

DEPARTMENT: Planning

BY: Bill King
PHONE: 966-0305

2nd
5/4/04 CA-5

RECOMMENDED ACTION AND JUSTIFICATION:

The Planning Commission recommends adoption of a resolution approving the project with the recommended findings, including a finding that the project is exempt from environmental review. Waive the first reading and introduce an Ordinance approving the project's changes to the general plan land use map and the county's official zoning map.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

In December 2003, the Mariposa County Board of Supervisors, upon recommendation of the Agricultural Advisory Committee and the Planning Commission, approved the applicant's request to enter into a Williamson Contract for the subject property. The contract has been executed and recorded with the Mariposa County Recorder's Office.

The Board's approval gave the applicant six-months to process the "companion" General Plan / Zoning Amendment (GPZA) application from Mountain General to Agricultural Exclusive (AE). The AE zoning is the required zoning for lands under Williamson Contract.

The project under consideration now is such GPZA application.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

There are no alternative zoning designations for property held in a Williamson Contract. If the zoning is not changed, the property would need to be removed from Williamson Contract Lands.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Staff Report
Source:		Notice of Exemption
Internal Transfer		Draft Resolution
Unanticipated Revenue	4/5's vote	Draft Ordinance
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 04-168 Ord. No. 1005

Vote - Ayes: 5 Noes: _____

Absent: _____

() Approved

(X) Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

____ Requested Action Recommended

No Opinion

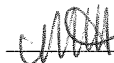
Comments:

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

CAO: 

MARIPOSA COUNTY ORDINANCE NO. 1005
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, General Plan Zoning Amendment Application # 2003-182 was received from Ronald Enos proposing to modify the zoning designation for APN 007-090-021 from Mountain General (MG) to Agricultural Exclusive (AE); and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 6, 2004 in accordance with State Law and County Code, and recommended approval of the project to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the matter in accordance with State Law and County Code; and


WHEREAS, environmental review has been conducted on the amendment in accordance with the California Environmental Quality Act and a Notice of Exemption has been adopted for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby modify the Mariposa County Zoning Map pursuant to General Plan Zoning Amendment #2003-182 for the property described as the southwest quarter of section 11, Township 4 South, Range 16 East, M.D.B. and M (APN 007-090-021) from Mountain General (MG) to Agricultural Exclusive (AE).

BE IT FINALLY ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as discussed in Exhibit A.

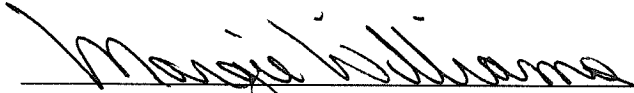
PASSED AND ADOPTED on this 4th day of May 2004 by the following vote. The ordinance will become effective 30 days after adoption.

AYES:	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE



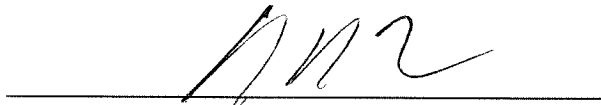
GARRY R. PARKER, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



THOMAS GUARINO,
County Counsel

ORDINANCE No. 1005 EXHIBIT A

Pursuant to Mariposa County Zoning Ordinance, Section 17.128.050, the following Findings are made:

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 land use designation of Agricultural Exclusive is necessary to allow for the property to be placed under 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 Conservation Element. The Open Space Element confirms the importance of maintaining the viability of the agricultural industry for Mariposa County, and results 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 preserves are consistent with the General Plan. 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 Hunter's Valley Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Public Sites – BLM (public grazing land) and Mountain General (used for ranching).

