

Attachment E

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution  
No 2009-44

A Resolution Establishing and Defining the Membership and  
Operation of the Mariposa Agriculture Tourism Advisory Committee

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WHEREAS, the Board of Supervisors included agritourism as a permitted use in Chapter 17.40 of the Mariposa County Code in June, 2006, absent clear definitions and standards distinguishing agritourism from guest ranches and other uses in the Agriculture Exclusive zone; and

WHEREAS, the General Plan, adopted in December 2006, contains policies enabling agritourism uses, definitions and standards to be established in the Agriculture/Working Landscape and other land use classification; and

WHEREAS, the implementation of agritourism policy provisions of the Mariposa County General Plan is a high priority of the Board of Supervisors; and

WHEREAS, the Board of Supervisors has established funding within the current (FY 2008-09) budget of the Planning Department to undertake and complete the agritourism work program utilizing the services of a private consultant; and

WHEREAS, the Board of Supervisors has authorized and held a series of public workshops during 2007 and 2008 to invite and consider the comments of "stakeholder" organizations and individuals in the creation of agritourism standards and regulations appropriate for Mariposa County; and

WHEREAS, Mariposa County organizations and individuals with knowledge and expertise in the enterprises of ranching, commercial agriculture, economic development, tourism and natural resource conservation have been actively engaged in the public discussions of an agriculture tourism program; and

WHEREAS, at the Board of Supervisors' workshop on December 9, 2008 the Board directed staff to bring back a resolution establishing an agritourism "stakeholders" committee.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors wishes to engage a committed and diverse group of local agency representatives and individuals in a focused work effort to develop the definitions, thresholds, standards and regulations for an agriculture tourism ordinance for Mariposa County; and

BE IT THEREFORE FURTHER RESOLVED THAT the Mariposa Agriculture Tourism Advisory Committee (COMMITTEE) is hereby constituted, organized and operated as follows:

## I. Membership

A. The COMMITTEE shall be appointed by and comprised of seven (7) members as established herein by the Mariposa County Board of Supervisors.

B. Members shall:

1. Have recognized expertise in an enterprise involving agriculture production, local tourism or conservation of natural resources; and

2. Reside or be employed within the geographic boundaries of Mariposa County.

C. The COMMITTEE will represent a cross section of commercial, agriculture, conservation and tourism stakeholders within the Mariposa community as follows:

1. One (1) member nominated by and appointed from the Mariposa County Farm Bureau;

2. One (1) member nominated and appointed from the Mariposa County Visitors and Tourism Bureau;

3. One (1) member nominated by and appointed from the Mariposa Agri Nature Trail Committee, representing an agriculture producer;

4. One (1) member nominated by and appointed from the Mariposa Chamber of Commerce, representing an economic development interest;

5. One (1) member nominated by and appointed from the Mariposa County Resource Conservation District (RCD); and

6. Two (2) members appointed from the general public, pursuant to procedures of the Maddy Act, following the appointment of the agency members, to balance the COMMITTEE membership.

D. The following individuals shall be designated as ex officio (not-voting, support) members of the COMMITTEE:

1. Agricultural Commissioner;

2. County Assessor;

3. Business Development Coordinator;

4. Deputy Planning Director;

5. U.C. Farm Advisor.

E. The Mariposa County Planning Director shall appoint a designated individual, who may be a contract employee, with responsibility for COMMITTEE support functions, including meeting agendas, public notices, meeting materials and arrangements, communications and summaries of COMMITTEE recommendations.

- F. Members are expected to attend all scheduled meetings of the COMMITTEE, unless excused due to unavoidable circumstances or emergencies. A member may be replaced by the Board of Supervisors for reason of attendance or other cause at any time.
- G. The terms of members shall extend for two (2) years from the date of appointment by the Board of Supervisors, or until the adoption of an Agriculture Tourism Ordinance, which ever occurs sooner.

