

DEPARTMENT: Planning

BY: Sarah Williams, Deputy Director  
PHONE: 742-1215

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a resolution approving General Plan/Zoning Amendment No. 2005-235, an amendment to the Mariposa County Zoning Ordinance, Chapters 17.40 and 17.148, and the Mariposa County General Plan, Section 3.507, the Agriculture Exclusive (AE) Zone and Land Use Designation. Resolution includes findings of exemption, and direction to staff to file a Notice of Exemption pursuant to the California Environmental Quality Act (CEQA). The proposed amendment will modify the list of permitted and conditional uses in the AE zone and land use, to make certain intensive agricultural uses a conditional use instead of a permitted use. The amendment will also add definitions.

4/25 Waive first reading and introduce Ordinance approving an amendment to the Zoning Ordinance, Chapters 17.40 and 17.148.

Waive 2nd reading & Adopt Ordinance.  
\$ 5/a Recommended action is based upon Planning Commission's recommendation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors initiated this amendment on November 15, 2005.

The Board of Supervisors adopted the current format of the Agricultural Exclusive Zone in 1988.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Modify the text of the amendment.

Negative action, or denying the amendment, would result in no change to the Agriculture Exclusive Land Use and Zone text.

Financial Impact? ( ) Yes (X) No Current FY Cost: \$  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded

Annual Recurring Cost: \$

Amount in Budget: \$ \_\_\_\_\_  
Additional Funding Needed: \$ \_\_\_\_\_  
Source:  
Internal Transfer \_\_\_\_\_  
Unanticipated Revenue \_\_\_\_\_ 4/5's vote  
Transfer Between Funds \_\_\_\_\_ 4/5's vote  
Contingency \_\_\_\_\_ 4/5's vote  
( ) General ( ) Other

- Attachments:  
STAFF REPORT WITH ATTACHMENTS  
1. Planning Commission Resolution No. 2006-10  
2. Planning Commission Minutes  
3. Draft Board of Supervisors Resolution  
4. Draft Board of Supervisors Ordinance  
5. Notice of Exemption  
6. Correspondence (all received prior to Planning Commission action)

CLERK'S USE ONLY:

COUNTY ADMINISTRATIVE OFFICER:

4/25 Res. No.: 2-159 Ord. No. 1027 Ayes: 5  
Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
( ) Approved  
 Minute Order Attached ( ) No Action Necessary

\_\_\_\_ 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: ES

**MARIPOSA COUNTY ORDINANCE NO. 1027**

**AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING ORDINANCE**

**WHEREAS**, an proposal to amend the Mariposa County Zoning Ordinance was initiated by the County on November 15, 2005, and

**WHEREAS** the application is known as General Plan/Zoning Amendment Application No. 2005-235. The application proposes to amend "Chapter 17.40 Agricultural Exclusive Zone", and "Chapter 17.148 Definitions" to amend the list of permitted and conditional uses and to add definitions; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment No. 2005-233 on the 3<sup>rd</sup> day of February 3 2006 and a continued hearing on the 17<sup>th</sup> day of March 2005, 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 held a duly noticed public hearing on General Plan/Zoning Amendment No. 2005-235 on the 25<sup>th</sup> day of April 2006, in accordance with State Law and County Code; and

**WHEREAS**, environmental review has been conducted on General Plan/Zoning Amendment No. 2005-235 in accordance with the California Environmental Quality Act and findings of exemption have been made for the project; and

**WHEREAS**, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit A.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**, a political subdivision of the State of California, does ordain as follows:

**SECTION I:**

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

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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:** 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; private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; 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; 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); churches; and recreational camps or religious organization camps. 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. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

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)

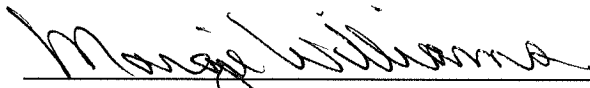
**SECTION II:** This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**PASSED AND ADOPTED** on this 9<sup>th</sup> day of May, 2006 by the following vote.

AYES:	STETSON, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE

  
\_\_\_\_\_  
LEE STETSON, Chairman  
Mariposa County Board of Supervisors

Attest:

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
THOMAS P. GUARINO, County Counsel

## EXHIBIT A

### Findings

Pursuant to Mariposa County Zoning Ordinance, Section 17.128.050, and based on the evidence provided in the staff report and presented at the public hearing, the following findings are made:

*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.*

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.*

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.*

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.*

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.*

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.*

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