

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

2 A RESOLUTION OF THE SAN BENITO COUNTY BOARD) Resolution No. 2017-_____
3 OF SUPERVISORS APPROVING A COMPATIBLE USE)
4 REQUEST ON AN AGRICULTURAL PRESERVE UNDER)
5 CONTRACT NUMBER 01-03 (DOODLEBUG RANCHES))
6 FOR TWO SOLAR PHOTOVOLTAIC SYSTEMS)

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)(5) provides that public utility facilities are
20 compatible uses; and

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

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

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

- 28 1. The use will not significantly compromise the long-term productive agricultural capability
 of the subject agricultural preserve or on other surrounding agricultural preserves;
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; and

1 **WHEREAS**, the owners of 53 Assessor's Parcels comprising 7297+ acres of land under
2 agricultural preserve, Contract Number 01-03, requested a compatible use determination to allow
3 the installation of two (2) solar photovoltaic systems on approximately two (2) acres of land in
4 order to offset current electrical consumption to power pumps and wells used to irrigate crops and
5 water livestock, directly needed for the operation of the existing farming and ranching operations of
6 the agricultural preserve, and not intended for purposes of export or sale; and

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

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

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

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

19 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
20 Benito that it hereby finds that the proposed installation of two (2) solar photovoltaic systems on
21 approximately two (2) acres of land out of the 7297+ acre agricultural preserve, under Contract
22 Number 01-03, significantly less than one percent (1%) of the total acreage, is a compatible use
23 under Government Code section 51238.1, and the County's implementing ordinance, San Benito
24 County Code section 19.01.023(B)(5) and (9), because the proposed use is similar to public utility
25 facilities as authorized in section 19.01.023(B)(5), and it will be incidental and not detrimental to
26 the agricultural uses of the land within the agricultural preserve; and

27 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
28 hereby finds that the structures associated with the installation of two (2) solar photovoltaic systems
are directly related to a compatible use of the land under County Code section 19.01.023(C); and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito that it
hereby finds that the installation of two (2) solar photovoltaic systems on approximately two (2)
acres of land out of the 7297+ acre agricultural preserve, under Contract Number 01-03,
significantly less than one percent (1%) 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):

1. The installation of two (2) solar photovoltaic systems on approximately two (2) acres of
land out of the 7297+ acre agricultural preserve, significantly less than one percent (1%)
of the total acreage, will not significantly compromise the long-term productive

- 1 agricultural capability of the subject agricultural preserve or on other surrounding
2 agricultural preserves;
3 2. The installation of two (2) solar photovoltaic systems on approximately two (2) acres of
4 land out of the 7297+ acre agricultural preserve, significantly less than one percent (1%)
5 of the total acreage, will not significantly displace or impair current or reasonably
6 foreseeable agricultural operations on the subject agricultural preserve or on other
7 surrounding agricultural preserves; and
8 3. The installation of two (2) solar photovoltaic systems on approximately two (2) acres of
9 land out of the 7297+ acre agricultural preserve, significantly less than one percent (1%)
10 of the total acreage, will not result in the removal of adjacent agricultural preserves from
11 agricultural or open-space use.

8 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
9 hereby approves the requested compatible use of land in an agricultural preserve, under Contract
10 Number 01-03, based on its findings and determinations, and supported by substantial evidence in
11 the record, and the Agricultural Preserve Advisory Committee's recommendation.

11 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**
12 **BENITO THIS 21st DAY OF FEBRUARY, 2017 BY THE FOLLOWING VOTE:**

13 Ayes: Supervisor(s):
14 Noes: Supervisor(s):
15 Absent: Supervisor(s):
16 Abstain: Supervisor(s)

16 By: _____
Jaime De La Cruz, Chair

17 **ATTEST:**
18 Chase Graves, Clerk of the Board

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

19 By: _____

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

20 Date: _____

Date: Feb. 14, 2017