RECOMMENDED ACTION AND JUSTIFICATION:
Adopt resolution denying Land Conservation Act Contract Cancellation Application No. 2005-160 with the recommended findings and filing a Notice of Non-renewal for the portion of Land Conservation Act Contract No. 49 that relates to the subject property.

Adopt resolution adopting a Notice of Exemption for this project and approving Land Conservation Act Contract Modification No. 2005-149.

Action is based upon the recommendations of the Planning Commission and the Agricultural Advisory Committee.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
None; Contracts No. 48 and 49 were recorded in accordance with the provisions of County Resolutions No. 77-157, implementing the Williamson Act in Mariposa County, and No. 78-16, establishing the Mariposa County Agricultural Preserve Map

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Provided in Memorandum to Board.

Financial Impact? ( ) Yes  (X) No  Current FY Cost: $  Annual Recurring Cost: $
Budgeted in Current FY? ( ) Yes  ( ) No  ( ) Partially Funded
Amount in Budget: $________________________
Additional Funding Needed: $________________________
Source: ____________________________________________________________________________
Internal Transfer
Unanticipated Revenue 4/5's vote
Transfer Between Funds 4/5's vote
Contingency 4/5's vote
( ) General  ( ) Other

CLERK'S USE ONLY:
Res. No. ____________________________ 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:
V Requested Action Recommended
   ( ) No Opinion
Comments:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

CAO: ____________________________

Revised Dec. 2002
TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: RESOLUTION ADOPTING A NOTICE OF EXEMPTION AND APPROVING LAND CONSERVATION ACT CONTRACT MODIFICATION NO. 2005-149, VISHER RESOLUTION 05-557

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on

ACTION AND VOTE: December 6, 2005

11:50 a.m. B) PUBLIC HEARING (Continued from November 15, 2005): Adopt a Resolution of Notice of Exemption and Approving Land Conservation Act Contract Modification No. 2005-149 Modifying Portion of Land Conservation Act Contract No. 48 Relating to Subject Property Located in Hornitos, APNs 007-130-033 through 038; Mary Ann Visher, Applicant

BOARD ACTION: Megan Tennermann, Associate Planner, presented the staff report; and she read a clause into the record conditioning conveyance, sale or deeding of the six parcels during the term of the contract. She advised that it is recommended that this condition be added. Staff responded to questions from the Board as to whether this is a new contract versus a modification; whether this modification is a precedent setting action; and whether the proposal to set parcel size and income levels for Williamson Act contracts will affect this project.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the recommended action, and whether there have been any changes to AB 1492 relative to the implementation of the Williamson Act. (M)Turpin, (S)Stetson, Res. 05-557 was adopted adopting a Notice of Exemption finding that the project is not subject to CEQA; and approving Land Conservation Act Contract Modification No. 2005-149 modifying a portion of Land Conservation Act Contract No. 48, as recommended/Ayes: Unanimous. The hearing was closed.

Cc: File
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS  

Resolution  
No. 05-557  
A resolution approving Land Conservation Act Contract Modification  
No. 2005-149, Mary Ann Visher, applicant. Assessor Parcel Numbers  
007-130-033, 034, 035, 036, 037, and 038.  

WHEREAS an application for a Land Conservation ("Williamson") Act contract modification  
was received on August 4, 2005 from Mary Ann Visher for six properties located near the  
intersection of Hornitos Bear Valley Road and Mt. Gaines Road in Hornitos, also known  
as Assessor Parcel Numbers 007-130-033, 034, 035, 036, 037, and 038; and  

WHEREAS the Planning Department circulated the application among trustee and responsible  
agencies, interested public organizations, and others as appropriate; and  

WHEREAS the Planning Department prepared a report for the Agricultural Advisory  
Committee in accordance with the review procedures of the committee; and  

WHEREAS the Agricultural Advisory Committee held a duly noticed public meeting on  
September 8, 2005; and  

WHEREAS the Agricultural Advisory Committee did recommend that the Planning  
Commission should make a recommendation to the Mariposa County Board of  
Supervisors to adopt a Notice of Exemption in accordance with the California  
Environmental Quality Act and approve the project with the recommended findings and  
modifications; and  

WHEREAS a duly noticed public hearing was scheduled before the Planning Commission for  
October 28, 2005; and  

WHEREAS a Staff Report was prepared pursuant to the California Government Code,  
Mariposa County Code, California Environmental Quality Act, and local administrative  
procedures; and  

WHEREAS the Planning Commission did hold a public hearing on the noticed date and  
considered all of the information in the public record, including the Staff Report,  
testimony presented by the public concerning the application, and the comments of the  
applicant; and  

WHEREAS the Planning Commission of the County of Mariposa did recommend to the  
Mariposa County Board of Supervisors that they find this project exempt for the  
provisions of the California Environmental Quality Act; and  

WHEREAS the Planning Commission of the County of Mariposa did recommend to the  
Mariposa County Board of Supervisors that they approve Land Conservation Act Contract  
Modification No. 2005-149 as recommended by staff; and  

WHEREAS the Planning Commission recommendation for project approval was based upon  
the findings and condition set forth in the Staff Report as presented to the Planning  
Commission at the public hearing of October 28, 2005; and  

WHEREAS a duly noticed public hearing was scheduled for the Board of Supervisors meeting  
of November 15, 2005; and  

WHEREAS the applicant requested that the hearing be postponed until early December; and
WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the proposed Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE BE IT RESOLVED THAT the Mariposa County Board of Supervisors finds this project exempt for the provisions of the California Environmental Quality Act; and

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves Land Conservation Act Contract Modification No. 2005-149; and

BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors approved this project based upon the findings and condition set forth in Exhibit A of this resolution.

THIS RESOLUTION is duly passed and adopted this December 6, 2005 by the following vote:

AYES:  Bibby, Fritz, Pickard, Stetson, and Turpin

NOES:  None

EXCUSED:  None

ABSTAIN:  None

BOB PICKARD, Chairman
Mariposa County Board of Supervisors

Attest:

MARGIE WILLIAMS
Clerk of the Board
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:

THOMAS P. GUARINO
County Counsel
EXHIBIT A--FINDINGS AND CONDITIONS FOR APPROVAL
Land Conservation Act Contract Modification No. 2005-149

Findings for Approval

Pursuant to Mariposa County Resolution No. 77-157, Section 6.200 of the Mariposa County General Plan, and Section 51234 of Government Code:

1. **FINDING:** 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 Mariposa County General Plan.

**EVIDENCE:** The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Conservation Element of the General Plan. The Open Space Element confirms the importance of maintaining the viability of the agricultural industry for Mariposa County. This project will result in the execution of an amended 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. **FINDING:** 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.

**EVIDENCE:** The parcel has been used for agricultural purposes for at least three years, and the agricultural uses have been profitable. The parcel has been managed together with the other parcels as one 336-acre agricultural unit; this project will restrict the parcels so that they will always be managed as one unit while they are under contract, thereby meeting the minimum size requirements for agricultural preserves in Mariposa County.

Condition of Approval

1. Upon approval of this project, the applicant shall sign a new Land Conservation Act Contract applying only to her parcels, which shall include the proposed restriction prohibiting the individual sale of the parcels during the term of the contract. The new contract shall be recorded prior to final Planning approval of the building permit issued to 007-130-036.