

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE

Members of the public who wish to participate in the meeting are invited to do so by submitting written comments (instructions follow) or by joining the teleconference by:

To join meeting by dialing in on phone, call this number:
United States: +1 (312) 757-3121 **Access Code:** 700-855-101

****Please note that all callers will be limited on their speaking time, and will be muted before and after public comment periods****

Planning Advisory Committee written commenting processes are as follows

WRITTEN COMMENTS: Written comments may be submitted via U.S. Postal Service, email or may be dropped off at the Planning Department. In your written communication please note in the subject line: Which Planning Advisory Committee you are commenting to and indicate which “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM” that you are commenting on.

1) Mail • Send written communication to:

Mariposa County Planning Department
PO Box 2039
Mariposa CA 95338

2) Email • Send an email to the planningdept@mariposacounty.org

3) Drop Off • Written communication can be dropped off at:

Mariposa County Planning Department
5100 Bullion Street, 1st Floor
Mariposa, CA 95338

No matter which of these formats you choose to use for written communication (Mail, Email or Drop Off) please know that in order to ensure distribution to the committee prior to their consideration of the agenda, and in order for your written comments to be placed into the record it must be received no later than 8:00 a.m. on the day of the meeting.

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE

MEETING AGENDA

DATE: THURSDAY, October 21, 2021
TIME: 8:30 A.M.
LOCATION: BOARD CHAMBERS, UPPER LEVEL

**GOVERNMENT CENTER
5100 BULLION STREET
MARIPOSA, CALIFORNIA**

1. **Roll call and Introductions**
2. **Persons wishing to speak on a matter not on the agenda**, but within the jurisdiction of the committee
3. **Approval of Minutes from:**
 - a. **August 29, 2019 meeting**
 - b. **April 8, 2021 meeting**
 - c. **June 24, 2021 meeting**
4. **Action Items - Recommendation Requested**
 - a. **LCA Contract Modification No. 2021-167; James W. Larrick and Jun Chen Living Trust.**

Modification of LCA Contract No. 2019-051 for the addition of three (3) parcels, Parcel 1- APN 017-100-018 (162.31 acres), Parcel 2- APN 017-100-0210 (137.84 acres), and Parcel 3- APN 017-100-0240 (237.18 acres) to the existing contract containing five (5) parcels resulting in eight (8) contiguous parcels totaling 1,331.73 acres. Recommendation will be to Planning Commission and Board of Supervisors.
 - b. **LCA Contract Application No. 2021-150; We Weave Dreams Academy & The Yuan & Dong Trust, Owners; Yong Yuan aka Andy Yuan, Applicant.**

Land Conservation Act (LCA) Application No. 2021-150 is proposed for one (1) new LCA Contract applicable to one (1) parcel located at 3671 Old Toll Road, APN 011-260-0060, 299.48 acres.
5. **Correspondence**
6. **Informational Items:** no action will be taken by the Committee

- a. 2019-2020 LCA Biennial Review Progress Update
 - b. Board of Supervisors Activities
 - c. Planning Commission Activities
 - d. Member and Staff Activities
 - e. Planning Department
7. **Set next meeting** (if necessary) and **Adjourn**

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE

MEETING MINUTES-DRAFT

DATE: THURSDAY, August 29, 2019
TIME: 8:41 A.M.
LOCATION: LOWER LEVEL CONFERENCE ROOM
GOVERNMENT CENTER
5100 BULLION STREET
MARIPOSA, CALIFORNIA

1. **Roll call and Introductions: Members:** John Shimer, Tony Toso, Elnora George (call in) **County Staff:** Sarah Williams, Alvaro Arias, Steve Engfer, Jessica Carey and Carol Suggs, Planning Department; Tammie Guenthart, Assessor/Recorder's Office; Mick Herman, Planning Commissioner III; Marshall Long, Supervisor District III; Sean Runyon, Merced-Mariposa Assistant Agricultural **Applicant:** David Butler **Public:** Susan Taber
2. **Election of Officers.** On motion by Shimer, seconded by George, Toso was elected as the Chair for the Agricultural Advisory Committee for 2019. Motion Passed.

On motion by Toso seconded by George, Shimer was elected as the Vice Chair for the Agricultural Advisory Committee for 2019. Motion Passed.
3. **Persons wishing to speak on a matter not on the agenda,** but within the jurisdiction of the committee. None.
4. **Approval of Minutes** from August 30, 2018 meeting. Amend to reflect a Cal Fire representative came in to the meeting late and was not identified. On motion by Shimer, seconded by George the August 30, 2018 minutes were approved as amended. Motion Passed.
5. **Action Items - Recommendation Requested**
 - A. **LCA Contract Modification Application No. 2019-080** James W. Larrick and Jun Chen Living Trust, applicant and owners. Proposal to amend LCA Contract No. 2018-153 by increasing the contracted lands by 147.53 acres (adding APN 017-100-027) resulting in 12 parcels totaling 2001.79 acres for cattle grazing. Steve Engfer, Senior Planner.

Engfer presented the project. Engfer made mention of the slight differences in acreage as reflected on the agenda and staff report.

Discussion was held.

On motion by Shimer, seconded by George, the Agricultural Advisory Committee recommended that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt a resolution approving LCA Contract Modification Application No. 2019-080 as presented with the recommending findings, including a finding that the project is exempt from environmental review. Motion Passed.

- B. LCA Contract Application No. 2019-136** George Naas and owners George Naas and Cindy Love, TR, applicants. Proposal for new LCA contract of 160 acres (APN 016-110-0720) for cattle grazing, located at 2643 Old Highway in Catheys Valley. Jessica Carey, Assistant Planner.

