Resolution

WHEREAS complete applications for Agricultural Preserves were received by the applicants: Agricultural Preserve Application #2002-216 for Larry M. Fowler on August 6, 2002 proposed on an 819 acre parcel more particularly described as APNs 018-070-006,-007,-008; 018-090-005,-006,-008, and 018-170-015; Agricultural Preserve 2002-281 for Esther F. Moore on August 12, 2002 proposed on a 640 acre parcel more particularly described as APN 018-280-003; Agricultural Preserve 2002-339 for Billy D. Grissom on August 26, 2002 proposed on a 600 acre parcel more particularly described as APN 007-130-026, Agricultural Preserve 2002-340 for Jerry & Judy Cook and Billy D. Grissom on August 26, 2002 proposed on a 667 acre parcel more particularly described as APNs 008-090-009 and –011 and 011-050-029; and

WHEREAS the applications were reviewed by the Mariposa County Agricultural Advisory Committee and the Mariposa County Planning Commission for consistency with the California Land Conservation (Williamson) Act, Mariposa County General Plan, and Mariposa County Agricultural Preserve Policy; and

WHEREAS the Agricultural Advisory Committee recommended approval of applications Nos. 2002-216, 2002-281, 2002-339, and 2002-340 with the recommended findings and conditions; and

WHEREAS on October 18, 2002 the Planning Commission held a public hearing on the applications in accordance with County Code and State law; and

WHEREAS the Planning Commission recommended to the Board of Supervisors the filing of Notices of Exemption pursuant to Section 15317 of CEQA Guidelines and approval of Agricultural Preserves Nos. 2002-216, 2002-281, 2002-339, and 2002-340 with conditions.
WHEREAS the following applications were withdrawn in writing by the owners of record on November 18, 2002 and are not a part of this resolution of approval nor a part of any Williamson Act contracts being entered into for Agricultural Preserves as a result: Agricultural Preserve 2002-339 for Billy D. Grissom received on August 26, 2002 proposed on a 600 acre parcel more particularly described as (APN 007-130-026), and Agricultural Preserve 2002-340 for Jerry & Judy Cook and Billy D. Grissom received on August 26, 2002 proposed on a 667 acre parcel more particularly described as (APNs 008-090-009 and -011 and 011-050-029);

BE IT THEREFORE RESOLVED THAT the Mariposa County Board of Supervisors approves the following:

1) The filing of a notice of exemption (from environmental review) for the projects pursuant to Section 15317 of CEQA Guidelines; and

2) Agricultural Preserve # 2002-216 subject the following conditions:

   A restriction shall be included in the Land Conservation Act contract prohibiting the conveyance of parcels less than 100 acres as separate parcels except to immediate family members of the owner.

   A restriction shall be included into the Land Conservation Act contract prohibiting the construction of new residential dwellings on parcels less than 40 acres in size; and

3) Agricultural Preserves #2002-281 subject to the following condition:

   No Certificate of Compliance application shall be submitted by the property owners or considered by Mariposa County during the tenure of the Land Conservation Act contract.

BE IT THEREFORE FURTHER RESOLVED THAT this action by the Board of Supervisors is based on the following findings:

1) The projects are found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole and will not obstruct the achievement of the Plan’s purpose. This finding is made in accordance with Section 2.600 et seq. of the Mariposa County General Plan.

   The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Conservation Element. The Open Space Element confirms the importance of maintaining the viability of the agricultural industry for Mariposa County. These projects will result in the execution of a Land Conservation Act contract, which is a 20 year commitment to agriculture and open space uses for the site. The preserves are consistent with the General Plan. This finding is made in accordance with Section 51234 of Government Code.

2) The projects, upon compliance with the required conditions, comply with all standards of the California Land Conservation (Williamson) Act and the Mariposa
County Agricultural Preserve Policy. The parcels have been used for agricultural purposes for at least three years, and the agricultural uses have been profitable.

BE IT THEREFORE FURTHER RESOLVED the Chairman of the Board is hereby authorized to sign the Land Conservation (Williamson) Act contracts; and

BE IT FINALLY RESOLVED that the Board reaffirms their 1998 action to initiate amendments to the Agricultural Preserve Williamson Act Policy directing staff to process the amendments before August 2003.

ON MOTION BY Supervisor Reilly, seconded by Supervisor Pickard, this resolution duly passed and adopted this 18th day of November, 2002 by the following vote:

AYES: Balmain, Parker, Pickard, Reilly, & Stewart

NOES: None

ABSTAIN: None

Bob Stewart, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel
DEPARTMENT: Planning  
By: Steve Engfer, Planner III  
Phone: 966-0306  

RECOMMENDED ACTION AND JUSTIFICATION:  
(Policy Item: Yes [ ] No [X])

Adopt a resolution approving Agricultural Preserve Applications No. 2002-216 (Larry M. Fowler, applicant), No. 2002-281 (Esther F. Moore, applicant), No. 2002-339 (Billy D. Grissom, applicant), No. 2002-340 (Billy D. Grissom and Jerry & Judy Cook, applicants), with the respective findings and conditions set forth in Planning Commission Resolution No. 2002-024 and authorize the Chairman of the Board to sign the Williamson Act contracts. The resolution also acts to reaffirm the 1998 Board of Supervisors initiation of amendments to the County Agricultural Preserve Williamson Act Policy and to direct staff to process the amendments before August of 2003. This action is based on the recommendation of the Planning Commission.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has not taken any action on these applications.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Approve the applications with conditions and findings; 2) Deny one or more of the applications.

