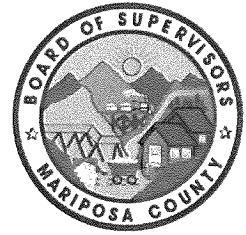


MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2021-676

MEETING: December 14, 2021
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Land Conservation Act Application No. 2021-167

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING: Adopt a Resolution Approving Land Conservation Act (LCA) Contract Modification Application No. 2021-167, a Modification of LCA Contract No. 2019-051 for the Addition of Three Parcels (APNs 017-100-0180, 017-100-0210 and 017-100-0240) Resulting in (8) Contiguous Parcels Totaling 1,331.73 Acres. James W. Larrick and Jun Chen Living Trust, Applicants.

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

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board Resolution No. 2008-558 adopted December 2, 2008 approving LCA Contract Application No. 2008-149.

Board Resolution No. 2020-576 adopted September 22, 2020 approving LCA Contract Application No. 2020-051, a modification of LCA Contract No. 2008-149.

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 (PDF)
Attachment A - Vicinity Map (PDF)
Attachment B - Application (PDF)
Attachment C - BOS Resolution (PDF)
Attachment D - Notice of Exemption (PDF)
BOS Presentation LCA 2021-167 (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

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

Resolution No.
2021-675

**A resolution approving Land Conservation Act (LCA) Contract Application
No. 2021-150; APN 011-260-0060; 299.48 acres; Yong Yuan aka Andy Yuan,
Applicant.**

WHEREAS, an application for a Land Conservation (Williamson) Act Contract was received on the 18th day of August, 2021, from We Weave Dreams Academy, The Yuan & Dong Trust, owners. Yong Yuan aka Andy Yuan, applicant for property located at Old Toll Road in Mariposa, also known as Assessor Parcel Number 011-260-0060; totaling 299.48 acres and

WHEREAS, the property has been used for commercial 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 the 21st day of October, 2021; 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 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 duly noticed meeting the 19th day of November, 2021; and

WHEREAS, the Planning Department determined that the establishment of a new agricultural preserve and execution of the new Land Conservation 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 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. 2021-17 recommending that the Board of Supervisors approve Land Conservation Act Contract Application No. 2021-150 and establish an Agricultural Preserve on the subject property and enter into a 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 the 14th day of December, 2021; 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 and Agricultural Advisory Committee's recommendations.

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 Application No. 2021-150, to establish an Agricultural Preserve on the subject property and enter into a 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.

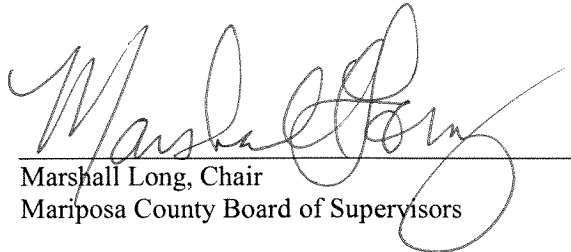
ON MOTION BY Supervisor Forsythe, seconded by Supervisor Smallcombe, this resolution is duly passed and adopted this 14th day of December 2021 by the following vote:

AYES: SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY

NOES: NONE


EXCUSED: NONE

ABSTAIN: NONE



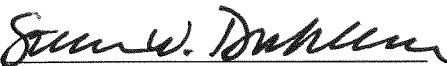
Marshall Long, Chair
Mariposa County Board of Supervisors

Attest:



René LaRoche, Clerk of the
Board of Supervisors

Approved as to Form:



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 a Land Conservation Act contract, which is a 20-year commitment 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 will be specified in the contract.
3. **FINDING:** All of the land will be under the new contract; thereby increasing new Land Conservation Act contracted lands in the County by 299.48 acres.
4. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 299.48 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 new Land Conservation Act contract will not compromise the long-term agricultural productivity of the as the Land Conservation Act contracted lands requires 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 this new contract will have any effect on any adjacent agricultural uses.
7. **FINDING:** The approval of the Land Conservation Act Contract 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 No. 2021-150

1. Prior to completion of the steps for completing Land Conservation Act Application No. 2021-150 and execution of the Land Conservation Act Contract, the Code Compliance Cases (RFI No. 2013-482 & No. 2016-018) and related 2019 structure fire ash clean up, shall be abated. A verification letter from the Code Compliance Division demonstrating to the Planning Director that the abatement is achieved, shall be required prior LCA contract recordation.
2. **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 description for the land that is to be placed under the contract must be provided by the applicant to Mariposa Planning.
3. **Preparation of the Land Conservation 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.
4. **Signing and Notarizing the Land Conservation Act Contract (APPLICANT'S REPSPONSIBILITY):** The contract must be signed by the property owner(s), and the signature(s) must be notarized.
5. **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.

MARIPOSA COUNTY NOTICE OF EXEMPTION

TO: County Clerk
County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: Land Conservation Act Modification Application No. 2021-167

Project Location: The project site is Assessor Parcel Numbers (APNs) 017-100-0180, 162.31 acres, 017-100-0210, 137.84 acres & 017-100-0240, 237.18 acres, all unassigned address, located approximately ½ mile north of the intersection of Ben Hur Road and Silver Bar Road.

Description of Project: A modification of LCA Contract No. 2019-051 for the addition of three (3) parcels, Parcel 1- APN 017-100-0180 (162.31 acres), Parcel 2- APN 017-100-0210 (137.84 acres), and Parcel 3- APN 017-100-0240 (237.18 acres) to the existing contract containing five (5) parcels resulting in eight (8) contiguous parcels totaling 1,331.73 acres.

Name of Public Agency
Approving Project: Mariposa County Board of Supervisors

Name of Person/Agency
Carrying Out Project: James W. Larrick and Jun Chen Living Trust

Exempt Status: CEQA Guidelines Class 17 §15317 Open Space Contract or Easement

Reason Why
Project Is Exempt: Project is a Land Conservation Act contract modification where no physical change will occur.

Lead Agency Contact Person: Kaitlyn Casner, Planner II

Phone Number: (209) 966-5151



Sarah Williams, Planning Director

12/14/2021

Date