



Mariposa County

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Mariposa County FINAL Minutes of the Agricultural Advisory Committee



FINAL MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE SPECIAL MEETING

June 6, 2025

A. Call to Order and Roll Call

Chair Tony Toso called the meeting to order at 9:03 am and called for the roll:

Members present: Tony Toso, Jordan Cory (alternate), Carla Kelly, John Shimer, Kelly Williams and David Mecchi.

Members excused: Lyle Turpin (alternate)

Recess into the Joint Meeting

Toso called for recess at 9:03 a.m. to join the joint meeting with the Planning Commission.

B. Joint Meeting with the Planning Commission

The AAC joined the meeting with the Planning Commission at 9:04 a.m.

1. **Staff Report and Presentation for PLAN-DIS-2025-00008 (Lot Line Adjustment), Plan-DIS-2025-00009 (Parcel Merger), PLAN_DIS-2025-00010 (Williamson/Land Conservation Act Cancellation), and PLAN-DIS-2025-00011 (Timber Exclusive Zone); Applicant: Susan J. Lewis, Karen L. Simmons, Julie A. Fouch and Mark D. Scott, Successor Co-Trustees of the Walter Scott Family Trust dated May 15, 1975; Project location: 6800 Jerseydale Road, Mariposa; APN: 009-190-011, 009-190-012 and 009-190-013**

Steve Engfer, Planning Director, provided the Planning Commission and Agricultural Advisory Committee with the procedure for this item being presented and introduced Sarah Williams, Prior Planning Director, who presented the project with a PowerPoint presentation.

S. Williams noted that there are four parts to this project:

- Williamson Act Contract Cancellation
- Rezone to Timber Exclusive
- Parcel Merger
- Lot Line Adjustment

S. Williams introduced Applicants, Julie A. Fouch and Mark D. Scott who were present to answer any questions. She noted that the applicants were requesting to immediately cancel a portion of the

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Williamson Act Contract (225-acre portion), and the contract is in non-renewal from 2018. The request to re-zone from the Williamson Act Contract to Timber Exclusive, which is the proposed alternative use of the zone. An alternative use is a requirement from the Williamson Act State law.

Public comment received by Applicant, Mark D. Scott, who shared his family's history and noted that he and his son were both Timber Operators and briefly explained the timber industries and spoke about timber harvesting on the property. Scott noted that the last time they used their property for cattle was in 2000.

Public comment received by James Stead (Land Surveyor for the Applicants) in support of the project verified that the property is mostly forest land and shared that a registered professional, Forrester confirmed that the land had been burned; however, the land will still grow timber, and the forest setting will be retained even with the change and changing the property lines. This property will still be useable for Timberland with no detrimental problem by allowing it to become Timber Preserve.

Reconvene as the Agricultural Advisory Committee

The AAC reconvened as the AAC at 10:03 a.m.

C. Discussion and Action

- 1. PLAN-DIS-2025-00008 (Lot Line Adjustment), Plan-DIS-2025-00009 (Parcel Merger), PLAN-DIS-2025-00010 (Williamson/Land Conservation Act Cancellation), and PLAN-DIS-2025-00011 (Timber Exclusive Zone); Applicant: Susan J. Lewis, Karen L. Simmons, Julie A. Fouch and Mark D. Scott, Successor Co-Trustees of the Walter Scott Family Trust dated May 15, 1975; Project location: 6800 Jerseydale Road, Mariposa; APN: 009-190-011, 009-190-012 and 009-190-013**

A discussion occurred between the AAC members and staff regarding the legality of ending the LCA contract time frame and requirements, protecting and preserving the Williamson Act or agriculture property from declining, and the land use per zoning in Chapter 10 of the General Plan.

Applicant Mark Scott noted that in 12 years the property will come out of the LCA contract and if they cannot have the parcel zoned as Timber Exclusive then they will parcel out the property. He then shared that they would keep the property in the family if it could be zoned Timber Exclusive.

A lengthy discussion occurred between AAC members and Scott regarding the property owner's long-term plans for the property, what percentage of the parcel will be used for timber and what percentage of the parcel will be used for grazing. Scott responded by sharing the history of the land and family, noting that it's all homestead. Scott further expressed appreciation for the equipment they have and that his family has been harvesting timber for 40 years.

Commissioner Smith expressed support for the applicants and encouraged the AAC to work with the property owners to facilitate their request.

