RESOLUTION - ACTION REQUESTED 2020-577

MEETING: September 22, 2020

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director


RECOMMENDATION AND JUSTIFICATION:

This action is recommended by the Planning Commission and Agricultural Advisory Committee.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
No Board actions pertaining to the project have occurred.

Board of Supervisors Resolution 2010-150, Mariposa County Rules of Procedure to Implement the California Land Conservation Act of 1965, provide LCA policy and application procedures.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action would result in no modified contract.

Please see the attached report for additional information.

FINANCIAL IMPACT:
None

ATTACHMENTS:
Staff Report (DOCX)
Attachment A - BOS Resolution (DOCX)
Attachment B - Vicinity Map (PDF)
Attachment C - Site Plan for Lot Line Adjustment (PDF)
Attachment D - LCA Modification Application (PDF)
Attachment E - Notice of Exemption (DOCX)
BOS Presentation LCA 2019-187 (PDF)
Resolution - Action Requested 2020-577

RESULT:    ADOPTED [UNANIMOUS]
MOVER:     Marshall Long, District III Supervisor
SECONDER:  Rosemarie Smallcombe, District I Supervisor
AYES:      Smallcombe, Jones, Long, Cann, Menetrey
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2020-577

A resolution approving Land Conservation Act (LCA) Contract Modification Application No. 2019-187; a Modification of LCA Contract No. 78-15 to create two modified contracts as a result of Lot Line Adjustment No. 2019-186. APNs 018-100-0190 and 018-100-0050; Paul R. Westfall, applicant.

WHEREAS, applications for Certificates of Compliance, Lot Line Adjustment, and Land Conservation (Williamson) Act Contract modification were received on November 18th, 2019 from Paul R. Westfall for property located at 663 and 747 White Rock Road, Mariposa CA, which proposed to recognize two historic parcels within APN 018-100-0190; adjust the boundary between the two parcels - Parcel A (existing 202.24/proposed 309.16 acres) and Parcel B (existing 416.08/proposed 309.16 acres); and modify the existing Land Conservation Act (LCA) Contract No. 78-15 to create separate LCA Contracts on both resultant parcels with Parcel B to include APN 018-100-0050 (41.33 acres+/-); and

WHEREAS, the approval authority for the Certificate of Compliance application and the Lot Line Adjustment application is the Planning Director; and

WHEREAS, the Planning Director approved Certificate of Compliance application No. 2019-185 and Lot Line Adjustment No. 2019-186 on February 10th, 2020; and

WHEREAS, the resultant adjusted parcel configuration and addition of acres is the subject of the Land Conservation Act Modification; and

WHEREAS, the approval authority for the Land Conservation Act Modification is the Board of Supervisors; and

WHEREAS, the existing and proposed Land Conservation Act contract lands have been used for agricultural purposes for a minimum of three years; and

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

WHEREAS, a Staff Report and environmental determination were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and
WHEREAS, a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of June 25th, 2020; and

WHEREAS, the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors approve the Agricultural Preserve on the subject property and enter into a modified Land Conservation Act Contract with the applicant, covering the subject property; and

WHEREAS, a duly noticed Planning Commission public hearing for the project was scheduled for July 24th, 2020; and

WHEREAS, the Planning Department determined that the execution of the modified Land Conservation Act Contract on the property are actions that are categorically exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15317, Open Space Contracts or Easements; 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 recommendation of staff; and

WHEREAS, the Planning Commission of the County of Mariposa adopted Resolution No. 2020-10 recommending that the Board of Supervisors approve Land Conservation Act Contract Modification Application No. 2019-187 and establish an Agricultural Preserve on the subject property and enter into a modified Land Conservation Act Contract with the owner covering the subject property; and

WHEREAS, a duly noticed Board of Supervisors public hearing for the project was scheduled for September 22nd, 2020; 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, testimony presented by the public concerning the application, and the comments of the applicant and the Planning Commission’s recommendation.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors finds that the project is exempt from environmental review pursuant to the California Environmental Quality Act.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors hereby approves Land Conservation Act Contract Modification Application No. 2019-187, to establish an Agricultural Preserve on the subject property and enter into a modified Land Conservation Act Contract with the applicant, covering the subject property as requested by the applicant.

