

RESOLUTION ESTABLISHING FEES FOR APPLICATIONS PURSUANT TO THE
AGRICULTURE PRESERVE ORDINANCE OF SAN BENITO COUNTY

WHEREAS, the Land Conservation Act of 1965 (California Government Code §51200, *et seq.*) authorized counties to establish Agricultural Preserves; and

WHEREAS, the purposes of the Land Conservation Act are to maintain the agricultural economy and to prevent premature and unnecessary conversion of land from agricultural uses; and

WHEREAS, the Board of Supervisors of the County of San Benito finds it to be in the public interest to assist in the maintenance of the state's agricultural economy and in the avoidance of conversion of land from agricultural uses by establishing Agricultural Preserves; and

WHEREAS, the Board of Supervisors of the County of San Benito enacted an Agricultural Preserve Ordinance (San Benito County Code, ch. 18A), which establishes the procedures for administration of Agricultural Preserves, including initiating, filing and processing requests for the establishment of Agricultural Preserves; and

WHEREAS, California Government Code section 51287 and section 18A-6(c) of the County's Agricultural Preserve Ordinance authorize the Board of Supervisors to determine, by resolution, the amount of a non-refundable fee to process applications pursuant to the Agricultural Preserve Ordinance; and

WHEREAS, the County conducted a fee study to establish the actual cost of providing services related to applications filed under the Agricultural Preserve Ordinance; and

WHEREAS, the Agricultural Preserve Advisory Committee considered the recommendations in the fee study and made the following recommendations to the Board of Supervisors:

1. that the Board adopt a non-refundable application fee of \$500.00 for applications for new Land Conservation Act contracts regarding land entering into the Land Conservation Act Program for the first time; this represents a fee that is below the actual cost of providing the services related to processing such applications, in the interest of encouraging property owners to enter into the Land Conservation Act program, to prevent premature and unnecessary conversion of land from agricultural uses and support the County's agricultural economy;
2. that the Board adopt a non-refundable application fee of \$750.00 for each new Land Conservation Act contract requested, for all other applications regarding land currently in the Land Conservation Act Program, including but not limited to, adjustments to existing preserves, enlargements of existing preserves, divisions, lot line adjustments, cancellations and compatible use determinations; this represents a fee that will recoup, but not exceed, the actual cost of providing the services related to processing such applications; and

3. that the Board adopt an annual Consumer Price Index (CPI) inflation factor, for all application fees to be increased annually, consistent with the CPI.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of San Benito hereby finds that the recommendations in the fee study reflect fees that will recoup, but not exceed, the actual cost of providing services regarding processing applications under the San Benito County Agricultural Preserve Ordinance; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of San Benito hereby accepts the findings and recommendations of the Agricultural Preserve Advisory Board; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of San Benito hereby establishes the following non-refundable filing fees for applications under the San Benito County Agricultural Preserve Ordinance, effective February 28, 2007:


1. \$500.00 for applications for new Land Conservation Act contracts regarding land entering into the Land Conservation Act Program for the first time;
2. \$750.00 for each new Land Conservation Act contract requested, for all other applications regarding land currently in the Land Conservation Act Program, including but not limited to, adjustments to existing preserves, enlargements of existing preserves, divisions, lot line adjustments, cancellations and compatible use determinations; and
3. all application fees shall be increased annually, at the beginning of each calendar year, consistent with the inflation factor specified in the Consumer Price Index (CPI) for Pacific Cities: San Francisco, Oakland and San Jose, in an amount not to exceed two percent (2%).

PASSED AND ADOPTED by the San Benito County Board of Supervisors, on the 13th day of February, 2007 by the following vote:

AYES: SUPERVISORS: Monaco; Loe; Botelho & Marcus

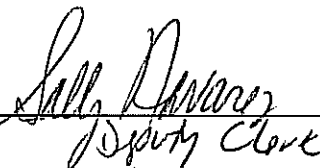
NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: De La Cruz

By: 
Don Marcus, Chairman 2/13/07

ATTEST:
Linda Churchill, Clerk of the Board

APPROVED AS TO LEGAL FORM:
Dennis LeClere, County Counsel

By: 
Sally Danvers
Deputy Clerk

By: 
Shirley L. Murphy, Deputy County Counsel

Date: 2/13/07

Date: Jan. 29, 2007

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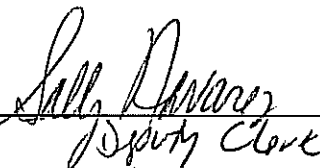
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