

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

2 A RESOLUTION OF THE SAN BENITO COUNTY            )                   Resolution No. 2019-\_\_\_\_\_  
3 BOARD OF SUPERVISORS APPROVING A LOT LINE )  
4 ADJUSTMENT BETWEEN ONE AGRICULTURAL            )  
5 PRESERVE UNDER CONTRACT NUMBER 68-100        )  
(ASELLUS - BENITO LLC) AND ADJOINING            )  
NON-PRESERVE LAND                                    )

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

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

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

13 **WHEREAS**, County Code section 19.01.021(B)(3)(b) requires that lot line adjustments that adjust a  
14 boundary between an agricultural preserve and non-preserved land, following adjustment, must still  
15 meet the minimum acreage and income production generation requirements specified in section  
19.01.021(D)(1)(a) and (b); and

16 **WHEREAS**, the owner of five (5) Assessor's Parcels, comprising approximately 711.91+ acres of  
17 land under agricultural preserve Contract Number 68-100, and the owner of adjoining land not  
18 under an agricultural preserve, requested a lot line adjustment of an even exchange of 2.57 acres of  
land between contiguous parcels, in order to correct an inadvertent encroachment onto 2.57 acres of  
land under Contract Number 68-100 by an existing mobilehome; and

19 **WHEREAS**, approximately 2.57 acres of land not currently under agricultural use would be  
20 removed from agricultural preserve Contract Number 68-100 and transferred to the adjoining  
21 parcels; and

22 **WHEREAS**, approximately 2.57 acres of land would be transferred into agricultural preserve  
Contract Number 68-100; and

23 **WHEREAS**, the net result of these transfers is that the total acreage in agricultural preserve  
24 Contract Number 68-100 would not be reduced or increased; and

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

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

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

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

6 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San  
7 Benito that it hereby finds that the proposed lot line adjustment meets the criteria for an adjustment  
8 of the boundary between an agricultural preserve and a non-preserve, pursuant to San Benito  
County Code sections 19.01.021(B)(3)(b) and (D)(1)(a)&(b) because:

- 9 1) The lot line adjustment will adjust the boundary between an agricultural preserve and an  
10 adjoining non-preserve;
- 11 2) At 711.91 acres, respectively, the proposed preserve will continue to meet and exceed the  
12 minimum acreage requirements set forth in section 19.01.021(D)(1)(a); and
- 13 3) The even exchange of approximately 2.57 acres between agricultural preserve Contract  
14 Number 68-100 and the adjoining non-preserved land will correct an inadvertent  
encroachment onto preserved land, it will not significantly impact the preserved land's  
15 ability to generate income and the preserved land will continue to meet the income production  
16 generation requirements specified in section 19.01.021(D)(1)(b) following adjustment.

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

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

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

4 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**  
5 **BENITO THIS 5<sup>th</sup> DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:**

5 Ayes: Supervisor(s):  
6 Noes: Supervisor(s):  
7 Absent: Supervisor(s):  
8 Abstain: Supervisor(s)

9 By: \_\_\_\_\_  
10 Mark Medino, Chair

10 **ATTEST:**  
11 Janet Slibsager, Clerk of the Board

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

12 By: \_\_\_\_\_  
13

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

14 Date: \_\_\_\_\_

14 Date: Jan. 23, 2019