RECOMMENDED ACTION AND JUSTIFICATION:

Action is based upon the recommendations of the Planning Commission and the Agricultural Advisory Committee.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
None for Land Conservation Act Application No. 2008-144; Contract No. 2004-001 were recorded in accordance with the provisions of County Resolutions No. 77-157, implementing the Williamson Act in Mariposa County, and No. 78-16, establishing the Mariposa County Agricultural Preserve Map for Application No. 2008-143.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

<table>
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<th>Financial Impact?</th>
<th>Yes</th>
<th>No</th>
<th>Current FY Cost: $</th>
<th>Annual Recurring Cost: $</th>
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<td>General</td>
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Attachments:
A. Staff Report to Board of Supervisors
B. Notice of Exemption
C. Draft Resolution for Project Approval
D. Minutes from Planning Commission Hearing
E. Draft Contract For LCA Mod. No. 2008-143
F. Draft Contract For LCA Application No. 2008-144

CLERK’S USE ONLY:
Res. No. 2008-143
Vote - Ayes: 5
Noes: 0
Absent: 0
Approved
Minute Order Attached
No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ________________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
No Opinion
Comments:

CAO: ________________

Revised Dec. 2002
TO: KIRSCH SCHENK, Planning Director  
FROM: MARGIE WILLIAMS, Clerk of the Board  
SUBJECT: PUBLIC HEARING on the Following Land Conservation Act Contracts:  
B) Resolution Approving Land Conservation Act Contract Modification No. 2008-143 and Land Conservation Act Contract Application No. 2008-144, Approving the Creation of a New Agricultural Preserve and Modification of an Existing Agricultural Preserve; and Approving Execution of a Modified and a New Land Conservation (Williamson) Act Contract with John and Nancy Rinell. Project Site is Located in Mariposa on Silver Bar Road, APNs Involved in the Modification Include 017-173-006 (63.72 Acres) and 017-080-043 (149.03 Acres). APNs Portion of the New Contract Application Include 017-080-039 (134.62 acres) and 017-173-007 (190+ Acres).  
RESOLUTION 08-559  
THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA  
ADOPTED THIS Order on December 2, 2008  
ACTION AND VOTE:  
10:00 a.m. Kris Schenk, Planning Director;  
PUBLIC HEARING on the Following Land Conservation Act Contracts:  
A) Adopt a Resolution Approving Land Conservation Act (LCA) Contract Application No. 2008-149, Approving the Creation of a New Agricultural Preserve and Approving Execution of a New Land Conservation (Williamson) Act Contract with Lou Ellen Rauch for Property Located on Silver Bar Road in Mariposa; APNs 017-100-043 (169.69 Acres), 017-100-033 (200 Acres), and 017-100-030 (160 Acres) for a Total of 529.9 Acres  
BOARD ACTION: Alvaro Arias, Associate Planner, presented the staff report; and he responded to questions from the Board relative to clarifying that the title on the formal resolution should reflect the Board of Supervisors versus the Planning Commission, and relative to the existing uses and continued operation. The public portion of the hearing was opened and there was no input. The public portion was closed and the Board commenced with deliberations. Jeff Green, Interim County Counsel, responded to a question from the Board relative to the status of the contracts if the State cancels the subvention funding. (M)Bibby, (S)Aborn, Res. 08-558 was adopted approving LCA No. 2008-149, with the recommended findings and conditions and finding that this project is exempt from CEQA; and with the correction on the formal resolution to reflect the Board of Supervisors in the title/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin. The hearing was closed.  
Cc: File
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution  
No. 2008-559  
A resolution conditionally approving Land Conservation Act  
Contract Modification No. 2008-143 (rescind Contract No.  
2004-001 and reenter), APN 017-080-043 and APN 017-173-006; and  
approving 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, 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 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; and

WHEREAS the Planning Commission of the County of Mariposa did recommend to the Mariposa County Board of Supervisors that they find this project exempt for the provisions of the California Environmental Quality Act; and

WHEREAS the Planning Commission did recommend that the Board of Supervisors add an additional parcel to the Agricultural Preserve established by Resolution No. 04-521 and approve the rescission 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 Planning Commission of the County of Mariposa did 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 the Planning Commission recommendation for project approval was based upon the findings and condition set forth in the Staff Report as presented to the Planning Commission at the public hearing of November 7, 2008; and

WHEREAS a duly noticed public hearing was scheduled for the Board of Supervisors meeting of December 2, 2008; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the proposed Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE BE IT RESOLVED THAT the Mariposa County Board of Supervisors finds this project exempt from the provisions of the California Environmental Quality Act.