**II. Officers and Meetings**

- A. Appointment: At its first meeting the COMMITTEE shall elect a Chair and Vice-Chair for a term of one (1) year, or until the election of her/his successor.
- B. The Chair shall preside at all meetings of the COMMITTEE and shall conduct meetings in accordance with Robert's Rules of Order.
- C. The Vice-Chair shall act in the absence or inability of the Chair to perform her/his duties.
- D. Meetings shall be scheduled and noticed at least seven (7) days in advance.
- E. A quorum of 4 members is necessary to conduct any business of the COMMITTEE.
- F. COMMITTEE meetings shall be subject to the provisions of the California Open Meeting Law (the Brown Act).

**III. Purpose and Mission**

- A. The COMMITTEE shall serve as an advisory body, representing key stakeholder and community interests, charged with developing recommendations for the Agriculture Advisory Committee, the Planning Commission and the Board of Supervisors in the preparation of an Agriculture Tourism Ordinance for Mariposa County.
- B. Responsibilities of the COMMITTEE shall include:
  - 1. Consider and recommend clear definitions, thresholds, standards and procedures appropriate for agriculture tourism activities within the Agriculture Exclusive Zone (AEZ) throughout Mariposa County;
  - 2. Communicate and serve as liaison with stakeholder organizations and interests in Mariposa County to insure that a broad spectrum of opinions and information is considered in the development of the agriculture and nature based tourism ordinance;
  - 3. Work collaboratively to create economic opportunities for agriculture dependent businesses that will sustain the County's commercial agricultural lands and natural resources, and maintain sound land management practices and the rural character of Mariposa County.

ON MOTION BY Supervisor Cann, seconded by Supervisor Turpin, this resolution is duly passed and adopted this 27<sup>th</sup> day of January, 2009 by the following vote:

AYES: ABORN, TURPIN, CANN, ALLEN

NOES: BIBBY

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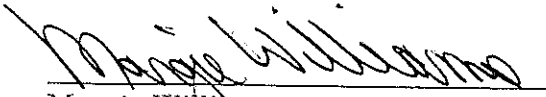
EXCUSED: NONE

ABSTAIN: NONE



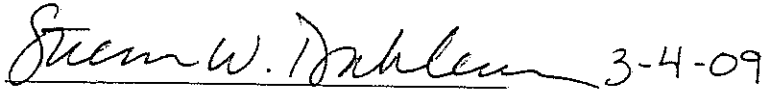
Brad Aborn, Chairman  
Mariposa County Board of Supervisors

Attest:



Margie Williams  
Clerk of the Board of Supervisors

Approved as to Legal Form:



Steven W. Dahlem  
County Counsel

Discussion was held relative to the need to define the rules for Agri-tourism. (M)Bibby, (S)Allen, Res. 09-42 was adopted denying Appeal No. 2008-193 with findings and recommended action to staff and upholding the Planning Commission and Planning Director's actions. Supervisor Bibby asked staff for clarification relative to the motion; and staff recommended the draft resolution be adopted. This is agreeable with the maker and the second. Under discussion by Supervisor Turpin and Interim County Counsel, the next step would be for the appellant to meet with the Building Department and amend the building permit application for the eating facility based upon applicable codes; and if at the end of that process the appellant is not satisfied with the determination of the Building Department this decision can be appealed as well. Staff clarified that a permanent kitchen could possibly be obtained through a Conditional Use permit. Ayes/Aborn, Bibby, Cann, Allen. Noes: Turpin. The hearing was closed.

**1:20 p.m. Lunch**

**2:00 p.m.** Kris Schenk, Planning Director;

**LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)**

**2:25 p.m.** Reconvene



Agritourism Program: Approve an Agreement for Professional Services with Karen Robb to Prepare an Agriculture Tourism Program and Ordinance; and Establish the Mariposa Agriculture Tourism Advisory Committee.

**BOARD ACTION:** Kris Schenk provided the history and background of these items. He explained the scope of work that will be involved in creating this Ordinance including information derived from past workshops and meetings. He informed the Board that Karen Robb is exceptionally well qualified, available and willing to complete this project. Staff responded to questions of the Board relative to proper procedures and the timeframe of the project, stating that once step 2 is completed he we can present the status to the Board. Discussion was held relative to the wording "small scale" with recommendation to address all agriculture businesses.