BE IT THEREFORE FINALLY RESOLVED THAT this action is recommended based upon the findings set forth in Exhibit 1 and the conditions/steps established in Exhibit 2.
ON MOTION BY Supervisor Long, seconded by Supervisor Smallcombe, this resolution is duly passed and adopted on September 22nd, 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

[Signature]
Kevin Cann, Chair
Mariposa County Board of Supervisors

Attest:

[Signature]
René LaRoche, Clerk of the
Board of Supervisors

Approved as to Form:

[Signature]
Steven W. Dahlem
County Counsel
EXHIBIT 1
Project Findings

This project is reviewed in accordance with Mariposa County Resolution No. 10-150 implementing the Land Conservation Act in Mariposa County and California Government Code Section 51257 (Williamson Act Law), the following findings are made:

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.

   The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agricultural Element and its emphasis on preserving agricultural lands (Section 10.1.01 of The General Plan) and maintaining the rural character of the county (Section 10.1.04 of The General Plan). The Conservation and Open Space Element confirms the importance of maintaining the open space nature of the county. This project will result in the execution of modified Land Conservation Act contracts, which are 20-year commitments to agriculture and open space uses for the sites. The preserve is consistent with the General Plan. The current and past use of the property is for agricultural purposes. This finding is made in accordance with Section 51234 of Government Code.

2. **FINDING:** The modified contract exceeds the minimum size (160 acres) established by the Board of Supervisors for an agricultural preserve. The use of this property is for cattle grazing, or other Agricultural Production Uses or Compatible Uses as will be specified in the contract.

3. **FINDING:** All of the land will be under the modified contracts; thereby increasing new LCA contracted lands in the County by 41.33 acres (from 612.32 acres) to a total of 653.65 acres.

4. **FINDING:** The modified contracts will be large enough to sustain a commercial agricultural use (dryland grazing) at 653.65 acres. Objective evidence has been submitted that the properties have been used for grazing. Review by the Agricultural Advisory Committee did not identify any concerns. The contracted acreage exceeds the minimum 160 acres requirement for grazing.

5. **FINDING:** The modified LCA contracts will not compromise the long-term agricultural productivity of the land as LCA contracted lands require agricultural productivity in conformance to Mariposa County Resolution No. 10-150 over the existing applicable zoning of Agriculture Exclusive. The land will continue to be used for cattle grazing.
6. **FINDING:** The inclusion of this land is not likely to result in the removal of adjacent land from agricultural use. There is no evidence to support a finding that these modified contracts will have any effect on any adjacent agricultural uses.

7. **FINDING:** The approval of the Williamson Act Contract Modification is based upon review of the project specific and site-specific details of this case.

8. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.
EXHIBIT 2
Project Steps/Conditions
FOR
Land Conservation Act Modification No. 2019-186

1. Preparation of Legal Description (APPLICANT’S RESPONSIBILITY): Prior to recordation of the amended Williamson Act Contracts, a typed, stamped, and signed copy of the approved legal description for the lands that are to be placed under the modified contracts must be provided by the applicant to Mariposa Planning.

2. Preparation of the Williamson Act Contracts (MARIPOSA PLANNING RESPONSIBILITY): In order to complete this project, the Williamson Act Contracts will be prepared by Mariposa Planning. Mariposa Planning will coordinate obtaining the signature of the representative authorized by the Board of Supervisors to sign the contracts. Mariposa Planning will send the original contracts to the property owner(s) involved in the application.

3. Signing and Notarizing the Williamson Act Contract (APPLICANT’S RESPONSIBILITY): The contracts must be signed by the property owner(s), and the signature(s) must be notarized.

4. Recordation of Contracts (MARIPOSA PLANNING RESPONSIBILITY): When the contracts have been signed and notarized by both parties, Mariposa Planning will record the contracts. This step completes the Land Conservation Act Contract Modification Process.