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves this project based upon the findings and condition set forth in Exhibit 1 and Exhibit 2 of this resolution; and

BE IT FURTHER RESOLVED THAT the Mariposa County Board of Supervisors approves this project for the property as set forth in the legal description contained within Exhibit 3 of this resolution.

BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors hereby directs the Chairman of the Board to execute the Land Conservation Act Contract for this property.

THIS RESOLUTION is duly passed and adopted this December 2, 2008 by the following vote:

AYES: ABORN, BIBBY, FRITZ, PICKARD

NOES: NONE

EXCUSED: TURPIN

ABSTAIN: NONE

LYLE TURPIN, Chairman
By: DIANNE FRITZ, Vice-Chair
Mariposa County Board of Supervisors

Attest:

MARGIE WILLIAMS
Clerk of the Board
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:

JEFFREY G. GREEN
Interim County Counsel
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 Categorically 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, shall be included in the contract to be reentered. This condition will 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
EXHIBIT 3

LEGAL DESCRIPTION
EXHIBIT A

A tract of land situated in a portion of the Northwest quarter (NW1/4) of Section 19, Township 6 South, Range 19 East, M.D.B. & M., and in a portion of the Northeast quarter (NE1/4) of Section 24, Township 6 South, Range 18 East, M.D.B. & M. all according to the United States Government Township Plats, Mariposa County, State of California, said tract of land being more particularly described as follows:

All that portion of said NW1/4 lying northwesterly of the southeasterly line of that certain 60.00 foot wide non-exclusive and non-revocable easement described in NON-REVOCABLE AND PERPETUAL OFFER OF DEDICATION OF PUBLIC ROAD AND/OR PUBLIC UTILITY EASEMENT RIGHT-OF-WAY TO THE COUNTY OF MARIPOSA recorded July 19, 2006 as Document Number 2064202 in the Official Records of Mariposa County.

TOGETHER WITH all that portion of said NE1/4 which lies northwest of Silver Bar Road.

The above described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

[Signature]
Richard A. Seaman, L.S. 5339
License Expiration date: 12/31/09

10/21/08
Date
EXHIBIT A

A tract of land situated in a portion of Sections 18 and 19, Township 6 South, Range 19 East, M.D.B. & M., according to the United States Government Township Plats, and Section 24, Township 6 South, Range 18 East, M.D.B. & M., according to the United States Government Township Plats, Mariposa County, State of California, said tract of land being more particularly described as follows:

The North half of the Southwest quarter (N1/2 SW1/4) of said Section 19.

TOGETHER WITH all that portion of the Northwest quarter (NW1/4) of said Section 19 lying southeasterly of the southeasterly line of that certain 60.00 foot wide non-exclusive and non-revocable easement described in NON-REVOCABLE AND PERPETUAL OFFER OF DEDICATION OF PUBLIC ROAD AND/OR PUBLIC UTILITY EASEMENT RIGHT-OF-WAY TO THE COUNTY OF MARIPOSA recorded July 19, 2006 as Document Number 2064202 in the Official Records of Mariposa County.

ALSO TOGETHER WITH all that portion of the Southeast quarter of the Southwest quarter (SE1/4 SW1/4) of said Section 18 which lies southeasterly of an existing road known as Silver Bar Road.

ALSO TOGETHER WITH all that portion of the Southeast quarter of the Northeast quarter (SE1/4 NE1/4) of said Section 24 which lies southeasterly of an existing road known as Silver Bar Road.