Carey presented the project.

On motion by George, seconded by Shimer, the Agricultural Advisory Committee recommended that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt a resolution approving LCA Contract Application No. 2019-136 with the recommended findings, including that the project is exempt from environmental review. Motion passed.

- C. Land Division Application No. 2019-113 and LCA Amendment Application No. 2019-114** David Butler, applicant. Daniel and Bonnie Butler, owners. Project proposes: 1. Land division of a 981 acres parcel (APN 012-120-0510) into two (2) parcels, Parcel 1 - 165 acres and Parcel 2 - 816 acres; and 2. Amendment of LCA contract (No. 2012-091A) into two new contracts for the resultant land division parcels. Lands used for cattle grazing.

Carey presented the project.

On motion by Shimer, seconded by George, the Agricultural Advisory Committee recommended that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt a resolution approving Land Division Application No. 2019-113 and LCA Amendment Application No. 2019-114 with the recommended findings, including that the project is exempt from environmental review. Motion Passed.

- D. Annual Review of \$3,000 Income Requirement** Established by Board of Supervisors Resolution No. 10-150.

Engfer presented the item regarding intensive agriculture gross income requirement.

Discussion was held.

On motion by Shimer, seconded by George, the Agricultural Advisory Committee recommended that the \$3,000 Income requirement that was established by the Board of Supervisors by Resolution no. 10-150, remain unchanged. Motion passed.

6. **Review, Follow Up and Possible Direction to Staff on** the development of a prescribed burning program for Mariposa County.

Toso provided background.

Discussion was held regarding:

- 1) The need and desire to get a local prescribed burning program established.
- 2) Issues associated with NEPA and getting CEQA exemption.
- 3) Qualified professionals and scientists available to assist.
- 4) Educating the public.
- 5) Long to pursue reviving the Mariposa Range Land Improvement Association
- 6) Fire Advisory Committee for the County is now up and running.

There was no direction given to staff regarding this item.

7. **Correspondence** None.

8. **Informational Items; no action will be taken by the Committee**

- A. Board of Supervisors Activities (see D. ii)
- B. Planning Commission Activities (see D. ii)
- C. Member and Staff Activities-none
- D. Planning Department –
 - i. 2017-2018 Biennial Review Report Update: Carey presented information including statistics on the current contracts. Engfer stated that because of staff's diligence in working with the ranchers the percentage of completed reports has risen. Discussion on electronic reporting.
 - ii. Working Lands Riparian Corridors TerraCount Grant (\$100,000) and Sustainable Ag Lands Conservation (SALC) Program Planning Grant (\$250,000 + 10% in kind county contribution) . Engfer explained this grant opportunity to obtain funds so that we can quantify land values and to obtain data on Green House Gas, Carbon Sequestration so that we can understand the value of our land better. Having this will enable us to apply for grants to help us with methodology to understand land values. Working towards a Mariposa County Conservation plan.

Industrial Hemp: Williams reported that the Board was interested in putting together an ordinance to allow some hemp activities to occur and stated that current status of that ordinance. Williams stated that the Ag Advisory Committee would normally review this before it went to the Planning Commission but that the Board had wanted it fast tracked. It was the concurrence of the Committee not to review the item, to have the Planning Commission do the recommendation. If committee members want to comment at the public hearings they can do so as individuals not as part of the committee. The consensus from the Committee was keep them informed on the status of the Hemp ordinance.

There being no further business Toso adjourned the meeting at 10:05 AM, stating that another meeting will be set when needed.

Respectfully submitted:

Carol Suggs
Executive Assistant
Mariposa County Planning Department

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE

ACTION MEETING MINUTES DRAFT

DATE: THURSDAY, APRIL 8, 2021
TIME: 8:30 A.M.
LOCATION: BOARD CHAMBERS, UPPER LEVEL

**GOVERNMENT CENTER
5100 BULLION STREET
MARIPOSA, CALIFORNIA**

1. **Roll call and Introductions:** Members: Tony Toso, Elnora George, David Mecchi, Carla Kelly. County Staff: Tammie Guenthart, Assessors Office; Robyn Smith, National Resource Conservation Services; Monica Nielsen, Agricultural Commissioner's Office and Sarah Williams, Steve Engfer, Katy Casner, Carol Suggs, Skip Strathearn and Alvaro Arias (call in) from the Planning Department.

2. **Election of Officers for 2021**

Motion made by Kelly, seconded by George, that Tony Toso remain the chair for 2021. Motion Moved.

Ayes: (4) Toso, George, Mecchi, Kelly

Motion made by Mecchi, seconded by Kelly, that John Shimer remain the Vice Chair for 2021. Motion Moved.

Ayes: (4) Toso, George, Mecchi, Kelly

3. **Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee.** None.

4. **Approval of Minutes from August 29, 2019.** Tabled due to lack of quorum of members present at that meeting.

Approval of Minutes from June 25, 2020. Motion made by Mecchi, seconded by Kelly to approve the minutes as presented. Motion Moved.

Ayes: (4) Toso, George, Mecchi, Kelly

5. **Action Items - Recommendation Requested**

General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities. Recommendation will be to Planning Commission and Board of Supervisors. Presentation by Sarah Williams.

Discussion was held by the committee.

