

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 69-034 (LAS AGUILAS CORP.) FOR)
6 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 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), and has previously directed
that section 19.01.023(B) be amended to add Event Center uses as authorized compatible uses within
agricultural preserves; and

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

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

1 they relate directly to the production of commercial agricultural products on the
2 remaining portion of the agricultural preserve or on neighboring lands, including
activities such as harvesting, processing or shipping;

3 3. The use will not result in the significant removal of adjacent agricultural preserves from
agricultural or open-space use;

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

5
6 **WHEREAS**, the owners of one (1) Assessor's Parcel comprising 26,900+ acres of land under
agricultural preserve, Contract Number 69-034, concurrently submitted a request to divide the
7 existing preserve into seven (7) new preserves, to be comprised of approximately 5043+ acres,
1719+ acres, 1840+ acres, 1384+ acres, 1200+ acres, 8350+ acres and 7364+ acres, respectively,
8 which the Board of Supervisors approved, and requested a compatible use determination regarding
the newly created 8350+ acre preserve; and

9
10 **WHEREAS**, the owners of the newly created 8350+ acre agricultural preserve requested a
compatible use determination to allow Event Center uses, including but not limited to hosting
11 hunting parties, social events, business retreats, weddings and receptions, and agricultural-, eco- and
recreational-tourism, on approximately ten (10) acres of land in the agricultural preserve; and

12
13 **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) and (F), and
14 Government Code section 51238.1, and recommends that the Board of Supervisors approve the
compatible use request; and

15
16 **WHEREAS**, the Board of Supervisors held a duly noticed public hearing to consider the revised
compatible use request; and

17
18 **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
19 were given ample opportunity to hear and be heard with respect to any matter related to the revised
compatible use request; and

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

22 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
23 Benito that it hereby finds that the proposed Event Center uses of approximately ten (10) acres of
land out of the 8350+ acre agricultural preserve, under Contract Number 69-034, approximately
24 one-tenth of one percent (0.1%) 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
25 19.01.023(B)(9), because the proposed use is similar to other outdoor recreational uses of
agricultural land, as set forth in section 19.01.023(B)(2), and it will be incidental and not
26 detrimental to the agricultural uses of the land within the agricultural preserve; 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 uses of approximately ten (10) acres of land out of the
3 8350+ acre agricultural preserve, under Contract Number 69-034, approximately one-tenth of one
4 percent (0.1%) of the total acreage, satisfies the following criteria of compatibility set forth in
5 Government Code section 51238.1(a) and San Benito County Code section 19.01.023(F):

- 6 1. The proposed Event Center uses of approximately ten (10) acres of land out of the 8350+
7 acre agricultural preserve, under Contract Number 69-034, approximately one-tenth of
8 one percent (0.1%) of the total acreage, will not significantly compromise the long-term
9 productive agricultural capability of the subject agricultural preserve or on other
10 surrounding agricultural preserves;
- 11 2. The proposed Event Center uses of approximately ten (10) acres of land out of the 8350+
12 acre agricultural preserve, under Contract Number 69-034, approximately one-tenth of
13 one percent (0.1%) of the total acreage, will not significantly displace or impair current or
14 reasonably foreseeable agricultural operations on the subject agricultural preserve or on
15 other surrounding agricultural preserves;
- 16 3. The proposed Event Center uses of approximately ten (10) acres of land out of the 8350+
17 acre agricultural preserve, under Contract Number 69-034, approximately one-tenth of
18 one percent (0.1%) of the total acreage, will not result in the removal of adjacent
19 agricultural preserves from agricultural or open-space use; and
- 20 4. The proposed Event Center uses of approximately ten (10) acres of land out of the 8350+
21 acre agricultural preserve, under Contract Number 69-034, approximately one-tenth of
22 one percent (0.1%) of the total acreage, will not create impacts on non-contracted lands
23 near the agricultural preserve.

24 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
25 hereby approves the requested compatible use of land in an agricultural preserve, under Contract
26 Number 69-034, based on its findings and determinations, and supported by substantial evidence in
27 the record, and the Agricultural Preserve Advisory Committee's recommendation.

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

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

By: _____
Mark Medina, Chair

ATTEST:
Janet Slibsager, 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: Jan. 23, 2019