

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE

FINAL MEETING MINUTES

(Approved on October 20, 2022)

DATE: THURSDAY, June 30, 2022
TIME: 8:30 A.M. (Meeting started at approx. 8:45 A.M. due to technical issues)
LOCATION: BOARD CHAMBERS, UPPER LEVEL
GOVERNMENT CENTER
5100 BULLION STREET
MARIPOSA, CALIFORNIA

1. **Roll call and Introductions: Members Present:** Tony Toso, Chair; Elnora George (on the phone), Carla Kelly, David Mecchi. **Members Absent:** John Shimer. **County Staff Present:** Sarah Williams, Steve Engfer, Katy Casner and Carol Suggs, Planning Department; Marshall Long, District III Supervisor; Mick Herman, District III Planning Commissioner; Vince Kehoe, Assessor-Recorder; Monica Nielsen, Ag Commissioner and Fadzayi Mashiri, Farm Advisor. **Public Present:** None.
2. **A resolution of the Agricultural Advisory Committee (AAC) proclaiming a local emergency, ratifying the proclamation of a state of emergency by the Governor of the State of California on March 4, 2020 regarding an outbreak of respiratory illness due to a novel coronavirus (a disease now known as Covid- 19), and authorizing remote teleconference meetings of the legislative bodies of the Agricultural Advisory Committee for the period from June 30, 2022 to July 30, 2022 to pursuant to Brown Act provisions.**

By Motion of Mecchi, seconded by Kelly, the AAC approved the resolution as presented.
Motion Moved

Ayes (4) TOSO, GEORGE, KELLY, MECCHI

3. **Elections of Officers for 2022**

By Motion of Mecchi, seconded by Kelly, the AAC moved to appoint Toso as the chair and Shimer as the Vice Chair of the committee for 2022. Motion Moved.

Ayes (4) TOSO, GEORGE, KELLY, MECCHI

4. **Persons wishing to speak on a matter not on the agenda,** but within the jurisdiction of the committee. None.

5. **Approval of Minutes from:** October 21, 2021

By Motion of Kelly, seconded by George, the AAC approved the minutes of October 21, 2021 with the following corrections offered by Toso: Page 3 "Toso provided a report on various CCA sponsored bills..." After 332 Senate Bill in the parentheses edit to read: (liability standards raised from standard negligence to a gross negligence standard). Motion Moved.

Ayes (3) TOSO, GEORGE, KELLY
Abstain (1) MECCHI

6. Action Items - Recommendation Requested

- 1. Conditional Use Permit (CUP) Application No. 2022-067; Marteen Besteder, applicant.** A proposed vacation rental on an Agricultural Exclusive zoned parcel with no on-site manager located at 5835 Allred Road in Mariposa (APN 014-070-0070). Recommendation to Planning Commission.

Presentation was provided by Casner and she stated that the applicant was on the phone and could answer any questions if needed.

Discussion was held regarding the specific property, the Conditional Use Permit Process, the history of the need for an on-site manager for AE zoned properties that want to pursue a Vacation Rental, the control of any issues that arise without having an on-site manager and the opportunity for the public to comment on the Conditional Use Permit.

Public Comment: None.

By Motion of Mecchi, seconded by Kelly, the AAC recommended that the Planning Commission adopt a resolution approving the Conditional Use Permit for the project as presented. Motion Moved.

Ayes (4) TOSO, GEORGE, KELLY, MECCHI

- 2. Annual Review of \$3,000 Income Requirement Established by Board of Supervisors Resolution No. 10-150.**

Engfer gave presentation.

Brief discussion was held including clarifications regarding this requirement for intensive operations on 40-acre minimum. Per Casner there are very few operators using intensive agricultural use to qualify for compliance.

By Motion of Kelly, seconded by Mecchi, the AAC recommended that the \$3,000 income requirement established by the Board of Supervisors by Resolution 2010-150 remain without any changes. Motion Moved.

Ayes (4) TOSO, GEORGE, KELLY, MECCHI

- 3. Review of Rules for LCA Program –** Discussion and Possible Recommendation to the Board of Supervisors for pursuing changes to Board of Supervisors Resolution 10-150; Supervisor Long.

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Engfer made the presentation.

Discussion was held. Following is a summary.

Long clarified that he was seeking to change the reporting cycle from 2 years to 4 to lessen the load on the Planning Department.

