

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2011-023

A resolution recommending the approval of Land Conservation Act Contract Application No. 2011-079, APNs 016-090-021, 016-090-024, 016-090-043, 016-090-049, and 016-090-089, Philomene Schultz, applicant

WHEREAS an application for a new Land Conservation (Williamson) Act Contract was received on April 20, 2011 from Philomene Schultz for property located at 5256 and 5437 Indian Gulch Rd, in Catheys Valley, also known as of Assessor Parcel Numbers 016-090-021, 016-090-024, 016-090-043, 016-090-049, and 016-090-089; 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 15, 2011; 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 21st day of October 2011; 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 the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the 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. 2011-079 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.

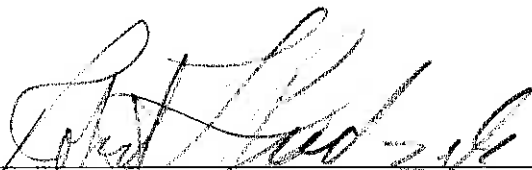
ON MOTION BY Commissioner Ross, seconded by Commissioner Tucker, this resolution is duly passed and adopted this 21st day of October 2010 by the following vote:

AYES: Ross, Tucker, Francisco, Marsden and Rudzik

NOES: None


EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, 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 Application No. 2011-079

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 761.07 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

Recommended Conditions:

1. APN 016-090-021 shall be managed together for the life of the contract with APN 016-090-043 or 089 (applicant's choice). The sale of this parcel separately is prohibited and will be in direct violation of the contract.