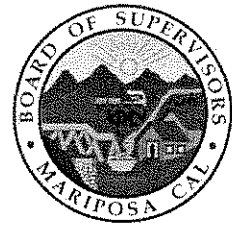




MARIPOSA COUNTY

Planning • 209-966-5151



RESOLUTION - ACTION REQUESTED 2013-163

MEETING: April 23, 2013

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: LCA Contract Modification No. 2012-173, Turpin

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING to Adopt a Resolution Approving Land Conservation Act Contract Modification No. 2012-173 for Contract No. 60; finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Lyle and Suzanne Turpin, applicants; Richard Seaman, agent. A Lot Line Adjustment application (2012-172) will result in two parcels, one of 160.50 acres and another of 285.24 acres. The Land Conservation Act Contract modification application is submitted so that the one contract that encumbers the entire property will be separated so that each resultant parcel will have a separate contract. Action is based upon the Planning Commission's recommendation and County Resolution No. 10-150 implementing the Williamson Act, and State Law. The site is located at 3919 Highway 132 in Coulterville.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board approved Land Conservation Act Contract No. 60 encompassing all of the project site and the Contract was recorded March 1, 1978 in Volume 178 of Official Records, Page 488 of Mariposa County Records.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board denies the Land Conservation Act Contract modification, the applicant will be unable to accomplish their goals of having separate contracts for each of the parcels they own.

FINANCIAL IMPACT:

None

ATTACHMENTS:

Staff Report Turpin (PDF)

Attachment 1 Site Plan (PDF)

Attachment 2 Draft Resolution (PDF)

Attachment 3 Draft Notice of Exemption (PDF)

- Attachment 4 Draft Contracts (PDF)
- Attachment 5 Draft Planning Commission Minutes (PDF)
- Attachment 6 Draft AAC Minutes (PDF)
- Attachment 7 Resolution No. 10-150 Rules of Procedure (PDF)

CAO RECOMMENDATION

Requested Action Recommended



Rick Benson, County Administrator/Office

- RESULT:** ADOPTED [UNANIMOUS]
- MOVER:** Kevin Cann, District IV Supervisor
- SECONDER:** Merlin Jones, District II Supervisor
- AYES:** Lee Stetson, Merlin Jones, Kevin Cann, John Carrier
- EXCUSED:** Janet Bibby

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

Resolution

No. 2013-163

A resolution conditionally approving Land Conservation Act Contract Modification No. 2012-173; Lyle and Suzanne Turpin, applicants. Assessor Parcel Numbers 001-200-008, 001-130-005, and 001-130-008.

WHEREAS an application for a Land Conservation Act contract modification was received on October 31, 2012 from Lyle and Suzanne Turpin, for property located at 3919 Highway 132 in Coulterville, also known as Assessor Parcel Numbers 001-200-008, 001-130-005, and 001-130-008; and

WHEREAS Land Conservation Act Contract Modification No. 2013-173 proposes to amend Land Conservation Act Contract No. 60 to create separate contracts for each resultant parcel proposed to be adjusted through Lot Line Adjustment Application No. 2012-173, which is being processed separately; and

WHEREAS the Planning Department circulated the applications 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 January 31st, 2013; and

WHEREAS the Agricultural Advisory Committee did unanimously recommend that the Planning Commission should make a recommendation to the Mariposa County Board of Supervisors to approve the project; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for March 8, 2013; and

WHEREAS a Staff Report and draft Notice of Exemption were 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, the draft Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicant.

WHEREAS the Planning Commission did unanimously recommend that the Board of Supervisors should approve the application; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 23rd day of April 2013; and

WHEREAS a Staff Report packet and draft Notice of Exemption were prepared for the Board of Supervisors 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 packet, the draft Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby find the application is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve Land Conservation Act Contract Modification No. 2012-173.

BE IT THEREFORE FURTHER RESOLVED THAT this action by the Board of Supervisors of the County to approve Land Conservation Act Contract Modification Application No. 2012-173 is made 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) and approves the rescission of existing contract No. 60 and simultaneous reentering into new contracts as required by Land Conservation Act Contract Modification applications and is based upon the following findings:

1. **FINDING:** The property is currently and will continue to be used for agricultural purposes. This applies to the entire project site.
2. **FINDING:** Both contracts will continue to meet the minimum size (160 acres) established by the Board of Supervisors for an agricultural preserve. The use of this property must continue for cattle grazing and/or other Commercial Agricultural Uses or Compatible Uses as specified in the contract.
3. **FINDING:** The modified contracts will restrict the adjusted boundaries for the same term as the existing contract on the properties.
4. **FINDING:** There is no net decrease in the total amount of acreage under contract.
5. **FINDING:** One hundred percent (100%) of the land under the original contract remains under the new contracts.
6. **FINDING:** After the amendment, both contracts will be large enough to sustain their agricultural use (dryland grazing). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on January 31, 2013.

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, as well as the estate planning needs of the applicant.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors project approval is based upon the processing conditions set forth in Exhibit A of this resolution.

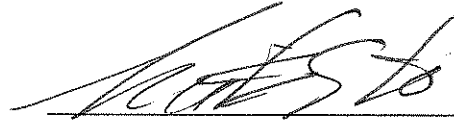
BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors hereby directs the Chairman of the Board to execute the modified Land Conservation Act Contracts for this property.

ON MOTION BY Supervisor Cann, seconded by Supervisor Jones, this resolution is duly passed and adopted this 23rd day of April 2013 by the following vote:

AYES: STETSON, JONES, CANN, CARRIER


NOES: NONE

EXCUSED: BIBBY



LEE STETSON, Chair
Mariposa County Board of Supervisors

Attest:



RENE' LAROCHE,
Clerk of the Board
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:



STEVEN W. DAHLEM
County Counsel

Exhibit A

Project Name: Lyle and Suzanne Turpin File Number: LCA Modification No. 2012-173

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for Conditions of Approval		
Recommended Conditions/Processing Step	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. The modified Land Conservation Act Contracts must be recorded concurrently with the Certificates of Compliance for Lot Line Adjustment No. 2012-172.</p> <p>[Mariposa Planning Recommendation]</p>	<p>MARIPOSA PLANNING</p>	
<p>2. Preparation of Legal Description (APPLICANT'S RESPONSIBILITY): Prior to recordation of the modified Williamson Act Contracts, a typed, stamped, and signed copy of the approved legal descriptions for the lands that are to be placed under the modified contracts must be provided by the applicant to Mariposa Planning. A description for each parcel will be required.</p>		
<p>3. Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY): In order to complete this project, two amended 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 modified contract. Mariposa Planning will send the original contracts to the property owner(s) involved in the application.</p>		
<p>4. Signing and Notarizing the Modified Williamson Act Contracts (APPLICANT'S RESPONSIBILITY): The contracts must be signed by the applicant(s), and the signature(s) must be</p>		

notarized. Mariposa Planning has a notary public, if this service is necessary.		
5. Recordation of Modified Contract (MARIPOSA PLANNING RESPONSIBILITY): When the amended contracts have been signed and notarized by both parties, Mariposa Planning will record the contracts concurrently with the Certificates of Compliance required to complete Lot Line Adjustment No. 2012-172. This step completes the Land Conservation Act Contract Modification Process.		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Alvaro Arias	209-742-1218 aarias@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Russell Marks	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Conservation District		209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Brewster	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Fire	Mark Pimentel	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off

Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date

Explanation of Headings:

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.