

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 68-50 AND 1973 )  
6 ENLARGEMENT OF CONTRACT (TOBIAS TRUST/  
7 PARTNERSHIP) )

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

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

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

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

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

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

27 **WHEREAS**, the owners of one (1) agricultural preserve, comprising approximately 4841+ acres of  
28 land under agricultural preserve Contract Number 68-50 and 1973 Enlargement of Contract,  
currently operated as grazing land, requested a division of the existing preserve into three (3) new  
preserves, to be comprised of approximately 354+ acres, 356+ acres and 4130+ 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

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  
request; and

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

6 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San  
7 Benito that it hereby finds that the proposed three (3) new preserves, to be comprised of  
8 approximately 354+ acres, 356+ acres and 4130+ acres respectively, will continue to meet the  
9 minimum acreage and income generation requirements set forth in San Benito County Code section  
10 19.01.021(B)(2)(a)&(b) & (D)(1)(a)(3)&(b), because each new preserve will contain more than 160  
11 acres of grazing land and each will generate gross income in excess of \$3,500 per year; and

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

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

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

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

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

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

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

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

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

Date: Jan. 23, 2019