

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

2 A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. 2020-_____
3 BOARD OF SUPERVISORS APPROVING THE)
4 DIVISION OF ONE AGRICULTURAL PRESERVE)
 UNDER CONTRACT NUMBER 68-121 (TOBIAS))

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 one (1) agricultural preserve, comprising approximately 6459+ acres of
20 land under agricultural preserve Contract Number 68-121, currently operated as grazing land and
21 dry-land farming, requested a division of the existing preserve into three (3) new preserves, to be
 comprised of approximately 500+ acres, 119+ acres, and 5840+ acres, respectively, and reported
22 annual gross incomes in excess of \$3,500 per year for each of the new preserves; and

23 **WHEREAS**, the proposed 119+ acre portion of the agricultural preserve has been continually dry
24 farmed for many years; and

25 **WHEREAS**, the Agricultural Preserve Advisory Committee considered the division request, found
26 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
27 Code section 19.01.021(B)(2)(a), (D)(1)(a)(2)&(3) & (D)(1)(b), and recommends that the Board of
 Supervisors approve the division request; and

28 **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
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 three (3) new preserves, to be comprised of
9 approximately 500+ acres, 119+ acres, and 5840+ acres respectively, will continue to meet the
10 minimum acreage and income generation requirements set forth in San Benito County Code section
11 19.01.021(B)(2)(a), (D)(1)(a)(2)&(3) & (D)(1)(b), because 500+ acres, 5840+ acre new preserves
12 will contain more than 160 acres of grazing land, the 119+ acre new preserve will contain more than
13 40 acres of dry-land farming, and each of the new preserves will generate gross income in excess of
14 \$3,500 per year; and

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

19 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**
20 **BENITO THIS 18th DAY OF FEBRUARY, 2020 BY THE FOLLOWING VOTE:**

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

By: _____
Jaime De La Cruz, Chair

25 **ATTEST:**

26 Janet Slibsager, Clerk of the Board

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

By: _____

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

Date: _____

Date: Feb. 12, 2020