

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 74-39 (SHINGAI) )

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

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

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

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

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

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

25 **WHEREAS**, the owners of one (1) agricultural preserve, comprising approximately 29.32 acres of  
26 land under agricultural preserve Contract Number 74-39, currently operated as row crops, requested  
27 a division of the existing preserve into two (2) new preserves, to be comprised of approximately  
28 11.0+ acres and 18.3+ acres, respectively, and reported annual gross incomes in excess of \$3,500  
per year for each of the new preserves; 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  
income generation requirements following division, pursuant to the criteria of San Benito County  
Code section 19.01.021(B)(2)(a)&(b) & (D)(1)(a)(3)&(b), and recommends that the Board of  
Supervisors approve the division request; and

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

**WHEREAS**, at the public hearing, the Board of Supervisors heard and received all oral and written  
testimony and evidence that was made, presented, or filed, and all persons present at the hearing

1 were given ample opportunity to hear and be heard with respect to any matter related to the division  
2 request; and

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

5 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San  
6 Benito that it hereby finds that the proposed two (2) new preserves, to be comprised of  
7 approximately 11.0+ acres and 18.3+ acres, respectively, will continue to meet the minimum  
8 acreage and income generation requirements set forth in San Benito County Code section  
9 19.01.021(B)(2)(a)&(b) & (D)(1)(a)(3)&(b), because each new preserve will contain more than  
10 10 acres of row crops and each will generate gross income in excess of \$3,500 per year; and

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

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

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

21 By: \_\_\_\_\_  
22 Mark Medina, Chair

23 **ATTEST:**  
24 Janet Slibsager, Clerk of the Board

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

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

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

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

Date: Jan. 23, 2019