

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2008-33

**A resolution recommending the conditional approval of Land Conservation Act Contract Application No. 2008-115, APN 012-010-031, Michael J. and Carla R. Kelly, applicants**

WHEREAS an application for a new Land Conservation (Williamson) Act Contract was received on June 20, 2008 from Michael J. and Carla R. Kelly for a property located at 5752 French Camp Road in Mariposa, also known as a 160 acre portion of Assessor Parcel Number 012-010-031; 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 based on the requirements of Resolution 77-157 and past discussions of the Agricultural Advisory Committee regarding the appropriateness of horses as part of an agricultural production use, 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 with a finding that the horses raised on the property are ranch type horses; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 7<sup>th</sup> 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 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. 2008-115.

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

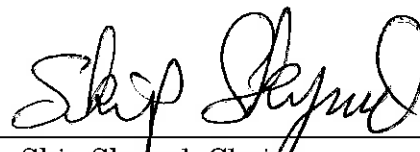
ON MOTION BY Commissioner Rudzik, seconded by Commissioner Ross, this resolution is duly passed and adopted this 7<sup>th</sup> day of November 2008 by the following vote:

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

NOES: None

EXCUSED: None

ABSTAIN: None



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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 Application No. 2008-115***

**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 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, 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 160 acres. The parcel meets the minimum size established by the Board of Supervisors for an agricultural preserve. The use of this property for cattle grazing, raising of ranch type horses, vineyard 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 project, upon compliance with the required condition, 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 uses have been profitable. The horses which have been raised and grazed on the property are considered to be ranch type horses.
3. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, CEQA Guidelines

## Conditions:

1. The owner of the parcel contracted with the Land Conservation Act contract shall, before the recording of the contract, submit a complete application to change the zoning of APN 012-010-031 to Agricultural Exclusive. All fees for processing the application shall be the responsibility of the applicant. All required application materials, including any necessary requirements for an environmental determination shall be the responsibility of the applicant.