Kehoe expressed concern that his office was not initially contacted as they have just as much work regarding the reporting as Planning. He notes that increasing the term would increase his office's work because of the way that they determine values on the properties which is a time-consuming process. He requested that the reporting cycle's term be left as is.

Nielsen expressed her desire to obtain crop data, rent prices etc. for the annual crop report.

Kehoe explained that certain information is held confidential and could not be provided, such as rents.

Williams explained the reporting process: reports go to the Assessor's office and rents are redacted and then the reports are sent to Planning. She did mention that while rents are redacted that there is information on the reports that would be of value to the Ag Office.

Nielsen concurred about confidentiality and stated that they destroy their information that they receive from the public once they have compiled data for the ag report.

Long inquired as to how property values were determined prior to 2010, when reports were not mandatory and apologized for not including Kehoe's office in sooner on the discussion.

Kehoe stated that he was unaware how values were done prior to 2010 but did mention that they can be done, but that it would be a longer process and put a strain on staff.

Long understood and mentioned finding a way so that the Assessor gets what they need without compromising the Planning Department and suggested that the reports be done separately.

Williams explained that prior to 2010, Becky Crafts (the Assessor at that time) had sent out letters to LCA contract holders requesting information. She didn't always have a good response. She mentioned that the Ag Commissioner had asked to be included in this discussion so that she could obtain certain information and Williams stated that she would like to have the Ag Commissioner's office assist Planning with a portion of their review when it comes to determining customary grazing capacity for commercial ag production and to help with any concerns regarding producers claiming an intensive operation.

Long suggested that another meeting be set up to further discuss issues and possibly come up with different policy amendment suggestions.

Williams stated that if there are other items to be considered for possible amendments

those could be discussed as well.

Miranda stated that there is an issue with current violations on Williamson Act contracted parcels regarding illegal marijuana grows. The remedy currently in the policy is non-renewal as there is no mechanism in place that allows for an immediate remedy (cancellation). When a violation exists for a contract holder, they are still getting the tax benefit while being in non-compliance which is a contradiction. Miranda explained that all they can do is write them letters asking them to comply.

Williams explained that this was not an issue that the County faced when the committee was putting together the draft policies prior to the new policies being adopted in 2010. The concentration at that time was to beef up the rules, recognizing that real operators need this benefit. She suggested that something be included in an amended policy that will address new issues such as if the contract holder is in compliance with their contract but is growing marijuana elsewhere on the property. Do we non-renew? We have zoning codes to address the commercial marijuana issue.

Engfer mentioned another noncompliant scenario where the property is nonrenewed and according to policy they are required to be compliant until the nonrenewal process is completed. During that time, they cannot come in for a building permit because they have to demonstrate an ag operation (be in full compliance with their contract).

Williams read a section of policy regarding new dwellings on Williamson Act contracted properties.

Miranda noted that there are varying degrees of violations besides marijuana and cited campgrounds as another violation that she has seen. She again stated that contract holders are receiving a big benefit while a violation exists, and she has no 100% effective mechanism to enforce.

Kelly remarked that commercial marijuana is not legal in Mariposa County and as an illegal activity it is an extreme violation of the Williamson Act. She expressed the need to speed up the process when a violation occurs, stating an expulsion out of the contract might be considered. Whether it is marijuana, vacation rentals or campgrounds they are all violations.

Williams explained that there are a few enforcement actions that the LCA policy describes, but would need the assistance of county counsel:

1) Breach of Contract Claim 2) Material Breach 3) Seek Non-Renewal

Williams explained that we currently use the non-renewal choice which gives the property owners a year to come into compliance before the county will initiate the non-renewal. Williams suggested that we could seek the breach of contract action.

Long stated that perhaps code compliance committee get involved so that we can get more teeth in the policy instead of having to go through County Counsel and the court process. We need to have a way to cite these violators.

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Williams stated that we have authority to assess penalty on illegal operations, but do not have the support today to use these penalties. If we got the support to use this on illegal operations such as these, that would be helpful.

Long mentioned that hemp is now considered an ag crop per the farm bill.

Toso commented that horse operations have similar conflicts.

