

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

2 A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. 2017-_____
3 BOARD OF SUPERVISORS APPROVING THE)
4 DIVISION OF ONE AGRICULTURAL PRESERVE)
5 UNDER CONTRACT NUMBER 13-05 (BAYLY-)
6 WITTMAN))

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

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

13 **WHEREAS**, County Code section 19.01.021(B) sets forth the procedural requirements for the Board
14 of Supervisors' consideration of requests for division of existing agricultural preserves; and

15 **WHEREAS**, County Code section 19.01.021(B)(2) requires the Board of Supervisors to make a
16 finding that the newly created agricultural preserves will each meet the minimum acreage and income
17 generation requirements following division, before the Board may approve a division request; and

18 **WHEREAS**, the minimum acreage requirements are 10 acres of orchards, vineyard or irrigated
19 vegetable and field crops, 40 acres of irrigated pasture or dry-land farmed land, or 160 acres of
20 grazing land, or an approved combination of acreage in more than one of these categories, pursuant to
21 County Code section 19.01.021(D)(1)(a); and

22 **WHEREAS**, the minimum income generation requirements are \$3,500 annual gross income from the
23 sale of agricultural commodities, produced for three (3) out of every immediately preceding five (5)
24 consecutive year period, absent an act of God, such as an extended drought, which prevents the
25 achievement of this standard, pursuant to County Code section 19.01.021(D)(1)(b); and

26 **WHEREAS**, the owners of six (6) Assessor's Parcels (026-015-041, 026-015-042, 026-015-043,
27 026-017-027, 026-017-028, and 026-017-029), comprising approximately 893+ acres of land under
28 agricultural preserve Contract Number 13-05, currently operated as grazing land, requested a
29 division of the existing preserve into two (2) new preserves, to be comprised of approximately
30 413+ acres of grazing land, and 480+ acres of grazing land respectively, and reported annual gross
31 incomes in excess of \$3,500 per year for each of the new preserves; and

32 **WHEREAS**, the Agricultural Preserve Advisory Committee considered the division request, found
33 that each of the newly created agricultural preserves will continue to meet the minimum acreage and
34 income generation requirements following division, pursuant to the criteria of San Benito County
35 Code section 19.01.021(B)(2) & (D)(1), and recommends that the Board of Supervisors approve the
36 division request; and

37 **WHEREAS**, the Board of Supervisors held a duly noticed public hearing to consider the division
38 request; 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
4 request; and

5 **WHEREAS**, at the conclusion of public testimony, the Board closed the public hearing, deliberated
6 and considered the merits of the division request.

7 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
8 Benito that it hereby finds that the proposed two (2) new agricultural preserves, to be comprised of
9 approximately 413+ acres of grazing land, and 480+ acres of grazing land respectively, will
10 continue to meet the minimum acreage and income generation requirements set forth in San Benito
11 County Code section 19.01.021(B)(2) & (D)(1), because each new preserve will contain more than
12 160 acres of grazing land, and each will generate gross income in excess of \$3,500 per year; and

13 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
14 hereby approves the division request, based on its findings and determinations, and supported by
15 substantial evidence in the record and the Agricultural Preserve Advisory Committee's
16 recommendation.

17 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**
18 **BENITO THIS 21st DAY OF FEBRUARY, 2017 BY THE FOLLOWING VOTE:**

19 Ayes: Supervisor(s):
20 Noes: Supervisor(s):
21 Absent: Supervisor(s):
22 Abstain: Supervisor(s)

23 By: _____
24 Jaime De La Cruz, Chair

25 **ATTEST:**
26 Chase Graves, Clerk of the Board

27 **APPROVED AS TO LEGAL FORM:**
28 San Benito County Counsel's Office

By: _____

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

Date: _____

Date: Feb. 14, 2017