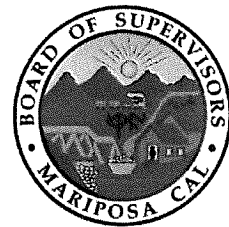


MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2016-598

MEETING: November 15, 2016

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Land Conservation Act Contract No. 2016-146

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution approving Land Conservation Act (LCA) Application No. 2016-146, finding the action is exempt from environmental review and directing the Board Chair to execute the LCA contract; Assessor's Parcel Number (APN) 007-120-0330; George Meyer, Applicant.

The recommended action is based on the Agricultural Advisory Committee and Planning Commission's recommendations for approval.

The project will authorize a new Land Conservation Act (Williamson Act) Contract on the existing 351.52 acre subject parcel (APN 007-120-033).

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:

Alternatives: Approve with modifications.

Negative action would result in no LCA contract for the property.

ATTACHMENTS:

Staff Report (DOC)

Attachment A- Vicinity Map (PDF)

Attachment B - PC Resolution (PDF)

Attachment C - Draft Board Resolution (DOC)

Attachment D- Notice of Exemption (DOC)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson
Mary Hodson, CAO 11/9/2016

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No. 2016-598

**A resolution approving Land Conservation Act (LCA) Contract
No. 2016-146, APN 007-120-033; George Meyer, applicant.**

WHEREAS, an application for a Land Conservation (Williamson) Act Contract was received on August 9, 2016, from George Meyer for property located approximately one (1) mile northwesterly from the intersection of Bear Valley Road and Cotton Creek Road, Hornitos Area, also known as Assessor Parcel Number 007-120-033; and

WHEREAS, the property has 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 project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of October 13, 2016; 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, the Agricultural Advisory Committee did hold their meeting on the noticed date and considered all of the information in the public record, including the Staff Report, and their own knowledge of county-wide agricultural operations; 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 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 the 21st day of October 2016; and

WHEREAS, the Planning Department determined that the establishment of a new agricultural preserve and execution of a new Williamson Act Contract on the property is an action that is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS the Planning Commission of the County of Mariposa adopted Resolution No. 2016-011 recommending that the Board of Supervisors approve Land Conservation Act Contract Application No. 2016-146 and establish an Agricultural Preserve on the subject property and enter into a Land Conservation Act Contract with the applicant covering the subject property; and

WHEREAS, a duly noticed Board of Supervisors public hearing for the project was scheduled for the 15th day of November 2016; 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

WHEREAS, the Board of Supervisors considered the October 13, 2016 Agricultural Advisory Committee and October 21, 2016 Planning Commission recommendations to approve the Land Conservation Act Contract Application No. 2016-146.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby find the project is exempt from environmental review and direct staff to file a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors hereby approves Land Conservation Act Contract Application No. 2016-146, establishing an Agricultural Preserve on the subject property and the execution of a Land Conservation Act Contract with the applicant covering the subject property.

BE IT THEREFORE FINALLY RESOLVED THAT this action is 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 Jones, this resolution is duly passed and adopted this 15th day of November 2016 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



John Carrier, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



René LaRoche, Clerk of the Board



Steven W. Dahlem, County Counsel

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Conservation Act No. 2016-146

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 a Land Conservation Act contract, which are 20 year commitments to agriculture and open space uses for the site. 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 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 specified in the contract.
3. **FINDING:** There is no net decrease in the total amount of acreage under contract, as it is a new contract.
4. **FINDING:** All of the land will be under the new contract; thereby increasing new LCA contracted lands in the County by 351.52 acres.
5. **FINDING:** The contract will be large enough to sustain their agricultural use (dryland grazing) at 351.52 acres. Objective evidence has been submitted that the properties have been used for grazing.
6. **FINDING:** The new LCA contract will not compromise the long-term agricultural productivity of the as the LCA contracted lands requires agricultural productivity in conformance to BOS Res. 10-150 over the existing applicable zoning of Agriculture Exclusive. The land will continue to be used for cattle grazing.

7. **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 this new contract will have any effect on any adjacent agricultural uses.
8. **FINDING:** The approval of the Williamson Act Contract Modification is based upon review of the project specific and site specific details of this case, as well as the needs of the applicants.
9. **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 No. 2016-146

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the Williamson Act Contract, a typed, stamped, and signed copy of the approved legal descriptions for the lands that are to be placed under the modified contract must be provided by the applicant to Mariposa Planning.
2. **Preparation of the Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, the Williamson Act Contract 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 contract. Mariposa Planning will send the original contract to the property owner(s) involved in the application.
3. **Signing and Notarizing the Williamson Act Contract (APPLICANT'S RESPONSIBILITY):** The contract must be signed by the applicant(s), and the signature(s) must be notarized.
4. **Recordation of Contract (MARIPOSA PLANNING RESPONSIBILITY):** When the contract has been signed and notarized by both parties, Mariposa Planning will record the contract. This step completes the Land Conservation Act Contract Process.