricultural preserve consists of APN 012-130-005 comprising of 29.32 acres under LCA Contract 74-39. This row crop farm is located about 8 miles west of Hollister off of Breen Rd near San Juan Bautista. This request is to divide this preserve into 2 new preserves of 11 acres +/- & 18.3 acres +/- . There are currently 2 houses located on the farm. Each new preserve would have 1 house.

The minimum acreage requirement for row crop land is 10 acres per preserve and a minimum income requirement of \$3500 annual gross income per preserve.

These 2 preserves would meet the minimum acreage and minimum income requirements specified in our County Ordinance §19.01.021 (B)(2) & (D)(1).

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS DIVISION REQUEST.

- C) The Wine Group - This agricultural preserve consists of APN 023-100-065 & 023-100-066 comprising of 505.98 acres & 77.63 acres under Contract 11-02 & 11-03. This vineyard property is located about 13 miles southeast of Hollister off Airline Highway. This request is to divide and reallocate this vineyard property into 2 new preserves of 40 acres & 543.61 acres. Applicant wishes to sell off the large estate home with 40 acres of which 11.6 acres is vineyard. The intent is to lease back the vineyard and continue farming. The 543+ acres consists of 150.8 acres of vineyard.

The minimum acreage requirement for vineyard land is 10 acres per preserve and a minimum income requirement of \$3500 annual gross income per preserve.

These 2 preserves would meet the minimum acreage and minimum income requirements specified in our County Ordinance §19.01.021 (B)(2) & (D)(1).

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS DIVISION REQUEST.

- D) Tobias Trust/Partnership - This agricultural preserve consists of 15 APN's in Book 26 & 27 comprising of 4841+ acres under LCA Contract 68-50 and 1973 Enlargement of Contract. This cattle ranch is located in the Emmet area about 21 miles southeast of Hollister off of Panoche Road. This request is to divide this agricultural preserve into 3 new preserves of 354 acres, 356+ acres, and 4130+ acres.

The minimum acreage requirement for grazing land is 160 acres per preserve and a minimum income requirement of \$3500 annual gross income per preserve.

These 3 preserves would meet the minimum acreage and minimum income requirements specified in our County Ordinance §19.01.021 (B)(2) & (D)(1).

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS DIVISION REQUEST.

2) COMPATIBLE USE REQUEST -

- A) D & D Brigantino - This agricultural preserve consists of APN 013-060-018 comprising of 251+ acres under LCA Contract 68-113. Applicant has withdrawn the compatible use request to construct a compost facility on this parcel and will forfeit application fee. See attached Letter of Withdrawal of LCA Compatible Use Application.

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED TO ACCEPT THE WITHDRAWAL OF THE
COMPATIBLE USE APPLICATION.

- B) Lone Tree Ranch - This agricultural preserve consists of 6008 acres under LCA Contract 71-059. This cattle ranch is located about 25 miles northeast of Hollister off of Lone Tree Road. Applicant requests to expand Event Center uses (previously approved in 2009) including but not limited to hosting hunting parties, social events, business retreats, weddings and receptions, agricultural and recreational tourism using the improvements allowed under approved compatibility use application (November 5, 2009 LCA Meeting) and (CUP) Conditional Use Permit #1025-09, for short term stays as may be further improved for events use, including additional improvements to support such use within the already approved improvement area. Requested improvements include completing/enlarging the previously approved improvements to the headquarters (lodge); one additional cabin with up to four bedrooms which will equal a total of 10 cabins; 6 "glamping" tents; slightly varying the locations of previously approved cabins, all within the approved footprint; flexibility in the number of bedrooms provided in the previous approved, but not yet constructed cabins, with up to four bedrooms per cabin. (See attached site plan).

