

DEPARTMENT: Planning

BY: Alvaro Arias, Associate Planner  
PHONE: 742-1218

**RECOMMENDED ACTION AND JUSTIFICATION:** Waive the second reading and adopt the Ordinance amending the Zoning Map pursuant to Zoning Amendment No. 2008-197.

Recommended action is based upon the Board's action on August 25, 2009 when they adopted a resolution approving the project, waived the first reading and introduced the ordinance.

**BACKGROUND AND CONTEXT 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 a 160 acre portion of the 165.90 acre property on December 2, 2008 and the contract was recorded December 19, 2008. On August 25, 2009, at a public hearing, the ordinance was introduced and the Board acted to waive the first reading.

The Board took action on the amendment by way of both a resolution and waiving the first reading of the ordinance. The ordinance is effective thirty (30) days after the second reading. Once the zoning amendment becomes effective, the process is final.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** A denial of the requested zoning amendment would mean that the property remains in the Mountain Transition Zoning District and out of compliance with Resolution 77-157 which implemented the Land Conservation Act of 1965 in the County of Mariposa. This resolution states that "The parcel wishing to contract shall within one (1) year of the effective date of the contract be restricted by zoning of said parcel to agricultural use..."

Financial Impact? ( ) Yes (X) No Current FY Cost: \$ Annual Recurring Cost: \$

Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded

Amount in Budget: \$ \_\_\_\_\_

ATTACHMENTS \_\_\_\_\_

Additional Funding Needed: \$ \_\_\_\_\_

Final Ordinance \_\_\_\_\_

Source:

Internal Transfer \_\_\_\_\_

Unanticipated Revenue \_\_\_\_\_ 4/5's vote

Transfer Between Funds \_\_\_\_\_ 4/5's vote

Contingency \_\_\_\_\_ 4/5's vote

( ) General ( ) Other

**CLERK'S USE ONLY:**

Res. No.: \_\_\_\_\_

Ord. No. 1068

Vote - Ayes: 5

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

*AW* Approved

( ) 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. 1060  
(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 Carla Kelly on November 13, 2008, and

WHEREAS the application is known as Zoning Amendment No. 2008-197. The application proposes to modify the zoning designation of Assessor's Parcel Number 012-010-031 from Mountain Transition (MT) to Agriculture Exclusive (AE); and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2008-197 on the 8<sup>th</sup> day of May 2009, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2008-197 on the 25<sup>th</sup> day of August 2009, in accordance with State Law and County Code; and

WHEREAS, Zoning Amendment No. 2008-197 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. 2008-197. The amendment to the zoning of the parcel shown in Record of Survey 2174 in Exhibit 1 and as shown in Exhibit 2 will modify the zoning designation from Mountain Transition (MT) 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 8<sup>th</sup> day of September, 2009 by the following vote.

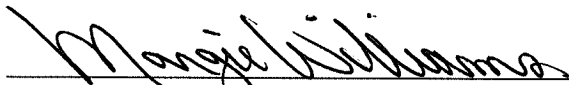
|             |                                   |
|-------------|-----------------------------------|
| AYES:       | ABORN, TURPIN, BIBBY, CANN, ALLEN |
| NOES:       | NONE                              |
| ABSTAINED:  | NONE                              |
| EXCUSED:    | NONE                              |
| NOT VOTING: | NONE                              |



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BRAD ABORN, Chair  
Mariposa County Board of Supervisors

Attest:



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MARGIE WILLIAMS, Clerk of the Board  
Mariposa County Board of Supervisors

APPROVED AS TO FORM:



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STEVEN W. DAHLEM, County Counsel

