

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 Applications # 98-1 (William C. and Lisa McKay, applicants) and # 98-2 (Erik O. and Frieda Roen, applicants) with the findings and condition set forth in Planning Commission Resolution No. 98-4. 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 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; 3) Continue matter for discussion.

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: \_\_\_\_\_

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. 98-4
3. Planning Commission Minutes, October 16, 1998
4. Staff Reports to the Planning Commission, Oct. 16, 1998
5. Draft Board Resolution

**CLERK'S USE ONLY**

Res. No.: 98-424 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: Jr

**MARIPOSA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 98-424**

**A RESOLUTION APPROVING AGRICULTURAL PRESERVE  
APPLICATIONS NOS. 98-1 and 98-2**

**WHEREAS**, Agricultural Preserve Applications No. 98-1 (William C. and Lisa McKay, applicants) and No. 98-2 (Erik O. and Frieda Roen, applicants) have been submitted to the County of Mariposa in accordance with the requirements of State law and adopted County policy; and

**WHEREAS**, said applications were 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 applications No. 98-1 and No. 98-2 with a condition; 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 applications No. 98-1 and No. 98-2 with a condition; and

**WHEREAS**, the Board of Supervisors has held a public hearing on the applications 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 projects; and
- 2) The approval of Agricultural Preserve Applications No. 98-1 and No. 98-2 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.

**BE IT FURTHER RESOLVED** 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 General Plan.

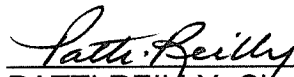
The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Conservation Element. The Open Space Element confirms the importance of maintaining the viability of the agricultural industry for Mariposa County. These projects will result in the execution of Land Conservation Act contracts, which are 20 year commitments to agriculture and open space uses for the sites.

- 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 are larger than 100 acres. 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.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 24th day of November, 1998 by the following vote:

AYES: Balmain, Parker, Pickard, Reilly, Stewart  
NOES: None  
ABSENT: None



\_\_\_\_\_  
PATTI REILLY, Chair  
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



# COUNTY of MARIPOSA

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

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## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: ED JOHNSON, Planning and Building Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Approval of Agricultural Preserve Applications 98-1 and 98-2

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 24, 1998

#### ACTION AND VOTE:

**10:32 a.m.** Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider the Approval of Agricultural Preserve Applications 98-1 (William C. and Lisa McKay, Applicants), and 98-2 (Erik and Frieda Roen, Applicants)

**BOARD ACTION:** Ed Johnson advised of the request for approval of the applications. Jean Clark/Assistant Planner, presented the staff report and responded to questions from the Board relative to historical parcels and review for underlying parcels. Staff responded to questions from County Counsel relative to the policy for determining acreage that is not contiguous and contains historical parcels. Staff responded to additional questions from the Board relative to accepting multiple owners within a contract and breach of contract if a portion of land within the contract is sold. Sarah Williams, Planning Manager, responded to a question relative to requirements to file a certificate of compliance. Staff responded to questions from the Board relative to the status of these parcels if the policy is changed relative to the certificate of compliance and as to whether the applicants agree with the recommended conditions.

Public portion of the hearing was opened and input was provided by the following:

Becky Crafts, Supervising Appraiser in the Assessor's Office, provided input relative to historical parcels and advised that the property owners need to initiate a change if the property does not meet agricultural use requirements, and reviewed the process. Becky Crafts responded to questions from the Board relative to this matter.

Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to additional questions from the Board as to changes in the existing policy and ability to improve a large parcel with construction. (M)Parker, (S)Stewart, Res. 98-424 adopted approving the applications/Ayes: Unanimous. Hearing was closed.

cc: File