



MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2013-530

MEETING: November 19, 2013

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Public Hearing - LCA Contract No. 2013-115 & LCA Contract Modification No. 2013-116

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING to Consider Adopting a Resolution Approving Land Conservation Act Contract Application No. 2013-115 & Land Conservation Act Contract Modification No. 2013-116 with Findings & Conditions, Approving Five (5) Modified Contracts (922.19 ac) and Four (4) New Contracts (980.85 ac). Jeff Chance and Kevin Chance: Applicants Project site: Located in the Lake McSwain Area, East of Hornitos Road.

Justification is provided in the Staff Report, Attachment A.

Action is based upon the recommendations of the Planning Commission and the Agricultural Advisory Committee.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Six parcels were already under Contract 97-2 (Document 975527 recorded December 31, 1997) (922.19 acres)

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Deny applications or modify recommended conditions.

Contract must be executed and recorded prior to 5:00 p.m. on Tuesday, December 31, 2013 in order for tax advantages to be effective for the 2014 tax year.

ATTACHMENTS:

Staff Report (PDF)

Attachment 1 - Vicinity Map (PDF)

Attachment 2 - Property Tax Distribution (PDF)

Attachment 3 - Ag Advisory Minutes (PDF)

Attachment 4 - Planning Commission Minutes (PDF)

Attachment 5 - Draft Resolution (PDF)

Attachment 6 - Draft Notice of Exemption (PDF)

Attachment 7 - Resolution No 10-150(PDF)

Attachment 8 - LCA Contract 2013_115(1) (PDF)

Attachment 8 - LCA Contract 2013_115(2) (PDF)
Attachment 8 - LCA Contract 2013_115(3) (PDF)
Attachment 8 - LCA Contract 2013_115(4) (PDF)
Attachment 8 - LCA Contract 2013-116(5M)(PDF)
Attachment 8 - LCA Contract 2013-116(6M)(PDF)
Attachment 8 - LCA Contract 2013-116(7M)(PDF)
Attachment 8 - LCA Contract 2013-116(8M)(PDF)
Attachment 8 - LCA Contract 2013-116(9M)(PDF)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrative Officer

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2013-530

A resolution approving LCA Contract No 2013-115; APN's 011-010-024, 011-010-028, 011-010-042, 011-010-044, 011-010-045, 011-010-046 and 011-020-016 and

LCA Contract Modification No 2013-116; APN's 011-010-043, 011-020-005, 011-020-006, 011-020-009, 011-020-010, 011-020-018 and 011-020-019, Jeff Chance and Kevin Chance, applicants

WHEREAS, an application for a new Land Conservation (Williamson) Act Contract was received on July 11, 2013 from Jeff Chance and Kevin Chance for property located at unassigned addresses in the Lake Mc Swain Area off of Hornitos Road, also known as Assessor Parcel Numbers 011-010-024, 011-010-028, 011-010-042, 011-010-044, 011-010-045, 011-010-046 and 011-020-016; and

WHEREAS, an application for a modified Land Conservation (Williamson) Act Contract was received on July 11, 2013 from Jeff Chance and Kevin Chance for property located at unassigned addresses in the Lake Mc Swain Area off of Hornitos Road, which proposed to separate a portion on existing land conservation Act Contract No. 97-2 into four separate contracts encompassing Assessor Parcel Numbers 011-010-043, 011-020-005, 011-020-006, 011-020-009, 011-020-010, 011-020-018, and 011-020-019; and

WHEREAS, six parcels are encumbered by Land Conservation Act ("Williamson Act") contracts No. 97-2 and the contract must be modified to reflect the proposed adjustments; 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 September 12, 2013; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code 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, testimony presented by the public concerning the application, the comments of the applicant, 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 establish a new Agricultural Preserve on the subject property and enter into new and modified Land Conservation Act Contracts with the applicant, covering the subject property; and

WHEREAS, a duly noticed Planning Commission public hearing for the project was scheduled for the 4th day of October 2013; 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 comments of the applicant; and

WHEREAS, the Planning Department determined that the establishment of a new agricultural preserve and execution of new and modified Williamson Act Contracts on the property are actions that are categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the County of Mariposa did recommend to the Mariposa County Board of Supervisors that they approve Land Conservation Act Contract No. 2013-115 and Land Conservation Act Contract Modification No. 2013-116; and

WHEREAS, the Planning Commission recommendation for the project approval was based upon the findings set forth in the Staff Report as presented to the Planning Commission at the public hearing of October 4, 2013; and

WHEREAS, a duly noticed public hearing was scheduled for the Board of Supervisors meeting of November 19, 2013

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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 public record, including the Staff Report, the proposed Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicants.