Input from the public was provided by the following:

Ken Pulvino and Rita Kidd commented that the place to begin is the Calaveras County Ordinance and recommended using the Calaveras guidelines in Title 17.

Ken Pulvino commented relative to recommendations of Ken Churches and Cindy Fake, and commented on the revenue from the County to pay for this.

Bart Brown suggested starting with the Calaveras plan and then sending it straight to the Agricultural Advisory Committee, which has the experience needed. He expressed his concern about a new committee having to be brought up to speed regarding terminology. He reminded the Board of the recent process of updating the General Plan in which copies of General Plans from other rural Counties were obtained first.

Ken Baker, a property owner in Mariposa County stated he would like to see more local talent which would move this process quicker. He encouraged the Board to give this to a group of entrepreneurs to provide results.

Kris Casto believes this committee will hit the ground running and the information is already there. She feels it should be a short termed committee of people that can commit their time; and stakeholders should be involved. She would like to see more of our nature resources included.

Jay Castaldi feels there are other counties that have already prepared plenty of information that is available for review.

Rita Kidd expressed concern relative to confusing the concepts of Agri-tourism and Commercial Tourism and brought up further comments relative to the purpose of Agri-tourism. She urged looking at the Calaveras Ordinance.

Cathi Boze, Mariposa County Agricultural Commissioner, suggested more agriculture expertise on the Committee for balance. She reminded the Board that Agri-tourism is meant to be a supplement, the primary economic engine being the agriculture economy. We need to separate

Agriculture/Agri-tourism and Commercial Tourism. She stated she has full faith in Karen Robb because she has been here from the beginning.

Theresa Castaldi requested clarification relative to appointment of the members to the Agri-tourism Committee and how the process will work. Staff responded. Theresa Castaldi commented that she would like to be nominated as an Agri-tourism/property owner public member.

Al Castaldi described how other counties select committee members. He feels there is no Commercial Tourism in Mariposa County.

MaryAnn Huff commented relative to being very close to having an ordinance and addressing the whole County in the ordinance. She commented that there is Commercial Agriculture and commercial aspects to this. She informed the Board of the current efforts to encourage tourists to visit the Mariposa businesses and feels the ordinance needs to be completed as soon as possible.

Discussion was held relative to the Agricultural Advisory Committee make up; the Agri-tourism Committee make up; criteria; experience and background; and the draft being brought back to the Board after 120 days.

Supervisor Turpin motioned using the Calaveras ordinance addressing Agri-tourism as a draft model at the first step. Staff responded that the first step would be to address the agreement. Motion died for lack of a second. Further discussion was held. (M)Bibby, (S)Turpin, Res. 09-43 was adopted approving the contract with Karen Robb, including direction that the contract can be modified as time goes by and to include direction that staff take a look at the Calaveras program included in the first task of business and bring it back to the Board for further direction after the committee has recommended it. Under discussion by Supervisor Turpin, he would like to see a draft within 120 days/Ayes: Unanimous. Supervisor Bibby requested confirmation that Karen Robb could complete the draft and a report within 120 days of the appointment of the committee members. Karen Robb responded "yes".

Further discussion was held relative to the membership of the Agri-tourism Committee. Motion was made by Supervisor Bibby the Agri-tourism Committee membership would include the 5 Agricultural Advisory Committee members, one representative designated by Agri-tourism/Nature-tourism, one representative designated by the Tourism Bureau and two public members that have recognized expertise in an enterprise involving agriculture production, local tourism or conservation natural resources and adding Farm Advisor as an Ex-Officio member. Motion failed for lack of a second.

