

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

2   A RESOLUTION OF THE SAN BENITO COUNTY            )           Resolution No. 2019-\_\_\_\_\_  
3   BOARD OF SUPERVISORS APPROVING THE            )  
4   DIVISION OF ONE AGRICULTURAL PRESERVE        )  
5   UNDER CONTRACT NUMBER 69-034                 )  
6   (LAS AGUILAS CORP.)                                )

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 one (1) agricultural preserve, comprising approximately 26,900+ acres  
27   of land under agricultural preserve Contract Number 69-034, currently operated as grazing land,  
28   requested a division of the existing preserve into seven (7) new preserves, to be comprised of  
29   approximately 5043+ acres, 1719+ acres, 1840+ acres, 1384+ acres, 1200+ acres, 8350+ acres and  
30   7364+ acres, respectively, and reported annual gross incomes in excess of \$3,500 per year for each  
31   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)(a)&(b) & (D)(1)(a)(3)&(b), and recommends that the Board of  
36   Supervisors approve the 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 seven (7) new preserves, to be comprised of  
9 approximately 5043+ acres, 1719+ acres, 1840+ acres, 1384+ acres, 1200+ acres, 8350+ acres and  
10 7364+ acres, respectively, will continue to meet the minimum acreage and income generation  
11 requirements set forth in San Benito County Code section 19.01.021(B)(2)(a)&(b) &  
12 (D)(1)(a)(3)&(b), because each new preserve will contain more than 160 acres of grazing land and  
13 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  
17 recommendation.

18 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**  
19 **BENITO THIS 5<sup>th</sup> DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:**

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

24 By: \_\_\_\_\_  
25 Mark Medina, Chair

26 **ATTEST:**  
27 Janet Slibsager, Clerk of the Board

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

By: \_\_\_\_\_

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

Date: \_\_\_\_\_

Date: Jan. 23, 2019