



# MARIPOSA COUNTY

Planning · 209-966-5151



## **RESOLUTION - ACTION REQUESTED 2014-584**

MEETING: November 12, 2014

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: LCA Contract Modification No. 2014-057 & LCA Contract No. 2014-059

---

### **RECOMMENDATION AND JUSTIFICATION:**

Approve Land Conservation Act (LCA) Contract Modification No. 2014-057 and LCA Contract No. 2014-059, and Authorize the Board of Supervisors Chair to Sign the Agreements. LCA Contract Modification No. 2014-057 proposes to modify a portion of a current contract (No. 80-4) and add an adjacent parcel. Both parcels will be combined to create a new separate contract that will require both parcels be managed together for the life of the contract and will also prevent them from being sold separately.

LCA Contract No. 2014-059 proposes to place three parcels that are currently under Notices of Non-Renewal into two separate "new" Williamson Act Contracts. Two parcels will be combined under one contract and will also prevent them from being sold separately.

Project location: 2412 Old Highway and unassigned addresses, in the Catheys Valley area.

The Board will consider adoption of a resolution finding that the project is exempt from environmental review and approving Land Conservation Act Contract Application No. 2014-057 and No. 2014-059 with Findings and Conditions.

Please see the attached staff report for additional information.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

### **FINANCIAL IMPACT:**

None

### **ATTACHMENTS:**

Staff Report (DOC)

Vicinity Map (PDF)  
Agriculture Advisory Minutes for July 31 (DOC)  
Planning Commisison Minutes for September 5Th (PDF)  
Draft Board Resolution (DOC)  
Draft Notice of Exemption (DOC)  
Resolution No. 10-150 (PDF)  
Land Conservation Act Modification Contract No. 1 (DOC)  
Land Conservation Act Contract No. 2 (DOC)  
Land Conservation Act Contract No. 3 (DOC)  
From Planning - LCA Contract Mod No 2014\_057 LCA Contract 2014\_059  
Taxiway LLC (PDF)  
Planning PowerPoint presentation - Taxiway, LLC (PDF)

**CAO RECOMMENDATION**

Requested Action Recommended

*Mary Hodson*

Mary Hodson, Interim CAO 11/5/2014

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Merlin Jones, District II Supervisor  
**SECONDER:** Janet Bibby, District III Supervisor  
**AYES:** Stetson, Jones, Bibby, Cann, Carrier

---

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

Resolution

No. 2014-584

**A resolution approving LCA Contract Modification No 2014-057; APN Nos. 016-170-093 & 016-170-094, and LCA Contract No 2014-059; APN Nos. 016-160-074, APN 016-180-008 & 016-180-009; Taxiway, LLC, applicants**

WHEREAS, an application for a modified Land Conservation (Williamson) Act Contract was received on May 16, 2014 from Taxiway, LLC for property located at 2412 Old Highway and at an unassigned address off of Old Highway in the Catheys Valley area, which proposes to combine a portion of an existing Land Conservation Act Contract No. 80-4 with an additional parcel; also known as Assessor Parcel Numbers 016-170-093 and 016-170-094; and

WHEREAS, an application for new Land Conservation (Williamson) Act Contracts was received on May 16, 2014 from Taxiway, LLC for property located at unassigned addresses off of Old Highway in the Catheys Valley area; also known as Assessor Parcel Numbers 016-160-074, 016-180-008 and 016-180-009; and

WHEREAS, one parcel is encumbered by Land Conservation Act ("Williamson Act") contract No. 80-4 and the contract must be modified to reflect the proposed adjustment; and

WHEREAS, four of the parcels are under a Notice of Non-Renewal of LCA Contract No. 80-4; 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 July 31, 2014; 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, 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 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 projects was scheduled for the 5<sup>th</sup> day of September 2014; 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, testimony presented by the public concerning the application, and the comments of the applicant; 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 of the County of Mariposa did recommend to the Mariposa County Board of Supervisors that they approve Land Conservation Act Modification Contract No. 2014-057 and Land Conservation Act Contract No. 2014-059; and

WHEREAS, the Planning Commission recommendation for the project approval was based upon the findings set forth in the Staff Report as presented to the Planning Commission at the public hearing of September 5, 2014; and

WHEREAS, a duly noticed public hearing was scheduled for the Board of Supervisors meeting of November 12, 2014; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedure; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in public record, including the Staff Report, the proposed Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicants.

NOW THEREFORE, BE IT RESOLVED THAT, the Mariposa County Board of Supervisors finds this project exempt from the provisions of the California Environmental Quality Act.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves Land Conservation Act Modification Contract No. 2014-057 and Land Conservation Act Contract No. 2014-059, and approving the execution of Land Conservation Act Modification and Land Conservation Act contracts.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves this project based upon the findings set forth in Exhibit 1 of this resolution and the conditions set forth in Exhibit 2 of this resolution.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves individual contracts for the property as set forth within Exhibit 3 of the resolution.

BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors hereby directs the Chairman of the Board to execute the Modified Land Conservation Act and Land Conservation Act contracts for this property.

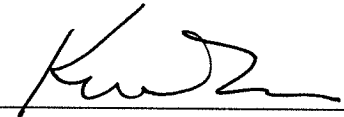
ON MOTION BY Supervisor Jones, seconded by Supervisor Bibby, this resolution is duly passed and adopted this 12th day of November 2014 by the following vote:

AYES: Jones, Bibby, Stetson, Carrier and Cann


NOES:

EXCUSED:

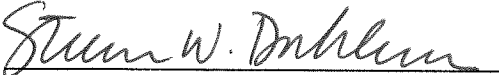
ABSTAIN:

  
\_\_\_\_\_  
KEVIN CANN, Chair  
Mariposa County Board of Supervisors

Attest:

  
\_\_\_\_\_  
René LaRoche, Clerk of the Board  
Mariposa County Board of Supervisors

Mariposa County  
Approved as to form:

  
\_\_\_\_\_  
STEVEN W. DAHLEM  
County Counsel

***EXHIBIT 1***  
***PROJECT FINDINGS FOR***  
***Land Conservation Act Modification Contract No. 2014-057 and***  
***Land Conservation Act Contract No. 2014-059***

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 agricultural preserves / contracts will contain contracted parcels varying in acreages ranging from 160 acres to 191.4 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 December 9, 2011 to present for grazing.
3. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, CEQA Guidelines.

***EXHIBIT 2***

***RECOMMENDED CONDITIONS FOR***

***Land Conservation Act Modification Contract No. 2014-057 and***

***Land Conservation Act Contract No. 2014-059***

A provision requiring that the parcels be managed together and prohibiting the sale of parcels individually during the term of the contract shall be included in Contracts #1 and #3.

***EXHIBIT 2***

***DESCRIPTIONS OF INDIVIDUAL CONTRACTS***

***Land Conservation Act Modification Contract No. 2014-057 and  
Land Conservation Act Contract No. 2014-059***

Contract #1: APN 016-170-093 ( 39.4 +/- ac)  
APN 016-170-094 (137.9 +/- ac)

**Total contract size 177.2 +/- ac**

Contract #2 APN 016-160-074 (160.0 +/- ac)

**Total contract size 160.0 +/- ac**

Contract #3 APN 016-180-009 ( 31.4 +/- ac)  
APN 016-180-008 (160.0 +/- ac)

**Total contract size 191.4 +/- ac**