

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)
 UNDER CONTRACT NUMBER 75-918 (BLETZER))

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

7 **WHEREAS**, the Board of Supervisors of the County of San Benito adopted an ordinance
8 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

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

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

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

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

19 **WHEREAS**, the owners of three (3) Assessor's Parcels (025-210-012, 025-210-037, and
20 025-210-038), comprising approximately 335+ acres of land under agricultural preserve Contract
21 Number 75-918, currently operated as orchard, dry-farming and grazing land, requested a division
22 of the existing preserve into two (2) new preserves, to be comprised of approximately 165+ acres
 and 170+ acres respectively; and

23 **WHEREAS**, the proposed 165+ acre preserve shall be comprised of approximately 45 acres of dry-
24 land farming and 120 acres of grazing land respectively, which combination of acreage exceeds the
25 100% acreage requirement of 40 acres for dry-land farming, and the reported annual gross income
 is in excess of \$3,500 per year; and

26 **WHEREAS**, the proposed 170+ acre preserve shall be comprised of approximately 2.5 acres of
27 olive orchard and 167.5 acres of grazing land respectively, which combination of acreage exceeds
28 the 100% acreage requirement of 160 acres of grazing land, and the reported annual gross income is
 in excess of \$3,500 per year; and

WHEREAS, the Agricultural Preserve Advisory Committee considered the division request, found
 that each of the newly created agricultural preserves will continue to meet the minimum acreage and

1 income generation requirements following division, pursuant to the criteria of San Benito County
2 Code section 19.01.021(B)(2) & (D)(1), and recommends that the Board of Supervisors approve the
division request; and

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

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

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

9
10 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
11 Benito that it hereby finds that the proposed two (2) new agricultural preserves, to be comprised of
12 approximately 165 acres and 170 acres of respectively, will continue to meet the minimum acreage
13 and income generation requirements set forth in San Benito County Code section 19.01.021(B)(2)
& (D)(1), because each new preserve will contain either more than 40 acres of dry-land farming
land or 160 acres of grazing land, and each will generate gross income in excess of \$3,500 per year;
and

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

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

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

26 By: _____

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

28 Date: _____

Date: Feb. 14, 2017