

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No 2012-010

A resolution of intention to initiate an amendment to the Mariposa County General Plan, to clarify application of policies for processing of projects submitted pursuant to Goal 10-2, Policy 10-2a, Implementation Measure 10-2a(4) for Transfers of Lands within the Agriculture / Working Landscape Land Use

WHEREAS, an application was submitted to Mariposa Planning for processing pursuant to the Mariposa County General Plan, Goal 10-2 Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character; Policy 10-2a Agriculture lands should be retained; and Implementation Measure 10-2a(4) Develop criteria for transfers of lands within the Agriculture/Working Landscape land use designation for lands within other land use designations which result in no net loss of like kind of agriculture lands (type and quality) and that demonstrate a benefit to agriculture lands; and

WHEREAS, said application is known as General Plan/Zoning Amendment No. 2011-108; and

WHEREAS, the “criteria for transfers of land” has not yet been approved by the Board of Supervisors as anticipated by this Implementation Measure; and

WHEREAS, based on direction from the Planning Commission at their meeting on May 4, 2012, planning staff developed draft “criteria for transfers of land within the Agriculture/Working Landscape land use designation” and submitted the criteria to the Agricultural Advisory Committee for review at their meetings on May 24, 2012 and June 7, 2012; and

WHEREAS, the Planning Commission will be reviewing the Agricultural Advisory Committee’s recommendation on the draft “criteria for transfers of lands within the Agriculture/Working Landscape land use designation” at their meeting on June 15, 2012 and will be making a recommendation to the Board of Supervisors for final action on the criteria; and

WHEREAS, the “criteria for transfers of lands within the Agriculture/Working Landscape land use designation” must be considered in the review of General Plan/Zoning Amendment No. 2011-108 submitted to Mariposa Planning for processing; and

WHEREAS, at their meeting on May 4, 2012 during the public hearing for General Plan/Zoning Amendment No. 2011-108, the Planning Commission considered a number of other General Plan policies. These included the Residential Land Use Classification “Criteria for New Lands to be Included”, the Agricultural/Working Landscape Land Use Classification “Criteria for New Lands to be Included”, the Agricultural/Working Landscape Land Use Classification “Criteria for Lands Proposed to be Removed”, and “Contiguity of Land Use Classifications for Agriculture/Working Landscape” in Appendix A; and

WHEREAS, it is several of these sections on which the planning staff report based the denial recommendation; and

WHEREAS, at their meeting on May 4, 2012 during the public hearing for General Plan/Zoning Amendment No. 2011-108, the Planning Commission considered public input in correspondence addressed to the Planning Commission dated April 27, 2012. The correspondence discusses the intent of the General Plan implementation measure for transfers of land. The correspondence provides statements made at the General Plan public hearings in 2006 to document intent; that this “transfer” provision was included in the General Plan to allow the type of proposed “transfer” application proposed by General Plan/Zoning Amendment No. 2011-108 because the findings to remove land from the Agriculture Working Landscape Land use are otherwise very difficult (if not impossible) to make. The correspondence states that, based on the Board’s intent, the other General Plan sections reviewed in the planning staff report to the Planning Commission are not relevant to this “transfer” application; and

WHEREAS, at their meeting on May 4, 2012 during the public hearing for General Plan/Zoning Amendment No. 2011-108, The Planning Commission also considered a section entitled “Appendix A: Contiguity of Land Use Classifications for Agriculture / Working Landscape”. This is in a subsection entitled “Interpretation of Terms and Concepts”. This section on contiguity states, “findings associated with removal of land from the Agriculture/Working Landscape land use classification require calculation of contiguity, or ‘what percent of a parcel is surrounded’ by the A/WL classification or the proposed classification. This section establishes how to make the calculation.” The findings required to remove land from the A/WL are technically established by Section 5.3.04.G of the General Plan, as well as by Implementation Measure 10-2a(1) of the General Plan. The findings [Section 5.3.04.G and Implementation Measure 10-2a(1)] do NOT require a calculation of contiguity as described in the Appendix. An earlier version of a draft General Plan did propose findings which required a calculation of contiguity, but these were removed by the Board of Supervisors prior to

December 2006. Unfortunately, the Appendix A section on “how to make the calculation” was inadvertently overlooked during the final editing and adoption of the General Plan and should have been deleted; and

WHEREAS, as a result of the review and discussion at the public hearing, the Planning Commission identified issue for the project relates to the consistency of the General Plan relative to potentially conflicting provisions and the absence of clear written guidance; and

WHEREAS, the Planning Commission believes that it is important to the County, the public, the applicant for General Plan/Zoning Amendment No. 2011-108, and future applicants of “transfer” projects to ensure that the Board of Supervisors intent to be made clear and explicit in the General Plan; and

WHEREAS, General Plan Section 3.2.09 “The Protection of Agriculture is Critical for the County’s Future” is a Guiding Principle of the General Plan. This principle states, “Strong policies are established in the General Plan to protect and preserve agriculture for Mariposa County’s future. Agriculture contributes to the County’s economic and social sustainability and is a major aspect of the county’s rural character. This guiding principle establishes the framework for policies established in the Land Use and Agriculture elements.”

