

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

2 A RESOLUTION OF THE SAN BENITO COUNTY BOARD) Resolution No. _____
3 OF SUPERVISORS APPROVING A COMPATIBLE USE)
4 REQUEST ON AN AGRICULTURAL PRESERVE UNDER)
5 CONTRACT NUMBER 71-059 (LONE TREE RANCH) FOR A)
6 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 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(B)(2) authorizes Outdoor Recreational Uses including
20 but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, parks or
21 other outdoor games or sports as compatible uses, upon a finding that the proposed use is incidental
22 and not detrimental to agricultural use, is deemed a compatible use; and

23 **WHEREAS**, County Code section 19.01.023(B)(9) provides that uses similar to those authorized in
24 section 19.01.023(B) that are determined by the Board of Supervisors to be compatible, upon a
25 finding that the proposed use is incidental and not detrimental to agricultural use, are deemed to be
26 compatible uses; and

27 **WHEREAS**, the Board of Supervisors has previously approved Event Center uses as compatible uses
28 within agricultural preserves under County Code section 19.01.023(B)(9), including its previous
29 approval in 2009 of certain Event Center uses within this agricultural preserve; and

30 **WHEREAS**, the Board of Supervisors has previously directed that section 19.01.023(B) be amended
31 to add Event Center uses as authorized compatible uses within agricultural preserves; and

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

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

- 3 1. The use will not significantly compromise the long-term productive agricultural capability
4 of the subject agricultural preserve or on other surrounding agricultural preserves;
- 5 2. The use will not significantly displace or impair current or reasonably foreseeable
6 agricultural operations on the subject agricultural preserve or on other surrounding
7 agricultural preserves[,] [although] [u]ses that significantly displace agricultural
8 operations on a portion of the subject agricultural preserve may be deemed compatible if
9 they relate directly to the production of commercial agricultural products on the
10 remaining portion of the agricultural preserve or on neighboring lands, including
11 activities such as harvesting, processing or shipping;
- 12 3. The use will not result in the significant removal of adjacent agricultural preserves from
13 agricultural or open-space use;
- 14 4. The Board shall also consider the impacts on non-contracted lands near the agricultural
15 preserve; and

16 **WHEREAS**, the owners of one (1) Assessor's Parcels comprising 6008+ acres of land under
17 agricultural preserve Contract Number 71-059, requested a compatible use determination to allow
18 expansion of the uses previously approved in 2009, to allow Event Center uses including but not
19 limited to hosting hunting parties, social events, business retreats, weddings and receptions,
20 agricultural- and recreational-tourism, using the improvements previously allowed under
21 Conditional Use Permit 1025-09, for short term stays as may be further improved for events uses,
22 including additional improvements to support such uses within the already approved improvement
23 area, including but not limited to completing and enlarging the previously approved improvements
24 to the headquarters (lodge), one additional cabin with up to four bedrooms which will equal a total
25 of 10 cabins, six "glamping" tents, and slightly varying the locations of previously approved cabins,
26 all within the previously approved footprint, with flexibility in the number of bedrooms provided in
27 the previously approved, but not yet constructed cabins, with up to four bedrooms per cabin, on
28 approximately ten (10) acres of land; 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)(9), (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 revised
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 revised
compatible use request; and

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

1 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
2 Benito that it hereby finds that the proposed expanded Event Center uses of approximately ten (10)
3 acres of land out of the 6008+ acre agricultural preserve, under Contract Number 71-059,
4 approximately one-fifteenth of one percent (0.15%) of the total acreage, is a compatible use under
5 Government Code section 51238.1, and the County's implementing ordinance, San Benito County
6 Code section 19.01.023(B)(9), because the proposed use is similar to other outdoor recreational uses
7 of agricultural land, as set forth in section 19.01.023(B)(2), and it will be incidental and not
8 detrimental to the agricultural uses of the land within the agricultural preserve; and

9 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
10 hereby finds that the structures associated with the proposed expanded Event Center uses are directly
11 related to a compatible use of the land under County Code section 19.01.023(C); and

12 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
13 hereby finds that the expanded Event Center uses of approximately ten (10) acres of land out of the
14 6008+ acre agricultural preserve, under Contract Number 71-059, approximately one-fifteenth of
15 one percent (0.15%) of the total acreage, satisfies the following criteria of compatibility set forth in
16 Government Code section 51238.1(a) and San Benito County Code section 19.01.023(F):

- 17 1. The use of approximately ten (10) acres of land out of the 6008+ acre agricultural
18 preserve, approximately one-fifteenth of one percent (0.15%) of the total acreage, will
19 not significantly compromise the long-term productive agricultural capability of the
20 subject agricultural preserve or on other surrounding agricultural preserves;
- 21 2. The use of approximately ten (10) acres of land out of the 6008+ acre agricultural
22 preserve, approximately one-fifteenth of one percent (0.15%) of the total acreage, will
23 not significantly displace or impair current or reasonably foreseeable agricultural
24 operations on the subject agricultural preserve or on other surrounding agricultural
25 preserves;
- 26 3. The use of approximately ten (10) acres of land out of the 6008+ acre agricultural
27 preserve, approximately one-fifteenth of one percent (0.15%) of the total acreage, will
28 not result in the removal of adjacent agricultural preserves from agricultural or open-space
use; and
4. The use of approximately ten (10) acres of land out of the 6008+ acre agricultural
preserve, approximately one-fifteenth of one percent (0.15%) of the total acreage, will
not create impacts on non-contracted lands near the agricultural preserve.

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
31 Number 71-059, based on its findings and determinations, and supported by substantial evidence in
32 the record, and the Agricultural Preserve Advisory Committee's recommendation.

1 PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN
2 BENITO THIS 5th DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

3 Ayes: Supervisor(s):
4 Noes: Supervisor(s):
5 Absent: Supervisor(s):
6 Abstain: Supervisor(s)

7 By: _____
8 Mark Medina, Chair

9 **ATTEST:**
10 Janet Slibsager, Clerk of the Board

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

13 By: _____

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

16 Date: _____

17 Date: Jan. 23, 2019