- 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).**

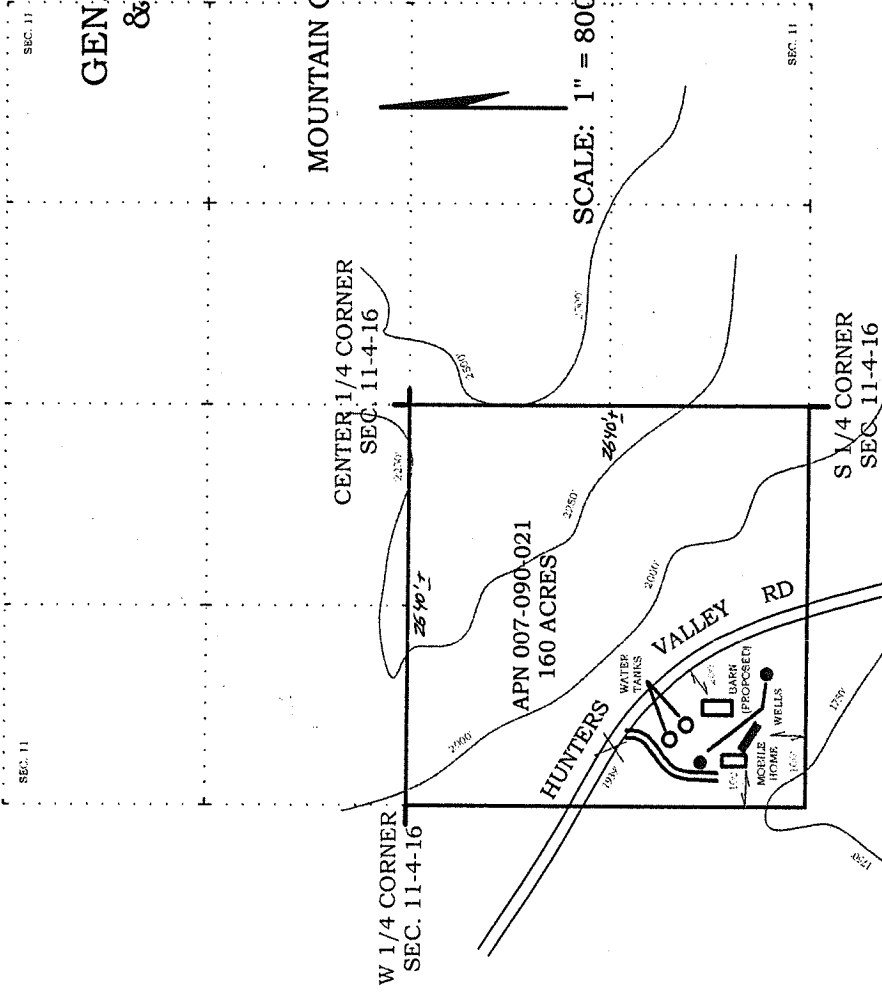
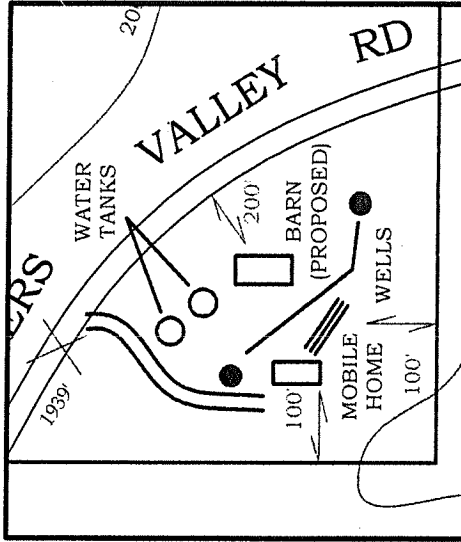
The proposal is to maintain commercial agricultural uses on the property for a minimum period of 20-years, which is extended automatically each year until the property owner notifies the county and state of his/her intent to terminate the contract after 20-years.

**GEN. PLAN / ZONING AMENDMENT
& LAND CONSERVATION ACT**

FOR RONALD ENOS
APN: 007-090-021
ACREAGE: 160

GP / ZONE CHANGE FROM
MOUNTAIN GENERAL TO AGRICULTURE EXCLUSIVE

NOT TO SCALE



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COUNTY of MARIPOSA

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


GARRY R. PARKER, CHAIR
DOUG BALMAIN, VICE-CHAIR
LEE STETSON
BOB PICKARD
JANET BIBBY

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT V
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SARAH WILLIAMS, Interim Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: PUBLIC HEARING TO CONSIDER GENERAL PLAN/ZONING AMENDMENT
#2003-182, RONALD ENOS, APPLICANT
Resolution No. 04-168

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 20, 2004

ACTION AND VOTE:

B) PUBLIC HEARING to Consider General Plan/Zoning Amendment #2003-182; Adopt a Resolution Approving Project, Including a Finding that the Project is Exempt from Environmental Review; Waive First Reading and Introduce an Ordinance Amending the General Plan Land Use Map and Official Zoning Map of the County for a Property Located West of William's Peak Lookout at 7831 Hunters Valley Road from Mountain General (MG) to Agricultural Exclusive (AE); Assessor Parcel Number 007-090-021; Ronald Enos, Applicant

BOARD ACTION: Bill King, Senior Planner, presented the staff report. Staff responded to a question from the Board relative to the status of the Williamson Act contract. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to use of the parcel for the last three years, and whether any written objections were received to the project. (M)Balmain, (S)Pickard, Res. 04-168 was adopted approving the project with the recommended findings, including a finding that the project is exempt from environmental review; and the first reading was waived and an ordinance introduced approving the project's changes to the General Plan Land Use Map and the County's Official Zoning Map. The Clerk of the Board read the title of the ordinance into the record. Ayes: Unanimous. The hearing was closed.

cc: Tom Guarino, County Counsel
File