

Attachment B
Seven Required Findings for Lot Line Adjustment in
Williamson Act Agricultural Preserves

Seven required findings of California Government Code
51257 for a Lot Line Adjustment in Williamson Act
Agricultural Preserves

The purpose of this document is to provide information to show that the lot line adjustment application submitted for the Roberts Ranch (APN#'s 258-110-001, 258-110-002) and adjacent EBMUD watershed parcel (258-310-001) in the Moraga area of Contra Costa County complies with the seven findings required by California Government Code 51257 for Williamson Act agricultural preserves.

First, the two parcels referenced above that make up Roberts Ranch (APN#'s 258-110-001 & 258-110-002) are three legal parcels. In 2006 Mr. Roberts obtained three Certificates of Compliance from the County that verify the legality of the three parcels. (County File numbers ZC06-698, ZC06-690 and ZC06-691).

The following are the seven findings required by California Code 51257 for Williamson Act agricultural preserves.

Code 51257 (a):

51257. (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

The relevant portion of Section 66412 is that the number of parcels involved in a lot line adjustment cannot be greater than four (4). There are four parcels involved in this application (three from Mr. Roberts' property and one from EBMUD), so this lot line adjustment application is compliant with that aspect of Section 66412.

1. 10-Year Minimum Contract Term

Code 51257 (a) (1):

(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

term of the rescinded contract or contracts, but for not less than 10 years.

Alfred G. Peres obtained a Williamson Act contract in 1977 (County File number AP 3-77) on what is now the Roberts Ranch property and none of the subsequent owners after Alfred G. Peres (Ed and Bonnie Peres Russo, Jess and Joan Peres Hansen, et al or the Stephen E. Roberts Trust) have ever filed a notice of non-renewal of the contract. Therefore, the term of the current contract is still a minimum of 10-years at this time. Applicant agrees that any replacement contracts will have a minimum 10-year term.

2. No Decrease in Restricted Acreage

Code 51257 (a) (2):

(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 acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

Although an external lot line adjustment of one of the parcels is involved, the total "actual" acreage under contract will remain the same after the adjustment as before the adjustment. This is because the land being deeded from Roberts to EBMUD is less than or equal to the land being deeded from EBMUD to Roberts, and the latter conveyance will be subject to a Williamson Act contract after Mr. Roberts rezones the property to A-4, Agricultural Preserve as a condition of the Williamson Act Contract Amendment that is being processed concurrently with this lot line adjustment (County file #AP10-0001). Hence, there will be no net loss.

This lot line adjustment application involves four legally separate parcels. As part of this lot line adjustment process, corrections of the parcel acreage numbers (as stated on historic documents) are desired. The historically stated acreage numbers of the subject parcels as written on many old maps, deeds, tax bills, and other related official documents were derived from the original U.S. Government Survey and Section Maps created in around 1875. Modern survey methods have determined that there are some differences between the original 1875 survey calculations and the actual parcel sizes. It is desired that future deeds and documents use the more accurate acreage numbers as determined by modern survey and engineering tools. The new acreages have been verified by a licensed survey engineer as follows:

The differences between the historically stated acreage numbers and the actual acreage numbers involved are shown in the table below:

Roberts Ranch	Certificate #	Historic Acres	Modern Acres
Parcel 1	ZC06-689	± 67	42.96
Parcel 2	ZC06-690	±120	57.56
Parcel 3	ZC06-690	± 80	168.8
Total Acres		± 267	269.32

3. At Least 90% of Land Remains Under Contract

Code 51257 (a) (3):

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

As stated above; although an external lot line adjustment of one of the parcels is involved, the total "actual" acreage under contract will remain the same after the adjustment as before the adjustment. This is because the land being deeded from Roberts to EBMUD is less than or equal to the land being deeded from EBMUD to Roberts, and the latter conveyance will be subject to a Williamson Act contract after Mr. Roberts rezones the property to A-4, Agricultural Preserve as a condition of the Williamson Act Contract Amendment that is being processed concurrently with this lot line adjustment (County file #AP10-0001). Hence, there will be no net loss.

4. Parcels Remain Large Enough for Agricultural Use

Code 51257 (a) (4):

(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.

The Roberts Ranch is not considered prime agricultural land. Therefore, the minimum parcel size for compliance with Section 51222 is 40 acres. All three of the resulting parcels are greater than 40 acres in size.

The three parcels of 43, 57.6, and 168.8 acres are all large enough for either independent (stand-alone) or collective agricultural use. The current plan is for the Roberts Ranch is to continue to have cattle grazing across all three parcels.

5. Long-term Agricultural Productivity

Code 51257 (a) (5):

(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.

The property exchange between Roberts Ranch and EBMUD will actually increase the agricultural productivity of the Roberts Ranch by adding nearly 16 acres of open grassland to the Ranch. The area being traded to EBMUD is a tree covered creek hillside. These riparian areas do not produce much feed for cattle, and therefore are not conducive to agricultural activities.

6. Adjacent Agricultural Property Use

Code 51257 (a) (6):

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

Although the Roberts Ranch is boarded by several other ranch agricultural properties being used for cattle grazing, this lot line adjustment action should have no effect on any of the current or future uses of those properties.

The ±500 Carr Ranch is located on the South and East sides of the Roberts Ranch. The Carr family routinely crosses parts of the Roberts Ranch to reach parts of their lands and retrieve cattle which have crossed fence lines. The Carr and Roberts families have been friends for over 10 years and continue to have a cooperative and productive neighborly relationship. The 15.75 acres of the EBMUD property that the Roberts Ranch is planning to acquire from the EBMUD is currently leased the Carr Ranch, and will be not be removed from agricultural use.

The Estate of James Harvey owns about 100 acres located to the West and North of the Roberts Ranch close to the cattle ranch lands owned by St. Mary's College. The continued agricultural use of the lands owned by Harvey and St. Mary's Land will not be affected by the lot line adjustment of 15.75 acres which adjoins a small portion of those cattle ranges.

7. Number of Developable Parcels

Code 51257 (a) (7):

(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 general plan.

The number of legally separate parcels is Four (4) before and after the LLA. The resultant parcels are consistent with the County General Plan.