



MARIPOSA COUNTY

Planning · (209) 966-5151



ORDINANCE 2012-1088

MEETING: March 6, 2012
TO: The Board of Supervisors
FROM: Kris Schenk, Planning Director
RE: ZA No. 2010-162 (2Nd Reading and Adoption of Ord.)

RECOMMENDATION 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 February 21, 2012 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. 2010-162.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Mariposa County Board of Supervisors approved an application to establish an agricultural preserve and execute a Land Conservation Act contract on 437 acres in 1989 (Contract No. 89-3).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board of Supervisors has adopted a resolution approving Zoning Amendment No. 2010-162.

FISCAL IMPACT:

None

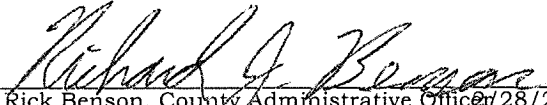
ATTACHMENTS:

Draft Ordinance for ZA No 2010-162 (PDF)

CAO RECOMMENDATION

Requested Action Recommended

Ordinance 2012-1088



Rick Benson, County Administrative Officer 2/28/2012

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Janet Bibby, Jim Allen

EXCUSED: Kevin Cann

MARIPOSA COUNTY ORDINANCE NO. 1088
(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 Jerry Cox (Bison Creek Ranch) on November 15, 2010, and

WHEREAS the application is known as Zoning Amendment No. 2010-162. The application proposes to modify the zoning designation of Assessor's Parcel Numbers 008-140-021, 008-140-022, and 008-140-023 from Mountain Preserve (MP) to Agriculture Exclusive (AE); and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2010-162 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. 2010-162 on the 18th day of October 2011. The hearing was continued to the 22nd day of November 2011, the 24th day of January 2012, and the 21st day of February 2012, in accordance with State Law and County Code; and

WHEREAS, Zoning Amendment No. 2010-162 has been found to be exempt from the provisions of the California Environmental Quality Act.

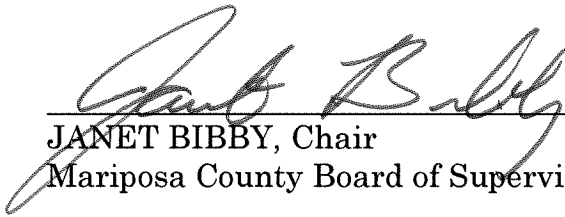
NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby amend the zoning map of Mariposa County pursuant to Zoning Amendment No. 2010-162. The amendment to the zoning of the parcels described in Exhibit 1 and as shown in Exhibit 2 will modify the zoning designation from Mountain Preserve (MP) 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.

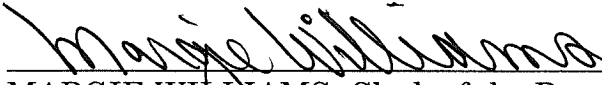
PASSED AND ADOPTED on this 6th day of March, 2012 by the following vote.

AYES:	STETSON, TURPIN, BIBBY, ALLEN
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	CANN
NOT VOTING:	NONE



JANET BIBBY, 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

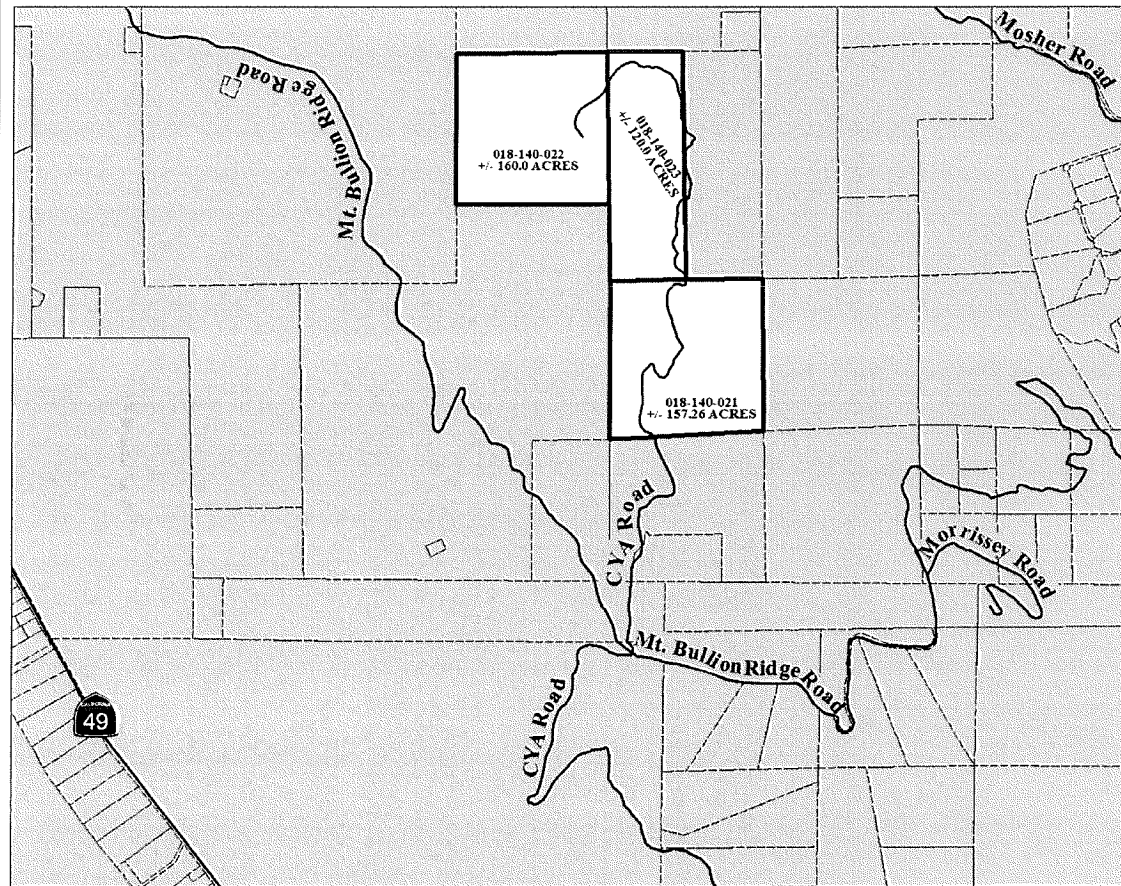
Parcel No. 1 (APN 008-140-021): The Northwest $\frac{1}{4}$ of Section 36, T4S, R17E, M.D.B. & M.

