



MARIPOSA PLANNING

COUNTY OF MARIPOSA

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March 1, 2010

NOTICE OF PUBLIC HEARING

Project: Amended County Policies No. 2005-230
Proponent's name: County of Mariposa
Amendment area: County-wide Williamson Act (Land Conservation Act) Policies

Mariposa County is considering changes to its local rules regarding the Land Conservation Act of 1965 (LCA), sometimes known as the Williamson Act.

Background

The California Land Conservation Act of 1965 (LCA), also known as the Williamson Act, was enacted to conserve agricultural lands in California. The LCA employs a two step strategy: a local government establishes agricultural preserves and then executes land conservation contracts with landowners to preserve the agricultural uses during the term of the contract. (Gov. Code section 51231.) The hallmark of this statutory program is a voluntary agreement between the local government and the landowner, where the landowner chooses, on an annual basis, to accept certain limits on his or her use of the land in return for an explicit tax reduction. The California Legislature has determined that this program (and the expenditure of public subvention funds to local governments in previous years) is in the public interest and necessary for the promotion of the general welfare.

In Mariposa County, the Board of Supervisors on October 18, 1977 adopted Resolution 77-157 to implement the LCA by providing a program for landowners to receive tax benefits under the California Constitution in return for their land "being used for the purpose of producing an agricultural commodity for commercial purposes" during the term of contract (emphasis added). The minimum term of the contracts is twenty years with automatic annual renewals, unless the landowner or County files a notice of non-renewal. Automatic annual renewals for ALL contracts now occur on January 1st at 12:01 a.m. pursuant to Revenue and Taxation Code 2192 (the Lien Date is no longer March 1st as referenced in some contracts).

After nearly thirty years implementing the LCA, the Board of Supervisors in Resolution No. 05-546 "initiate[d] an action to modify the policies and provisions implementing the California Land Conservation Act of 1965 (LCA)." The County Agricultural Advisory Committee developed recommendations for changes to the local rules. In its deliberations, the Committee unanimously emphasized the importance of the LCA to viable farming and ranching in Mariposa County and committed to preserve the LCA for future generations of farmers and ranchers in Mariposa County. The Committee's recommendations have now been considered

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by the Mariposa County Planning Commission (at three separate public hearings). The Planning Commission considered public comments and comments provided by the California Department of Conservation, the state agency that oversees the LCA.

On February 5th 2010, the Planning Commission took formal action to recommend that the Board of Supervisors adopt the draft (amended) "Rules of Procedure to Implement the California Land Conservation Act of 1965." The draft rules are intended to provide clear and detailed guidance for Mariposa County ("County") to administer the program and for landowners, farmers and ranchers, and the general public to understand and participate in this important program. More specifically, the rules provide basic criteria and procedures to determine eligibility in the program and they describe the land use restrictions for the agricultural lands enrolled in the program.

Importantly, these rules, and future amendments to the rules, if adopted, will *replace* the previous provisions in County Resolutions 77-157, 78-8 and 95-350 for all LCA contracts in Mariposa County that are executed or automatically renewed after the effective date of these rules. As such, a landowner enrolled in the program, (and a landowner's tenants) will be subject to rules adopted by the Board of Supervisors if the LCA contract is automatically renewed after adoption by the Board. The LCA contracts are automatically renewed annually (on January 1st) unless the landowner or County files a notice of non-renewal. **If a landowner decides that he/she does not want to be subject to the new rules, he/she needs to submit a Notice of Non-Renewal for his/her contract for filing (or for the portion of the contract he/she owns) with Mariposa Planning prior to September 30, 2010. A recordable copy of the legal description must accompany the Notice of Non-Renewal. The Notice of Non-Renewal must be recorded prior to December 30, 2010.** For more information about the Notice of Non-Renewal, please contact the Mariposa County Planning Department.

Contracts which are already in non-renewal will not be subject to the amended policies.

Public Hearing

The Board of Supervisors will consider the Planning Commission's recommendations at a public hearing, and will consider adoption of a resolution taking final action on County Policy Amendment No. 2005-230. The action includes the filing of a Notice of Exemption.

Board of Supervisors

Hearing Date: Tuesday, March 23, 2010
Hearing Time: 2:00 p.m.
Hearing Location: Mariposa County Government Center (upper floor)
5100 Bullion Street, Mariposa California

If you have any questions about the proposed amendments, please contact Mariposa Planning, (209) 966-5151. E-mail may be sent to David Guy or Sarah Williams at swilliams@mariposacounty.org

You may also write us at P.O. Box 2039 Mariposa CA 95338, or drop by the office at 5100 Bullion Street (lower floor), Mariposa to review available information.

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Written comments may be submitted now, and at any time during the public review period up to, and including, the public portion of the public hearing time. Comments received prior to completion of the staff report will be included in the Staff Report distributed to the Board of Supervisors. Comments received prior to the Board of Supervisors hearing will be copied and given to the Supervisors.

This action of the Board of Supervisors is the final county action on this project. Please be advised that any concerns or issues relating to the project must be raised during the public review process described in this notice, if those issues are to be used for the basis of a future court challenge. If you challenge the action of the Board of Supervisors to approve, conditionally approve or deny Amended County Policies No. 2005-230 in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

This notice is being provided pursuant to Section 17.132.020 of the Mariposa County Code.

Posting Locations:

- Mariposa County Clerk's Office
- Mariposa County Courthouse
- Mariposa County Planning Department
- Mariposa Post Office
- Bootjack Store
- Catheys Valley Post Office
- Coulterville Post Office
- El Portal Post Office
- Greeley Hill Market
- Hornitos Post Office
- Lake Don Pedro Market
- Lushmeadows Store
- Midpines Post Office
- Woodland Store
- Yosemite Valley Post Office
- Yosemite West Community Board
- www.mariposacounty.org/planning

Posting Date (mailed to above locations): 3/1/10 • Leave Posted Until: 5:00 p.m. 3/23/10