ALSO TOGETHER WITH all that portion of the Southeast quarter (SE1/4) of said Section 24 which lies east of Silver Bar Road.
EXCEPTING THEREFROM the following described parcel:
BEGINNING at the southeast corner of said Section 24, thence west along the south line of said Section 24, to the crest of the first ridge, thence northerly along a stone wall to the east line of Section 24, thence south along said East line to the POINT OF BEGINNING.

The above described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

[Signature]
Richard A. Seaman, L.S. 5339
License Expiration date: 12/31/09

Date: 10/21/08

[Stamp: LICENSED AND REGISTERED STATE OF CALIFORNIA]

Page 1 of 1
Attachment A
Staff Report
BOARD OF SUPERVISORS MEETING
OF December 2, 2008

SUMMARY


Location: The contract area is located on Silver Bar Road; APN involved in the modification of an existing contract 017-173-006 (63.72 acres); APNs part of new contract 017-080-039 (134.62 acres) and 017-173-007 (190+ acres)

Applicant/Property Owner: John and Nancy Rinell,

Agent: Richard Seaman, Freeman and Seaman Land Surveyors

Recommended Action: The Agricultural Advisory Committee and Planning Commission recommend that the Board of Supervisors adopt a Resolution


Prepared by,

Alvaro Arias
Associate Planner
Summary Description of Request

Land Conservation Act (Williamson Act) Contract Modification Application No. 2008-143 proposes to modify an existing Land Conservation Act Contract (No. 2004-001, APN 017-080-043) by adding additional acreage (another parcel). The current contract consists of APN 017-080-043, a 149.03 acre parcel and was recorded as Document 2048094 in 2004. The additional acreage will consist of APN 017-173-006 of 63.72 acres. The site is used and has been leased for cattle grazing.

Land Conservation Act Contract Application No. 2008-144 proposes to place two parcels; APN 017-080-039 of 134.62 acres and APN 017-173-007 of 190+ acres into a new and separate Land Conservation Act Contract. The parcels are used for cattle grazing and have been leased for the last few years.

The property owners currently have other adjacent and/or nearby property that is currently under yet another contract (recorded as Document No. 2048095). These include APN 017-171-006, 017-171-012, and 017-171-011 which are not being modified or affected at this time.

The project site is in the Agriculture Exclusive Zone and the Agriculture/Working Landscape land use (General Plan).

If these two 2008 applications for Rinell are approved as submitted, there will be three separate contracts on the Rinell property: One contract will encumber 3 separate parcels and the other 2 contracts will encumber 2 parcels each.

Agricultural Preserve Size and Use:

Preserve Policies—The proposed agricultural preserve consists of the following:

LCA Modification No. 2008-143—The existing contract consists of a 149.03 acre parcel (APN 017-080-043). The proposal includes adding an existing 63.72 acre parcel (APN 017-173-006). This creates a contract area that is larger than 100 acres and thus consistent with the minimum size requirement of the Agricultural Preserve Policy. In order to prevent that the 63.72 acre parcel is later sold to a different property owner and thus then not meet the 100 acre minimum, staff recommends that a provision be included in the modified contract that states that those two parcels shall be managed together for the life of the contract.

LCA Application No. 2008-144—Proposes to place two parcels; a 134.62 acre parcel (APN 017-080-039) and a 190+ acre parcel (APN 017-173-007) into Williamson Act Contracts. Both parcels are larger than 100 acres and thus consistent with the minimum size requirement of the Agricultural Preserve Policy. Both parcels will be placed under one preserve.
Agricultural Use -- In order to qualify for inclusion in an agricultural preserve, the Agricultural Preserve Policy states “the parcel must have been used for agricultural purposes for three years” and “the agricultural uses must be profitable except under uncontrollable circumstances.” The subject property has been leased and used for cattle grazing. Cattle grazing would be considered an acceptable agricultural use.

Multiple Parcels/Merging of Parcels -- The Agricultural Preserve Policy states contiguous parcels under the same ownership should be merged to create a single unit. Land Conservation Act Modification No. 2008-143 is proposing to add a 63.72 acre parcel into an existing preserve. It is recommended that a provision be included in the modified contract that requires both parcels to be managed together for the life of the contract. Meanwhile, Land Conservation Act Application No. 2008-144, consists of two parcels of 134.62 acres and 190+ acres. Both of which exceed the 100 acre minimum parcel size.