NOW THEREFORE, BE IT RESOLVED THAT the Mariposa County Board of Supervisors finds this project exempt from the provisions of the California Environmental Quality Act.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves Land Conservation Contract Application No. 2013-115 and Land Conservation Act Contract Modification No. 2013-116, establishing an agricultural preserve and approving the execution of Land Conservation Act Contracts and modified Land Conservation Act contracts.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves this project based upon the findings set forth in Exhibit 1 of this resolution and the conditions set forth in Exhibit 2 of this resolution.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves individual contracts for the property as set forth within Exhibit 3 of the resolution.

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

ON MOTION BY Supervisor Jones, seconded by Supervisor Carrier, this resolution is duly passed and adopted this 19th day of November 2013 by the following vote:

AYES: Stetson, Jones and Carrier

NOES: None

EXCUSED: Bibby and Cann

ABSTAIN:



LEE STETSON, Chairman
Mariposa County Board of Supervisors

Attest:



Rene Roche, Secretary,
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:



STEVEN W. DAHLEM
County Counsel

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Conservation Act Contract Application No. 2013-115 and
Land Conservation Act Contract Modification Application 2013-116

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 open space nature of the county. This project will result in the execution of Land Conservation Act contract or amended contracts, 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 agricultural preserves / contracts will contain acreages ranging from 163.2 acres to 353.2 acres. The contracts meet the minimum size established by the Board of Supervisors for an agricultural preserve for grazing. The use of this property for cattle grazing, and/or other Agricultural Production Uses or Compatible Uses as specified in the contract must be for producing an agricultural commodity for commercial purposes. The projects comply with all standards of the California Land Conservation (Williamson) Act and the Mariposa County Agricultural Preserve Policy. The project site has been used for agricultural purposes for at least three years. Use has been for production of a commercial agricultural commodity. Objective evidence has been submitted that the properties have been used annually from September 1, 2006 to present for grazing.
3. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, CEQA Guidelines

EXHIBIT 2

CONDITIONS

***Land Conservation Act Contract Application No. 2013-115 and
Land Conservation Act Contract Modification Application 2013-116***

Conditions:

The following conditions shall apply to and be included in the individual contracts as listed:

1. Contract #1: APN's 011-010-024 and APN 011-010-028 and APN 011-010-046 shall be managed together for the life of the contract. The sale of any of these parcels separately is prohibited and will be in direct violation of the contract.
2. Contract #3: APN 011-010-042 and APN 011-010-044 shall be managed together for the life of the contract. The sale of these parcels separately is prohibited and will be in direct violation of the contract.
3. Contract #8M: APN 011-020-018 and APN 011-020-019 shall be managed together for the life of the contract. The sale of these parcels separately is prohibited and will be in direct violation of the contract.
4. Contract #9M: APN 011-020-005 and APN 011-020-010 shall be managed together for the life of the contract. The sale of this parcel separately is prohibited and will be in direct violation of the contract.

EXHIBIT 3
APPROVED CONTRACTS
Land Conservation Act Contract Application No. 2013-115 and
Land Conservation Act Contract Modification Application 2013-116

Contract #1: APN 011-010-024 (70.79 +/-ac)
APN 011-010-028 (145.5 +/-ac)
APN 011-010-046 (136.91 +/-ac)

Total contract size 353.2 +/-ac

Contract #2: APN 011-010-045 (162.31 +/-ac)

Total contract size 162.31 ac

Contract #3: APN 011-010-044 (85.3 +/-ac) and
APN 011-010-042 (104.11 +/-ac)

Total contract size 189.41 +/-ac

Contract #4: APN 011-020-016 (212.35 +/-ac)

Total contract size 212.35 +/-ac

Contract #5M: APN 011-010-043 (163.2 +/-ac)

Total contract size 163.2 +/-ac

Contract #6M: APN 011-020-006 (177.4 +/-ac)

Total contract size 177.4 +/-ac

Contract #7M: APN 011-020-009 (175.85 +/-ac)

Total contract size 175.85 +/-ac

Contract #8M: APN 011-020-019 (128.08 +/-ac)
APN 011-020-018 (105.47 +/-ac)

Total contract size 233.55 +/-ac

Contract #9M: APN 011-020-010 (63.58 +/-ac)
APN 011-020-005 (172.19 +/-ac)

Total contract size 235.77 +/-ac