

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2013-014

A resolution recommending the approval of 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, 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, 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 a 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 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 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.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve Land Conservation Act Contract Applications No. 2013-115 and Land Conservation Act Contract Modification No. 2013-116 and establish a new and modified Agricultural Preserve on the subject property and enter into new Land Conservation Act Contracts with the applicant, covering the subject property as requested by the applications.

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 Commissioner Harris, seconded by Commissioner Becker, this resolution is duly passed and adopted this 4th day of October 2013 by the following vote:

AYES: 4 (Marsden, Becker, Harris, Harter)

NOES: 0

EXCUSED:

ABSTAIN:



Les Marsden, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary,
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Conservation Act Contracts Application
Nos. 2013-115 & 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 Categorical Exempt based on the following: Class 17; Section 15317, CEQA Guidelines

Exhibit 2

Recommended Conditions:

1. APN's 011-010-0240 and APN 011-010-0280 and APN 011-010-0460 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. APN 011-010-0420 and APN 011-010-0440 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. APN 011-020-0180 and APN 011-020-0190 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. APN 011-020-0050 and APN 011-020-0100 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.