Motion made by Kelly, seconded by Mecchi, to recommend: 1) BOS to consider a separate fee per event/per person to cover cost for the county per event 2) text added to be able to revoke 3) text added as it relates to County Fire and CAL Fire regulations to review and condition as appropriate and 4) add text that any on Ag Land has to come to before the Ag Advisory for review prior to action. Motion Moved.

Ayes: (4) Toso, George, Mecchi, Kelly

b. Annual Review of \$3,000 Income Requirement established by Board of Supervisors Resolution No. 10-150. Recommendation will be to Board of Supervisors.

Engfer provided information regarding the \$3000 annual for intensive ag for LCA reporting.

Limited discussion by the committee.

Motion made by Mecchi, seconded by Kelly that the \$3,000 income requirement for intensive agriculture for Williamson Act Contracted lands stay in effect. Motion Moved.

Ayes: (4) Toso, George, Mecchi, Kelly

6. Review, Follow Up and Possible Direction to Staff on the development of a prescribed burning program for Mariposa County.

Williams stated that this is a carry-over from prior meetings, staff doesn't have anything prepared for the committee on this subject today. Toso provided an update to the committee regarding California Cattlemen's Association involvement, the bills that are sitting in Sacramento right now, including the support of several Senators and the Governors 30/30 plan. Engfer added that the county just adopted a county wide fire plan and would provide a link to the committee regarding that plan.

7. Correspondence.

None

8. Informational Items:

a. Planning Department

Williams stated that there is nothing prepared, but we do have some items to talk about.

Arias:

i. **Landing of Small Aircraft on Williamson Act Contracted Lands.**

Arias gave presentation and stated that they had made a determination on this, but wanted to committee to be aware. Williams stated that they are not seeking a recommendation unless there are concerns. Toso stated that he read through it, all was covered, commission agreed.

ii. **2019-2020 LCA Biennial Review Report.**

Update from Casner. Refer to staff report for stats. Casner to report back with final report at the end of summer.

iii. and iv. **Working Lands Riparian Corridors (TerraCount) Grant and Sustainable Ag Lands Conservation (SALC) Program Planning Grant - Award and Work Plan Update.**

Engfer provided updates on the 2 grants. Department of Conservation grant of \$100,000 for TerraCount. Modeling tool to determine carbon sequestration values on ag lands to understand greenhouse gas offsets. There has been a delay due to COVID. Tukman Geospatial is our contractor. Base line has been established based on vegetation types. The next step will be a case site specific analysis. Engfer remarked that there will be a lot of activity on these grants in the next year. The \$245,639 SALC grant will be to gear up to have a long-range conservation agricultural plan in place. Some of the TerraCount data can feed into this. This will have an economic and education component. Currently working on the agreement with Sierra Foothill Conservation and will be presenting to the California Cattlemen's Association in the future.

Toso remarked that this is important and encouraging work.

9. **Set next meeting** (not necessary) and **Adjourn 9:29 a.m.**

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE

MEETING MINUTES DRAFT

DATE: THURSDAY, June 24, 2021
TIME: 8:30 A.M.
LOCATION: BOARD CHAMBERS, UPPER LEVEL

GOVERNMENT CENTER
5100 BULLION STREET
MARIPOSA, CALIFORNIA

1. Roll call and Introductions:

Members: Tony Toso, Carla Kelly, John Shimer

Member Excused: Elnora George

Member Absent: David Mecchi

County Staff: Robyn Smith, National Resource Conservation Services (via phone); Fadsayi Mashiri, Farm Advisor (via phone); Monica Nielsen, Agricultural Commissioner's Office; Sarah Williams, Steve Engfer & Carol Suggs, Planning Department, Marshall Long, Supervisors District III and Gillian & Stephen Wildey, project applicants.

2. Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee. None.

3. Approval of Minutes from April 8, 2021. Tabled to next meeting due to incorrect minutes being published.

4. Action Items - Recommendation Requested

- a. **Site Plan Review Application No. 2021-067 Gillian and Stephen Wildey, applicants. Request for Third Residence on LCA Land (Williamson Act) located at 10427 and 10436 Priest Coulterville Road in Coulterville. APN: 003-100-0100. Senior Planner Steve Engfer Presented the Project.**

Clarifications/Discussion/Deliberations:

Kelly, Shimer and Toso all concurred that the packet was complete and had no questions on the project.

By Motion of Shimer, seconded by Kelly, the Agricultural Advisory Committee recommended the item as presented. Motion Moved.

AYES: (3) KELLY, SHIMER, TOSO

5. Correspondence: None.

6. Informational Items:

Long: County Cattle Guard issues. Discussion on cattle guards in the county needing replacement and or repair. Long to bring an item back to the committee for possible recommendation to the Board about open range and a cattle guard policy.

Planning Commission and Planning Department:

Williams gave a recap of some interesting projects that are in the works:

- Establishment of a new code compliance advisory committee
- Redistricting meetings for US Census
- County Code and General Plan Amendment regarding special event venues
- Upcoming workshop on development code update

Discussion about marijuana grows, hazards and enforcement

Toso reported on:

- Subsurface water rights

Engfer reported on:

- Williamson Act Biennial Report Reviews.
- TerraCount Grant and contractor work. Delay of a year due to pandemic.
- Same for SALC Grant, will update later in the summer regarding grant work status.
- County Wildfire Protection Plan, available on-line for review

General Discussion about local ranches doing control burns, promotion of prescribed burns, getting media involved, educating the public.

Toso reported on various bills for grazing on state owned lands, liability bill and money for infrastructure and a ranchers technology assistance program.

