

Attachment A
Discussion

Charles Martin
PLN070197

Board of Supervisors
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DISCUSSION**

On May 20, 2009 the Director of Planning approved a Combined Development Permit that included two (2) Lot Line Adjustments and a two (2) lot Minor Subdivision. After the approval it was noticed that two (2) parcels proposed for Lot Line Adjustment, owned by Leavens Ranches General Partnership were under a Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005 and that this issue was not taken into consideration. Since the parcels are under the Williamson Act Contract an amendment to the Contract is required. Further, per Government Code Section 51257, the project requires consideration and statutory findings for approval by the Board of Supervisors.

Project Description

The subject parcels are located on River Road in the Gonzales area. The approval of the Combined Development Permit would allow for a reconfiguration of the lot lines and acreage as shown on Table 1. The proposed lot line adjustment between the Martin Trust and Amaral Ranches property (Assessors Parcel Numbers 216-013-19-000 and 216-013-024-000) is an equal exchange of approximately 0.86 acres. The purpose of the equal exchange is to allow a single family dwelling that currently straddles the property lines to be located only on the Amaral Ranches property. The proposed lot line adjustment between Leavens Ranches and the Martin Trust will remove 0.68 acres from two (2) existing parcels owned by Leavens Ranches General Partnership (APNs 216-013-025-000 and 216-013-022-000) which are under Williamson Act FSZ Contract No. 2007-005, add the 0.68 acres to an existing 79.32 acre parcel (APN 216-013-019-000) owned by Charles E. and Judy A. Martin, Trustees of the Martin Living Trust U/D/T dated July 25, 2005, and create one (1) 80-acre parcel for the Martin Living Trust U/D/T. The 80 acre parcel will then be subdivided into two (2) parcels of 40 acres each.

	Existing Acreage	Proposed acres	Difference
Parcel "1" APN 216-013-025-000 Leavens Ranches, GP	41.5 acres	41.1 acres	-0.40 acres
Parcel "2" APN 216-013-022-000 Leavens Ranches, GP	41.64 acres	41.36 acres	-0.28 acres
Parcel "4" APN 216-013-024-000 Amaral Ranches	40 acres	40 acres	Equal exchange of 0.86 acres
Martin Trust Parcel APN 216-013-019-000 Charles E. and Judy A Martin, Trustees of the Martin Living Trust U/D/T, July 25, 2005	79.32 acres	80 acres	+0.68 acres

Environmental Review

A technical Addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act (CEQA) Guidelines to make minor technical changes to the Negative Declaration adopted by the Director of Planning on May 20, 2009 (Resolution No. 070197). None of the conditions described in Section 15162 of the CEQA Guidelines call for preparation of a

subsequent Negative Declaration. Only minor technical changes are required to the environmental document. The Negative Declaration adopted in 2009 did not indicate that two (2) of the parcels were located in the Williamson Act FSZ nor that FSZ Contract No. 2007-005 would need to be amended. The Addendum addresses this issue.

Finding (Lot Line Adjustment under Williamson Act)

The lot line reconfiguration is subject to Government Code Section 51257 which requires specific findings for a Lot Line Adjustment of property under Williamson Act Contract. These findings are listed below and further discussed in Attachment B, findings 10 through 16. In order to facilitate a Lot Line Adjustment of property under Williamson Act Contract, Government Code Section 51257 requires that the Board must find all of the following (California Government Code Sections 51257(a)(1)-51257(a)(7):

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired terms of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts
- (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 Section 51222.
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel 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.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior the adjustment, or adjusted lot that is inconsistent with the general plan.

As required by Government Code Section 51257, all the aforementioned findings have been prepared for the Board's consideration and are contained in Attachment "B."