Historic parcels have already been recognized for the subject property.

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 purposes and intents of the Williamson Act (what the law is intended to achieve):

- 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
County Code (County Law)

A procedural requirement established by County Code relative to this petition is Section 17.08.080:

17.08.080 Burden of proof.
It shall be the burden of an applicant to provide all necessary information in support of any matter heard and decided by the planning commission or board of supervisors. Failure to provide such necessary information in support of a matter as described above shall be deemed grounds for denial of application.

In other words, the applicant's justification for entering into a contract is that which is being reviewed and considered through the review process.

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). For this application, the lead agency is the Board of Supervisors.

The Planning Commission and staff recommend that the Board of Supervisors find that the project is exempt from environmental review (CEQA) based on Categorical Exemption, Class 17; Section 15317, CEQA Guidelines.

**Agricultural Advisory Committee**

Pursuant to Section 2.110.060.C, County Code, 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 Agricultural Advisory Committee met and discussed this project on Thursday, September 25, 2008. The Agricultural Advisory Committee voted unanimously to recommend approval of both applications. Regarding LCA Modification No. 2008-143, it was recommended that a provision that both parcels be managed together for the life of the contract, be included in the contract.

**Planning Commission**

The items were heard by the Planning Commission at a noticed public hearing on Friday, November 7, 2008. The Planning Commission voted unanimously to recommend that the project be found to be exempt from environmental review (CEQA) and recommended approval
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.

The Department of Conservation has been sent a copy of this petition to enter into a contract pursuant to state law, together with the information provided by the applicant. The proposed amended contract was also submitted to the state for comment. Comments regarding LCA Contract No. 2008-144 were not received, however, verbal comments in the form of a telephone conversation were received regarding LCA Modification No. 2008-143. They had no objection to the project, however, they did note a procedural error. They stated that State law does not allow for contract to be modified, but instead states that the original contracts are rescinded and then reentered with the changes. Staff uses the term "modified" for discussion purposes only. The resolution and contract provided for recordation will follow State Law relative to this procedure.

Recommended Findings (New Contract LCA No. 2008-144):

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

**Williamson Act Contract Modification Findings (LCA Modification No. 2008-143)**

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 Categorically Exempt based on the following: Class 17; Section 15317, CEQA Guidelines
Recommended Conditions (LCA Modification No. 2008-143):

1. A provision requiring APNs 017-173-006 and APN 017-080-043 be managed together for the life of the contract, shall be included in the contract to be reentered. The Planning Commission 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.
Attachment B
Draft Notice of Exemption
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
    P.O. Box 247
    Mariposa, CA  95338

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


Project Address: 3457 Silver Bar Road, Mariposa, CA

Project Parcels: APNs 017-173-006 and 017-080-043 for LCA Modification
                 APNs 017-080-039 and 017-173-007 for New LCA Contract

Description of Project: Land Conservation Act Contract Modification No. 2008-143 proposes to modify an existing contract. The current contract consists of APN 017-080-043 of 149.03 acres. APN 017-173-006 of 63.72 acres will be added to the existing contract. Land Conservation Act Contract No. 2008-144 proposes to place two parcels; APN 017-080-039 of 134.62 acres and APN 017-173-007 of 190+ acres into a new and separate contract.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person (Applicant) Carrying Out Project: John Rinell and Nancy Rinell

Exempt Status: Categorical Exemption, Class 17; Section 15317, CEQA Guidelines


Lead Agency Contact Person: Alvaro Arias, Associate Planner

Phone Number: (209) 742-1218

Mariposa County Planning Department by:

Kris Schenk
Planning Director

Date

Revision date: April 7, 2004
EXHIBIT 1
PROJECT FINDINGS AND CONDITIONS
FOR
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 Categorically 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, shall be included in the contract to be reentered. This condition will 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
EXHIBIT 3
LEGAL DESCRIPTION

Legal Description to be inserted here.
Attachment D
Draft Planning Commission Minutes
Arias then presented Land Conservation Act Contract Application No. 2008-115, Arias explained that this Land Conservation Contract Application proposes an agricultural preserve of 160 acres and execution of Land Conservation Act Contract on the acreage. The requested contract area is part of a 165.9 acre parcel, of which the applicants are proposing to keep 5.9 acres out of contract. The property is located at 5752 French Camp Road and is known as APN 012-010-031.

