



MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2019-663

MEETING: November 19, 2019

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Land Conservation Act Application No. 2019-136

Public Hearing: Adopt a Resolution Approving Land Conservation Act (LCA) Application No. 2019-136 and Finding that the Project is Exempt from Environmental Review. Proposal is for One (1) New LCA Contract Applicable to One (1) 160 Acre Parcel, Located at 2643 Old Highway in Catheys Valley (APN 016-110-0720). George Naas and Cindy Love, Applicants/Owners.

FINANCIAL IMPACT:
None

ATTACHMENTS:
Staff Report (DOCX)
Attachment A - Vicinity Map (PDF)
Attachment B - BOS Resolution Draft (DOCX)
Attachment C - Notice of Exemption (DOCX)
Attachment D - Site Photos (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. 2019-663

A resolution approving Land Conservation Act (LCA) Contract Application No. 2019-136; APN 016-110-0720; George Naas and Cindy Love, TR, applicants.

WHEREAS, an application for a Land Conservation (Williamson) Act Contract was received on August 9th, 2019, from George Naas and Cindy Love, TR. for property located at 2643 Old Highway in Catheys Valley, also known as Assessor Parcel Number 016-110-0720; 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, the Planning Department prepared a report for the Agricultural Advisory Committee in accordance with the review procedures of the committee; and

WHEREAS, a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of August 29th, 2019; and

WHEREAS, the Agricultural Advisory Committee did unanimously recommend that the Planning Commission 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 October 25th, 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 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 of the County of Mariposa adopted resolution No. 2019-015 recommending that the Board of Supervisors approving Land Conservation Act Application No. 2019-136 and establish Agricultural Preserves on the subject property and enter into Land Conservation Act Contracts with the applicant covering the subject property; and

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

WHEREAS, the Board of Supervisors considered the August 29th, 2019 Agricultural Advisory Committee and October 25th, 2019 Planning Commission recommendations to approve Land Conservation Act Application No. 2019-136; and

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 approve Land Conservation Act Application No. 2019-136 and establish Agricultural Preserves on the subject property and enter into Land Conservation Act Contracts with the applicant covering the subject property.

BE IT THEREFORE FINALLY RESOLVED THAT this action is 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 on November 19th, 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 No. 2019-136

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 meets 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 Land Conservation Act contracted lands in the County by approximately 160 acres.
4. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 160 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 meets the minimum 160 acres requirement for grazing.
5. **FINDING:** The new Land Conservation Act contract will not compromise the long-term agricultural productivity of the as the Land Conservation Act 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 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. 2019-136

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the Land Conservation 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 Land Conservation Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, the Land Conservation 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 Land Conservation 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.

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

FILED

NOV 20 2019

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

Project Title: Land Conservation Act Contract No. 2019-136

Project Location: The project site is Assessor Parcel Number (APN) 016-110-0720, 160 acres, located at 2643 Old Highway in Catheys Valley.

Description of Project: Proposal is for one new LCA contract for a 160 acre parcel. The land is not currently under LCA contract.

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

Name of Person/Agency

Carrying Out Project: George Naas and Cindy Love, TR.

Exempt Status: Class 17 §15317 Open Space Contract or Easement.

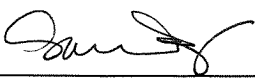
Reason Why

Project Is Exempt: Class 17 Open Space Contracts or Easements, CEQA Guidelines.

Project is a new Land Conservation Act contracts where no physical change will occur.

Lead Agency Contact Person: Jessica Carey, Assistant Planner

Phone Number: (209) 966-5151



Sarah Williams, Planning Director

11/20/19

Date