

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

Resolution
No. 2006-10

A Resolution Recommending an Environmental Determination and Approval of General Plan/Zoning Amendment Application No. 2005-235, County of Mariposa, Project Proponent

WHEREAS the Mariposa County Board of Supervisors initiated General Plan/Zoning Amendment Application No. 2005-235 on November 15, 2005 based upon the recommendation of the Agricultural Advisory Committee; and

WHEREAS General Plan/Zoning Amendment Application No. 2005-235 proposes to amend the Agricultural Exclusive land use and zoning designation, to amend the list of permitted and conditional uses; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 3rd day of February, 2006; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and comments and recommendations from the Agricultural Advisory Committee; and

WHEREAS on the 3rd day of February 2006, the Planning Commission referred the matter back to the Agricultural Advisory Committee and requested that the Agricultural Advisory Committee consider the public input and make recommendations for revisions to the proposal based upon the public input; and

WHEREAS on the 3rd day of February 2006, the Planning Commission continued the public hearing on General Plan/Zoning Amendment Application No. 2005-235 to the 17th day of March 2006 at 1:30 p.m. or as soon thereafter as possible; and

WHEREAS on the 16th day of February 2006, the Agricultural Advisory Committee conducted a noticed public meeting and considered information and public input from the Planning Commission's meeting as well as additional public testimony regarding General Plan/Zoning Amendment Application No. 2005-235; and

WHEREAS on the 16th day of February 2006, the Agricultural Advisory Committee approved modified text for the General Plan/Zoning Amendment Application No. 2005-235; and

WHEREAS the Planning Department prepared revised environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS amended Staff Report documents were prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a continued public hearing on the 17th day of March 2006 and considered all of the information in the public record, including the amended Staff Report documents, testimony presented by the public concerning the application and amended project description, and comments and amended recommendations from the Agricultural Advisory Committee; and

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving General Plan/Zoning Amendment No. 2005-235.

BE IT FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt an ordinance approving the proposed text amendment to the zoning ordinance, Mariposa County Code Zoning Title.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa County General Plan and Zoning Ordinance land use and zoning designations are described in Exhibit A and Exhibit B.

BE IT FURTHER RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

Finding No. 1: The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The amendment is in the general public interest because it allows for greater review of certain intensive agricultural uses in the Agricultural Exclusive land use and zoning designations. The amendment will change the status of certain intensive agricultural uses from permitted uses to conditional uses. The effect of this amendment will be that those certain intensive agricultural uses will require a conditional use permit prior to development. A conditional use permit is a discretionary review process, which will enable an opportunity for public health, safety, peace and welfare issues to be reviewed and addressed through a public process. The amendment will not have any adverse effect on the general public health, safety, peace and welfare.

Finding No. 2: The 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. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The amendment will improve the Mariposa County general plan, as the amendment addresses potential impacts associated with unlimited agricultural development on parcels within the Agricultural Exclusive land use and zoning designations in the county. Although there are areas of the county where unlimited agricultural uses are appropriate, including certain intensive agricultural uses, there are other areas of the county where agricultural properties abut residential properties. This amendment will enable Mariposa County to properly review certain intensive agricultural uses, thus enabling better day-to-day decision making. The amendment will enable decisions to consider the benefits of agricultural development, as well as the importance of minimizing negative impacts of that development on residential properties.

Finding No. 3: The amendment conforms to the requirements of state law and county policy. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The application has been processed in accordance with all applicable requirements of state law and county policy.

Finding No. 4: The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The amendment will insure that agricultural growth and development will blend with the character of the County, and be balanced with residential growth with economic growth (Section 1.201, General Plan). The amendment will provide an opportunity for broad based citizen participation in the County planning decision process relative to certain intensive agricultural uses (Section 2.201, General Plan). The amendment will result in a balanced and functional mix of land uses consistent with community values (Section 3.300, General Plan). The amendment will enable review of specific intensive commercial agricultural uses, and an opportunity to address suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses (Section 3.300, General Plan).

Finding No. 5: The subject parcels are 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 designated and the anticipated land use development. (Section 17.128.050, Zoning Ordinance.)

This finding is not applicable to General Plan/Zoning Amendment No. 2005-235.

Finding No. 6: The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Section 17.128.050, Zoning Ordinance.)

This finding is not applicable to General Plan/Zoning Amendment No. 2005-235.

BE IT FINALLY RESOLVED THAT amendments to the text of the September 2005 General Plan Update documents will be necessary based upon the recommended amended text for mining, rock and mineral processing uses and for agritourism uses. The September 2005 General Plan Update proposes that these uses be subject to a discretionary permit (conditional use permit). The Planning Commission recommends that these uses be permitted uses.