Long commented on not enough surface water to put fires out and asked Smith about getting more ponds built that are sustainable. Toso agreed and said that we should be incentivizing ponds and creating more surface water.

Toso discussed ag pass bill 1103 met with good acceptance and explained that with qualifying education work you get issued a card which would enable you to access your property if there is a fire so you can take care of your livestock.

Toso discussed 332 liability bill senate bill, going forward through a few more processes before it goes to the governor.

Long suggested that on all these bills (and future bills of this type) that California Cattlemen's Association send information to the county so that we can provide our support.

7. Meeting was Adjourned at 9:45 a.m., next meeting will be called when needed.



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Kaitlyn Casner, Planner II

Agricultural Advisory Committee Meeting Date: October 21, 2021

Agenda Item: 4.a

PROJECT: Land Conservation Act (LCA) Modification Application No. 2021-167

PROPOSAL: A modification of LCA Contract No. 2019-051 for the addition of three (3) parcels, Parcel 1- APN 017-100-018 (162.31 acres), Parcel 2- APN 017-100-0210 (137.84 acres), and Parcel 3- APN 017-100-0240 (237.18 acres) to the existing contract containing five (5) parcels resulting in eight (8) contiguous parcels totaling 1,331.73 acres.

PROCESS: The process is as follows:

1. Agricultural Advisory Committee consideration and recommendation to the Planning Commission (**Current Step**)
2. Planning Commission consideration and recommendation to the Board of Supervisors
3. Board of Supervisors consideration and approval.

OWNER/

APPLICANT: James W. Larrick and Jun Chen Living Trust

LOCATION: Project parcels are located approximately 1/2 of a mile north of the intersection of Ben Hur Road and Silver Bar Road (unassigned address). All parcels are contiguous to one another and situated between Ben Hur Road and Silver Bar Road.

ASSESSOR

PARCEL

NUMBERS: 017-100-018 (unassigned address), 017-100-0210 (unassigned address) & 017-100-0240 (unassigned address) in Mariposa

GENERAL PLAN

LAND USE: Agriculture/Working Landscape

ZONING: Agriculture Exclusive

COMMITTEE

ACTION: The Agricultural Advisory Committee should:

- a. Consider all verbal testimony,
- b. Consider all written input,
- c. Consider information presented in the staff report and attachments,
- d. Conduct discussion, and
- e. Make a recommendation to the Planning Commission and Board of Supervisors

PROJECT DESCRIPTION

Background

The project parcels are all in the Agriculture Exclusive (AE) Zone with a General Plan Land Use Classification of Agriculture/Working Landscape (AWL).

The resultant total LCA contracted area would be eight (8) parcels totaling 1,331.73 acres. All parcels included are listed below.

Assessor Parcel Numbers	Acreage
017-100-0180	162.31*
017-100-0210	137.84*
017-100-0240	273.18*
017-100-0300	160
017-100-0330	200
017-100-0350	147.69
017-100-0410	81.02
017-100-0430	169.69

* New parcels (this application)

The site is undeveloped land. The applicant intends to continue to run cattle on the property.

Attachment A- Vicinity Map/Existing and Proposed LCA Parcels

Agricultural Preserve Size and Use:

Staff provides review comments pursuant to Mariposa County Resolution No. 10-150 (effective policies).

Minimum Size -- The modification proposed will result in a single Williamson Act Contract of eight (8) parcels with a total area of 1,331.73 acres. The proposed acreage exceeds the 160 acre minimum size requirement of Mariposa County's Rules of Procedure to Implement the California LCA of 1965 for rangeland and pasture for livestock production and forage (Resolution 2010-150).

Multiple Parcels/ Merging of Parcels – Mariposa County Policy states that a LCA Application involving multiple contiguous legal parcels that are less than the minimum size necessary shall either require merger (prior to contract execution) or the LCA contract shall include an express provision that prohibits the sale of the parcels individually during the term of the LCA Contract. This application is proposing to place a total of eight (8) parcels under one (1) modified LCA Contract. Five parcels are already under one contract, with three new parcels proposed to be added. Two (2) of the existing parcels under contract do not meet the minimum 160-acre size requirement. A provision prohibiting the sale of parcels individually during the term of the contract will be included in the contract which encumbers the parcels. This provision is already included in the current contract.

Agricultural Use - In order to qualify for inclusion in an agricultural preserve and contract, Mariposa County Policy requires that evidence be submitted that shows that the parcel has been used for commercial agricultural purposes for three years.

The subject property has been used for grazing of pasture cattle. The application included the County Agricultural Preserve Questionnaire which reports that cattle grazing uses occurred over the last 3 years on all of the subject parcels and that cattle grazing will continue on the existing contracted lands and the proposed additional 6th, 7th, and 8th parcel in the future.

Biennial Report - Mariposa County Policy requires the filing of a biennial report on odd numbered years. A biennial report was filed for the existing contracted lands proposed for modification (Contract No. 2019-051) in January 2021. The report was found compliant as the property was used for commercial agricultural purposes (grazing cattle). The three proposed additional parcels were not required to report as they were not a part of the contract, however, if approved reporting will be required in the future.

California Land Conservation (Williamson) Act

The California Land Conservation Act or Williamson Act was passed to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. Private landowners voluntarily restrict their land to agricultural uses under a 20-year rolling term contract with Mariposa County. In return, restricted parcels are assessed for property tax purposes at a significantly reduced rate (approximately 75% less) rather than at their potential market value. Because the contracts are “rolling terms”, there are always 20 years remaining in a contract (unless the contract is non-renewed).

