

DEPARTMENT: Planning

BY: Alvaro Arias, Associate Planner
PHONE: 742-1218

RECOMMENDED ACTION AND JUSTIFICATION: Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on October 18, 2011 to waive the first reading and introduce the ordinance and adopt a resolution finding that the amendment is exempt from environmental review and approving Zoning Amendment No. 2010-174.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: The Board of Supervisors established an Agricultural Preserve and executed a Land Conservation Act (Williamson Act) contract with the Copelands for 240 acres in December 2010. The Board's 2010 action included a requirement that the applicant submit an application to rezone the property to the Agriculture Exclusive Zone. On October 18, 2011 the Board of Supervisors approved Zoning Amendment No. 2010-174. The Board waived the first reading and introduced the ordinance on October 18, 2011 and adopted a resolution finding that the amendment is exempt from environmental review and approving the amendment on that same date.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board of Supervisors has adopted a resolution approving Zoning Amendment No. 2010-174.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____	List Attachments, number pages consecutively	
	1) Draft Board Ordinance	
Additional Funding Needed: \$ _____	_____	
Source:	_____	
Internal Transfer	_____	
Transfer Between Funds _____ 4/5's vote	_____	
Contingency _____ 4/5's vote	_____	
_____	_____	

CLERK'S USE ONLY:

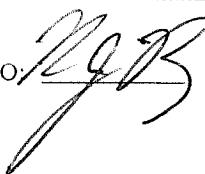
Res. No.: _____ Ord. No. 1083
Vote - Ayes: 5 Noes: _____
Absent: _____
10 Approved
() Minute Order Attached () No Action Necessary

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: 



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JIM ALLEN, CHAIR
JANET BIBBY, VICE-CHAIR
LEE STETSON
LYLE TURPIN
KEVIN CANN

DISTRICT V
DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Waive the Second Reading and Adopt an Ordinance Amending the Zoning Map by Rezoning One Parcel of 240 Acres Currently in the Mountain General Zone (40 Acre Minimum) and Mountain Home Zone (5 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.) Charles Michael and Mary Kathrine Copeland, Project Applicants. The Property is Located at 3456 Brooks Road/APN 014-380-021

ORD 1083

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 1, 2011

ACTION AND VOTE:

3

Planning

Waive the Second Reading and Adopt an Ordinance Amending the Zoning Map by Rezoning One Parcel of 240 Acres Currently in the Mountain General Zone (40 Acre Minimum) and Mountain Home Zone (5 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.) Charles Michael and Mary Kathrine Copeland, Project Applicants. The Property is Located at 3456 Brooks Road/APN 014-380-021

BOARD ACTION: Supervisor Turpin requested clarification relative to previous ordinance language, Alvaro Arias, Associate Planner, responded.

Input from public was provided by the following:

Ruth Catalan spoke of her concern that the proposal is taking land from 5 acre minimums which would produce tax income in homes and add to the population of this County versus turning it into Agricultural Exclusive and granting tax alleviation through the Williamson Act. She feels we are sending a message that new residents interested in property will have to purchase 160 acres of land. She stated that we don't receive subvention funds any more so this is coming down on the tax payers and feels we are lessening the opportunity to settle in Mariposa County.

Supervisor Cann responded to Ruth Catalan, agreeing that she is correct and advised that about a year and a half ago the Board approved a Williamson Act Contract on this parcel when the subvention was still allowed and part of that approval was requiring them to do this zoning change and noted that if this same type of project were to come before the Board now it would be a different discussion. This was approved some time ago and this is the clean up on it. (M)Bibby, (S)Turpin, the second reading was waived and Ordinance 1083 was adopted amending the zoning map by rezoning one parcel of 240 acres currently in the Mountain General Zone (40 acre minimum) and Mountain

Home Zone (5 acre minimum) to the Agriculture Exclusive Zone (160 acre minimum). Discussion was held relative to concerns that the applicants continue to meet the conditions of the contract, and to the County being fortunate to have these open spaces and even though we receive less revenue this is done with little cost to the County and could be viewed as a difficult situation. Supervisor Bibby asked that a copy of this discussion go to the Agricultural Advisory Committee so they are aware of the concerns. Chair Allen requested that the Agricultural Advisory Committee also be made aware of the concerns of misuse of the Williamson Act and enforcement/Ayes: Unanimous.