# Exhibit 1

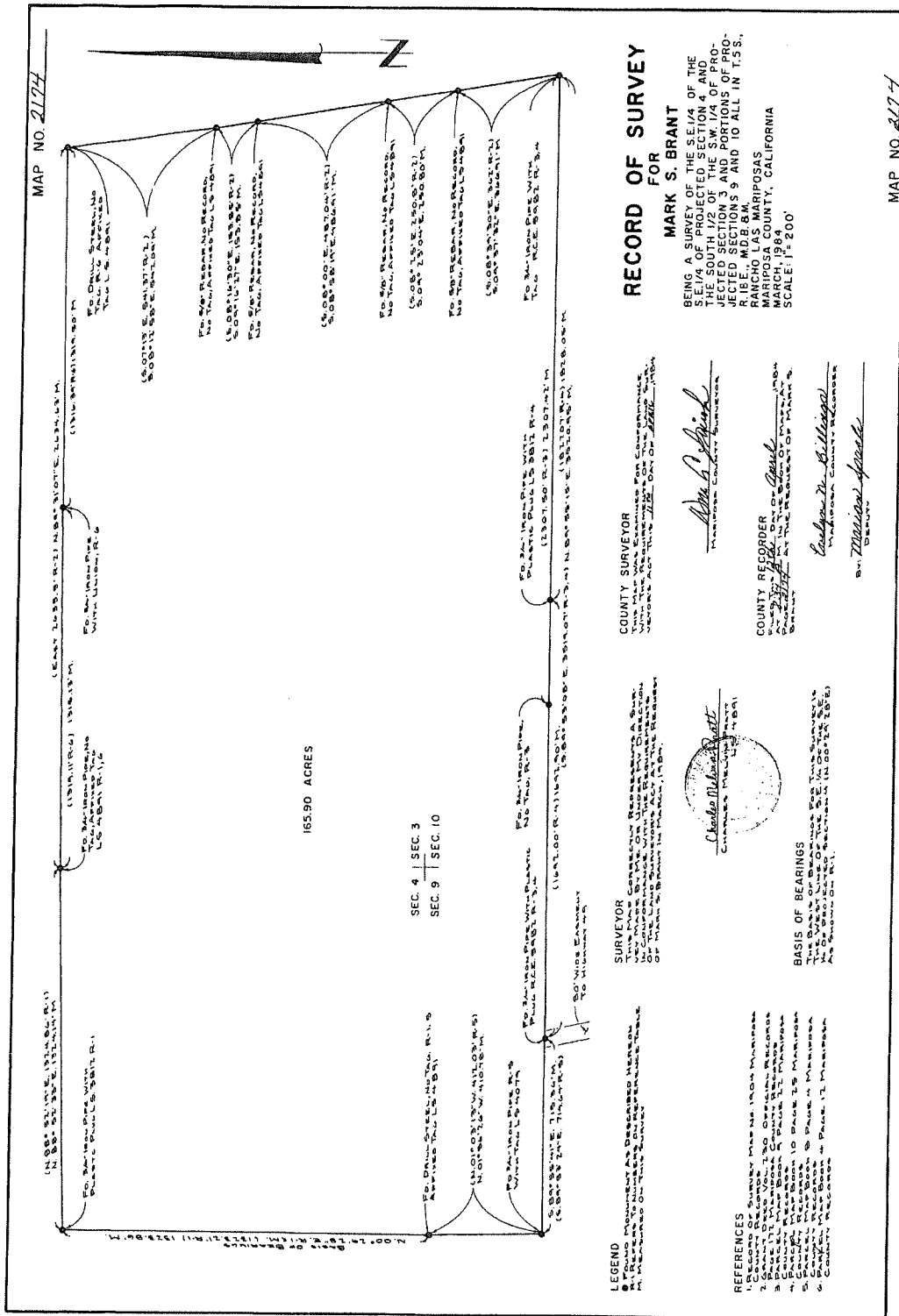
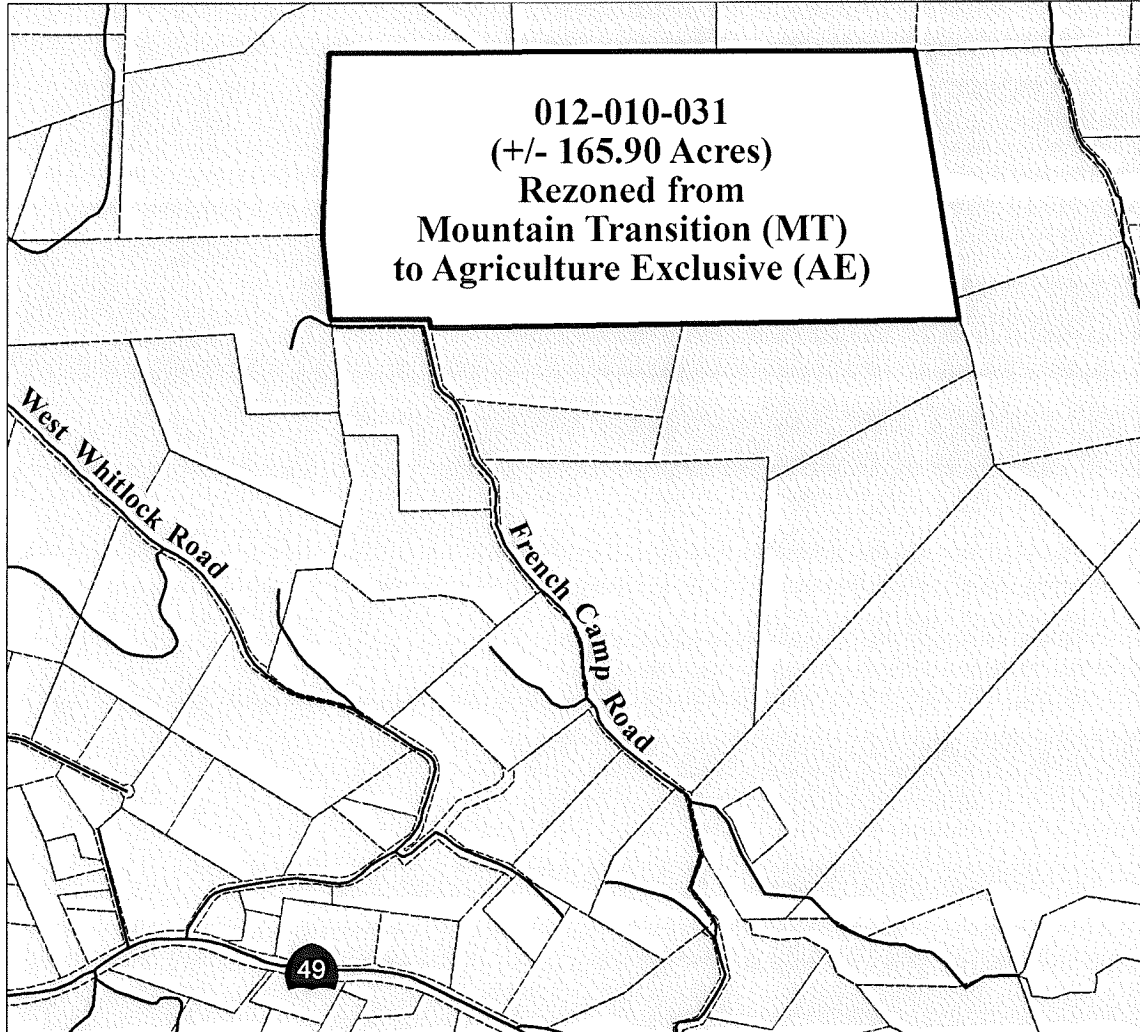
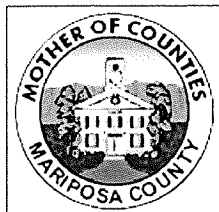


