

Graces Ranch LLC/Andreini Trust:
Compatible Use Request – Construction of
20 Guest Cabins, Event Center Uses and
Outdoor Recreation Activities on
Agricultural Preserve Contract No. 68-021

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

2 A RESOLUTION OF THE SAN BENITO COUNTY BOARD) Resolution No. 2021-_____
3 OF SUPERVISORS APPROVING A COMPATIBLE USE)
4 REQUEST ON AN AGRICULTURAL PRESERVE UNDER)
5 CONTRACT NUMBER 68-21 (GRACES RANCH, LLC AND)
6 ANDREINI TRUST) 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(a) and San Benito County Code section
15 19.01.023(F); 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)(2) provides that Outdoor Recreational uses of land
20 by the public, with or without charge, including but not limited to walking, hiking, picnicking,
21 camping, swimming, boating, fishing, hunting, parks or other outdoor games or sports for which
22 facilities are provided for public participation, are compatible uses of land within agricultural
23 preserves, upon a finding that the proposed use is incidental and not detrimental to agricultural use;
24 and

25 **WHEREAS**, County Code section 19.01.023(B)(7) provides that Event Centers are compatible uses
26 of land within agricultural preserves; and

27 **WHEREAS**, County Code section 19.01.023(B)(15) provides that uses similar to those authorized in
28 section 19.01.023(B) that are determined by the Board of Supervisors to be compatible, upon a
29 finding that the proposed use is incidental and not detrimental to agricultural use, are deemed to be
30 compatible uses; and

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

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

- 35 1. The use will not significantly compromise the long-term productive agricultural capability of
36 the subject agricultural preserve or on other surrounding agricultural preserves;
- 37 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural
38 operations on the subject agricultural preserve or on other surrounding agricultural preserves[,]
39 [although] [u]ses that significantly displace agricultural operations on a portion of the subject

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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
- 4. The Board shall also consider the impacts on non-contracted lands near the agricultural preserve; and

WHEREAS, the owners of eight (8) Assessor’s Parcels comprising 1853+ acres of land under agricultural preserve, Contract Number 68-21, requested a compatible use determination regarding approximately five (5) acres of land within the preserve, on Assessor’s Parcel No. (APN) 028-160-009, for an Event Center hosting corporate events and special events such as weddings, together with associated Outdoor Recreational uses of the land and construction of 20 guest cabins, ranging in size from 300 to 600 square feet each; and

WHEREAS, the Agricultural Preserve Advisory Committee considered the compatible use request, found it to meet the criteria of San Benito County Code section 19.01.023(B)(2), (7) and (15), (C) and (F), and Government Code section 51238.1, and recommends that the Board of Supervisors approve the compatible use request; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Benito that it hereby finds that the proposed Event Center and Outdoor Recreational uses on approximately five (5) acres of land within the approximately 1853+ acre agricultural preserve, under Contract Number 68-21, comprising approximately one-quarter of one percent (0.27%) of the total acreage, is a compatible use under Government Code section 51238.1, and the County’s implementing ordinance, San Benito County Code section 19.01.023(B)(2), (7) and (15); and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito that it hereby finds that the 20 guest cabins associated with the proposed Event Center, ranging in size from 300 to 600 square feet each, to be constructed within the five (5) acre footprint of the Event Center uses, are directly related to a compatible use of the land under County Code section 19.01.023(C); and

1 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
2 hereby finds that the proposed Event Center and Outdoor Recreational uses of approximately five
3 (5) acres of land within the 1853+ acre agricultural preserve, under Contract Number 68-21,
4 comprising approximately one-quarter of one percent (0.27%) 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):

- 5 1. The proposed Event Center and Outdoor Recreational uses of approximately five (5) acres
6 of land out of the 1853+ acre agricultural preserve, under Contract Number 68-21,
7 comprising approximately one-quarter of one percent (0.27%) of the total acreage, will not
8 significantly compromise the long-term productive agricultural capability of the subject
9 agricultural preserve or on other surrounding agricultural preserves;
- 10 2. The proposed Event Center and Outdoor Recreational uses of approximately five (5) acres
11 of land out of the 1853+ acre agricultural preserve, under Contract Number 68-21,
12 comprising approximately one-quarter of one percent (0.27%) of the total acreage, will not
13 significantly displace or impair current or reasonably foreseeable agricultural operations on
14 the subject agricultural preserve or on other surrounding agricultural preserves;
- 15 3. The proposed Event Center and Outdoor Recreational uses of approximately five (5) acres
16 of land out of the 1853+ acre agricultural preserve, under Contract Number 68-21,
17 comprising approximately one-quarter of one percent (0.27%) of the total acreage, will not
18 result in the removal of adjacent agricultural preserves from agricultural or open-space use;
19 and
- 20 4. The proposed Event Center and Outdoor Recreational uses of approximately five (5) acres
21 of land out of the 1853+ acre agricultural preserve, under Contract Number 68-21,
22 comprising approximately one-quarter of one percent (0.27%) of the total acreage, will not
23 create impacts on non-contracted lands near the agricultural preserve.

16 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
17 hereby approves the requested compatible use of land in an agricultural preserve, under Contract
18 Number 68-21, based on its findings and determinations, and supported by substantial evidence in
19 the record, and the Agricultural Preserve Advisory Committee's recommendation.

20 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**
21 **BENITO THIS 9th DAY OF MARCH, 2021 BY THE FOLLOWING VOTE:**

21 Ayes: Supervisor(s):
22 Noes: Supervisor(s):
23 Absent: Supervisor(s):
24 Abstain: Supervisor(s):

24 By: _____
25 Mark Medina, Chair

26 **ATTEST:**
27 Jennifer Frechette, Clerk of the Board

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

28 By: _____

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

Date: _____

Date: Feb. 26, 2021