By motion of Kelly Williams, seconded by Carla Kelly, the AAC recommended project approval

to the Planning Commission and the Board of Supervisors, with finding that the project site is more appropriate for Timber Production Zone and Program than the Commercial Agriculture Zone and Program, and with findings that the definition of agriculture, as contained in the County Zoning Ordinance includes Timber Production. Motion passed. 5 Ayes, 0 nays, 1 excused (Lyle Turpin), 0 abstained.

Recess into the Joint Meeting

Toso called for recess at 10:11 a.m.

D. Joint Meeting with the Planning Commission

The AAC joined the meeting with the Planning Commission at 10:19 a.m.

1. Joint Planning Commission and Agricultural Advisory Committee discussion regarding the agriculturally related Development Code Draft code provisions – Title 17-Zoning Ordinance and Title 16 Subdivision Ordinance make up the “Development Code”

Engfer provided an overview of the Title 16 and 17 Development Code Update and noted that the Planning Commission wanted to meet with the Agricultural Advisory Committee to discuss the Agriculture related provisions of Title 17. Engfer then introduce Ben Goger, Senior Planner who presented Title 17 pertaining to Agriculture and related provisions.

Goger noted that there were no changes in the agricultural resource areas that are in the development code from the General Plan and formal General Plan, but there is some nuance to the permitted uses in agricultural standards related to agritourism standards, which was a recommendation from the General Plan Strategic Implementation Study.

Goger then spoke about Article 9 of the Development Code that has agriculture definitions and clarified that the definitions for agricultural and agrotourism were the same, but there are some new definitions for agricultural housing.

Monica Nielsen (Agriculture Commissioner) raised concerns about new nuisance language potentially infringing on the Right to Farm, biosecurity risks with agritourism and poultry operation.

S. Williams assured Nielsen that nuisance was currently in code in 17.108 and that the text was relevant to the Agriculture Exclusive Zone, where unlimited agriculture was allowed. She clarified that the text only applied to those doing agricultural uses in Mountain Home Zone or the Mountain General Zone. Zones that are not specifically established for commercial agriculture, but the county has and will continue to allow the ag uses in other zones if it doesn't become a nuisance.

Also, S. Williams highlighted that the current text that is mirrored in the proposed text does provide the ag operator with some benefits if they have been established for a year or more from a future nuisance complaint, which is the right to farm in the current and proposed text.

Goger continued with the presentation and noted that the code text for agritourism had more specificity for intensity of use than the old text, but many of the intentions of the old code text were the same.

Goger noted that the proposed implementation measures from the General Plan Implementation Study were to establish certain thresholds and clarity for agritourism within the county and that's where the new language was applied towards:

- Agritourism Limited (a permitted use): are by right shall be limited to 15 guests a day with a maximum of 110 guests per week.
- Agriculture Agritourism Large (administrative use): Shall be a maximum of 35 guest per day, with a maximum of 250 guest a week.
- Agritourism Unlimited (agritourism Use): 35 guests per day, with a maximum of 250 a week.

Goger noted that the differences between Limited, Large and Unlimited were the intensity of the use. If a proposal came in requiring more intense use, then a conditional use permit would be applied.

Goger than highlighted the proposed changes to the new definitions in Article 9 of the Development Code Update: Employee Housing for agricultural employees: State mandate that allowed agricultural employees to live on agricultural properties that required a bona fide agricultural operation.

Goger stated that the planning Commission has put forward a new code text to allow for use of recreational vehicles as temporary housing within agricultural lands and in residential lands.

Also, a new code section for using recreation vehicles (RVs) on agriculture properties (during and intense agricultural season such as a grape harvest) that must be certified with the Environmental Health Compliance Unit. The RVs must be on agricultural lands and can be used for a 6-month period and removed after the season is over.

Lastly, Goger highlighted that there were some languages in the new code that did not support the heritage crops and wanted to bring that to the Planning Commission's attention in case it was a priority for the AAC.

McCamman stated that the Planning Commission was concerned that they were creating standards or outlining requirements that were inappropriate in the ag industry and need the AAC's input before those become regulatory; specifically, the language used towards numbers of days stayed, number of guests, and so forth are appropriate. McCamman shared that the Commission's goal was to ensure that the Ag community continues to have a successful economic future and if this proposed provision limits the possibility of doing so, then we won't move forward with it.