The purpose of the Williamson Act includes the following:

- Preservation of the maximum amount of the limited supply of agricultural land is necessary.
- Discouragement of premature and unnecessary conversion of agricultural land to urban uses is in the public interest and is a benefit to the state.
- Agricultural lands have important and valuable open space aspects in an urbanizing society, and should be kept in production.

Procedural Requirements

Agricultural Advisory Committee:

Pursuant to Section 2.110.060.C, County Code, and the Agricultural Advisory Committee:

“shall provide comment, recommendation, and advice to the Planning Commission, Board of Supervisors and its personnel on the following matters: ...C. Review and provide recommendations on applications for new Williamson Act (Land Conservation Act) contracts, applications for cancellation of Williamson Act (Land Conservation Act) contracts, and non-renewal of Williamson Act (Land Conservation Act) contracts...”

The Planning Commission will consider the AAC’s recommendation, staff report and application and make a recommendation for final action to the Board of Supervisors.

Department of Conservation:

The Department of Conservation is a State Agency which performs primarily educational and resource functions to the local agencies which are empowered to interpret and implement the California Land Conservation Act in their jurisdictions.

Staff will send a copy of the executed and recorded contract to the Department of Conservation.

Agency

Comments: One (1) comment was received from the Agricultural Commissioner which stated that the addition of the three parcels into the contract does not present any significant agricultural concerns or issues which require additional recommendations from their office.

Public

Comments: Prior to the Planning Commission's public hearing, a notice will be published in the Mariposa Gazette. A direct mailed notice will be mailed to all property owners within 600 feet of the eight (8) project parcels. Notices will also be posted in the community and on the County's website.

Any comments that are received prior to the public hearing will be provided to the Commission prior to or at the hearing.

Fish & Wildlife

Fees: Because the project is exempt from environmental review, the Department of Fish and Wildlife Fees for the filing of a Negative Declaration does not apply to the project. If a Notice of Exemption (NOE) is filed, a County administrative filing fee of \$50.00 for the notice will be required. Filing the NOE is optional for the applicants.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA):

In order to approve a project, including this project, a CEQA or environmental determination would need to be made by the lead agency (the government agency which has action authority over the permit). The Land Conservation Act contract is exempt from CEQA pursuant to: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.

Recommended Findings for Approval Land Conservation Act Application No. 2021-167

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 an amended 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.

EVIDENCE: The property is currently and will continue to be used for agricultural purposes.

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 modified 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 amended contract exceeds the minimum size (160 acres) established by the Board of Supervisors for an agricultural preserve. The amended LCA contract shall include an express provision that prohibits the sale of the parcels individually during the term of the LCA Contract. The use of this property is for cattle grazing, or other Agricultural Production Uses or Compatible Uses as will be specified in the contract.

EVIDENCE: All of the land will be under the new contract; thereby increasing new LCA contracted lands in the County by 573.33 acres (from 758.4 acres) to a total of 1,331.73 acres.

3. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 1,331.73 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.

4. **FINDING:** The new LCA contract will not compromise the long-term agricultural productivity 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.
5. **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.
6. **FINDING:** The approval of the Williamson Act Contract Modification is based upon review of the project specific and site specific details of this case.
7. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.

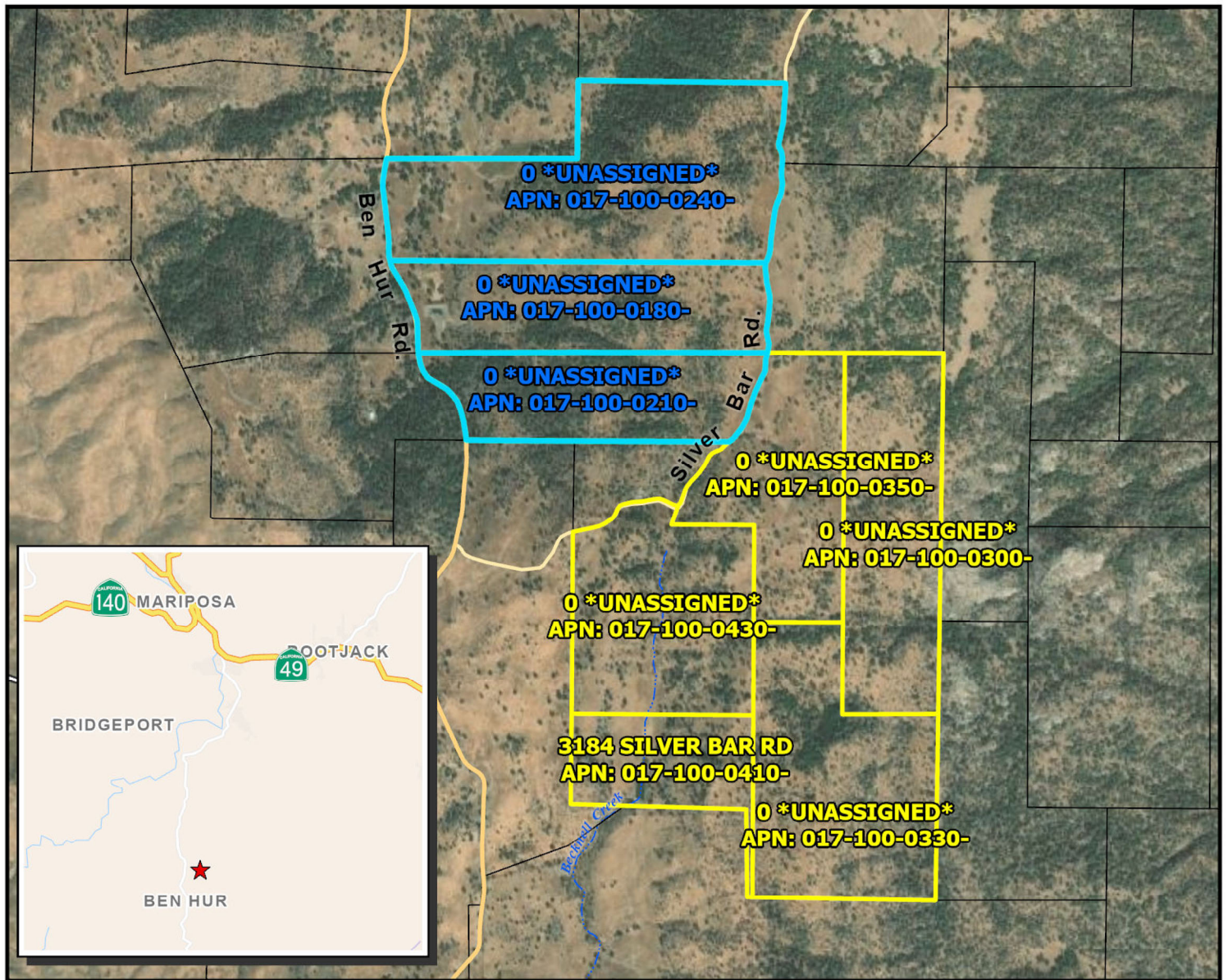
Steps for Completing Land Conservation Act Application No. 2021-167

