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MARIPOSA COUNTY RESOLUTION NO. 77-157

IMPLEMENTING THE
CALIFORNIA LAND CONSERVATION ACT OF 1965, AS AMENDED,
IN THE COUNTY OF MARIPOSA

WHEREAS, the orderly planning and development of land use is in the public interest of all taxpayers of Mariposa County; and

WHEREAS, agricultural production is and will remain a principal use of land in Mariposa County since other alternatives do not appear to be readily available; and

WHEREAS, agricultural production on these lands constitutes an important physical, social, aesthetic, and economic asset to the County; and

WHEREAS, the Land Conservation Act of 1965, as amended, provides a method for accomplishing the land use planning objectives of the County;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors does hereby make available to qualified landowners of Mariposa County the provisions of the Land Conservation Act of 1965, as amended; and

BE IT FURTHER RESOLVED that for the purpose of implementing such Act this Board does hereby establish policies and rules for establishing and governing agricultural preserves in the County of Mariposa:

1. The Board on its own cognizance, or at the written request of landowners, may establish an agriculture preserve. Such preserve shall contain a minimum of 100 acres which shall be contiguous. *The Board may establish agricultural preserves of*

1 less than 100 acres if the Board finds that a smaller preserve is
2 necessary due to the unique characteristics of the agricultural
3 enterprises in the area and that the establishment of preserves of
4 less than 100 acres is consistent with the General Plan of Mariposa,
5 County.

6 2. Requests for the establishment of agricultural pre-
7 serves shall be filed with the Secretary of the Mariposa County
8 Planning Commission on application forms provided by the Secretary.
9 Such application form shall identify the landowner(s), locate the
10 property on County maps, give legal description of the property as
11 on the current Assessor's roles, state the size of the property,
12 provide certification that the property has for the past three (3)
13 years and is presently devoted to agricultural production and com-
14 patible uses, and indicate the applicant's intention to enter into
15 a contract that will qualify as an enforceable use restriction as
16 specified in Section 422 of the Revenue & Taxation Code of the
17 State of California.

18 3. "Agricultural production and compatible uses" refer
19 to those enumerated in Exhibit "A", attached hereto and made a part
20 of this Resolution; provided, however, that Exhibit "A" can be
21 separately amended by this Board.

22 4. The Planning Commission of Mariposa County shall
23 review all applications for the establishment of agricultural pre-
24 serves and forward such applications, along with a Commission
25 recommendation, to the Board of Supervisors.

26 5. The Board of Supervisors shall hold a public hearing
27 on all applications, singularly or jointly. The purpose of such
28 hearing is to permit all interested parties to inform themselves

1 and present testimony if desired. The Board shall establish each
2 agricultural preserve by resolution.

3 6. At the time of establishing an agricultural preserve,
4 the Board shall authorize the Chairman of the Board to sign a Land
5 Conservation Act contract, of a standard form to be hereafter
6 specified by the Board, with any owner of land within the preserve
7 who qualifies for the contract and has requested to enter into such
8 contract with the County.

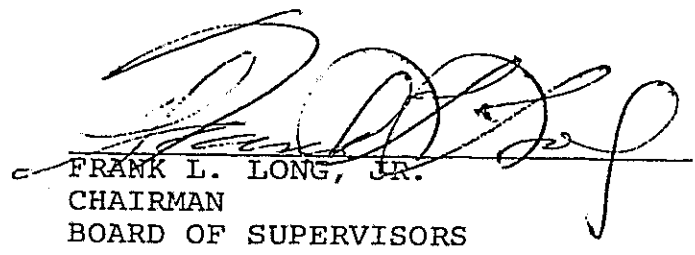
9 7. The following conditions shall be met in order to
10 qualify a parcel of land for inclusion within an agricultural pre-
11 serve:

- 12 a. The parcel wishing to contract must have been
13 used for agricultural purposes for three (3)
14 years prior to application.
- 15 b. If contiguous, and under the same ownership,
16 multiple parcels should be merged to create a
17 single unit.
- 18 c. That no new dwellings be constructed on parcels
19 less than forty (40) acres in size.
- 20 d. The agricultural use must be profitable except
21 under uncontrollable circumstances.
- 22 e. *Existing and future homesites on parcels wishing*
23 *to contract shall be allocated parcel sizes of*
24 *no less than 2.5 acres for appraisal purposes.*
- 25 f. *The minimum contract period shall be no less than*
26 *twenty (20) years.*
- 27 g. *The minimum cancellation penalty shall be no less*
28 *than an amount equal to one hundred percent*
(100%) of the new assessed valuation of the pro-
perty.
- h. *The parcel wishing to contract shall within one*
(1) year of the effective date of the contract
be restricted by zoning of said parcel to agri-
cultural use and said agricultural use zoning
shall have a minimum two-year waiting period for
change of said agricultural use which said two-
year period shall commence upon the filing of the
application for change of use. Application for
change from A/E Zone cannot be made prior to the 18th year
of the contract.

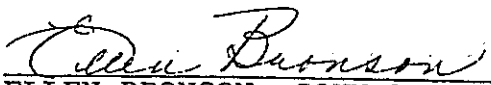
1 8. The provisions of this Resolution are not intended
2 to modify or negate any restrictions imposed by previous County
3 ordinances.

4 The foregoing Resolution was passed and adopted by the
5 Board of Supervisors of the County of Mariposa, State of
6 California, on this 18th day of October, 1977, by the following
7 vote:

- 8 AYES: Clark, Dalton, Long.
9 NOES: Owings.
10 NOT VOTING: None
11 ABSENT: None

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15 FRANK L. LONG, JR.
16 CHAIRMAN
17 BOARD OF SUPERVISORS

18 ATTEST:

19 
20 ELLEN BRONSON, COUNTY CLERK AND
21 EX OFFICIO CLERK OF THE BOARD

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EXHIBIT "A"

"Agricultural production and compatible uses" as contained in this Resolution and applicable to land qualifying for inclusion in an agricultural preserve shall be defined as follows:

1. Agricultural Production: The following land uses, and those uses which in the opinion of the Board of Supervisors may be substantially similar in nature thereto, shall be deemed agricultural production and thus permitted within such preserves:
 - a. General farming, including but not limited to the growing and harvesting of vegetables, field crops, fruit and nut crops, bush and berry crops, vineyards, hay crops, and nursery, cut flower, and other ornamental crops.
 - b. Raising, feeding, maintaining, and breeding horses, cattle, sheep, goats, hogs, chickens, and turkeys.
 - c. Dairies.
 - d. Growing and harvesting of hardwoods.
 - e. Accessory uses and structures appurtenant and necessary to the operation of the permitted uses, including one-family dwellings located on the land and occupied by persons directly engaged in the operation.

2. Compatible Uses: The following compatible uses, and those which in the opinion of the Board of Supervisors may be substantially similar in nature thereto, shall be permitted within such preserves, providing they are not the principle use:
 - a. Forestry, but not including any processing facilities.
 - b. Utility lines and substations.
 - c. Vending facilities for products grown on land within the preserve.
 - d. Recreation, but not including permanent structures.
 - e. Private airstrips.
 - f. Raising of game birds and fish.
 - g. Mining.