Clarifying questions and comments were provided by the AAC members for Staff and Commissioners.

K. Williams (AAC Member) noted that they have the Williamson Act Contract that they must abide by and what is being presented does not apply to the Williamson Act Contract, and asked if the Commission and Staff are referring to Ag Exclusive land without the contract?

Baggett noted that zoning can't violate the contract, that the Commission have not covered this section, and the items being presented are a draft from staff for the AAC input before the Commission review.

Engfer reassured the AAC that these are only code provisions that won't change the rules of procedure for the Williamson Act or AE Zone.

Toso asked for clarification regarding the use of RVs' and camping trailers being used for housing as being state mandated to ensure that housing was provided for farm workers and stated that it was a normal practice that family members worked on the land and was rare that contract labor was used. Toso stated that direction would be to stay to the minimum standards that meet State law requirements.

Goger provided clarification stating that there is a new state mandate for the Employee Housing Act that is a mandate that needs to be incorporated into our plan. Goger explained that agricultural housing can be a bunkhouse that houses up to six different individuals on an agricultural site or that's associated with a bona fide agricultural operation.

Nielsen noted that most of the operators in the County use farm labor contractors, not permanent employees and wanted to know if housing was for permanent or labor contractors.

Goger stated that housing could be provided for both permanent employees and labor contractors, but needed to be with a bona fide agricultural operation, and that housing can be provided on site or off site for the operation with proof that they worked for the operation.

Toso raised concerns regarding agritourism as he did not see that limits on agritourism on contracted land and noted that it should clearly define and suggested staying with the minimum. Toso noted that he saw in the State code that the property owner can have agritourism on contracted land but does not determine what the rules are.

S. Williams noted that the Mariposa County rules for the Williamson Act allow recreation that does not involve permanent structures and stated that property owners who wanted to do agritourism the activities could only be a nature hike, photography hike outside of contracted land and that this rule was set in place from 2010.

Toso raised concerns regarding AB1156 with the solar utility exclusion and noted that it felt like they're putting solar ahead of the Williamson Act Contract, liability issues, biosecurity and safety issues. Toso shared that the committee needs to be very cautious with this because the California business is doing great and that he Chair the International Trade for National Cattlemen's Beef association, and every fed animal that goes through the lines was worth \$415.00 to the producer on export market and that can't be compromised. He then expressed that he didn't want to prevent someone from making additional income, but he didn't want to risk damaging a seventy-billion-dollar beef industry.

Staff reassured the AAC that the provision will not affect the Williamson Act Contract. S. Williams provided detailed information pertaining to codes (17.100.20 F) to determine whether or not agritourism or any other uses would be allowed.

Baggett suggested moving 17.100.20 F to the introduction and include purpose so the reader can easily find the information.

S. Williams shared a previous discussion about agritourism on AE land where the concerns of some of the operators involved bio security issues. She then informed the AAC and Commission that there are three levels of agritourism (permitted, administrative use permit, and conditional use permit), and the only way an operator would have an ability on contracted lands the operator would have to address the decision makers about the proposed agritourism event to determine which permit would be required.

S. Williams reiterated the operator can have any recreation if it's a proposed recreation use that involves no permanent facility.

A discussion occurred regarding bio security for poultry operations on AE land raised by Nielsen. Nielsen noted that there should be documentation set in place for visitors in poultry operations. Williams confirmed that the requirements were set in code requiring a substantial additional setback between any proposed agritourism operation and an existing poultry operation. The Commission requested that Planning staff meet with the Agricultural Commissioner to discuss best practices for Agricultural sets back and bio security to Agrotourism operations.

A discussion occurred regarding the immediate cancellation and penalty from the cancellation of the Williamson Act Contract and Rules of Procedure for the implementation of the Williamson Act, 10-150,

Insurance industry representative, Cory raised serious concerns regarding agritourism being excluded from farm liability policies, and that the County needed to consider the legal and financial exposure.

After discussion, staff will consider incorporating biosecurity, solar policy, and fire risk to the agriculture related provisions.

Reconvene as the Agricultural Advisory Committee

The AAC reconvened as the Agricultural Advisory Committee at 11:53 a.m.

E. Adjournment

Chair Toso adjourned the meeting 11:53 a.m.

Respectfully Submitted by Sophea Craighead, Acting Secretary for Agricultural Advisory Committee