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the modified Williamson Act Contract, a typed, stamped, and signed copy of the approved legal description for all of the land that is to be placed under the modified contract must be provided by the applicant to Mariposa Planning.
2. **Preparation of the Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, the modified 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 Amended 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 Amended Contract (MARIPOSA PLANNING RESPONSIBILITY):** When the amended contract has been signed and notarized by both parties, Mariposa Planning will record the contract. This step completes the Land Conservation Act Contract Process. Biennial reporting will be required in the future.

Attachments:

- A. Vicinity Map/Proposed Amended LCA Contract
- B. Application

Mariposa County Planning Department Project Vicinity Map



PROJECT TYPE: LCA modification 2021-167

APPLICANT: James Larrick, TR & Jun Chen, TR

APN: Existing 017-100-0300 & 0330 & 0350 & 0410 & 0430;

Proposed 017-100-0180 & 0210 & 0240

SITE ADDRESS: 3184 Silver Bar Rd & Unassigned addresses

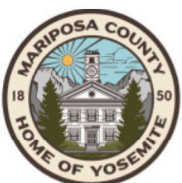
Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Friday, October 01, 2021

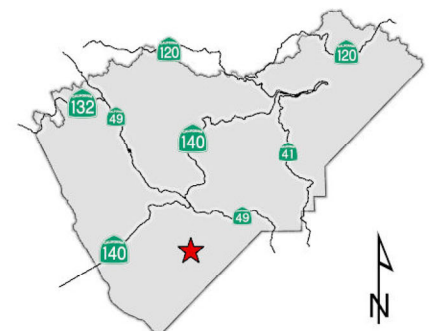
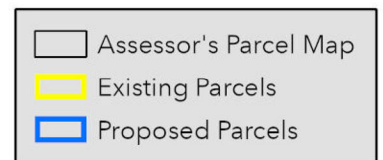
Data Source: Mariposa County Planning Department GIS;

Assessor's Parcel Map Update: 08/2021

Map Credit: jwhite



Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
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**LAND CONSERVATION ACT (WILLIAMSON ACT)
CONTRACT MODIFICATION/AMENDMENT**

Mariposa County Planning Department

5100 Bullion Street / P.O. Box 2039

Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

RECEIVED

SEP 21 2021

FOR OFFICE USE ONLY

Date Submitted Mariposa County Planning Department Received By SE
 Fees Paid \$ 1944.00 Receipt No. ce Received By [Signature] 9/22/21
 Application No. 2021-167 Application Complete _____
 Final Action: ☐ APPROVED ☐ DENIED Date _____

Applicant:

Name James W. Larrick & Jun Chen Living Trust

Mailing Address 1230 Bordeaux Drive

Sunnyvale, CA 94089-1202

Daytime Telephone (415) 264-6311

E-mail jwlarrick@gmail.com

Agent: (if applicable)

 () _____

Contract Information:

Existing Williamson Act Contract No. 2008-149

Acreage under contract 775.2

Number of parcels / APNs under contract: 5

Are there other parcels owned by the applicant which are under contract (a different contract) which are managed together with the contract which is the subject of this application? Yes x No _____

If yes, please describe: Quick Ranch, Ben Hur Road, Mariposa; Striped Creek Ranch (Williamson Contract No. 2018-153)

Person(s) who signed existing Williamson Act Contract: James W. Larrick & Jun Chen, as Trustees of the James W. Larrick and Jun Chen Living Trust

Person(s) signing Modified Williamson Act Contract: James W. Larrick & Jun Chen, as Trustees of the James W. Larrick and Jun Chen Living Trust

Is this contract subject to a Notice of Non-Renewal? Yes _____ No X

200501

Acreage to be added: 573.33 Description of acreage to be added: grazing land

Acreage to be subtracted: NA Description of acreage to be subtracted: NA

Final change in acreage of contract after modification: +573.33

Purpose of Modification: to place all 8 contiguous parcels under one contract



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Kaitlyn Casner, Planner II

Agricultural Advisory Committee Meeting Date: October 21, 2021

Agenda Item: 4.b

PROJECT: Land Conservation Act (LCA) Application No. 2021-150

PROPOSAL: Land Conservation Act (LCA) Application No. 2021-150 is proposed for one (1) new LCA Contract applicable to one (1) parcel located at 3671 Old Toll Road, APN 011-260-0060, 299.48 acres.