NEGATIVE ACTION would result in denial of the applications and prevent the recordation of Land Conservation (Williamson) Act contracts on the properties.

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>(X) Not Applicable</th>
<th>SPECIAL INSTRUCTIONS:</th>
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<tbody>
<tr>
<td>A. Budgeted current FY</td>
<td>$__________</td>
<td>List the attachments and number the pages consecutively:</td>
</tr>
<tr>
<td>B. Total anticipated Costs</td>
<td>$__________</td>
<td>1. Agricultural Preserve Standards</td>
</tr>
<tr>
<td>C. Required additional funding</td>
<td>$__________</td>
<td>2. Planning Commission Resolution No. 2001-024</td>
</tr>
<tr>
<td>D. Internal transfers</td>
<td>$__________</td>
<td>3. Planning Commission Minutes, October 18, 2002</td>
</tr>
<tr>
<td>COSTS:</td>
<td>( ) 4/5th Vote Required</td>
<td>4. Staff Reports to the Planning Commission, Oct. 18, 2002</td>
</tr>
<tr>
<td>A. Unanticipated revenues</td>
<td>$__________</td>
<td>5. Draft Board Resolution</td>
</tr>
<tr>
<td>B. Reserve for contingencies</td>
<td>$__________</td>
<td>6. Board Packet &amp; Minutes from the 1998 action to initiate amendments</td>
</tr>
<tr>
<td>C. Source description:</td>
<td></td>
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Balance in Reserve Contingencies, If Approved: $__________

CLERK’S USE ONLY
Res. No.: 418  
Ord. No.: _________  

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<thead>
<tr>
<th>ADMINISTRATIVE OFFICER’S RECOMMENDATION:</th>
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<tr>
<td>This item on agenda as:</td>
</tr>
</tbody>
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Vote - Ayes: _______  
Noes: _______  
Absent: _______  
Abstained: _______

[ ] Approved  
[ ] Denied  
[ ] No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: 
ATTEST: MARGIE WILLIAMS, Clerk of the Board

By:    
Deputy

A.O. Initials: [ ]
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:        ERIC TOLL, Planning Director

FROM:      MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Agricultural Preserve Applications No. 2002-216 (Larry M. Fowler, Applicant), No. 2002-281 (Esther F. Moore, Applicant), No. 2002-339 (Billy D. Grissom, Applicant), No. 2002-340 (Billy D. Grissom and Jerry & Judy Cook, Applicants)
          Resolution No. 02-418

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 18, 2002

ACTION AND VOTE:

10:04 a.m. Public hearing to approve the Agricultural Preserve Applications No. 2002-216 (Larry M. Fowler, Applicant), No. 2002-281 (Esther F. Moore, Applicant), No. 2002-339 (Billy D. Grissom, Applicant), No. 2002-340 (Billy D. Grissom and Jerry & Judy Cook, Applicants) was opened and continued until the following matter.

10:44 a.m. Eric Toll, Planning Director;
            PUBLIC HEARING: Approve the Agricultural Preserve Applications No. 2002-216 (Larry M. Fowler, Applicant), No. 2002-281 (Esther F. Moore, Applicant), No. 2002-339 (Billy D. Grissom, Applicant), No. 2002-340 (Billy D. Grissom and Jerry & Judy Cook, Applicants)
            BOARD ACTION: Chairman Stewart advised that notification was received from Billy Grissom, applicant for Agricultural Preserve Application Nos. 2002-339 and 2002-340, withdrawing said applications. Jeff Green, County Counsel, asked whether concurrence to the withdrawal of application No. 2002-340 was received from the Cooks. Eric Toll advised that nothing was received in writing; however, they normally accept these requests from only one of the applicants. Steve Engfer/Planner III, advised that this is an application from a family, and that nothing was received from the Cooks. Jeff Green suggested that the applications be removed from consideration contingent upon receiving written confirmation from the Cooks; and if the confirmation is not received, then staff should place the matter back on the agenda within the timeframes for processing. The Board concurred.
            Eric Toll presented the staff report for Application Nos. 2002-216 and 2002-281. He also advised he will review the General Plan Update to make sure the issues that the Board raised in 1998 relative to the agricultural preserve policies are being addressed and reviewed by the Planning Commission. He further
advised that the Planning Commission recommended approval of these applications. Steve Engfer responded to questions from the Board relative to conditions on parcels that are smaller than 100 acres, and relative to new dwelling restrictions.

The public portion of the hearing was opened, and input was provided by the following:

Lyle Turpin commented on the need for having a clear understanding of handling parcels less than 100 acres in size.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Reilly, (S)Pickard, Res. 02-418 was adopted approving Agricultural Preserve Applications Nos. 2002-216 and 2002-281, as recommended, including direction to staff relative to the agricultural preserve policies amendments. It was noted that the draft resolution needed to be amended to reflect the applications that were approved and the current Chair of the Board. Ayes: Unanimous. Supervisor Balmain asked whether future funding decisions by the State to reimburse counties for this program would have any affect on the contracts. It was determined that the contacts would still exist, just the reimbursement may not occur as anticipated. The hearing was closed.

cc: File
Jerry & Judy Cook
P.O. Box 951
Hilmar, CA 95324

November 18, 2002

Attention: Steve

I wish to void application 340 Ag Preserve of the Williamson Act. I no longer wish to enter into the Williamson Act Contract.

Jerry Cook

Judy Cook

(Signatures)