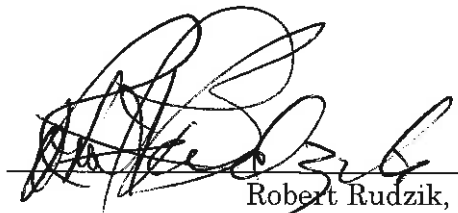
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ludington; this resolution is duly passed and adopted this 17th day of March, 2006 by the following vote:

AYES: Ludington, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None


Robert Rudzik, Chairman
Mariposa County Planning Commission

Attest:


Carol Suggs
Secretary to the
Mariposa County Planning Commission

EXHIBIT A – Amendments to Zoning Ordinance Text

Recommended changes to current text of adopted code shown in
italicized, underlined type for new text and ~~striketrough type~~ for deleted text

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. **Development standards for the AEZ.** Development standards for the AEZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Unlimited *Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), agritourism uses in conjunction with the primary agriculture production use of the property, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as conditional uses below;* low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; and those applicable uses listed under Chapter 17.108.

b. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy

processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; private airstrips which are a part of the agricultural operation on-site; dormitory style housing facilities for employees; slaughter houses; commercial hunting clubs and dude or guest ranches if not a permitted agritourism use as listed above, riding clubs, stables or animal boarding facilities and similar activities if not a permitted agritourism use as listed above; private schools, except as permitted by Section 17.108.060(I). In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines.

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

(all other sections of Zoning Ordinance Agriculture Exclusive Zone Chapter 17.40 to remain unchanged)

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

The following terms and phrases shall be used in this title and are listed alphabetically:

(Add the following new definitions)

Agritourism use:

“Agritourism” means visitor-oriented destinations and experiences which are centered on agricultural production. The act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.

Livestock feed lot or feed yard:

“Livestock feed lot or feed yard” means an area where livestock are confined for the purpose of preparing such for market. A “feed lot or feed yard” shall not include the confinement of livestock for the temporary purpose of identification, treatment, weaning or

shipping. A "feed lot or feed yard" shall also not include the confinement of livestock for feeding when there are unusual conditions such as fire, drought, flood, etc., which demands removal of the livestock from the range.

(all other sections of Zoning Ordinance Definitions Chapter 17.148 to remain unchanged)

EXHIBIT B – Amendments to General Plan Text

Recommended changes to current text of adopted document shown in
italicized, underlined type for new text and ~~strike through type~~ for deleted text

3.507 "AE" Agricultural Exclusive

A. General Description

The "AE" Classification as designated on the Mariposa County Land Use Map is applied to land considered to be the most desirable land to be maintained for agricultural use for the purpose of preserving the agricultural industry of Mariposa County as a viable economic activity.

B. Development Policy

1. Uses

a. Permitted Uses

Permitted uses include unlimited ranching, commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plant for products grown on-site (not including dairies), agritourism uses in conjunction with the primary agriculture production use of the property, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as conditional uses below; low density residential and employee housing in accordance with applicable density standards including a second single family dwelling; ~~for the use of family members or employees, all agricultural uses, quarters for farm labor or servants employed on the premises,~~ accessory building and accessory uses including barns, stables, farm equipment and other out buildings; home enterprises, rural home industry when operated in conjunction with a bona fide agricultural activity, public schools, public parks and other public facilities including volunteer fire departments, mining and mineral processing in accordance with surface mining and reclamation regulations and mineral or construction material processing site standards contained in Section 3.606

~~and feed lots and slaughter houses with a 1500 foot setback from state highways and adjacent higher density land use classifications or property lines, and Public Utility Transmission and distribution lines, towers, poles and substations.~~

b. Conditional Uses

Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; private airstrips which are a part of the agricultural operation on-site; dormitory style housing facilities for employees; slaughter houses; commercial hunting clubs and dude or guest ranches if not a permitted agritourism use as listed above; riding clubs, stables or animal boarding facilities and similar activities if not a permitted agritourism use as listed above; and private schools, except as permitted by Section 3.603 (E) (9).

c. Prohibited Uses

Motorcycle, vehicular racing or other similar uses, mobile home parks, recreational vehicle parks or campgrounds, industrial or manufacturing (except home industry or home enterprise) uses, commercial recreation or tourist service facilities except commercial hunting clubs, dude or guest ranches, riding clubs, stables or animal boarding facilities and similar activities when operated in conjunction with a bona fide agricultural activity. All other uses not listed in subsections a and b above are prohibited, except similar uses in compliance with proper findings and review procedures.

(all other sections of General Plan Agriculture Exclusive Land Use to remain unchanged)