Cc: Steven W. Dahlem, County Counsel
Agricultural Advisory Committee
File

MARIPOSA COUNTY ORDINANCE NO. 1083
(Not to be Codified)

AN ORDINANCE AMENDING THE ZONING MAP OF MARIPOSA COUNTY

WHEREAS, a proposal to amend the zoning map for Mariposa County was initiated by Charles and Mary Kathrine Copeland on December 17, 2010, and

WHEREAS the application is known as Zoning Amendment No. 2010-174. The application proposes to modify the zoning designation of Assessor's Parcel Numbers 014-380-021 from Mountain General (MG) and Mountain Home (MH) to Agriculture Exclusive (AE); and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2010-174 on the 6th day of May 2011, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2010-174 on the 18th day of October 2011, in accordance with State Law and County Code; and

WHEREAS, Zoning Amendment No. 2010-174 has been found to be exempt from the provisions of the California Environmental Quality Act.

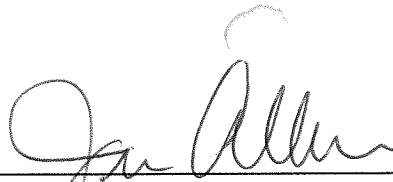
NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby amend the zoning map of Mariposa County pursuant to Zoning Amendment No. 2010-174. The amendment to the zoning of the parcel described in Exhibit 1 and as shown in Exhibit 2 will modify the zoning designation from from Mountain General (MG) and Mountain Home (MH) to Agriculture Exclusive (AE)

BE IT FINALLY ORDAINED, this action is based on the amendment standards described in and the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit 3.

SECTION II: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

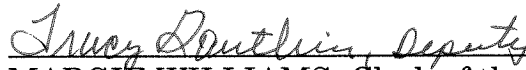
PASSED AND ADOPTED on this 1st day of November, 2011 by the following vote.

AYES:	STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE



JIM ALLEN, Chair
Mariposa County Board of Supervisors

Attest:



MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel

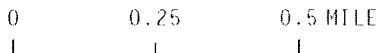
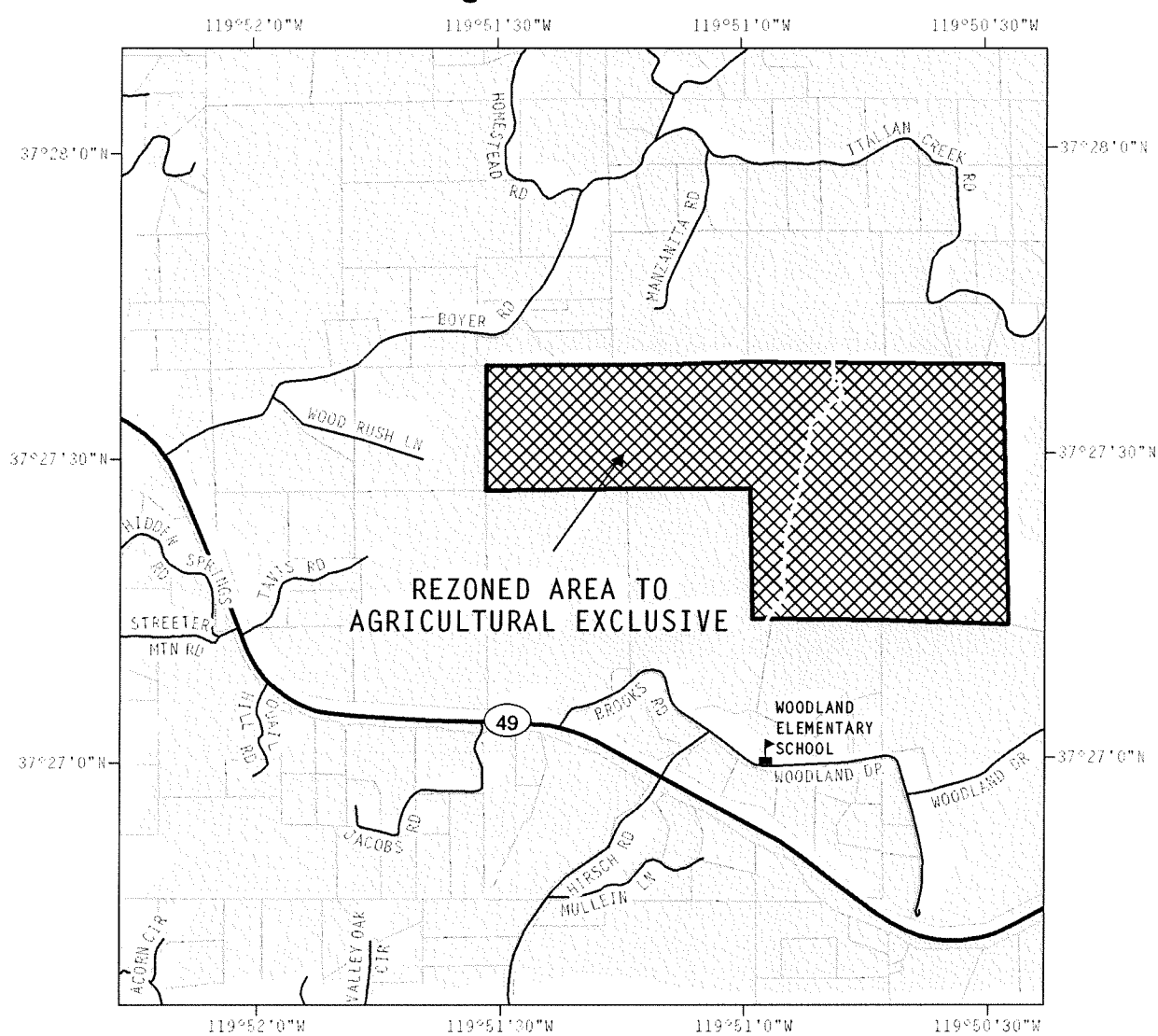
Exhibit 1

