

Mariposa County Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 01-315

A resolution approving Agricultural Preserve 2001-1 for Mabel L. Cree (APN 001-130-001), Agricultural Preserve 2001-2 for Thomas J. Jenkins, Wilma Jenkins, and Alice Joy Jenkins (APN 011-010-002), Agricultural Preserve 2001-3 for Joe Simon (APN 011-300-091), Agricultural Preserve 2001-4 for Wynter B. and Janie Sturtevant (APN 001-030-030 and 001-040-006), and Agricultural Preserve 2001-5 for Mel Hultgren (APN 018-120-002).

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:

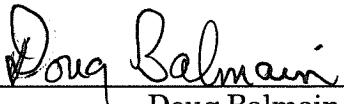
AYES: Balmain, Parker, Pickard, Reilly, Stewart

Resolution 01-315. Agricultural Preserves 2001-1, 2001-2, 2001-3, 2001-4, and 2001-5

13th day of November, 2001 Page 3 of 3

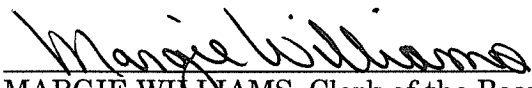
NOES:

ABSTAIN:



Doug Balmain, 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: Jean Clark, Planner III

Phone: 966-0304

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

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.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated Costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

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

Balance in Reserve Contingencies, If Approved:
\$ _____

CLERK'S USE ONLY

Res. No.: 01-315 Ord. No.: _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved Denied

Minute Order Attached 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

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: JD



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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MARIPOSA COUNTY BOARD OF SUPERVISORS

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