Parcel No. 2 (APN 008-140-022): The North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ and the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 26, T4S, R17E, M.D.B. & M.

Parcel No. 3 (APN 008-140-023): The Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 25, T4S, R17E, M.D.B. & M.

EXHIBIT 2

PROJECT VICINITY MAP



0 1,500 3,000 FEET

PROJECT TYPE: Zoning Amendment No. 2010-162

APPLICANT: Jerry Cox

APN'S: 008-140-021, 008-140-022, & 008-140-023

SITE ADDRESS: 5873, 6071, & 6133 CYA Road

MAP CREATED ON: NOVEMBER 17, 2010




DATA SOURCE: PARCEL MAP FROM MARIPOSA COUNTY ASSESSOR'S MAP;

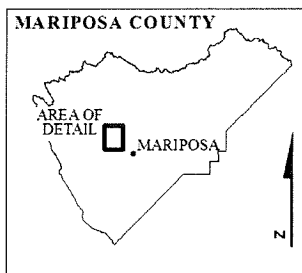
AUGUST 2010 UPDATE

MAP CREATED BY: EE MERIAM, GIS TECHNICIAN

MARIPOSA COUNTY PLANNING DEPARTMENT
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-  PROJECT LOCATION
-  ASSESSOR PARCEL MAP
-  ROADS



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

Exhibit 3

Pursuant to the Mariposa County Zoning Ordinance, section 17.128.050, the following findings are made.

1. **FINDING:** 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.

EVIDENCE:

- 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. **FINDING:** 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.

EVIDENCE:

- a. The zoning designation of Agricultural Exclusive is required for property enrolled 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. **FINDING:** That such an amendment conforms to the requirements of state law and county policy.

EVIDENCE:

With respect to notice, hearings and findings requirements, the project was reviewed in accordance with state law and county policy.

4. **FINDING:** That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan.

EVIDENCE:

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. The use of the property must be for commercial agricultural purposes. This finding is made in accordance with Section 51234 of Government Code.

5 **FINDING:** 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

EVIDENCE: The parcels include a 160 acre parcel, a 120 acre parcel, and a 157.26 acre parcel. One of the parcels does not meet the minimum 160 acre or legal quarter section parcel size required by the Agriculture Exclusive zone. All three parcels are currently in the Mountain Preserve zone which has a minimum parcel size of 160 acres or legal quarter section, therefore the parcel is already existing non-conforming in terms of parcel size. The parcel will continue to be existing, non-conforming in terms of parcel size. The parcels have access to CYA Road. The Agricultural Exclusive zoning district is considered to be consistent with the Agriculture/Working Landscape land use classification, per Section 5.3.04.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).

EVIDENCE: The property is required 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. The proposed zoning designation is logical, based upon existing "development" on-site, infrastructure investments made on-site (bison grazing) and past use of the site.

- 6 **FINDING:** The site plan submitted by the applicant shows a “guest cabin” located on APN 008-140-021. Chapter 17.40 states that guest ranches and/or transient occupancy uses are a Conditional use and therefore require a Conditional Use Permit. Chapter 17.40 also makes provisions for agricultural homestays, through an administrative use permit, if all the special and performance standards in Section 17.40.010.A.1 can be met. There is no Administrative Use Permit for an agricultural homestay, Conditional Use Permit for a guest ranch or approved transient occupancy use on this parcel. The Rules of Procedure Implementing the Land Conservation Act of 1965 allow recreation that does not displace agricultural production use that does not include permanent structures. The rules allow one-family dwellings located on the land and occupied by persons directly engaged in the commercial agricultural operation (including both lessors and lessees). Approval of a zoning amendment does not approve a “guest cabin” or any uses or structures not in compliance with County Code or existing Land Conservation Act contract policies.