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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)
CONTRACT NUMBER 77-16 (HERBERT) FOR A)
DWELLING UNIT)

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

8 **WHEREAS**, the Board of Supervisors of the County of San Benito adopted an ordinance
9 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

1 **WHEREAS**, certain compatible uses may be allowed on agricultural preserves, if Counties make
2 findings set forth in Government Code section 51238.1 and San Benito County Code section
3 19.01.023(F)(1); and

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

3 **WHEREAS**, County Code section 19.01.023(C) prohibits the placement of structures on agricultural
6 preserves, except for one dwelling unit and additional structures necessary for the operation of the
agricultural preserve and related directly to an agricultural or compatible use; and

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

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

7 **WHEREAS**, the owners of one (1) Assessor's Parcel comprising 74 acres of land under agricultural
8 preserve, Contract Number 77-16, requested a compatible use determination to allow the placement
of a modular dwelling unit near the existing dwelling unit and other agricultural buildings, as a
residence for their daughter, who helps with the sales operation of crops grown in the agricultural
preserve; and

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

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

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

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

13 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
14 Benito that it hereby finds that the proposed installation of a modular dwelling unit near the existing
15 dwelling unit and other agricultural buildings within the preserve, as a residence for their daughter,
16 who helps with the sales operation is necessary for the operation of the agricultural preserve under
17 Contract Number 77-16, and is a compatible use under Government Code section 51238.1(a), and
18 the County's implementing ordinance, San Benito County Code section 19.01.023(C), and it will be
19 incidental and not detrimental to the agricultural uses of the land within the agricultural preserve;
20 and

21 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
22 hereby finds that the installation of a modular dwelling unit near the existing dwelling unit and
23 other agricultural buildings within the agricultural preserve under Contract Number 77-16 satisfies
24 the following criteria of compatibility set forth in Government Code section 51238.1(a) and San
25 Benito County Code section 19.01.023(F):

- 26 1. The installation of a modular dwelling unit near the existing dwelling unit and other
27 agricultural buildings within the preserve will not significantly compromise the long-term
28 productive agricultural capability of the subject agricultural preserve or on other
surrounding agricultural preserves;
2. The installation of a modular dwelling unit near the existing dwelling unit and other
agricultural buildings within the preserve will not significantly displace or impair current
or reasonably foreseeable agricultural operations on the subject agricultural preserve or on
other surrounding agricultural preserves; and
3. The installation of a modular dwelling unit near the existing dwelling unit and other
agricultural buildings within the preserve will not result in the removal of adjacent
agricultural preserves from agricultural or open-space use.

29 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
30 hereby approves the requested compatible use of land in an agricultural preserve, under Contract
Number 77-16, based on its findings and determinations, and supported by substantial evidence in
the record, and the Agricultural Preserve Advisory Committee's recommendation.

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

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

By: _____
Jaime De La Cruz, Chair

ATTEST:
Chase Graves, Clerk of the Board

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

By: _____

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

Date: _____

Date: Feb. 14, 2017