

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2012-018

**A resolution recommending the approval of Land Conservation Act Contract Application No. 2012-125, APN 007-070-007, MJ Oaks LLC, applicant**

WHEREAS an application for a new Land Conservation (Williamson) Act Contract was received on August 3, 2012 from MJ Oaks LLC for property located at an unassigned address on Lake McClure Rd, near Lake McSwain, also known as of Assessor Parcel Number 007-070-007; 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 20, 2012; 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 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 the 19<sup>th</sup> day of October 2012; and

WHEREAS the Planning Department determined that the establishment of a new agricultural preserve and execution of a new Williamson Act Contracts on the property are actions that are categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS due to uncontrollable and unforeseen circumstances, the Planning Commission meeting for the 19<sup>th</sup> day of October 2012 did not have a quorum of members in

attendance and pursuant to Resolution No. 82-18, this public hearing item was continued by the Chairman of the Planning Commission to the next regularly scheduled Planning Commission meeting on the 2<sup>nd</sup> day of November 2012; and

WHEREAS the Planning Commission did hold a public hearing on the continued 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 Application No. 2012-125 and establish a new Agricultural Preserve on the subject property and enter into a new Land Conservation Act Contracts with the applicant, covering the subject property.

BE IT THEREFORE FINALLY RESOLVED THAT the project is approved based upon the findings and conditions set forth in Exhibit 1.

ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker, this resolution is duly passed and adopted this 2<sup>nd</sup> day of November 2012 by the following vote:

AYES: Francisco, Tucker, Rudzik, and Marsden

NOES: None

EXCUSED: Ross

ABSTAIN: None



Les Marsden, Chair  
Mariposa County Planning Commission

Attest:



Carol Suggs, Office Technician  
Mariposa County Planning Department

***EXHIBIT 1***  
***PROJECT FINDINGS AND CONDITIONS***  
***FOR***  
***Land Conservation Act Contract Application No. 2012-125***

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 commercial agriculture and open space uses for the site. The preserve is consistent with the General Plan, with the recommended condition. 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 preserve will contain over 240 acres. The preserve meets the minimum size established by the Board of Supervisors for an agricultural preserve. 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 project, complies with all standards of the California Land Conservation (Williamson) Act and the Mariposa County Agricultural Preserve Policy. The parcel has been used for agricultural purposes for at least three years, and the agricultural commodity has been for commercial purposes.
3. **FINDING:** This project is Categorical Exempt based on the following: Class 17; Section 15317, CEQA Guidelines