



MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2016-600

MEETING: November 15, 2016

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Land Conservation Act Contract No. 2016-153 & Zoning Amendment No. 2016-154

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING to Consider Adoption of a Resolution Approving Land Conservation Act Contract No. 2016-153 and Zoning Amendment No. 2016-154, Finding the Project is Exempt from Environmental Review (CEQA); and Directing the Board of Supervisors Chair to Execute the LCA Contract.

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

The project will change the zoning on the project parcel from the Mountain General Zone and Mountain Home Zone to the Agriculture Exclusive Zone. This project will result in the execution of a new Land Conservation Act (Williamson Act) Contract on Assessor Parcel Number (APN) 004-390-001 (349.5 acres).

Please see the attached report for additional information.

The Staff Report attached to this item is prepared for two MinuteTraq Items (MT Item 6345 for adoption of a resolution and MT Item 6351 for waiver of the first reading and introduction of an ordinance).

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.

ATTACHMENTS:

Staff Report (DOC)

Attachment A- Vicinity Map (PDF)

Attachment B- LCA & TEZ Map (PDF)

Attachment C- Lease & Assessor Sheet (PDF)

Attachment D- Topographic Map (PDF)

Attachment E- Slope Map (PDF)

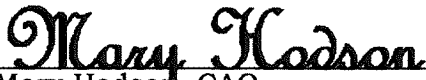
Attachment F- PC Resolution (PDF)

Attachment G- Draft Board Resolution (DOC)

Attachment H- Notice of Exemption (DOC)

CAO RECOMMENDATION

Requested Action Recommended



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. 2016-600

**A resolution approving Land Conservation Act (LCA)
Application No. 2016-153 and Zoning Amendment Application
No. 2016-154; APN 004-390-001; Nina Bobbie Coleman, applicant.**

WHEREAS, an application for a Land Conservation (Williamson) Act Contract was received on August 9, 2016, and a Zoning Amendment application was received on August 17, 2016 from Nina Bobbie Coleman for property located at 5673 Dogtown Road approximately 1.3 miles west of intersection of Wagner Road and Dogtown Road, Coulterville area, APN 004-390-001; and

WHEREAS, the property has been used for agricultural purposes for a minimum of three years; and

WHEREAS, the Planning Department circulated the applications 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, the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors approve the Zoning Amendment Application to change the project site's zoning designation from the Mountain General Zone and Mountain Home Zone to the Agriculture Exclusive Zone on 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 Department determined that the Zoning Amendment of the subject parcel from Mountain General Zone to Agriculture Exclusive zone is exempt from CEQA pursuant to: Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines; and

WHEREAS, the Planning Commission of the County of Mariposa adopted Resolution No. 2016-013 recommending that the Board of Supervisors approve Land Conservation Act Contract Application No. 2016-153 and Zoning Amendment Application No. 2016-154, establishing an Agricultural Preserve on the subject property and authorizing the execution of a Land Conservation Act Contract with the applicant covering the subject property. The Planning Commission recommended approval of an amendment of the zoning of subject property from Mountain General and Mountain Home to Agriculture Exclusive Zone; 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's recommendation to approve Land Conservation Act Contract Application No. 2016-153 and Zoning Amendment Application No. 2016-154; and

WHEREAS, the Board of Supervisors considered the October 21, 2016 Planning Commission's recommendation to approve Land Conservation Act Contract Application No. 2016-153 and Zoning Amendment Application No. 2016-154.

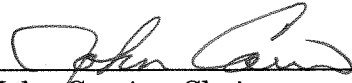
NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby: 1) find the projects are exempt from environmental review and 2) direct staff to file a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors does hereby approve Land Conservation Act Contract Application No. 2016-153 and Zoning Amendment Application No. 2016-154, establishing an Agricultural Preserve on the subject property, authorizing the execution of a Land Conservation Act Contract with the applicant covering the subject property, and amending the zoning on the subject property from the Mountain General and Mountain Home zones to the Agriculture Exclusive Zone.