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby initiate amendments to Sections 5.3.02, 5.3.04, 5.3.05 and 10.2, and Appendix A of the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to Sections 5.3.02, 5.3.04, 5.3.05 and 10.2, and Appendix A of the General Plan will allow processing of applications to transfer ag land within the Agriculture/Working Landscape land use designation for lands within other land use designations pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4) and pursuant to adopted criteria. The proposed amendments will clarify that such applications are not subject to other adopted General Plan criteria for lands to be included or removed from the Residential, Natural Resources or Agriculture/Working Landscape land use classifications.

BE IT THEREFORE FURTHER RESOLVED THAT the amendments to Sections 5.3.02, 5.3.04, 5.3.05 and 10.2, and Appendix A of the Mariposa County General Plan will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

Amendment No. 1 – Amendment to Section 5.3.02

5.3.02 RESIDENTIAL LAND USE CLASSIFICATION

5.3.02.G Criteria for New Lands to be Included

For land to be considered for inclusion into the Residential land use classification of the General Plan, the application will include a specific project and the county will substantiate the findings below. *This section shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within the Residential land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.*

1. One of the following:
 - a. the subject property is not under a Williamson Act contract or zoned as a Timber Preserve; or
 - b. if the subject property is under a Williamson Act contract for which a Notice of Non-renewal has been recorded, there must be less than two years remaining on the contract or as otherwise specified in the contract or state law; or
 - c. if the subject property is zoned as a Timber Preserve, there must be less than five years remaining on the contract or as otherwise specified in contract or state law.
2. There is a need for additional residential land to meet General Plan goals, respond to changes in County policy, or to meet the Regional Housing Needs Allocation.
3. The subject property will be contiguous on at least two sides to lands within the Residential, Rural Economic, or Planning Area land use classifications.
4. The subject property has access from a maintained road or the proposed project incorporates maintained road access as part of the project description.

Amendment No. 2 – Amendment to Section 5.3.04

5.3.04 AGRICULTURE/WORKING LANDSCAPE LAND USE CLASSIFICATION

5.3.04.F Criteria for New Lands to Be Included

This section shall not be considered in the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within other land use classifications pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

Lands proposed for

The application must be presented

<i>Agricultural use:</i>	with a recommendation by the Agricultural Advisory Committee indicating the proposed agricultural use requires the policy protections of the Agriculture/Working Landscape classification and, if applicable, meets standards for Williamson Act contracts.
<i>Lands proposed for timber Management:</i>	Minimum 160 acres and compliance with state regulation.
<i>Lands proposed for mineral resource production:</i>	The proposal must be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

5.3.04.G Criteria for Lands Proposed to be Removed From the Agriculture/Working Landscape Land Use Classification

The General Plan provides for long-term preservation of agricultural uses. The purpose of this section is to establish significant criteria which are applicable to any proposal to change a land use classification from Agriculture/Working Landscape to another land use classification.

Small lot or parcel sizes diminish commercial scale agricultural use potential of an area. The smaller parcels, when sited in close proximity to working agricultural lands create potential conflicts when the accepted agricultural practices are at variance with perceived rural residential lifestyles. The inclusion of lands under Williamson Act contract and within the Agriculture Exclusive zoning district as Agriculture/Working Landscape lands in a community plan is to reinforce the need to preserve and conserve these lands. With the Mariposa County 20-year Williamson Act contract, no Agriculture Preserve is eligible for exit from its contract during the 20-year life of the General Plan through 2026, unless the parcel filed a notice of non-renewal.

Land may be considered for reclassification to a Rural Economic land use designation if the land is not restricted by a Williamson Act contract, or is not within an Agricultural Exclusive zone, or if the land is not within a Timber Preserve zone. The reclassification shall meet the criteria for Rural Economic land use classification as provided in Section 5.4.023.

Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification ~~will be approved~~ unless the Board of Supervisors adopts the following findings: *These findings shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within another land use classification pursuant to*

General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.
- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production.
- There are no other lands within the proposed land use classification available for the proposed or similar project.
- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.
- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

Amendment No. 3 – Amendment to Section 5.3.05

5.3.05 NATURAL RESOURCE LAND USE CLASSIFICATION

5.3.05.E(2) Criteria for New Lands to be Included

To be approved for the Natural Resources land use classification, the subject property must be proposed for a zoning district consistent with the purpose of this classification. This section shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within the Natural Resource land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

Lands proposed for Agricultural use: The application will be presented with a recommendation by the Agriculture Advisory Committee indicating why the proposed agricultural use requires the policy protections of the Natural Resource classification.

Lands proposed for timber management: Comply with state regulations.

Lands proposed for mineral resource production: The proposal will be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

*Lands proposed for open
space or conservation purposes:*

No special requirements.

Amendment No. 4 – Amendment to Section 10.2

10.2 GENERAL PLAN IMPLEMENTATION

Goal 10-2: Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character.

Policy 10-2a: Agriculture lands should be retained.

Implementation Measure 10-2a(1): Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area, or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification unless the Board of Supervisors adopts all of the following findings. *These findings shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within another land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.*

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.
- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agricultural production.
- There are no other lands within the proposed land use classification available for the proposed or similar project.
- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.
- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

Timing: Ongoing review standard.
Responsibility: Mariposa County Planning Department and Agricultural Advisory Committee.
Fiscal Impact: Ongoing review.
Consequences: This sets a high standard of review.

Amendment No. 5 – Amendment to Appendix A

CONTIGUITY OF LAND USE CLASSIFICATIONS FOR AGRICULTURE/WORKING LANDSCAPE

Findings associated with removal of land from the Agriculture/Working Landscape (A/WL) land use classification require a calculation of contiguity, or “what percent of a parcel is surrounded” by the A/WL classification or the proposed classification. This section establishes how to make the calculation.

The lines between the Residential and Agriculture/Working Landscape land use classifications were generated following discussions between the County and the Mariposa County Farm Bureau. The determination was to ensure that generally connected or contiguous agriculture lands remained usable for agriculture. The County has adequate land area to meet population needs for the next twenty years, and so preservation of agriculture areas is critical to the County’s economy. The question arises in relation to “peninsulas” of agricultural lands into Residential areas and of residential lands into Agriculture/Working Landscape area. The formula used is as follows:

1. The subject property proposed for a change must have at least two of its property lines contiguous to the land use classification being requested or to the Residential land use classification or a Planning Area in other words, half the property adjoins non-Agriculture/Working Landscape or non-Natural Resource land use classification.¹
2. The total linear footage of those two boundary lines adjoining the proposed land use classification must equal more than 50 percent of the total linear distance of the perimeter of the subject property.

Example: A subject property has six property lines, two of those adjoin the Residential Land Use Classification. The perimeter of the subject property is 5,000 linear feet.² The two property lines total 2,501 linear feet. This property would be eligible for consideration of a land use classification amendment.

Example: A subject property has four property lines, two of those adjoin the Residential Land Use Classification. The perimeter of the subject property is 5,000 linear feet. The two property lines total 2,450 linear feet. This property would not be eligible for consideration of a land use classification amendment.

BE IT THEREFORE FURTHER RESOLVED THAT the amendments to Sections 5.3.02, 5.3.04, 5.3.05 and 10.2, and Appendix A of the Mariposa County General Plan are written and presume the successful completion of the processing of a Resolution approving “criteria for transfers of land within the Agriculture/Working Landscape land use classification”.

¹A subject property within A/WL seeking to change the land use classification to Natural Resource may adjoin Natural Resource, Residential, or Planning Area.

²The perimeter linear footage is available from the County of Mariposa Geographic Information System database for each Assessor Parcel in the County.

BE IT THEREFORE FINALLY RESOLVED THAT all other text in the General Plan shall remain unchanged.

ON MOTION BY Commissioner Francisco, seconded by Commissioner Rudzik, this resolution duly passed and adopted this 15th day of June 2012 by the following vote:

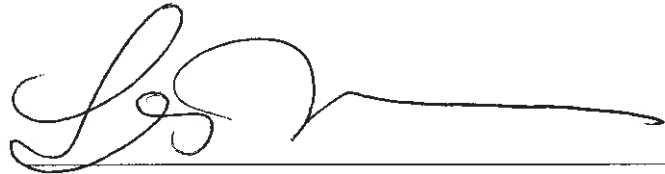
AYES: Francisco, Rudzik, Tucker, and Marsden

NOES: None

ABSENT: None

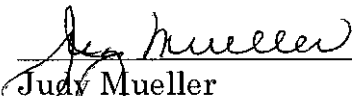
ABSTAIN: None

EXCUSED: Ross



Les Marsden, Chairman
Mariposa County Planning Commission

Attest:



Judy Mueller
Planning Commission Secretary