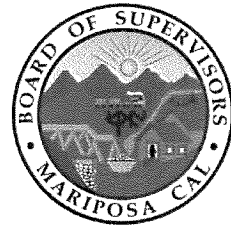




# MARIPOSA COUNTY

Planning • 209-966-5151



## **RESOLUTION - ACTION REQUESTED 2018-551**

MEETING: November 13, 2018  
TO: The Board of Supervisors  
FROM: Sarah Williams, Planning Director  
RE: Land Conservation Act Application No. 2018-153

---

Public Hearing: Adopt a Resolution Approving Land Conservation Act (LCA) Application No. 2018-153 and Finding that the Project is Exempt from Environmental Review. Proposal is for One (1) New LCA Contract For Eleven (11) Contiguous Parcels with Unassigned Addresses, Located Near the Intersection of Ben Hur and Silver Bar Roads APN Nos: 017-190-021, -022, -023, -024, -025, -027, -028, -029, -031, -033, and -036. John Wages, Applicant. James W. Larrick and Jun Chen Living Trust, Owners.

See staff report for additional information.

### **ATTACHMENTS:**

**Staff Report (DOC)**  
**Vicinity Map (PDF)**  
**Draft BOS Resolution (DOC)**  
**PC Adopted Resolution (DOC)**  
**NOE (DOC)**

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

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

Resolution

No. 2018-551

**A Resolution Approving Land Conservation Act (LCA)  
Application No. 2018-153; John Wages, applicant. James W.  
Larrick and Jun Chen Living Trust, owners.**

WHEREAS, an application for a Land Conservation (Williamson) Act Contract was received on 19<sup>th</sup> day of July, 2018, from John Wages for eleven (11) parcels located approximately one (1) mile east of the intersection of Ben Hur Road and Silver Bar Road, also known as Assessor Parcel Numbers (APNs) 017-190-021, 017-190-022, 017-190-023, 017-190-024, 017-190-025, 017-190-027, 017-190-028, 017-190-029, 017-190-031, 017-190-033 and 017-190-036; 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 18<sup>th</sup> day of October, 2018; 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 not hold their meeting on the noticed date due to a lack of quorum and no Agricultural Advisory recommendation was made; and

WHEREAS, a duly noticed Planning Commission public hearing for the project was scheduled for the 19<sup>th</sup> day of October 2018; and

WHEREAS, the Planning Department determined that the establishment of a new agricultural preserve and execution of 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 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 recommendation of staff; and

WHEREAS, the Planning Commission of the County of Mariposa adopted Resolution No.

2018-015 recommending that the Board of Supervisors approve Land Conservation Act Contract Application No. 2018-153 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 13<sup>th</sup> day of November 2018; 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 recommendation.

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 approve Land Conservation Act Contract Application No. 2018-153, establishing an Agricultural Preserve on the subject property, approving Land Conservation Act Contract with the applicant covering the subject property, and directing the Chair of the Board of Supervisors to sign the contract.

BE IT THEREFORE FINALLY RESOLVED THAT this action is recommended based upon the findings set forth in Exhibit 1 and the conditions established in Exhibit 2.

ON MOTION BY Supervisor Jones, seconded by Supervisor Long, this resolution is duly passed and adopted this 13<sup>th</sup> day of November 2018 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE



Rosemarie Smallcombe, Chair  
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Rene LaRoche, Clerk of the Board



Steven Dahlem, County Counsel

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***

***Land Conservation Act Application No. 2018-153***

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 LCA contracted lands in the County by approximately 1854.3 acres.
4. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 1854.3 acres. Objective evidence has been submitted that the properties have been used for grazing.
5. **FINDING:** The new LCA contract will not compromise the long-term agricultural productivity of the area as the LCA contracted lands requires agricultural productivity in conformance to Mariposa County Resolution No. 10-150. 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.

8. **FINDING:** This project is Categorical 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. 2018-153***

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 description for the land that is to be placed under the new 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 involved in the application.
3. **Signing and Notarizing the Williamson Act Contract (APPLICANT'S RESPONSIBILITY):** The contract must be signed by the property owner, 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.