EXHIBIT 2

# Zoning Amendment No. 2008-197

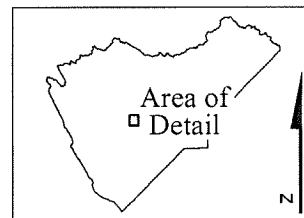


MAP DATE: August 2009  
DATA SOURCE: Assessor Parcel Map Update June 2009  
MAP CREATED BY: E.E. Meriam  
Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



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- Site Location  
APN 012-010-031
- Assessor Parcel Map
- Roads



## Exhibit 3

Pursuant to the Mariposa County Zoning Ordinance, section 17.128.050, the following findings must be made before a zoning amendment may be approved.

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 Agriculture 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 Agriculture 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-today decision-making. The AE zone is the appropriate zone for a Williamson Act contracted parcel based on contract restrictions.

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 Agriculture 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 the open space nature of the county. One hundred sixty (160) acres of this parcel are in 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 current and past use of the property is for 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 proposal meets the minimum dimensional requirements of the Agriculture Exclusive zone, has access to French Camp Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Mountain Transition-20 acre minimum). The Agriculture Exclusive zoning district is considered to be consistent with the Residential land use classification, per Section 5.3.02.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 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. The proposed zoning designation is logical, based upon existing "development" on-site, infrastructure investments made on-site (for the vineyard and cattle grazing) and past use of the site.