

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

2 AN ORDINANCE AMENDING SECTION)
3 19.01.023 OF TITLE 19, CHAPTER 19.01 OF)
4 THE SAN BENITO COUNTY CODE)
5 PERTAINING TO COMPATIBLE USES ON)
6 AGRICULTURAL PRESERVES

Ordinance No. _____

7
8 The Board of Supervisors ordains as follows:

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10 **Section 1.** Ordinance 582, as previously amended from time to time, and as codified as
11 Title 19 (Land Use And Environmental Regulations), Chapter 19.01 (Agricultural
12 Provisions), Article II (Agricultural Preserves) of the San Benito County Code, is hereby
13 amended to add additional uses deemed to be compatible uses within agricultural
14 preserves as set forth in Section 19.01.023(B). Section 19.01.023(B) of Chapter 19.01 of
15 Title 19 of the San Benito County Code is amended to read as follows:

16 **§ 19.01.023 COMPATIBLE USES.**

17 (B) *Categories of compatible uses.* The following uses are deemed compatible.
18 The following compatible uses shall not be used in calculating the
19 minimum acreage requirements of an agricultural preserve.

20 (1) The use and conservation of natural resources, which include:

21 (a) The mining and processing of minerals, petroleum products,
22 rock, sand, gravel and clay. Processing is compatible only if it
23 involves only the use of on-site required materials, except for
24 water. Processing includes, without limitation, crushing,
25 washing and screening;

26 (b) Forestry and production of wood products;

27 (c) Dams, reservoirs, water facilities;

28 (d) Fire prevention facilities; and

 (e) Flood control works.

 (2) Outdoor recreation only if the recreation is incidental, and not
detrimental to the agricultural use. Recreational use is the use of
land by the public, with or without charge, for any of the following:
walking, hiking, picnicking, camping, swimming, boating, fishing,
hunting, parks or other outdoor games or sports for which facilities
are provided for public participation;

 (3) Signs appurtenant to any authorized use;

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- (4) Signs of property for sale;
- (5) Communication facilities or public utility facilities;
- (6) Home occupations;
- (7) Event centers;
- (8) Wineries;
- (9) Small solar projects for the operation of a farm or ranch;
- (10) Vegetable processing plants;
- (11) Meat processing plants;
- (12) Airplane runway strips for landowner's non-commercial use;
- (13) Any use which was approved by the Board and which existed at the time is included in a preserve;
- (14) Any use required to be permitted by the Act; and
- (15) Any other similar compatible use as determined by the Board upon a finding that the proposed use is incidental and not detrimental to agricultural use.

Section 2. The remainder of section 19.01.023 of Chapter 19.01 of Title 19 of the San Benito County Code shall remain in full force and effect.

Section 3. General Provisions

- A. Severability: If any sentence, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have enacted this ordinance and each section, subsection, sentences, clauses or phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.
- B. Effective Date and Codification: Section one of this ordinance shall be codified. This ordinance shall be in effect 30 days after adoption.

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C. Publication: Within ten (10) days after its adoption, this ordinance shall be published pursuant to California Government Code 6061 in its entirety in a newspaper of general circulation which is printed, published and circulated within San Benito County.

Introduced at a regular meeting of the Board of Supervisors held on the 5th day of February, 2019. Final passage and adoption by the Board of Supervisors of the County of San Benito was at a regular meeting of said Board held on the 19th day of February, 2019, by the following vote:

AYES: Supervisors:
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

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