PROCESS: The process is as follows:

1. Agricultural Advisory Committee consideration and recommendation to the Planning Commission (**Current Step**)
2. Planning Commission consideration and recommendation to the Board of Supervisors
3. Board of Supervisors consideration and approval.

OWNER/

APPLICANT: We Weave Dreams Academy, The Yuan & Dong Trust, owners. Yong Yuan aka Andy Yuan, applicant.

LOCATION: Project parcel is located at 3671 Old Toll Road, Hornitos area just north of the intersection of Old Toll Road and Hornitos Road.

ASSESSOR

PARCEL

NUMBER: 011-260-0060

GENERAL PLAN

LAND USE: Agriculture/Working Landscape

ZONING: Agriculture Exclusive

COMMITTEE

ACTION: The Agricultural Advisory Committee should:

- a. Consider all verbal testimony,
- b. Consider all written input,
- c. Consider information presented in the staff report and attachments
- d. Conduct discussion, and
- e. Make a recommendation to the Planning Commission and Board of Supervisors

PROJECT DESCRIPTION

Background

The project parcel is in the Agriculture Exclusive (AE) Zone with a General Plan Land Use Classification of Agriculture/Working Landscape (AWL).

The resultant total LCA contracted area would be one parcel totaling 299.48 acres.

The applicant intends to continue to run cattle on the property.

Code Compliance

Code compliance review of the LCA application identified that there are two open compliance cases (RFI 2013-482 & 2016-018) existing on the referenced property. Both cases involve the installation of a mobile home on the property without permits.

In 2019, a second violation was added to the case file. During the Detwiler Fire in July of 2017, the legal stick-built dwelling on the property was destroyed. Currently the ash and burn debris from that fire remain onsite. The debris and ash must be removed using Environmental Health's Ash disposal procedure, which includes soil testing to ensure that any contaminated soil is removed from the site.

Due to the code compliance abatement efforts, and because the request is for an LCA tax offset contract with the county, a condition of approval is recommended to require remedy of the code case/s prior to execution of the LCA contract.

(Attachment A- Vicinity Map/Proposed LCA Parcel)

Agricultural Preserve Size and Use:

Staff provides review comments pursuant to Mariposa County Resolution No. 10-150 (effective policies).

Minimum Size -- The proposed contract will result in a single Williamson Act Contract of one (1) parcel with a total area of 299.48 acres. The proposed acreage exceeds the 160-acre minimum size requirement of Mariposa County's Rules of Procedure to Implement the California LCA of 1965 for rangeland and pasture for livestock production and forage (Resolution 2010-150).

Agricultural Use - In order to qualify for inclusion in an agricultural preserve and contract, Mariposa County Policy requires that evidence be submitted that shows that the parcel has been used for commercial agricultural purposes for three years.

The applicant has reported that the subject property has been used for grazing of pasture cattle. The application included the County Agricultural Preserve Questionnaire which reports that cattle grazing uses occurred over the last 3 years on the subject parcel and that cattle grazing will continue on the proposed parcel in the future.

Biennial Report - Mariposa County Policy requires the filing of a biennial report on odd numbered years. The proposed parcel was not required to report as they were not a part of a contract, however, if approved reporting will be required in the future.

California Land Conservation (Williamson) Act

The California Land Conservation Act or Williamson Act was passed to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. Private landowners voluntarily restrict their land to agricultural uses under a 20-year rolling term contract with Mariposa County. In return, restricted parcels are assessed for property tax purposes at a significantly reduced rate (approximately 75% less) rather than at their potential market value. Because the contracts are “rolling terms”, there are always 20 years remaining in a contract (unless the contract is non-renewed).

The purpose of the Williamson Act includes the following:

- Preservation of the maximum amount of the limited supply of agricultural land is necessary.
- Discouragement of premature and unnecessary conversion of agricultural land to urban uses is in the public interest and is a benefit to the state.
- Agricultural lands have important and valuable open space aspects in an urbanizing society and should be kept in production.

Procedural Requirements

Agricultural Advisory Committee:

Pursuant to Section 2.110.060.C, County Code, and the Agricultural Advisory Committee:

“shall provide comment, recommendation, and advice to the Planning Commission, Board of Supervisors and its personnel on the following matters: ...C. Review and provide recommendations on applications for new Williamson Act (Land Conservation Act) contracts, applications for cancellation of Williamson Act (Land Conservation Act) contracts, and non-renewal of Williamson Act (Land Conservation Act) contracts...”

The Planning Commission will consider the AAC’s recommendation, staff report and application and make a recommendation for final action to the Board of Supervisors.

Department of Conservation:

The Department of Conservation is a State Agency which performs primarily educational and resource functions to the local agencies which are empowered to interpret and implement the California Land Conservation Act in their jurisdictions.

Staff will send a copy of the executed and recorded contract to the Department of Conservation.

Agency

Comments: One (1) comment was received from the Agricultural Commissioner which stated that the contract does not present any significant agricultural concerns or issues which require additional recommendations from their office.

