

DEPARTMENT: Planning

BY: Kris Schenk, Director
PHONE: 742-1216

09-45

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution of intention to initiate an amendment to the Mariposa County Zoning Ordinance, Chapter 17.40 Agriculture Exclusive and Chapter 17.148 Definitions to temporarily remove provisions for agritourism in code pending a comprehensive update to these provisions to add definitive procedures, standards, thresholds and definitions. Resolution only directs or authorizes staff to process the amendment. Public hearings will be conducted at the Planning Commission and Board of Supervisors as a result of initiation.

Interim County Counsel reviewed current code provisions for agritourism and stated it is not possible to make a firm determination about what is permitted or conditionally permitted based on current text in code. He does not believe that there are sufficient standards or regulations in Title 17, for agritourism, as written.

Removing the current code provisions pending the comprehensive update will ensure that:

1. Planning Director no longer makes discretionary determinations about agritourism projects, typically resulting in costly and time consuming appeals (for applicants, staff, public and decision makers) and possibly resulting in projects which are not the intent of the Board of Supervisors.
2. Projects and/or events will be reviewed pursuant to other existing clear and objective codes and regulations (Public Assemblage Permit process still allows events); and
3. Development of the updated standards will be afforded proper time, considering committee process and involvement

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- 10/2/07: Board discussed the "Use, Density and Operational Requirements for Agritourism
- 11/27/07: Board had presentation on Ag / Nature Tourism
- 1/26/08 & 3/1/08: Board hosted two public workshops on Agritourism
- 8/26/08 & 12/9/08: Board hosted two educational workshops on Agritourism. Direction to staff was given on 12/9/08.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not initiate amendment. The AE Zone and Definitions would remain unchanged. During processing of the update to code for agritourism, staff would continue to use the current code provisions.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		Attachments:
Additional Funding Needed: \$ _____		1. Draft Resolution
Source:		2. Chapter 17.128, Zoning (excerpt)
Internal Transfer _____		3. Chapter 17.40, Zoning
Unanticipated Revenue _____ 4/5's vote		4. Chapter 17.148, Zoning (excerpt)
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 09-45 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____

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: MJB

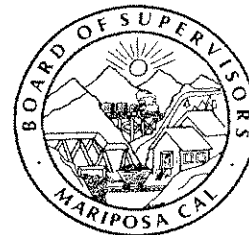


COUNTY of MARIPOSA

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

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance Chapter 17.40 (Agriculture Exclusive Zone) and Chapter 17.148 (Definitions) to Temporarily Remove Provisions in Code for Agritourism Pending a Comprehensive Update to these Provisions to add Definitive Procedures, Standards, Thresholds and Definitions

RESOLUTION 09-45

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 27, 2009

ACTION AND VOTE:

Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance Chapter 17.40 (Agriculture Exclusive Zone) and Chapter 17.148 (Definitions) to Temporarily Remove Provisions in Code for Agritourism Pending a Comprehensive Update to these Provisions to add Definitive Procedures, Standards, Thresholds and Definitions

BOARD ACTION: Kris Schenk presented the staff report. Jeff Green, Interim County Counsel, responded to questions from the Board relative to not allowing any other project approvals to occur regarding Agritourism until this process is completed, stating that the Board can impose a moratorium.

Discussion was held relative to imposing a moratorium instead of eliminating provisions for Agri-tourism from Title 17 as proposed, pending completion of the new ordinance.

Input from the public was provided by the following:

Witt Hawkins stated he agrees that a moratorium is the way to go.

Ken Baker asked if Coyote Springs Ranch will be affected by this. Interim County Counsel responded "no".

Ruth Shane stated that it is her understanding that based on the Board packet that if the language of the ordinance is removed that existing codes would be used and that would be satisfactory.

Ruth Catalan asked if this would affect applications for Agri-tourism and expressed concern relative to the time it will take to complete this ordinance. Staff responded that there are a number of codes in place that will allow the businesses to continue unaffected.

(M)Allen, (S)Turpin, Res. 09-45 adopted giving direction to staff to bring back an interim urgency ordinance with findings for a moratorium prohibiting the approval of any other Agri-tourism uses/Ayes: Unanimous.

Cc: File