

DEPARTMENT: PLANNING

BY: Greta Hudak

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No X)

Adopt a resolution approving with conditions Agricultural Preserve Applications Nos. 94-1 (Albert W. Anderson, applicant), 94-2 (Glenn and Deborah Stickle, applicants), 94-3 (Foster Poultry Farms, applicant), and 94-4 (Donald Brown, applicant) based on the findings and conditions set forth in Planning Commission Resolution No. 94-20. This recommendation is based on the recommendation of the Planning Commission for approval of the applications with conditions based on the findings the applicants are consistent with the General Plan and Agricultural Preserve Policy.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board continued the public hearings for Agricultural Preserve Applications Nos. 94-1, 94-2 and 94-3 from January 10, 1995, 11:00 a.m. to January 17, 1995, 11:00 a.m., in order to hold the public hearings for all 1994 Agricultural Preserve Applications at one time.

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 \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

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

1. Memo to Board
2. Agricultural Preserve Standards
3. Planning Commission Resolutions Nos. 94-20; 95-1
4. Planning Commission Minutes, December 16, 1994; January 6, 1995
5. Planning Commission Staff Reports \_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 95-27 Ord. No. \_\_\_\_\_

Vote - Ayes: 5 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

(X) 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  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: PH

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**MARIPOSA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 95-27**

**A RESOLUTION APPROVING AGRICULTURAL PRESERVE  
APPLICATIONS NO. 94-1, 94-2, 94-3 and 94-4**

**WHEREAS**, Agricultural Preserve Applications No. 94-1 (Albert Anderson, applicant), No. 94-2 (Glenn and Deborah Stickles, applicants), No. 94-3 (Foster Poultry Farms, applicant), and No. 94-4 (Donald Brown, applicant) have been submitted to the County of Mariposa in accordance with the requirements of County Code 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 the applications with conditions; and

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

**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 HEREBY 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;

1           2) The approval of Agricultural Preserve Applications No.  
2 94-1, 94-2, 94-3 and 94-4 with the following conditions:

3           A) A restriction shall be included in the Land Conservation  
4 Act contract prohibiting the conveyance of parcels less than 100  
5 acres as separate parcels except for conveyances to immediate  
6 family members of the property owner.

7           B) A restriction shall be included in the Land Conservation  
8 Act contract prohibiting the construction of new residential  
9 dwellings on parcels less than 40 acres in size.

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

12           1) The projects are found to support, accomplish, or have  
13 no effect on the goals, policies, and standards of the General  
14 Plan as a whole and will not obstruct the achievement of the  
15 Plan's purpose. This finding is made in accordance with Section  
16 2.600 et. seq. of the General Plan and is supported by  
17 information contained in the staff reports.

18           2) The projects, upon compliance with the required  
19 conditions, comply with all standards of the California Land  
20 Conservation (Williamson) Act and the Mariposa County  
21 Agricultural Preserve policy. This finding is supported by  
22 information contained in the staff reports.

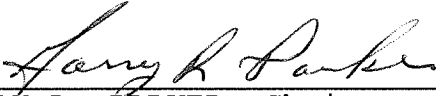
23           **PASSED AND ADOPTED** by the Mariposa County Board of  
24 Supervisors on this 17th day of January 17th, 1995 by the  
25 following vote:

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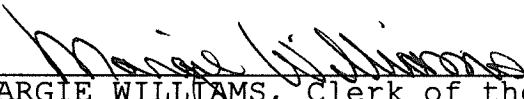
**BoS Resolution No. 95-27, Page 3**

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AYES: PARKER, TABER, STEWART, BALMAIN, REILLY  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

  
\_\_\_\_\_  
GARRY R. PARKER, 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

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: PUBLIC HEARINGS to Consider Approval or Denial  
of Agricultural Preserve Application Numbers 94-1  
(Anderson, 94-1; Stickles, 94-2; Foster Poultry  
Farms, 94-3; Brown, 94-4  
Resolution Number 95-27

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 17, 1995

ACTION AND VOTE:

**11:42 a.m.** Ed Johnson, Planning and Building Director;

A) PUBLIC HEARINGS to Consider Approval or Denial of  
Agricultural Preserve Application Numbers 94-1 (Albert W.  
Anderson, Applicant); 94-2 (Glenn and Deborah Stickles,  
Applicants), 94-3 (Foster Poultry Farms, Applicant), and 94-4  
(Donald Brown, Applicant) (Continued from 01/10/95)

**BOARD ACTION:** Staff report was presented by Greta Hudak/  
Assistant Planner. Public portion of the hearings was opened and  
input provided by: Don Brown/applicant for No. 94-4, expressed  
concern with the restriction that prohibits conveyance of parcels  
less than 100 acres as separate parcels except for conveyances to  
immediate family members of the property owner, and advised that  
this restriction was not placed on his previous applications.  
Mr. Brown responded to questions from the Board relative to his  
parcels and previous applications. Public portion of the  
hearings was closed and Board commenced with deliberations.  
Greta Hudak and Ed Johnson responded to questions from the Board  
relative to the restriction and historic parcels. (M)Taber,  
(S)Reilly, Res. 95-27 adopted approving Agricultural Preserve  
Application Numbers 94-1, 94-2, 94-3 and 94-4, with conditions as  
recommended by the Planning Commission/Ayes: Unanimous.  
Hearings were closed.

