

DEPARTMENT: Planning

BY: Eric Jay Toll, Planning Director
PHONE: 966-0302

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a Resolution approving Agricultural Preserve Applications #2003-105 for Mabel L. Cree, (applicant); #2003-181 for Ronald Enos (applicant); #2003-195 for, Frank Berlogar (applicant); and #2003-207 for Russell M. Bryson (applicant), with respective findings (including a finding that the project is exempt from Environmental Review) and conditions set forth in Planning Commission Resolution No. 2003-044, 045, 046 and 047 and authorize the Chairman of the Board to sign the Williamson Act contracts. 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.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives include approving the applications with modified conditions and findings or denying one or more of the applications. Negative action would result in denial of the applications and prevent the recordation of Land Conservation (Williamson) Act contracts on the properties.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Memo to Board with Attachments: _____
Source:		1. Agricultural Preserve Standards _____
Internal Transfer _____		2. Planning Commission Resolutions _____
Unanticipated Revenue _____ 4/5's vote		3. Planning Commission Minutes, October 17, 2003 _____
Transfer Between Funds _____ 4/5's vote		4. Planning Commission Staff Report, Oct. 17 2003 _____
Contingency _____ 4/5's vote		5. Draft Board Resolution _____
() General () Other		6. Notices of Exemption _____

CLERK'S USE ONLY:

Res. No. 03-419 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____

() Approved
 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

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
 No Opinion
Comments: _____

CAO: [Signature]

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 03-419

A resolution approving Agricultural Preserve #2003-105 for Mabel L. Cree, (APN 001-070-017); Agricultural Preserve #2003-181 for Ronald Enos (APN: 007-090-021); Agricultural Preserve #2003-195 for Frank Berlogar (APN 011-240-007); and Agricultural Preserve #2003-207 for Russell M. Bryson (APN 011-240-009).

WHEREAS complete applications for Agricultural Preserves were received from Mabel L. Cree on May 13, 2003 proposed on a 169 acre parcel more particularly described as Assessor Parcel Number APN 001-070-017; Ronald Enos on July 25, 2003 proposed on a 160 acre parcel more particularly described as Assessor Parcel Number 007-090-021; Frank Berlogar on August 13, 2003 proposed for a total of four separate lots (Parcel 1 – 160.29, Parcel 2 – 166.9, Parcel 3 – 177.13 and Parcel 4 – 196.29) more particularly described as Assessor Parcel Number 011-240-007; and Russell M. Bryson on September 5, 2003 proposed on a 160 acre parcel more particularly described as Assessor Parcel Number 011-240-009; and

WHEREAS the 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 applications Nos. 2003-105 and 2003-181 with conditions and Nos. 2003-195 and 2003-207 with no conditions; and

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

WHEREAS the Planning Commission does hereby recommend to the Board of Supervisors the filing of Notices of Exemption pursuant to Section 15317 of CEQA Guidelines and approval of Agricultural Preserves Nos. 2003-105 and 2003-181 with conditions and Nos. 2003-195 and 2003-207 with no conditions.

BE IT THEREFORE RESOLVED THAT the Mariposa County Board of Supervisors approves the following:

- 1) The filing of a notice of exemption (from environmental review) for the projects pursuant to Section 15317 of CEQA Guidelines; and

- 2) The approval of Agricultural Preserve Applications Nos. 2003-105 and 2003-181 with the following conditions:

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

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

No Certificate of Compliance application shall be submitted by the property owners or considered by Mariposa County during the tenure of the Land Conservation Act contract.

- 3) The approval of Agricultural Preserve Application No 2003-181 with the following condition:

Within six-months of execution of the Williamson Act Contract, the property shall be reclassified to Agricultural Exclusive zoning (AE).

- 4) The approval of Agricultural Preserves Nos. 2003-195 and 2003-207 with no conditions.

BE IT THEREFORE FURTHER RESOLVED THAT 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 Mariposa County 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 a Land Conservation Act contract, which is a 20 year commitment to agriculture and open space uses for the site. The preserves are consistent with the General Plan. This finding is made in accordance with Section 51234 of Government Code.

- 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 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.

ON MOTION BY Supervisor Parker, seconded by Supervisor Bibby, this resolution duly passed and adopted this 18th day of November, 2003 by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD

NOES: NONE


ABSTAIN: NONE

EXCUSED: NONE



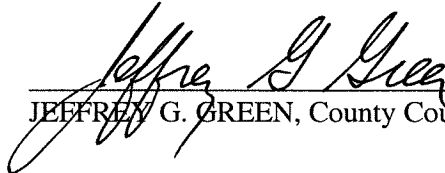
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel



COUNTY of MARIPOSA

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

BOB PICKARD, CHAIR
GARRY R. PARKER, VICE-CHAIR
LEE STETSON
DOUG BALMAIN
JANET BIBBY

DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: AGRICULTURAL PRESERVE APPLICATIONS FOR MABEL L. CREE,
RONALD ENOS, FRANK BERLOGAR, AND RUSSELL BRYSON
Resolution No. 03-419

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 18, 2003

ACTION AND VOTE:

B) PUBLIC HEARING Relative to Considering Approving and Adopting a Resolution Approving Agricultural Preserve Application Nos. #2003-105 for Mabel L. Cree, Applicant; #2003-181 for Ronald Enos, Applicant; #2003-195 for Frank Berlogar, Applicant; and #2003-207 for Russell M. Bryson, Applicant with the Respective Findings and Conditions Set Forth in Planning Commission Resolution Nos. 2003-044, 045, 046, and 047 and Authorizing the Chair to Sign the Williamson Act Contracts

BOARD ACTION: Bill King, Senior Planner, presented the staff report. Sarah Williams and Bill King responded to questions from the Board relative to requirements for Agricultural Preserve applications; relative to portions of the Bryson and Berlogar properties that are in a separate Williamson Act agreement; relative to historic parcels and applications; relative to requirement for individual parcels to continue to be a viable agricultural use; statement relative to merger of the Berlogar parcels to create a single unit; whether further subdivision of the parcels could occur; and relative to provisions for conveyance of land, less than 100 acres, to family members. Sarah Williams advised that the Agricultural Advisory Committee is reviewing issues that have been raised and the Committee plans to come back with recommendations.

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

- Don Starchman, Starchman Law Offices, representing Frank Berlogar, advised that each of the parcels meet the requirements of the Agriculture Exclusive Zone and the Williamson Act. He commented on questions relative to the merger language and the underlying historic parcels and Subdivision Map Act requirements.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Bibby, Res. 03-419 was adopted approving the Agricultural Preserve applications as recommended/Ayes: Unanimous. The hearing was closed.

cc: File