

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2008-034

A resolution recommending the conditional approval of Land Conservation Act Contract Modification No. 2008-143, APN 017-080-043 and APN 017-173-006; and the approval of Land Conservation Act Contract No. 2008-144, APN 017-080-039 and APN 017-173-007, John and Nancy Rinell, applicants

WHEREAS an application for a new Land Conservation (Williamson) Act Contract was received on August 5, 2008 from John and Nancy Rinell for a property located at an unassigned address on Silver Bar Road in Mariposa, also known as Assessor Parcel Numbers 017-080-039 and 017-173-007; and

WHEREAS an application to rescind existing contract No. 2004-001 which covered APN 017-080-043, and reenter into a contract after adding an additional parcel also known as Assessor Parcel Number 017-173-006 was received August 5, 2008 from John and Nancy Rinell, property which is located at an unassigned address on Silver Bar Road in Mariposa; 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 25, 2008; 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, 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 add an additional parcel to the Agricultural Preserve established by Resolution No. 04-521 and approve the rescinding of existing contract No. 2004-001 and allow the addition of APN 017-173-006 before reentering into a new contract that includes the additional parcel as required by Land Conservation Act Contract Modification No. 2008-143; 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 involved in Land Conservation Act Contract Application No. 2008-144; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 7th day of November 2008; and

WHEREAS the Planning Department determined that the establishment of a new agricultural preserve and execution of a new Williamson Act Contract of the property and rescinding and reentering into a contract after adding additional acreage are actions that are categorically exempt from the provisions of the California Environmental Quality Act; 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 applications, 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. 2008-144 and Land Conservation Act Contract Modification No. 2008-143.

BE IT THEREFORE FINALLY RESOLVED THAT the project is approved based upon the findings and conditions set forth in Exhibit 1 and Exhibit 2.

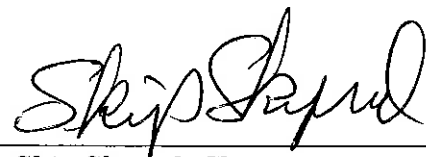
ON MOTION BY Commissioner DeSantis, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this 7th day of November 2008 by the following vote:

AYES: DeSantis, Rudzik, Ross, Skyrud, and Francisco

NOES: None

EXCUSED: None

ABSTAIN: None



Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS AND CONDITIONS
FOR
Land Conservation Act Contract Modification Application No.
2008-143

FINDINGS

In accordance with Mariposa County Resolution No. 77-157 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:** The existing agricultural preserve contains 149.03 acres. A 63.72 acre parcel is proposed to be added to the existing contract for a total acreage of 212.75 acres. The two combined parcels, which include the proposed parcel, meet the minimum size established by the Board of Supervisors for an agricultural preserve. The use of this property for cattle grazing or other Agricultural Production Uses or Compatible Uses as specified in the contract must be profitable, except in extraordinary circumstances (such as natural disasters).
3. **FINDING:** The modified contract will restrict the existing acreage and the new acreage for the same term as the existing contract.
4. **FINDING:** There is no net decrease in the total amount of acreage under contract.
5. **FINDING:** By requiring a contract provision requiring both parcels to be managed together for the life of the contract, both parcels will be large enough to sustain their agricultural use (dryland grazing).
6. **FINDING:** This project is Categorical Exempt based on the following: Class 17; Section 15317, CEQA Guidelines

Conditions:

1. A provision requiring APNs 017-173-006 and APN 017-080-043 be managed together for the life of the contract, be included in the contract to be reentered. Staff recommends this condition to

ensure that the new parcel, which is 63.72 acres may not later be sold, and be out of compliance with the Agricultural Preserve Policies of Mariposa County.

EXHIBIT 2
PROJECT FINDINGS AND CONDITIONS
FOR
Land Conservation Act Contract Application No. 2008-144

FINDINGS

In accordance with Mariposa County Resolution No. 77-157 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. This finding is made in accordance with Section 51234 of Government Code.

2. **FINDING:** The new agricultural preserve will contain two parcels of 134.62 acres and 190+ acres. The parcels will meet 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 profitable, except in extraordinary circumstances (such as natural disasters). The parcel has been used for agricultural purposes for at least three years, and the agricultural uses have been profitable.
3. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, CEQA Guidelines