

Mark and Glenna Porteur: Compatible Use
Request – Internet Relay Station, Storage Shed
and Equipment on Agrigultural Perverve
Contract No. 86-903

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

3 **WHEREAS**, the owners of one (1) Assessor's Parcel, Assessor's Parcel No. (APN) 017-050-011,
4 comprising 181.6+ acres of land under agricultural preserve, Contract Number 86-903, requested a
5 compatible use determination regarding approximately 5000 square feet of land within the preserve,
6 for an Internet Relay Station and associated networking equipment and battery system, to be housed
7 in an eight foot by 10 foot (8' x 10') unmanned storage shed, and a solar array, generator and
8 propane tank to provide power, within a fenced area around the perimeter of the equipment; and

9 **WHEREAS**, the Agricultural Preserve Advisory Committee considered the compatible use request,
10 found it to meet the criteria of San Benito County Code section 19.01.023(B)(5) and (15), (C) and
11 (F), and Government Code section 51238.1, and recommends that the Board of Supervisors approve
12 the compatible use request; and

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

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

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

21 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
22 Benito that it hereby finds that the proposed Internet Relay Station and associated equipment is a
23 Communication Facility, Public Utility Facility and/or similar use, deemed to be a compatible use
24 under Government Code section 51238.1, and the County's implementing ordinance, San Benito
25 County Code section 19.01.023(B)(5) and (15); and

26 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
27 hereby finds that the construction of an eight foot by 10 foot (8' x 10') unmanned storage shed
28 structure to house the Internet Relay Station and associated equipment, is 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 proposed use of approximately 5000 square feet of land within the 181.6+ acre
agricultural preserve, under Contract Number 86-903, comprising only 0.06% of the total acreage,
for an Internet Relay Station and associated equipment, 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 proposed use of approximately 5000 square feet of land within the 181.6+ acre
agricultural preserve, under Contract Number 86-903, comprising only 0.06% of the total
acreage, for an Internet Relay Station and associated equipment, will not significantly
compromise the long-term productive agricultural capability of the subject agricultural
preserve or on other surrounding agricultural preserves;

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- 2. The proposed use of approximately 5000 square feet of land within the 181.6+ acre agricultural preserve, under Contract Number 86-903, comprising only 0.06% of the total acreage, for an Internet Relay Station and associated equipment, will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject agricultural preserve or on other surrounding agricultural preserves;
- 3. The proposed use of approximately 5000 square feet of land within the 181.6+ acre agricultural preserve, under Contract Number 86-903, comprising only 0.06% of the total acreage, for an Internet Relay Station and associated equipment, will not result in the removal of adjacent agricultural preserves from agricultural or open-space use; and
- 4. The proposed use of approximately 5000 square feet of land within the 181.6+ acre agricultural preserve, under Contract Number 86-903, comprising only 0.06% of the total acreage, for an Internet Relay Station and associated equipment, will not create impacts on non-contracted lands near the agricultural preserve.

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 86-903, 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 9th DAY OF MARCH, 2021 BY THE FOLLOWING VOTE:

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

By: _____
 Mark Medina, Chair

ATTEST:
 Jennifer Frechette, Clerk of the Board

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

By: _____
 Date: _____

By: Shirley L. Murphy
 Shirley L. Murphy, Deputy County Counsel
 Date: Feb. 26, 2021