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 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



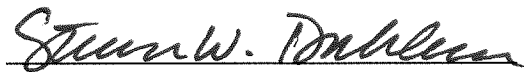
John Carrier, Chairman
Mariposa County Board of Supervisors

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. 2016-153
and Zone Amendment 2016-154

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 Land Conservation Act 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 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:** All of the land will be under the new contract; thereby increasing new LCA contracted lands in the County by 349.5 acres.
4. **FINDING:** The contract will be large enough to sustain their agricultural use (dryland grazing) at 349.5 acres.
5. **FINDING:** The new LCA contract will not compromise the long-term agricultural productivity of the nearby lands as the LCA contracted lands requires agricultural productivity in conformance to Board of Supervisors Resolution 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 Williamson Act Contract is based upon review of the project specific and site specific details of this case, as well as the needs of the applicants.
8. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.

Zoning Amendment Findings:

1. **FINDING:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

The proposed zone change of the 349.5 acre acres is required for zoning conformance per the Mariposa County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (Board of Supervisors Resolution 10-150), Section III Land Conservation Act Contracts, C. 2. "Zoning Restrictions", that requires lands under contract to be in Agriculture Exclusive Zone. The public will benefit by the appropriate zone (Agriculture Exclusive) being applied to the site to support Land Conservation Act where no physical change is proposed or required, and therefore, no potential adverse effects on the general public health, safety peace and welfare will result.

2. **FINDING:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

This amendment ensures that the uses and activities and are conforming to the zone. The Agriculture Exclusive zone is listed as being consistent with the applicable Natural Resources land use designation.

3. **FINDING:** That amendment conforms to the requirements of state law and county policy.

This project has been processed in accordance with State law. According to State law, General Plans take precedence over zoning ordinances and one of the functions of the zoning ordinance is to implement the General Plan. This amendment conforms to the requirements of State law and county policy by aligning the zoning map and the General Plan land use and by ensuring consistency between Mariposa County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (Board of Supervisors Resolution 10-150), Section III Land Conservation Act Contracts, C. 2. "Zoning Restrictions" and regulatory documents where the applicable zoning is required to be Agriculture Exclusive. Pursuant to review by the Agricultural Advisory Committee, the property is bona fide agricultural land appropriate for the Agriculture Exclusive Zoning district.

4. **FINDING:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

The amendment implements the General Plan by making the uses conforming to zoning and zoning conforming to the General Plan Land Use and Mariposa County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (Board of Supervisors Resolution 10-150), thereby meeting the standards within County Code titles consistent with those contained in the General Plan. The amendment is consistent with the guiding policies, goals, policies, standards and implementation measures of the General Plan.

5. **FINDING:** In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map,

a. the subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development; and

b. the proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

The 349.5 acre area proposed for Agriculture Exclusive Zone is physically suitable for the ongoing agricultural use as rangeland (grazing lands) for livestock. The provision of utilities, infrastructure and land use compatibility is established at the site.

The proposed zoning is logical as it reflects the ongoing rangeland livestock grazing uses at the site and brings the subject lands into further conformance through the Agriculture Exclusive zone which provisions support the agricultural activities as a permitted use.

6. **FINDING:** This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines.

The proposed zone change from the Mountain General Zone and Mountain Home Zone to the Agriculture Exclusive Zone is to conform to requirements of the Mariposa County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (Board of Supervisors Resolution 10-150). No improvements are proposed or approved as a part of the project. Any future development application would undergo environmental review as applicable at the time of application and any future changes would undergo its own permitting process in addition to the land use permitting process required.

EXHIBIT 2
PROJECT STEPS/CONDITIONS
FOR
Land Conservation Act No. 2016-153

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the Williamson Act Contracts, a typed, stamped, and signed copy of the approved legal descriptions for the lands that are to be placed under the contracts 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, a 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 involved in the application.
3. **Signing and Notarizing the Williamson Act Contract (APPLICANT'S RESPONSIBILITY):** The contract must be signed by the applicant, and the signature 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.