

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

2 A RESOLUTION OF THE SAN BENITO COUNTY BOARD) Resolution No. 2020-_____
3 OF SUPERVISORS APPROVING A COMPATIBLE USE)
4 REQUEST ON AN AGRICULTURAL PRESERVE UNDER)
5 CONTRACT NUMBER 01-03 (DOODLEBUG RANCHES),)
6 EXPANDING THE PREVIOUSLY APPROVED PRIVATE)
7 EVENT CENTER TO ADD A KITCHEN AND DINING HALL)
8 ON APPROXIMATELY 5000 SQUARE FEET WITHIN THE)
9 PREVIOUSLY APPROVED FOOTPRINT)

10 **WHEREAS**, Counties are authorized to establish agricultural preserves and to establish local
11 procedures for creating, altering and terminating agricultural preserves, under the California Land
12 Conservation Act (Cal. Government Code section 51200 et seq.); and

13 **WHEREAS**, the Board of Supervisors of the County of San Benito adopted an ordinance
14 implementing the California Land Conservation Act in the County of San Benito, now codified in the
15 San Benito County Code, title 19, chapter 19.01, article II, commencing with section 19.01.020; and

16 **WHEREAS**, certain compatible uses may be allowed on agricultural preserves, if Counties make
17 findings set forth in Government Code section 51238.1 and San Benito County Code section
18 19.01.023(F)(1); and

19 **WHEREAS**, County Code section 19.01.023 specifies categories of compatible uses allowed on
20 agricultural preserves and required findings associated with compatible use requests, consistent with
21 the requirements of Government Code sections 51238.1; and

22 **WHEREAS**, County Code section 19.01.023(B)(7) provides that event centers are compatible uses;
23 and

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

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

- 28 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
 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

WHEREAS, the owners of 56 Assessor's Parcels comprising 7200+ acres of land under
 agricultural preserve, Contract Number 01-03, previously requested a compatible use determination

1 for a private event center on approximately 10 acres of land on Assessor's Parcel
2 No. (APN) 023-100-047; and

3 **WHEREAS**, in 2005, the Board of Supervisors made the required findings and determinations and
4 approved the private event center on approximately 10 acres of land on APN 023-100-047, as a
compatible use of land within the agricultural preserve, Contract Number 01-03; and

5 **WHEREAS**, the owners have requested a compatible use determination to allow the expansion of
6 the uses previously approved in 2005 regarding a private event center, to approve the installation of
7 a kitchen and dining hall as additional improvements on approximately 5000 square feet within the
already approved 10-acre improvement area footprint, to support the compatible uses of land as a
private event center; and

8
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)(7), (C) and (F), and
Government Code section 51238.1, and recommends that the Board of Supervisors approve the
compatible use request; and

11
12 **WHEREAS**, the Board of Supervisors held a duly noticed public hearing to consider the revised
compatible use request; and

13
14 **WHEREAS**, at the public hearing, the Board of Supervisors heard and received all oral and written
15 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

16
17 **WHEREAS**, at the conclusion of public testimony, the Board closed the public hearing, deliberated
and considered the merits of the revised compatible use request.

18 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
19 Benito that it hereby finds that the proposed expansion of the uses previously approved in 2005
20 regarding a private event center, to approve the installation of a kitchen and dining hall as additional
improvements on approximately 5000 square feet within the already approved 10-acre improvement
21 area footprint out of the 7200+ acre agricultural preserve, under Contract Number 01-03,
significantly less than one percent (1%) of the total acreage, is a compatible use under Government
22 Code section 51238.1, and the County's implementing ordinance, San Benito County Code section
19.01.023(B)(7); and

23
24 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
25 hereby finds that the structures associated with the installation of a kitchen and dining hall as
additional improvements on approximately 5000 square feet within the 10-acre footprint of the
26 previously approved private event center are directly related to a compatible use of the land under
County Code section 19.01.023(C); and

27 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
28 hereby finds that the proposed expansion of the uses previously approved in 2005 regarding a
private event center, to approve the installation of a kitchen and dining hall on approximately 5000
square feet within the already approved 10-acre improvement area footprint out of the 7200+ acre
agricultural preserve, under Contract Number 01-03, significantly less than one percent (1%) 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):

1. The proposed expansion of the uses previously approved in 2005 regarding a private event center, to approve the installation of a kitchen and dining hall on approximately 5000 square feet within the already approved 10-acre improvement area footprint out of the 7200+ acre agricultural preserve, under Contract Number 01-03, significantly less than one percent (1%), will not significantly compromise the long-term productive agricultural capability of the subject agricultural preserve or on other surrounding agricultural preserves;
2. The proposed expansion of the uses previously approved in 2005 regarding a private event center, to approve the installation of a kitchen and dining hall on approximately 5000 square feet within the already approved 10-acre improvement area footprint out of the 7200+ acre agricultural preserve, under Contract Number 01-03, significantly less than one percent (1%) of the total acreage, will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject agricultural preserve or on other surrounding agricultural preserves; and
3. The proposed expansion of the uses previously approved in 2005 regarding a private event center, to approve the installation of a kitchen and dining hall on approximately 5000 square feet within the already approved 10-acre improvement area footprint out of the 7200+ acre agricultural preserve, under Contract Number 01-03, significantly less than one percent (1%) of the total acreage, will not result in the removal of adjacent agricultural preserves from agricultural or open-space use.

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 01-03, 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 18th DAY OF FEBRUARY, 2020 BY THE FOLLOWING VOTE:

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

By: _____
Jaime De La Cruz, 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: Feb. 12, 2020