All that certain real property situated in the county of Mariposa, State of California, more particularly described as follows:

THE NORTHWEST QUARTER OF SECTION 36 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35, ALL IN TOWNSHIP 5 SOUTH, RANGE 19 EAST, M.D.B. & M., ACCORDING TO OFFICIAL GOVERNMENT PLATS THEREOF.

TOGETHER WITH RIGHT OF WAY OVER AND ACROSS SOUTHEAST QUARTER AND SOUTH HALF OF NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 19 EAST, TO A POINT ON THE COUNTY ROAD, AS PER DEED RECORDED IN VOLUME 3 OF OFFICIAL RECORDS, PAGE 169, MARIPOSA COUNTY RECORDS.

EXHIBIT 2 Zoning Amendment No. 2010-174



PROJECT LOCATION (REZONED AREA)
014-380-021 +/- 240.00 ACRES

MAP CREATED ON: FEBRUARY 24, 2011

DATA SOURCE: MARIPOSA COUNTY ASSESSOR PARCEL MAP

UPDATE SEPTEMBER 2011

ASSESSOR PARCEL MAP

MARIPOSA COUNTY MAKES NO WARRANTY REGARDING THE ACCURACY OF THE GIS OR THE ANALYSIS AND CONCLUSIONS RESULTING FROM USING OUR GIS DATA.



MARIPOSA COUNTY PLANNING DEPARTMENT
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 MARIPOSAPLANNING@MARIPOSACOUNTY.ORG
 HTTP://WWW.MARIPOSACOUNTY.ORG/PLANNING



MAP (CREATED BY: EE MERIAM

Exhibit 3

Pursuant to the Mariposa County Zoning Ordinance, section 17.128.050, the following findings are made in support of approval of the zoning amendment.

1. *That such an amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare:*
 - a. Through the Land Conservation Act (Williamson Act), the State of California encourages commercial agricultural to occupy lands suited to such enterprises in order to maintain and enhance this type of economic resource of the state.
 - b. Commercial agricultural uses are common in Mariposa County and permitted to occur on most land use designations.
 - c. The Agricultural Exclusive zoning district includes provisions that require discretionary review for certain uses that by their nature may require measures to reduce impacts to less than significant.
2. *That such an amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making:*
 - a. The zoning designation of Agricultural Exclusive is necessary to allow for the property to be in a rolling 20-year contract with the County for agricultural uses. This improves the plan by providing long-term guidance on the use of the property in a manner consistent with the desired land use of the area.
 - b. The requested zoning designation will also provide guidance with respect to day-to-day decision-making.
3. *That such an amendment conforms to the requirements of state law and county policy;*

With respect to notice, hearings and findings requirements, the project was reviewed in accordance with state law and county policy.
4. *That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan;*

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 is the result of 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.

5 *In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map:*

- a. *the subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development; and*

The proposal meets the minimum dimensional requirements of the Agricultural Exclusive zone, has access to Brooks Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Mountain General and Mountain Home). The Agricultural Exclusive zoning district is considered to be consistent with the Residential land use classification, per Section 5.3.02.C of the County of Mariposa General Plan.

- b. *the proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).*

The proposal is to maintain commercial agricultural uses on the property for a minimum period of 20-years, which is extended automatically each year until the property owner notifies the county and state of his/her intent to terminate the contract after 20-years.