

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 68-013 AND ENLARGEMENT)
6 NUMBERS 87-04, 88-03, 89-13, 90-01 AND 91-03 (LONE)
7 RANCH LLC) FOR A DWELLING UNIT)

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**, certain compatible uses may be allowed on agricultural preserves, if Counties make
15 findings set forth in Government Code section 51238.1 and San Benito County Code section
16 19.01.023(F)(1); and

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

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

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

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

36 **WHEREAS**, the owners of 44 Assessor's Parcels comprising 12,713+ acres of land under
37 agricultural preserve, Contract Number 68-013 and Enlargement Numbers 87-04, 88-03, 89-13,
38 90-01 and 91-03, requested a compatible use determination to allow the installation of an additional

1 dwelling unit for a second ranch hand and family, on the same parcel as an existing dwelling unit
2 for the property owner with guest house, and an existing dwelling unit for a ranch hand; and

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

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

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

15 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
16 Benito that it hereby finds that the proposed installation of an additional dwelling unit for a second
17 ranch hand and family, on the same parcel as an existing dwelling unit for the property owner with
18 guest house, and an existing dwelling unit for a ranch hand, significantly less than one percent (1%)
19 of the 12,713+ acre agricultural preserve, under Contract Number 68-013 and Enlargement
20 Numbers 87-04, 88-03, 89-13, 90-01 and 91-03, which preserve is located in a remote location 65
21 miles away from Hollister, is a compatible use under Government Code section 51238.1(a), and the
22 County's implementing ordinance, San Benito County Code section 19.01.023(C), and it will be
23 incidental and not detrimental to the agricultural uses of the land within the agricultural preserve;
24 and

25 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
26 hereby finds that proposed installation of an additional dwelling unit for a second ranch hand and
27 family, on the same parcel as an existing dwelling unit for the property owner with guest house, and
28 an existing dwelling unit for a ranch hand, significantly less than one percent (1%) of the 12,713+
acre agricultural preserve, under Contract Number 68-013 and Enlargement Numbers 87-04, 88-03,
89-13, 90-01 and 91-03, which preserve is located in a remote location 65 miles away from
Hollister, 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 an additional dwelling unit for a second ranch hand and family, on the same parcel as an existing dwelling unit for the property owner with guest house, and an existing dwelling unit for a ranch hand, significantly less than one percent (1%) 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 installation of an additional dwelling unit for a second ranch hand and family, on the same parcel as an existing dwelling unit for the property owner with guest house, and an existing dwelling unit for a ranch hand, significantly less than one percent (1%) of the

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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; and

3. The installation of an additional dwelling unit for a second ranch hand and family, on the same parcel as an existing dwelling unit for the property owner with guest house, and an existing dwelling unit for a ranch hand, significantly less than one percent (1%) of the total acreage, will not result in the removal of adjacent agricultural preserves from agricultural or open-space use.

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 68-013 and Enlargement Numbers 87-04, 88-03, 89-13, 90-01 and 91-03, 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 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