Under our County Ordinance §19.01.023 (B) - The following Categories of Compatible Uses would be applicable - (B)(2) Outdoor Recreational Uses & (B)(9) any other similar compatible use as determined by the Board upon a finding that the proposed use is incidental and not detrimental to agricultural use. Event Centers were also approved by the Committee & Board of Supervisors in 2017 to be part of the Categories of Compatible Uses.

Under our County Ordinance §19.01.023 (C) - No structures shall be constructed or place upon land in an agricultural preserve except those related to an agricultural or compatible use.

Under our County Ordinance §19.01.023 (F) and California Government Code Section 51238.1 (Compatible Uses)

- 1) Uses approved as compatible on agricultural preserves shall be consistent with all of the following 3 principles of compatibility:
 - (a) The use will not significantly compromise the long-term productive agricultural capability of the subject agricultural preserve or on other surrounding agricultural preserves.
 - (b) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject agricultural preserves. Uses that significantly displace agricultural operations on a portion of the subject agricultural preserve may be deemed compatible if they relate directly to the production of commercial agricultural products on the remaining portion of the agricultural preserve or on neighboring lands, including activities such as harvesting, processing or shipping.
 - (c) The use will not result in the significant removal of adjacent agricultural preserves from agricultural or open-space use.

In this situation, the compatible use will take up approximately 10 acres of land that was previously approved for this type of compatible use. The proposed use is incidental and is not detrimental to the agricultural preserve.

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS COMPATIBLE USE
REQUEST.

- C) Las Aguilas Corp - This agricultural preserve consists of 26,900 acres under LCA Contract 69-034. Applicant requests to have Event Center uses, including but not limited to, hosting hunting parties, social events, business retreats, weddings & receptions, agricultural, and recreational tourism, on the previously requested division request of 8350 acres. Approximately 10 acres is required for this compatible use.

Under our County Ordinance §19.01.023 (B) - The following Categories of Compatible Uses would be applicable - (B)(2) Outdoor recreational Uses & (B)(9) any other similar compatible use as determined by the Board upon a finding that the proposed use is incidental and not detrimental to agricultural use. Event Centers were also approved by the Committee & Board of Supervisors in 2017 to be part of the Categories of Compatible Uses.

Under our County Ordinance §19.01.023 (F) and California Government Code Section 51238.1 (Compatible Uses)

1) Uses approved as compatible on agricultural preserves shall be consistent with all of the following 3 principles of compatibility:

- (a) The use will not significantly compromise the long-term productive agricultural capability of the subject agricultural preserve or on other surrounding agricultural preserves.
- (b) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject agricultural preserves. Uses that significantly displace agricultural operations on a portion of the subject agricultural preserve may be deemed compatible if they relate directly to the production of commercial agricultural products on the remaining portion of the agricultural preserve or on neighboring lands, including activities such as harvesting, processing or shipping.
- (c) The use will not result in the significant removal of adjacent agricultural preserves from agricultural or open-space use.

In this situation, the compatible use will take up approximately 10 acres of land. The proposed use is incidental and is not detrimental to the agricultural preserve.

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS COMPATIBLE USE
REQUEST.

2) LOT LINE ADJUSTMENT -

- A) Asellus - Benito LLC - This agricultural preserve consists of 2 parcels comprising of 711.91 acres under Contract 68-100. The vineyard property is located about 7 miles north of Hollister off of San Felipe Rd. Applicant requests to Lot Line Adjust 2.57 acres with a neighboring landowner not in the Williamson Act. The proposed lot line adjustment will be to eliminate the encroachment of an existing mobile home. The landowner is agreeable to the lot line adjustment. No income is attributable to the 2.57 acres related to the adjustment.

Under San Benito County Code §19.01.021 and Government Code Section 51257 (attached) this request appears to meet the criteria for a lot-line adjustment. In this situation, the 2.57 acres takes care of an encroachment problem and provides no income to the preserve.

YOUR AGRICULTURAL PRESERVE ADVISORY COMMITTEE
RECOMMENDED APPROVAL OF THIS LOT LINE ADJUSTMENT.