



MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2019-661

MEETING: November 19, 2019
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Land Conservation Act (LCA) Modification Application No. 2019-080

RECOMMENDATION AND JUSTIFICATION:

Public Hearing: Adopt a Resolution Approving Land Conservation Act Modification Application No. 2019-080 and Finding that the Project is Exempt from Environmental Review. Proposal is a Modification of LCA Contract No. 2018-153 for the Addition of a 147.53 Acre Parcel (APN 017-100-027) to the Existing Contract Containing Eleven (11) Parcels Thereby Totaling (12) Parcels resulting in 2001.83 Contracted Acres. James W. Larrick and Jun Chen Living Trust, Applicants.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board Resolution No. 2018-551 adopted November 13, 2018 approving LCA Contract Application No. 2018-153.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative action would result in no modified contract.

ATTACHMENTS:

Staff Report (DOC)

Attachment A - Vicinity Map/Proposed LCA Parcels (PDF)

Attachment B - Draft Resolution (DOC)

Attachment C - NOE (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

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

Resolution
No. 2019-661

A resolution approving Land Conservation Act (LCA) Contract Modification Application No. 2019-080, a Modification of LCA Contract No. 2018-153 for the Addition of a 147.53 Acre Parcel (APN 017-100-027) to the Existing Contract resulting in (12) Parcels totaling 2001.83 Acres. James W. Larrick and Jun Chen Living Trust, Applicants.

WHEREAS, an application for a Land Conservation (Williamson) Act Contract modification was received on the 21st day of May, 2019, from James W. Larrick and Jun Chen Living Trust for the addition of a 147.53 acre parcel (APN 017-100-027) to the existing contract resulting in (12) Parcels totaling 2001.83 acres for the contract, located approximately one (1) mile east of the intersection of Ben Hur Road and Silver Bar Road, also known as Assessor Parcel Number (APN 017-100-027); 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 29th day of August, 2019; 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 modified 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 25th day of October 2019; and

WHEREAS, the Planning Department determined that the inclusion of an additional parcel into the existing new agricultural preserve and execution of a modified 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 recommendation of staff; and

WHEREAS, the Planning Commission of the County of Mariposa Adopted Resolution No. 2019-014 recommending that the Board of Supervisors approve Land Conservation Act Contract Modification Application No. 2019-080 and establish an Agricultural

Preserve on the subject property and enter into a modified 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 19th day of November 2019; 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 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 Modification Application No. 2019-080, to establish an Agricultural Preserve on the subject property and enter into a modified 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 Long, seconded by Supervisor Jones, this resolution is duly passed and adopted this 19th day of November 2019 by the following vote:


AYES:	SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES:	NONE
EXCUSED:	NONE
ABSTAIN:	NONE



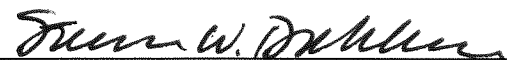
 Miles Menetrey, Chair
 Mariposa County Board of Supervisors

Attest:

Approved as to Legal Form:



 René LaRoche
 Clerk of the Board of Supervisors



 Steven W. Dahlem County Counsel
 County Counsel

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Conservation Act Application No. 2019-080

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 modified 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 147.53 acres (from 1854.3 acres to a total of 2001.47 acres).
4. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 2001.47 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 LCA contract will not compromise the long-term agricultural productivity of the as the LCA 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 Modification 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. 2019-080

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 modified 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(s) involved in the application.
3. **Signing and Notarizing the Williamson Act Contract (APPLICANT'S RESPONSIBILITY):** The contract must be signed by the property owner(s), and the signature(s) 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.

FILED

NOV 20 2019

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

~~KEITH M. WILLIAMS~~
MARIPOSA COUNTY CLERK

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

Karen M. Herman
KAREN M. HERMAN

Project Title: Land Conservation Act Modification Application No. 2019-080

Project Location: Project parcels are located approximately one (1) mile east of the intersection of Ben Hur Road and Silver Bar Road. All parcels are contiguous to one another.

Description of Project: Proposal for the Addition of a 147.53 Acre Parcel (APN 017-100-027) to the Existing Contract Containing Eleven (11) Parcels Thereby Totaling (12) Parcels resulting in 2001.83 Acres for the Contract.

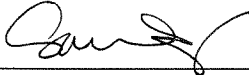
Name of Public Agency Approving Project: Mariposa County Board of Supervisors

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

Exempt Status: CEQA Guidelines Class 17 §15317 Open Space Contract or Easement.
Project is a modified Land Conservation Act contract where no physical change will occur.

Lead Agency Contact Person: Steve Engfer, Senior Planner

Phone Number: (209) 966-5151



Sarah Williams
Planning Director

11/20/19

Date