Arias concluded that it was staff’s recommendation that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt a Notice of Exemption and a Resolution approving Land Conservation Contract Application No. 2008-115 with recommended Findings and Conditions.

Clarifications: Skyrud asked Arias if the boarding of horses is allowed on Land Conservation Contract Land.

Arias answered no as the boarding of horses is not a part of an agricultural production.

Public Portion of the Hearing: Opened.
Public Portion of the Hearing: Closed.
Deliberations: None


Francisco was concerned about the Condition regarding rezoning of the property to AE and the possibility of the applicant not applying for the rezoning within the one year time frame. Francisco suggested that the application for rezoning be submitted after the approval by the Board of Supervisors, but before the contract is signed and be built into the Condition.

Sarah Williams suggested that the Condition be amended to say that the implementation of the condition be prior to recording rather than signing and that the application be submitted not the process completed. Williams stated that the applicant has already obtained the Rezoning Application and asked for a fee estimate.

Rudzik asked Williams if she would recommend a modification addressing Francisco’s concern.

Williams stated that the Condition would have to be amended so that the application for the rezoning would have to be submitted prior to recording the contract.

Rudzik asked Francisco if that satisfied his concerns and Francisco stated that yes it did. Rudzik then amended his motion to reflect the modifications to the Conditions and Ross, the second.

Motion carried by the following vote:

AYES: 5 (Francisco, Ross, Rudzik, Skyrud, DeSantis)
NOES: 0


Planning Commission Meeting Date: November 7, 2008
Arias then presented Land Conservation Act Contract Modification No. 2008-143 explaining that it proposes to modify an existing Contract (No. 2004-001) of 149.03 acres by adding and additional parcel of 65.72 acres (APN 017-173-006) to the contract, and adding this acreage to the agricultural preserve. Arias went on to say that Land Conservation Act Contract Application No. 2008-144 proposes to establish an agricultural preserve of 324.62 acres and exclude Land Conservation (Williamson) Act Contracts on two parcels, including APN 017-080-039 (134.62 acres) and APN 017-173-007 (190+ acres). The property is located on Silver Bar Road.

Arias concluded that it was the Agricultural Advisory Committee and staff's recommendation that the Planning Commission adopt a resolution recommending that the Board of Supervisors adopt a Notice of Exemption and a Resolution approving Land Conservation Act Contract Application Modification No. 2008-143 with the recommended Findings and Conditions and approving Land Conservation Application No. 2008-144 with the recommended Findings.

Clarifications: None
Public Portion of the Hearing: Opened.
Public Portion of the Hearing: Closed.
Deliberations: None


Motion carried by the following vote:

AYES: 5 (Francisco, Ross, Rudzik, Skyrud, DeSantis)
NOES: 0


Arias then presented Land Conservation Contract Application No. 2008-149, a proposed agricultural preserve of 529.69 acres and execution of Land Conservation Contract on three parcels, including APN 017-100-043 (189.69 acres), APN 017-100-033 (200 acres) and APN 017-100-030 (160 acres). The property is located on Silver Bar Road.

Arias concluded that it was the Agricultural Advisory Committee and staff's recommendation that the Planning Commission adopt a Resolution recommending that the Board of Supervisors adopt a Notice of Exemption and a Resolution approving Land Conservation Act Contract Application No. 2008-149 with the recommended Findings.

Clarifications: Skyrud clarified for the benefit of the audience that the Land Conservation Acts Contracts are the Williamson Act.

Public Portion of the Hearing: Opened
Public Portion of the Hearing: Closed

Planning Commission Meeting Date: November 7, 2008