Public

Comments: Prior to the Planning Commission's public hearing, a notice will be published in the Mariposa Gazette. A direct mailed notice will be mailed to all property owners within 600 feet of the eight (8) project parcels. Notices will also be posted in the community and on the County's website.

Any comments that are received prior to the public hearing will be provided to the Commission prior to or at the hearing.

Fish & Wildlife

Fees: Because the project is exempt from environmental review, the Department of Fish and Wildlife Fees for the filing of a Negative Declaration does not apply to the project. If a Notice of Exemption (NOE) is filed, a County administrative filing fee of \$50.00 for the notice will be required. Filing the NOE is optional for the applicants.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA):

In order to approve a project, including this project, a CEQA or environmental determination would need to be made by the lead agency (the government agency which has action authority over the permit). The Land Conservation Act contract is exempt from CEQA pursuant to: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.

***Recommended Findings for Approval of Land Conservation Act
Application No. 2021-150***

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.

EVIDENCE: The property is currently and will continue to be used for agricultural purposes.

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 modified 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 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.

EVIDENCE: All of the land will be under the new contract; thereby increasing new LCA contracted lands in the County by 299.48 acres.

3. **FINDING:** The contract will be large enough to sustain a commercial agricultural use (dryland grazing) at 299.48 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.
4. **FINDING:** The new LCA contract will not compromise the long-term agricultural productivity 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.
5. **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.
6. **FINDING:** The approval of the Williamson Act Contract is based upon review of the project specific and site-specific details of this case.
7. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.

Condition required prior to Completing Land Conservation Act Application No. 2021-150

1. Prior to completion of the steps for completing Land Conservation Act Application No. 2021-150 and execution of the LCA Contract, the Code Compliance Cases (RFI No. 2013-482 & No. 2016-018) and related 2019 structure fire ash clean up, shall be abated. A verification letter from the Code Compliance Division demonstrating to the Planning Director that the abatement is achieved, shall be required prior LCA contract recordation.

Steps for Completing Land Conservation Act Application No. 2021-150

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 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. Biennial reporting will be required in the future.

Attachments:

- A. Vicinity Map/Proposed Amended LCA Contract
- B. Application

Mariposa County Planning Department Project Vicinity Map



PROJECT TYPE: LCA 2021-150

APPLICANT: APPLICANT/OWNER: Yong Yuan aka Andy Yuan

We Weave Dreams Academy and The Yuan & Dong Trust

APN: 011-260-0060

SITE ADDRESS: 3671 Old Toll Rd, Cathey's Valley

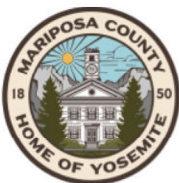
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Date: Thursday, August 26, 2021

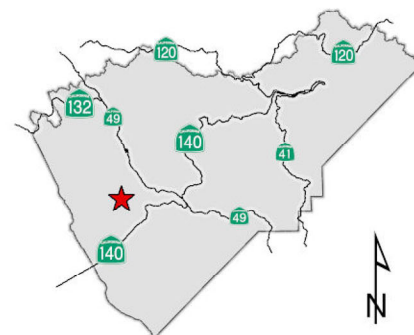
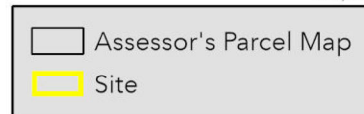
Data Source: Mariposa County Planning Department GIS;

Assessor's Parcel Map Update: 07/2021

Map Credit: jwhite



Mariposa County Planning Department
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mariposaplanning@mariposacounty.org
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200510



**LAND CONSERVATION ACT (WILLIAMSON ACT)
CONTRACT APPLICATION**

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024
www.mariposacounty.org planningdept@mariposacounty.org

FOR OFFICE USE ONLY

Date Submitted 8/18/21 Received By SSC
Fees Paid \$ 8/26/21 Receipt No. 317492 Received By [Signature]
Application No. 2021-150 Application Complete _____
Final Action _____ Date _____

Applicant:

Name Yong Yuan aka Andy Yuan
Mailing Address PO Box 1232
Fremont, CA 94538
Daytime Telephone (510) 999-2600
E-Mail Address Andy.Yuan@TheYuan.Org

Agent: (if applicable)

Yong Yuan aka Andy Yuan
PO Box 1232
Fremont, CA 94538
(510) 999-2600
Andy.Yuan@TheYuan.Org

Property Owner Name(s)*

We Weave Dreams Academy and The Yuan & Dong Trust

*If different than applicant, attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

Yong Yuan aka Andy Yuan, President of We Weave Dreams Academy

Yong Yuan aka Andy Yuan, Trustee of The Yuan & Dong Trust

200510

Property Information:

Assessor's Parcel Number (APN):

011-260-0060

Acreage:

299.48

Land Use Classification: Zoning:

agriculture

Present use of property:

cattle and horse grazing and poultry farming

Date the property was acquired by applicant:

10/26/2018

Deed Reference Volume _____ Page _____

- I. Applicant requests that Agricultural Preserve of less than 100 acres be established by Mariposa County Board of Supervisors due to the following unique characteristics of the agricultural enterprise:

- II. The names and addresses of the holders of First Trust deeds upon said property included in the application: (Note Trust Deed Beneficiary must sign Consent to Execute Land Conservation Contract by land owner attached to the contract.)

Assessors Parcel Number

011-260-0060

011-260-0060

Trust Deed Beneficiary

We Weave Dreams Academy

The Yuan & Dong Trust

Mailing Address

PO Box 1232, Fremont, CA 94538

PO Box 1232, Fremont, CA 94538