



# MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

209 . 742 . 1215 • FAX 209 . 742 . 5024

Kris Schenk, Director  
kschenk@mariposacounty.org  
Sarah Williams, Deputy Director  
swilliams@mariposacounty.org

October 21, 2009

TO: Planning Commission

FROM: Sarah Williams, Deputy Planning Director

RE: Draft Planning Commission Resolution; County Policy Amendment No. 2005-230

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Attached is the draft Planning Commission resolution for County Policy Amendment No. 2005-230 for your consideration. This contains the recommended findings to support the staff and Agricultural Advisory Committee's recommended action.

If you have any questions regarding this information, please let me know.

Thank you.

Cc: David Guy  
Kris Schenk

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2009-\_\_

A resolution recommending approval of County Policy Amendment No. 2005-230, County-wide Williamson Act (Land Conservation Act) Amendments; County of Mariposa, proponent.

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WHEREAS, in 2003, following processing of the Williamson Act Applications for the calendar year, the Mariposa County Board of Supervisors directed staff to commence an amendment to the Mariposa County policies implementing the California Land Conservation Act of 1965; and

WHEREAS, the Mariposa County Agricultural Advisory Committee discussed the issue at thirteen (13) different noticed public meetings during 2003, 2004 and 2005 and developed a recommendation for amendments to the policy; and

WHEREAS, the Department of Conservation reviewed the recommendations of the Mariposa County Agricultural Advisory Committee and supported the recommendations with minor amendments; and

WHEREAS, on the 15<sup>th</sup> day of November 2005 the Board of Supervisors considered the Agricultural Advisory Committee's recommendations for amendments to the county policies and adopted Resolution No. 2005-546, a Resolution of Intention to Initiate an Amendment to the Mariposa County Policies Implementing the California Land Conservation Act of 1965; and

WHEREAS, the amendment was assigned a project number of County Policy Amendment No. 2005-230; and

WHEREAS, County Policy Amendment No. 2005-230 is a comprehensive amendment to county-wide policies, which will affect all Land Conservation Act (Williamson Act) contracts in the county which are not in non-renewal; and

WHEREAS, processing of the amendment was delayed due to staffing issues and other advanced planning priorities including adoption of the General Plan Update, which includes a number of policies related to the amendment; and

WHEREAS, processing of the amendment was re-activated in the fall of 2008; and

WHEREAS, the Agricultural Advisory Committee reviewed its recommendations at an additional five (5) noticed public meetings in late 2008 and early 2009 to develop its final recommendations for the amendments; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 22<sup>nd</sup> day of October 2009; notice of the hearing and a copy of the draft amendments were directly mailed to all contract holders; and

WHEREAS, a Staff Report packet was prepared, including proposed environmental findings, pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public and representatives of the Agricultural Advisory Committee concerning the amendments.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt findings that the project is exempt from environmental review, direct staff to file a Notice of Exemption and approve County Policy Amendment No. 2005-230, County of Mariposa, proponent.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors repeal Board of Supervisors Resolution No. 77-157, Board of Supervisors Resolution No. 78-8 and Board of Supervisors Resolution No. 95-350 and these are replaced by the amended policies.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby repeal Planning Commission Resolution No. 84-41, effective on the effective date of the Board's action on County Policy Amendment No. 2005-230.

BE IT THEREFORE FINALLY RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, this resolution is duly passed and adopted this 22<sup>nd</sup> day of October, 2009 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

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Bob Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

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Judy Mueller, Secretary to the  
Mariposa County Planning Commission

## EXHIBIT 1 – RECOMMENDED FINDINGS OF APPROVAL

1. These amendments support commercial agricultural operations in the county to ensure that agricultural production is and will remain a principle use of land in Mariposa County.
2. These amendments address one of the Guiding Principles in the 2006 Mariposa County General Plan which is “The Protection of Agriculture is Critical for the County’s Future”. These amendments, as the first and only comprehensive update to the Williamson Act Program since 1977, address several procedural issues with the program to ensure that the program will remain viable for commercial agricultural operations in the county in the foreseeable future.
3. These amendments support maintaining commercial agricultural production on lands within Mariposa County, as they constitute an important physical, social, aesthetic and economic asset to the county.
4. These amendments support commercial agricultural production and agricultural working landscapes, which contribute to the rural character of Mariposa County, a value described in the General Plan.
5. The Land Conservation Act of 1965 provides an important tool for Mariposa County to ensure that viable commercial agricultural operations within the county remain economically viable.
6. The Mariposa County Board of Supervisors provides strong support to the Land Conservation Act Program in Mariposa County, acknowledging the many values derived from agriculture, even if Subvention Funding for 2009 was not received from the State of California.
7. Properties which are not in compliance with the Land Conservation Act of 1965 and local contract provisions threaten the viability of the program within Mariposa County.
8. This amendment is in the interest of the health and safety of Mariposa County and its residents. These amendments address many procedural questions which have arisen during processing of projects involving Land Conservation Act contracted lands, which are not addressed by the current policies.
9. These amendments substantially meet the four objectives established for the program by the Board of Supervisors in Resolution No. 2005-546, which were as follows:
  - i) All parcels under contract shall be subject to the same standards.

- ii) Implement Objective 1 immediately.
- iii) Preserve as many viable parcels under contract as possible.
- iv) Ensure that process is legally defensible.

Objective i) above is important to have a meaningful LCA program in Mariposa County. Contracts are not perpetual, but are rolling contracts that are automatically renewed annually unless a landowner files a notice of non-renewal.

10. The Lien Date changed from March 1<sup>st</sup> to January 1<sup>st</sup> starting with January 1<sup>st</sup> 1997. Any Land Conservation Act Contract, for which a non-renewal has not been recorded as of December 31<sup>st</sup> of any given year, automatically renews as of January 1<sup>st</sup>.
11. These amendments are consistent with the Mariposa County General Plan as they address an issue identified by the Mariposa County General Plan, Chapter 10 Agriculture Elements, which is to ensure that substandard agricultural parcels are not recognized through the Certificate of Compliance process during the tenure of the contract and that the sale of substandard contracted parcels does not create premature expectations of residential development.
12. These amendments are consistent with the Mariposa County General Plan as they implement Implementation Measure 10-2a(3) of the General Plan, which reads, "Standards shall be developed for issuance of development permits for substandard sized parcels under Williamson Act contract."
13. The approval of County Policy Amendment No. 2005-230, comprehensive County-wide Williamson Act (Land Conservation Act) Amendments is exempt from the California Environmental Quality Act (CEQA) under a General Rule Exemption; Section 15061, CEQA Guidelines. There is no potential for the adoption of the policies to cause a significant effect on the environment. The existing policies and the comprehensive amendment to the existing policies do not create impacts on the environment. The policies preserve agricultural uses and limit development activities and uses.