

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 89-08 (MCFADDEN) FOR A)
6 DWELLING UNIT)

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

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

- 24 1. The use will not significantly compromise the long-term productive agricultural capability
25 of the subject agricultural preserve or on other surrounding agricultural preserves;
- 26 2. The use will not significantly displace or impair current or reasonably foreseeable
27 agricultural operations on the subject agricultural preserve or on other surrounding
28 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

WHEREAS, the owners of one (1) Assessor's Parcel comprising 49 acres of land under agricultural
 preserve, Contract Number 89-08, requested a compatible use determination to allow the
 installation of a dwelling unit for a family member who will be a caretaker who will help work the
 land, in addition to an existing dwelling unit, on approximately one-half (1/2) acre of land; 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
compatible use request; and

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

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

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

10 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
11 Benito that it hereby finds that the proposed installation of an additional dwelling unit for a family
12 member who will be a caretaker who will help work the land, in addition to an existing dwelling
13 unit, on approximately one-half (1/2) acre of land out of the 49 acre agricultural preserve, under
14 Contract Number 89-08, approximately one percent (1%) of the total acreage, is a compatible use
15 under Government Code section 51238.1(a), and the County's implementing ordinance, San Benito
County Code section 19.01.023(C), and it will be incidental and not detrimental to the agricultural
uses of the land within the agricultural preserve; and

16 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
17 hereby finds that the proposed installation of an additional dwelling unit for a family member who
18 will be a caretaker who will help work the land, in addition to an existing dwelling unit, on
19 approximately one-half (1/2) acre of land out of the 49 acre agricultural preserve, under Contract
20 Number 89-08, approximately 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):

- 21 1. The installation of an additional dwelling unit for a family member who will be a
22 caretaker who will help work the land, in addition to an existing dwelling unit, on
23 approximately one-half (1/2) acre of land out of the 49 acre agricultural preserve, under
Contract Number 89-08, approximately one percent (1%) of the total acreage, will not
24 significantly compromise the long-term productive agricultural capability of the subject
agricultural preserve or on other surrounding agricultural preserves;
- 25 2. The installation of an additional dwelling unit for a family member who will be a
26 caretaker who will help work the land, in addition to an existing dwelling unit, on
27 approximately one-half (1/2) acre of land out of the 49 acre agricultural preserve, under
Contract Number 89-08, approximately one percent (1%) of the total acreage, will not
28 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 family member who will be a
caretaker who will help work the land, in addition to an existing dwelling unit, on
approximately one-half (1/2) acre of land out of the 49 acre agricultural preserve, under

Contract Number 89-08, approximately 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 89-08, 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