

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 76-809 (FOX CREEK FUND LLC))
6 FOR USE OF AN EXISTING ROAD AS AN AIRSTRIP FOR)
7 A PRIVATE SMALL SINGLE ENGINE AIRCRAFT)

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

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

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

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

20 **WHEREAS**, County Code section 19.01.023(B)(9) provides that uses determined by the Board of
21 Supervisors to be compatible, upon a finding that the proposed use is incidental and not detrimental to
22 agricultural use, is deemed a compatible use; and

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

- 25 1. The use will not significantly compromise the long-term productive agricultural capability
26 of the subject agricultural preserve or on other surrounding agricultural preserves;
- 27 2. The use will not significantly displace or impair current or reasonably foreseeable
28 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;
4. The Board shall also consider the impacts on non-contracted lands near the agricultural
 preserve; and

WHEREAS, the owners of eight (8) Assessor's Parcels comprising 1327+ acres of land under
 agricultural preserve, Contract Number 76-809, requested a compatible use determination to allow

1 the use of an existing dirt ranch road as an airstrip for a private small single engine aircraft used for
2 ranch operations such as checking on cattle and fence lines; and

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

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

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

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

15 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
16 Benito that it hereby finds that the proposed use of the existing dirt ranch road located on the 1327+
17 acre agricultural preserve under Contract Number 76-809, as an airstrip for a private small single
18 engine aircraft used for ranch operations such as checking on cattle and fence lines, is a compatible
19 use under Government Code section 51238.1, and the County's implementing ordinance, San
20 Benito County Code section 19.01.023(B)(9), because the proposed use of the existing road will be
21 incidental and not detrimental to the agricultural uses of the land within the agricultural preserve;
22 and

23 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
24 hereby finds that the proposed use of the existing dirt ranch road located on the 1327+ acre
25 agricultural preserve under Contract Number 76-809, as an airstrip for a private small single engine
26 aircraft used for ranch operations such as checking on cattle and fence lines, satisfies the following
27 criteria of compatibility set forth in Government Code section 51238.1(a) and San Benito County
28 Code section 19.01.023(F):

1. The use of the existing dirt ranch road as an airstrip for a private small single engine aircraft used for ranch operations, such as checking on cattle and fence lines, will not significantly compromise the long-term productive agricultural capability of the subject agricultural preserve or on other surrounding agricultural preserves;
2. The use of the existing dirt ranch road as an airstrip for a private small single engine aircraft used for ranch operations, such as checking on cattle and fence lines, 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 use of the existing dirt ranch road as an airstrip for a private small single engine aircraft used for ranch operations, such as checking on cattle and fence lines, will not result in the removal of adjacent agricultural preserves from agricultural or open-space use; and