Long stated that commercial marijuana is legal in California but not in Mariposa County. We don't want to make it so if they do something illegal, they can get out of the contract quicker. The 20-year contract was an incentive, and it is more restrictive so that people were more committed to the program. If we set up a system to get out quicker that is a disservice to the county. Needs to be punitive, punish the landowner not the property.

Williams we could add that to the discussion at a future meeting (how to treat the illegal marijuana operations and the ability to assess penalties through the building code).

Kelly suggested that the DA be contacted for advice and how we can use what we have already on the books.

Williams stated that we would involve County Counsel and the District Attorney.

Kelly stated that it has been her observation that the common attitude on the other side of the law is that they thumb their nose at us because we have no teeth. This needs to be the issue that we take a stand on so the rest of code enforcement can follow.

Kehoe stated that there is a reason that we have the Williamson Act for open space, so families can retain their family ranch. What Long said is a key statement, penalize the offender and not the property so that the open space remains.

Mecchi stated that if the enforcement on the commercial marijuana grows is done then that may deter other violations such as campgrounds from occurring.

Long we will schedule another meeting and just have a discussion based on the Williamson Act.

Williams we will get a meeting together and notice it. Get the support from the Ag Committee so we can move forward.

Herman sought clarity on removing contract holders that have illegal operations but are compliant in other ways.

Williams answered that what Kehoe and Long have articulated is that we penalize the offender not the property. If the property is being used correctly but doing something illegally it is not in compliance.

Long concurred and stated that hurting them in the pocketbook will get them to comply and keep property in the Williamson Act.

Mashiri inquired if there was any part of Williamson Act contracted lands that could be used for campgrounds.

Williams replied that campgrounds are not allowed. She explained that when someone goes into the contract it is voluntary, they intend on using the land for commercial ag uses for the long term and they accept the policies. There is a list of ag uses and a list of compatible uses. Everything else is not allowed. Contract holders are getting significant tax reductions and they can't have anything that takes away from the ag use. All of these restrictions are discussed with the applicants.

Mashiri explained that there are a lot of people who do not understand the significance of ag uses. Agreeing that the contract holders get a benefit but suggested that another benefit would be having people be able to visit these lands to see how ag works, perhaps through agritourism or a campground that is not invasive to the ag.

Engfer stated that a use related to that would be whether a vacation rental can be allowed on Williamson Act properties. Houses are excluded from the tax reduction; they are assessed at market value.

Long concurred with Engfer that this be a discussion.

Kehoe noted that other residences on property are for people that are working on the property.

Toso stated that he was part of the working group from 2006- 2010 and recalled that his emphasis was that we need to honor the taxpayer and not compromise the integrity of the program (contract) and protect the ag community. In 2014 there was a proposal for a possible moratorium on Williamson Act contracts and this room was full of people who wanted to honor that resource. Their message was clear. On the flip side we need to honor and respect the land and play by the rules. The Department of Conservation has a minimum set of rules, and each county is allowed to be stricter. Toso stated he is in favor of streamlining but not to compromise the integrity of the program. If the Assessor needs good data, we need to support that. He concluded by saying that all opinions here today have been great.

7. Correspondence: None

8. Informational Items: no action will be taken by the Committee.

1. 2019-2020 LCA Biennial Review: Progress Update provided by Casner with a power point presentation.
2. Commercial Livestock Pass Program: Information provided by Nielsen. Toso added information.
3. Board of Supervisors Activities: Information provided by Long on the budget, reserves and TOT revenues, commented on the Park Reservation System and mentioned open county staffing positions.
4. Planning Commission Activities: Information provided by Herman regarding The Grove House project that will be coming back to the Commission.

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5. Member and Staff Activities: None.
 6. Planning Department: Information provided by Williams regarding the LAFCo annexation to make the service area boundary for MPUD the same as the Town Plan boundary. Toso stated that there is grant money out there for a push to expand packing capacity due to supply chain interruption. Long stated that Mashiri and he are collaborating try to get the producers to work on a co-op mobile processing unit, a locker, marketing local ranch raised beef and educational program for butchering program in schools. Toso spoke of a variety of media that is being sponsored through the California Cattlemen's Association (CCA). He mentioned a podcast "Stories from Cattle Country". Engfer provided info on the SALC Grant and Terra Count Grant.
 9. **Set next meeting** August 11, 2022 8:30 a.m. upon confirmation of room availability
- There being no further business the meeting was adjourned at approximately 10:18 a.m.