

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

2   A RESOLUTION OF THE SAN BENITO COUNTY BOARD       )       Resolution No. \_\_\_\_\_  
3   OF SUPERVISORS APPROVING A COMPATIBLE USE       )  
4   REQUEST ON AN AGRICULTURAL PRESERVE UNDER       )  
5   CONTRACT NUMBER 76-809 (FOX CREEK FUND LLC)       )  
6   FOR A PRIVATE EVENT CENTER                               )

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**, certain compatible uses may be allowed on agricultural preserves, if Counties make  
14   findings set forth in Government Code section 51238.1 and San Benito County Code section  
15   19.01.023(F)(1); and

16   **WHEREAS**, County Code section 19.01.023 specifies categories of compatible uses allowed on  
17   agricultural preserves and required findings associated with compatible use requests, consistent with  
18   the requirements of Government Code sections 51238.1; and

19   **WHEREAS**, County Code section 19.01.023(B)(9) provides that uses determined by the Board of  
20   Supervisors to be compatible, upon a finding that the proposed use is incidental and not detrimental to  
21   agricultural use, is deemed a compatible use; and

22   **WHEREAS**, County Code section 19.01.023(C) prohibits the placement of structures on agricultural  
23   preserves, except for those structures related directly to an agricultural or compatible use; and

24   **WHEREAS**, Government Code section 51238.1(a) and County Code section 19.01.023(F) require  
25   that compatible uses be consistent with the following principles of compatibility:

- 26       1.   The use will not significantly compromise the long-term productive agricultural capability  
27           of the subject agricultural preserve or on other surrounding agricultural preserves;
- 28       2.   The use will not significantly displace or impair current or reasonably foreseeable  
          agricultural operations on the subject agricultural preserve or on other surrounding  
          agricultural preserves[,] [although] [u]ses that significantly displace agricultural  
          operations on a portion of the subject agricultural preserve may be deemed compatible if  
          they relate directly to the production of commercial agricultural products on the  
          remaining portion of the agricultural preserve or on neighboring lands, including  
          activities such as harvesting, processing or shipping;
3.   The use will not result in the significant removal of adjacent agricultural preserves from  
          agricultural or open-space use;
4.   The Board shall also consider the impacts on non-contracted lands near the agricultural  
          preserve; and

1 **WHEREAS**, the owners of eight (8) Assessor's Parcels comprising 1327+ acres of land under  
2 agricultural preserve, Contract Number 76-809, of which approximately two (2) acres are currently  
3 used for an existing barn and associated structures, requested a compatible use determination to  
4 allow the use of the existing barn and associated structures as a reception area for private events, on  
approximately two (2) acres of land; and

5 **WHEREAS**, the Agricultural Preserve Advisory Committee considered the compatible use request,  
6 found it to meet the criteria of San Benito County Code section 19.01.023(B)(9), (C) and (F), and  
7 Government Code section 51238.1, and recommends that the Board of Supervisors approve the  
compatible use request; and

8 **WHEREAS**, the Board of Supervisors held a duly noticed public hearing to consider the revised  
compatible use request; and

9 **WHEREAS**, at the public hearing, the Board of Supervisors heard and received all oral and written  
10 testimony and evidence that was made, presented, or filed, and all persons present at the hearing  
11 were given ample opportunity to hear and be heard with respect to any matter related to the revised  
compatible use request; and

12 **WHEREAS**, at the conclusion of public testimony, the Board closed the public hearing, deliberated  
13 and considered the merits of the revised compatible use request.

14 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San  
15 Benito that it hereby finds that the proposed use of the existing barn and associated structures as a  
16 reception area for private events on approximately two (2) acres of land out of the 1327+ acre  
17 agricultural preserve, under Contract Number 76-809, approximately one-fifth of one percent  
18 (0.2%) of the total acreage, is a compatible use under Government Code section 51238.1, and the  
19 County's implementing ordinance, San Benito County Code section 19.01.023(B)(9), because the  
proposed use is similar to other outdoor recreational uses of agricultural land, as set forth in section  
19.01.023(B)(2), and it will be incidental and not detrimental to the agricultural uses of the land  
within the agricultural preserve; and

20 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it  
21 hereby finds that the structures associated with the proposed private reception area are directly related  
to a compatible use of the land under County Code section 19.01.023(C); and

22 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it  
23 hereby finds that the use of the existing barn and associated structures as a reception area for private  
24 events on approximately two (2) acres of land out of the 1327 acre agricultural preserve, under  
25 Contract Number 76-809, approximately one-fifth of one percent (0.2%) of the total acreage,  
satisfies the following criteria of compatibility set forth in Government Code section 51238.1(a) and  
San Benito County Code section 19.01.023(F):

- 26
- 27 1. The use of the existing barn and associated structures as a reception area for private  
28 events on approximately two (2) acres of land out of the 1327+ acre agricultural  
preserve, approximately one-fifth of one percent (0.2%) of the total acreage, will not  
significantly compromise the long-term productive agricultural capability of the subject  
agricultural preserve or on other surrounding agricultural preserves;

2. The use of the existing barn and associated structures as a reception area for private events on approximately two (2) acres of land out of the 1327+ acre agricultural preserve, approximately one-fifth of one percent (0.2%) of the total acreage, will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject agricultural preserve or on other surrounding agricultural preserves;
3. The use of the existing barn and associated structures as a reception area for private events on approximately two (2) acres of land out of the 1327+ acre agricultural preserve, approximately one-fifth of one percent (0.2%) of the total acreage, will not result in the removal of adjacent agricultural preserves from agricultural or open-space use; and
4. The use of the existing barn and associated structures as a reception area for private events on approximately two (2) acres of land out of the 1327+ acre agricultural preserve, approximately one-fifth of one percent (0.2%) of the total acreage, will not create impacts on non-contracted lands near the agricultural preserve.

**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it hereby approves the requested compatible use of land in an agricultural preserve, under Contract Number 76-809, based on its findings and determinations, and supported by substantial evidence in the record, and the Agricultural Preserve Advisory Committee's recommendation.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 14<sup>th</sup> DAY OF JUNE, 2016 BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):  
Noes: Supervisor(s):  
Absent: Supervisor(s):  
Abstain: Supervisor(s)

By: \_\_\_\_\_  
Robert Rivas, Chair

**ATTEST:**  
Louie Valdez, Clerk of the Board

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

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

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

By: Shirley L. Murphy  
Shirley L. Murphy, Deputy County Counsel  
Date: June 6, 2016