Bud Swift/Agricultural Advisory Committee, requested a cut-off  
date be established for receiving Agricultural Preserve  
applications in the future - Chairman requested that Planning  
staff review this request and come back to the Board with a  
recommendation.

cc: File

MARIPOSA COUNTY PLANNING COMMISSION  
RESOLUTION NO. 94-20

A RESOLUTION RECOMMENDING APPROVAL OF AGRICULTURAL PRESERVE  
APPLICATIONS NO. 94-1, 94-2 AND 94-3

WHEREAS, Agricultural Preserve Applications No. 94-1 (Albert Anderson, applicant), No. 94-2 (Glenn and Deborah Stickles, applicants) and No. 94-3 (Foster Poultry Farms, applicant) have been submitted to the County of Mariposa in accordance with the requirements of County Code and adopted County policy; and

WHEREAS, said 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 the applications with conditions; and

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

NOW THEREFORE, BE IT HEREBY RESOLVED, the Mariposa County Planning Commission hereby recommends to the Board of Supervisors the following:

1) The filing of a notice of exemption (from environmental review) for the projects;

2) The approval of Agricultural Preserve Applications No. 94-1, 94-2 and 94-3 with the following conditions:

A) A restriction shall be included in the Land Conservation Act contract prohibiting the conveyance of parcels less than 100 acres as separate parcels except for conveyances to immediate

1 family members of the property owner.

2 B) A restriction shall be included in the Land Conservation  
3 Act contract prohibiting the construction of new residential  
4 dwellings on parcels less than 40 acres in size.

5 BE IT FURTHER RESOLVED this action by the Planning  
6 Commission is based on the following findings:


7 1) The projects are found to support, accomplish, or have  
8 no effect on the goals, policies, and standards of the General  
9 Plan as a whole and will not obstruct the achievement of the  
10 Plan's purpose. This finding is made in accordance with Section  
11 2.600 et. seq. of the General Plan and is supported by  
12 information contained in the staff reports.

13 2) The projects, upon compliance with the required  
14 conditions, comply with all standards of the California Land  
15 Conservation (Williamson) Act and the Mariposa County  
16 Agricultural Preserve policy. This finding is supported by  
17 information contained in the staff reports.

18  
19 PASSED AND ADOPTED by the Mariposa County Planning  
20 Commission on this 16th day of December, 1994 by the following  
21 vote:

22 AYES: SWIFT, MCFADEN, STEWART  
23 NOES: NONE  
24 ABSENT: STEAGALL  
25 ABSTAINED: NONE

26   
BRIAN MCFADEN, Chairman  
Mariposa County Planning Commission

27 ATTEST:  
  
28 /SUSAN BANCHERO, Secretary  
Mariposa County Planning Commission

MARIPOSA COUNTY PLANNING COMMISSION  
RESOLUTION NO. 95-1

A RESOLUTION RECOMMENDING APPROVAL OF AGRICULTURAL PRESERVE  
APPLICATION NO. 94-4

WHEREAS, Agricultural Preserve Application No. 94-4 (Donald Brown, applicant) has been submitted to the County of Mariposa in accordance with the requirements of County Code and adopted County policy; and

WHEREAS, said application was 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 the application with conditions; and

WHEREAS, the Planning Commission has held a public hearing on the application in accordance with County Code and State law.

NOW THEREFORE, BE IT HEREBY RESOLVED, the Mariposa County Planning Commission hereby recommends to the Board of Supervisors the following:

1) The filing of a notice of exemption (from environmental review) for the project;

2) The approval of Agricultural Preserve Application No. 94-4 with the following conditions:

A) A restriction shall be included in the Land Conservation Act contract prohibiting the conveyance of parcels less than 100 acres as separate parcels except for conveyances to immediate family members of the property owner.



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B) A restriction shall be included in the Land Conservation Act contract prohibiting the construction of new residential dwellings on parcels less than 40 acres in size.

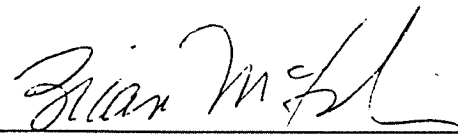
BE IT FURTHER RESOLVED this action by the Planning Commission is based on the following findings:

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 and is supported by information contained in the staff report.

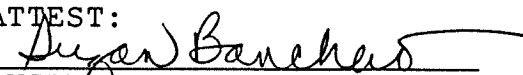
2) The project, upon compliance with the required conditions, complies with all standards of the California Land Conservation (Williamson) Act and the Mariposa County Agricultural Preserve policy. This finding is supported by information contained in the staff report.

PASSED AND ADOPTED by the Mariposa County Planning Commission on this 6th day of January, 1995 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:



\_\_\_\_\_  
BRIAN MCFADEN, Chairman  
Mariposa County Planning Commission

ATTEST:  
  
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SUZAN BANCHERO, Secretary  
Mariposa County Planning Commission