STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 01-315


WHEREAS complete applications for Agricultural Preserves were received from Mabel L. Cree on August 8, 2001 proposed on a 237 acre parcel more particularly described as Assessor Parcel Number 001-130-001; Thomas J. Jenkins, Wilma Jenkins, and Alice Joy Jenkins on August 8, 2001 proposed on a 137 acre parcel more particularly described as Assessor Parcel Number 011-010-002; Joe Simon on August 14, 2001 proposed on a 64 acre parcel more particularly described as Assessor Parcel Number 011-300-091; Wynter B. and Janie Sturtevant on August 22, 2001 proposed on a 173 acre parcel more particularly described as Assessor Parcel Numbers 001-030-030 and 001-040-006; and Mel Hultgren on September 4, 2001 proposed on a 2,251 acre parcel more particularly described as Assessor Parcel Number 018-120-002; 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. 2001-1, 2001-3, 2001-4, and 2001-5 with conditions and No. 2001-2 with no conditions;

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

WHEREAS the Planning Commission does hereby recommend to the Board of Supervisors the filing of Notices of Exemption pursuant to Section 15317 of CEQA Guidelines and approval of Agricultural Preserves Nos. 2001-1, 2001-3, 2001-4, and 2001-5 with conditions and No. 2001-2 with no conditions;
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) The approval of Agricultural Preserve Applications No. 2001-1, No. 2001-3, No. 2001-4, and No. 2001-5 with the following condition:

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

3) The approval of Agricultural Preserve 2001-3 with the following condition:

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.

4) The approval of Agricultural Preserve 2001-2 with no conditions.

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 FINALLY RESOLVED the Chairman of the Board is hereby authorized to sign the Land Conservation (Williamson) Act contracts.

ON MOTION BY Supervisor Parker, seconded by Supervisor Stewart, this resolution duly passed and adopted this 13th day of November, 2001 by the following vote:

AYES: Balmain, Parker, Pickard, Reilly, Stewart
13th day of November, 2001

NOES:

ABSTAIN:

[Signature]
Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:

[Signature]
MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
JEFFREY G. GREEN, County Counsel
RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution approving Agricultural Preserve Applications No. 2001-1 (Mable L. Cree, applicant), No. 2001-2 (Thomas J. Jenkins, Wilma Jenkins, and Alice Joy Jenkins applicants), No. 2001-3 (Joe Simon, applicant), No. 2001-4 (W. Blaine and Janie Sturtevant, applicants), and No. 2001-5 (Mel Hultgren, applicant) with the respective findings and conditions set forth in Planning Commission Resolution No. 2001-022 and authorize the Chairman of the Board to sign the Williamson Act contracts. 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 modified 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>
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<th>COSTS:</th>
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<td>A. Budgeted current FY</td>
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<td>B. Total anticipated</td>
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<td>C. Required additional</td>
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<td>D. Internal transfers</td>
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<td>B. Reserve for</td>
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<td>C. Source description:</td>
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Balance in Reserve Contingencies, If Approved: $__________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Memorandum to Board with Attachments:
   1. Agricultural Preserve Standards
   2. Planning Commission Resolution No. 2001-022
   3. Planning Commission Minutes, October 19, 2001
   4. Staff Reports to the Planning Commission, Oct. 19, 2001
   5. Draft Board Resolution

CLERK'S USE ONLY

Res. No.: CL-35

Vote - Ayes: 5
Noes: ____________
Absent: ____________

Minut Order Attached: Yes
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: ____________

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended
Not Recommended
For Policy Determination
Submitted for Comment
Returned for Further Action

Comment: ____________

A.O. Initials: ____________

DEPARTMENT: Planning
By: Jean Clark, Planner Ill Phone: 966-0304

AGENDA DATE: November 13, 2001
AGENDA ITEM NO.: ____________
MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: AGRICULTURAL PRESERVE APPLICATIONS
Res. No. 01-315

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on, November 13, 2001

ACTION AND VOTE:

10:20 a.m. Eric Toll, Planning Director;
A) PUBLIC HEARING: Consider Approval of Agricultural Preserve Applications No. 2001-1 (Mable L. Cree, applicant), No. 2001-2 (Thomas L. Jenkins, Wilma Jenkins, and Alice Joy Jenkins, applicants), No. 2001-3 (Joe Simon, applicant), No. 2001-4 (W. Blaine and Janie Sturtevant, applicants), and No. 2001-5 (Mel Hultgren, applicant)
BOARD ACTION: Eric Toll presented the staff report and responded to questions from the Board relative to conditions on a couple of the applications concerning parcel mergers. Public portion of the hearing was opened. There was no public input and the public portion was closed. The Board commenced with deliberations. (M)Parker, (S)Stewart, Res. 01-315 was adopted approving the applications as presented/Ayes: Unanimous. Supervisor Stewart requested that better maps be presented for the projects in the future. Hearing was closed.

cc: File