

DEPARTMENT: **Planning**

By: **Jean Clark, Assistant Planner**

Phone: **966-5151**

**RECOMMENDED ACTION AND JUSTIFICATION:**

(Policy Item: Yes\_\_\_ No X)

Adopt a resolution approving Agricultural Preserve Application # 99-1 (H. Max Lee and Joan M. Lee, applicants) with the findings set forth in Planning Commission Resolution No. 99-4. 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 this application.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

ALTERNATIVES: 1) Approve the application with modified findings; 2) Deny the application; 3) Continue matter for discussion.

NEGATIVE ACTION would result in denial of the application and prevent the recordation of a Land Conservation (Williamson) Act contract on the property.

**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: \_\_\_\_\_

Balance in Reserve Contingencies, If Approved:  
\$ \_\_\_\_\_

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

Memorandum to Board with Attachments:

1. Agricultural Preserve Standards
2. Planning Commission Resolution No. 99-4
3. Planning Commission Minutes, October 15, 1999
4. Staff Reports to the Planning Commission, Oct. 15, 1999
5. Draft Board Resolution

**CLERK'S USE ONLY**

Res. No.: 99-343 Ord. No.: \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: Stewart 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: JC

**MARIPOSA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 99-343**

**A RESOLUTION APPROVING AGRICULTURAL PRESERVE  
APPLICATION NO. 99-1**

**WHEREAS**, Agricultural Preserve Application No. 99-1 (H. Max Lee and Joan M. Lee, applicants) has been submitted to the County of Mariposa in accordance with the requirements of State law and adopted County policy; and

**WHEREAS**, said application was reviewed by the Mariposa County Agricultural Advisory Committee, Mariposa County Planning Commission and Mariposa County Board of Supervisors 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 application No. 99-1 with no conditions; and

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

**WHEREAS**, the Planning Commission recommended approval of application No. 99-1 with no conditions; and

**WHEREAS**, the Board of Supervisors has held a public hearing on the application in accordance with County Code and State law.

**NOW THEREFORE, BE IT RESOLVED**, the Mariposa County Board of Supervisors hereby approves the following:

- 1) The filing of a notice of exemption (from environmental review) for the project;  
and  
2) The approval of Agricultural Preserve Application No. 99-1 with no conditions.

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

- 1) The project is 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 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. This project 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.

- 2) The project complies with all standards of the California Land Conservation (Williamson) Act and the Mariposa County Agricultural Preserve policy. The parcel is larger than 100 acres. The parcel has been used for agricultural purposes for at least three years, and the agricultural uses have been profitable.

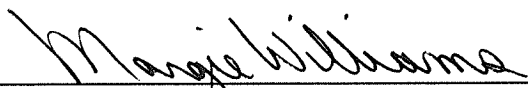
**BE IT FINALLY RESOLVED**, the Chairman of the Board is hereby authorized to sign the Land Conservation (Williamson) Act contracts.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 16<sup>th</sup> day of November, 1999 by the following vote:

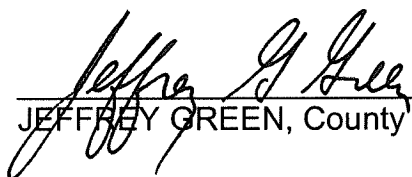
AYES: Balmain, Parker, Pickard, Reilly  
NOES:  
ABSENT: Stewart

  
\_\_\_\_\_  
BOB PICKARD, 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 GREEN, County Counsel