Further discussion was held relative to the membership of the Agri-tourism Committee. (M)Cann, (S) Turpin Res. 09-44 was adopted establishing and defining the membership and operation of the Mariposa Agriculture Tourism Advisory Committee as recommended, with the addition of the Farm Advisor as an Ex-officio and with the recognition that the two members from the general public would be selected after the first five members have been appointed, to guarantee a degree of balance. Under discussion, Supervisor Cann recommends the words "small-scale" be removed. Agreeable by the Second as amended. Supervisor Bibby stated her vote reflects the amended motion removing the term "small-scale". Staff requested the language in the motion reflect the recommended suggestion that B2 under No. 3 on page 11 of the draft resolution be "agriculture and nature based tourism ordinance" - Agreeable to the maker and the second as amended. Further discussion was held/Ayes: Aborn, Turpin, Cann, Allen. Noes: Bibby.

Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance Chapter 17.40 (Agriculture Exclusive Zone) and Chapter 17.148 (Definitions) to Temporarily Remove Provisions in Code for Agritourism Pending a Comprehensive Update to these Provisions to add Definitive Procedures, Standards, Thresholds and Definitions

**BOARD ACTION:** Kris Schenk presented the staff report. Jeff Green, Interim County Counsel, responded to questions from the Board relative to not allowing any other project approvals to occur regarding Agri-tourism until this process is completed, stating that the Board can impose a moratorium. Discussion was held relative to imposing a moratorium instead of eliminating provisions for Agri-tourism from Title 17 as proposed, pending completion of the new ordinance.

Input from the public was provided by the following:

Witt Hawkins stated he agrees that a moratorium is the way to go.

Ken Baker asked if Coyote Springs Ranch will be affected by this. Interim County Counsel responded "no".

Ruth Shane stated that it is her understanding that based on the Board packet that if the language of the ordinance is removed that existing codes would be used and that would be satisfactory.

Ruth Catalan asked if this would affect applications for Agri-tourism and expressed concern relative to the time it will take to complete this ordinance. Staff responded that there are a number of codes in place that will allow the businesses to continue unaffected.

(M)Allen, (S)Turpin, Res. 09-45 adopted giving direction to staff to bring back an interim urgency ordinance with findings for a moratorium prohibiting the approval of any other Agri-tourism uses/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Creating Chapter 2.30 of the Mariposa County Code Identifying the Department of Technical Services and its Purpose (Technical Services Director)

**BOARD ACTION:** Following discussion, (M)Bibby, (S)Allen, the second reading was waived and Ordinance No. 1048 was adopted as recommended. The Deputy Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

**4:40 p.m. CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** (M)Turpin, (S)Allen, the closed session was held/Ayes: Unanimous.

**4:54 p.m.** Chair Aborn announced Direction was given to staff.

**CLOSED SESSION:** Liability Claims; Claimant Name: Bernard C. Hughes; Claim Number: C08-9; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** This closed session was not held.

### **CONSENT AGENDA:**

- CA-1 Approval of Summary of Proceedings of January 20, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Approve Mariposa Public Works (MCPW) Solid Waste & Recycling Division's Request to Apply for the California Integrated Waste Management Board (CIWMV) Ranch & Farm Solid Waste Cleanup and Abatement Grant to Assist Eligible Applicants to Pay for Designated Costs of Cleanup, Abatement, or Other Remedial Actions Related to the Disposal of Illegal Solid Waste on Farm or Ranch Property (Public Works Director); Res. 09-39
- CA-3 Approve Mariposa Public Works Solid Waste & Recycling Division's Request to Grant Authority to the Rural Counties' Environmental Services Joint Powers (ESJPA) to Submit a Grant for Tire Amnesty Events from the California Integrated Waste Management Board (CIWMB) on Behalf of Mariposa County (Public Works Director); Res. 09-31
- CA-4 Approve Detection Trapping Agreement No. 08-0667 for Fiscal Year 2008/2009 – 2009/2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-32
- CA-5 Authorize the Fire Chief to Apply for a State of California Office of Traffic Safety (OTS) to Purchase Heavy Rescue Extrication Equipment for Two Rescue Vehicles and Light Rescue Equipment for Five Patrol Vehicles (Fire Chief); Res. 09-33