

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2020-10

A resolution recommending that the Board of Supervisors approve Land Conservation Act (LCA) Contract Modification Application No. 2019-187; a Modification of LCA Contract No. 78-15 to create two modified contracts as a result of Lot Line Adjustment No. 2019-186. APNs 018-100-0190 and 018-100-0050; Paul R. Westfall, applicant.

WHEREAS, applications for Certificates of Compliance, Lot Line Adjustment, and Land Conservation (Williamson) Act Contract modification were received on November 18, 2019 from Paul R. Westfall for property located at 663 and 747 White Rock Rd., Mariposa Ca, which proposed to recognize two historic parcels within APN 018-1000-0190; adjust the boundary between the two parcels - Parcel A (existing 202.24/proposed 309.16 acres) and Parcel B (existing 416.08/proposed 309.16 acres); and modify the existing Land Conservation Act (LCA) Contract No. 78-15 to create separate LCA Contracts on both resultant parcels with Parcel B to include APN 018-100-0050 (41.33 acres+/-); and

WHEREAS, the approval authority for the Certificate of Compliance application and the Lot Line Adjustment application is the Planning Director; and

WHEREAS, the Planning Director approved Certificate of Compliance application No. 2019-185 and Lot Line Adjustment No. 2019-186 on February 10th 2020; and

WHEREAS, the resultant adjusted parcel configuration and addition of acres is the subject of the Land Conservation Act Modification; and

WHEREAS, the approval authority for the Land Conservation Act Modification is the Board of Supervisors; and

WHEREAS, the existing and proposed Land Conservation Act contract lands have 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 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, a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of June 25th 2020; 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 July 24th 2020; and

WHEREAS, the Planning Department determined that the execution of the modified Land Conservation Act Contract on the property are actions that are categorically exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15317, Open Space Contracts or Easements; 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.

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

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 Modification Application No. 2019-187, 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.

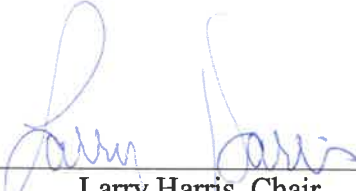
ON MOTION BY Commissioner Walls, seconded by Commissioner Herman, this resolution is duly passed and adopted this 24th day of July 2020 by the following vote:

AYES: WALLS, HERMAN, MCCAMMAN, HARRIS

NOES: NONE

EXCUSED: SWEENEY

ABSTAIN: NONE



Larry Harris, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary
Mariposa County Planning Commission

EXHIBIT 1

Project 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 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 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 41.33 acres (from 612.32 acres) to a total of 653.65 acres.
4. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 653.65 acres. Objective evidence has been submitted that the properties have been used for grazing. Review by the AAC did not identify any concerns. The contracted acreage exceeds the minimum 160 acres requirement for grazing.
5. **FINDING:** The modified LCA contracts 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 these modified contracts will have any effect on any adjacent agricultural uses.
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.
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. 2019-186

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.