

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2013-002

A resolution recommending that the Mariposa County Board of Supervisors conditionally approve Land Conservation Act Contract Modification No. 2012-091; Daisy B. Wolfsen 1998 Trust, applicant. Assessor Parcel Number 012-120-021.

WHEREAS an application for a Land Conservation Act contract modification was received on May 29, 2012 from the Daisy B. Wolfsen Trust, for property located at 5027 Agua Fria Road also known as Assessor Parcel Number 012-120-021; and

WHEREAS Land Conservation Act Contract Modification No. 2012-091 proposes to amend Land Conservation Act Contract No. 53 to create separate contracts for each of the parcels proposed to be recognized through Certificate of Compliance Application No. 2013-006, which is being processed separately; and

WHEREAS the Planning Department circulated the applications 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 the Agricultural Advisory Committee held a duly noticed public meeting on August 3rd, 2012; and

WHEREAS the Agricultural Advisory Committee did unanimously recommend that the Planning Commission should 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 July 6, 2012; and

WHEREAS the applicant requested that the application be placed on hold in order to review other available options; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for February 8, 2013; and

WHEREAS a Staff Report and draft Notice of Exemption 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.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend to the Mariposa County Board of Supervisors that they find the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend to the Mariposa County Board of Supervisors that they approve Land Conservation Act Contract Modification No. 2012-091.

BE IT THEREFORE FINALLY RESOLVED THAT the Planning Commission recommendation for project approval is based upon the findings set forth in Exhibit A and the processing conditions set forth in Exhibit B of this resolution.

ON MOTION BY Commissioner Becker, seconded by Commissioner Harter, this resolution is duly passed and adopted this 8th day of February 2013 by the following vote:

AYES: Becker, Harter, Rudzik, Harris, and Marsden

NOES: None


EXCUSED: None

ABSTAIN: None



Les Marsden, Chairman
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Exhibit A

Williamson Act Contract Modification Findings

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 property is currently and will continue to be used for agricultural purposes. This applies to the entire project site.
2. **FINDING:** Both contracts will continue to meet the minimum size (160 acres) established by the Board of Supervisors for an agricultural preserve. The use of this property must continue for cattle grazing and/or other Commercial Agricultural Uses or Compatible Uses as specified in the contract.
3. **FINDING:** The modified contracts will restrict the adjusted boundaries for the same term as the existing contract on the properties.
4. **FINDING:** There is no net decrease in the total amount of acreage under contract.
5. **FINDING:** One hundred percent (100%) of the land under the original contract remains under the new contract.
6. **FINDING:** After the amendment, all contracts will be large enough to sustain their agricultural use (dryland grazing or confined animal operations). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on August 3, 2012.
7. **FINDING:** The approval of the Williamson Act Contract Modification is based upon review of the project specific and site specific details of this case, as well as the estate planning needs of the applicant.

Exhibit B Conditions

**Project Name: Daisy B. Wolfson 1998 Trust
 Modification No. 2012-091**

File Number: LCA

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for Conditions of Approval		
Recommended Conditions/Processing Step	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
1. The modified Land Conservation Act Contracts must be recorded concurrently with the Certificates of Compliance for Certificate of Compliance Application No. 2013-006. [Mariposa Planning Recommendation]	MARIPOSA PLANNING	
2. Preparation of Legal Description (APPLICANT'S RESPONSIBILITY): Prior to recordation of the modified Williamson Act Contracts, a typed, stamped, and signed copy of the approved legal descriptions for the lands that are to be placed under the modified contracts must be provided by the applicant to Mariposa Planning. A description for each parcel recognized through Certificate of Compliance Application No. 2013-006 will be required.		
3. Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY): In order to complete this project, two amended Williamson Act Contracts 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 modified contract. Mariposa Planning will send the original contracts to the property owner(s)		

involved in the application.		
<p>4. Signing and Notarizing the Modified Williamson Act Contracts (APPLICANT'S RESPONSIBILITY): The contracts must be signed by the applicant(s), and the signature(s) must be notarized.</p>		
<p>5. Recordation of Modified Contract (MARIPOSA PLANNING RESPONSIBILITY): When the amended contracts have been signed and notarized by both parties, Mariposa Planning will record the contracts concurrently with the Certificates of Compliance required to complete Certificate of Compliance Application No. 2013-006. This step completes the Land Conservation Act Contract Modification Process.</p>		