

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 10-17 (ENZ-BOWLUS))

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 (026-009-030, 026-009-031, and
20 026-009-032), comprising approximately 120+ acres of land under agricultural preserve Contract
21 Number 10-17, currently operated as vineyard, orchard and grazing land, requested a division of the
22 existing preserve into two (2) new preserves, to be comprised of approximately 80+ acres and
 40+ acres, respectively; and

23 **WHEREAS**, the proposed 80+ acre preserve shall be comprised of approximately four (4) acres of
24 vineyard, nine and one-half (9.5) acres of dry-land farming and 66.5 acres of grazing land
25 respectively, which combination of acreage exceeds the 100% acreage requirement by four percent
 (4%) and the reported annual gross income is in excess of \$3,500 per year; and

26 **WHEREAS**, the proposed 40+ acre preserve shall be comprised of approximately 11 acres of
27 newly planted olive orchard and 29 acres of grazing land respectively, which combination of
28 acreage exceeds the 100% acreage requirement by 17 percent (17%) 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
Benito that it hereby finds that the proposed two (2) new agricultural preserves, to be comprised of
11 approximately 80+ acres and 40+ acres, respectively, will continue to meet the minimum acreage
and income generation requirements set forth in San Benito County Code section 19.01.021(B)(2)
12 & (D)(1), because each new preserve will contain an approved combination of land as set forth in
section 19.01.021(D)(1)(a), and each will generate gross income in excess of \$3,500 per year; and

13
14 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
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
recommendation.

16
17 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**
BENITO THIS 21st DAY OF FEBRUARY, 2017 BY THE FOLLOWING VOTE:

18 Ayes: Supervisor(s):
19 Noes: Supervisor(s):
20 Absent: Supervisor(s):
Abstain: Supervisor(s)

21 By: _____
22 Jaime De La Cruz, Chair

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

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

25 By: _____

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

26 Date: _____

Date: Feb 14, 2017