

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt an Interim Urgency Ordinance pursuant to California Government Code Section 65858 effective immediately prohibiting the approval of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the exception of any existing permit applications which have been deemed complete for processing as of the date of the adoption of this Interim Urgency Ordinance. If this Interim Urgency Ordinance is adopted it will expire in 45 days after adoption unless the Board holds a public hearing to extend the Ordinance within the 45 day period. (4/5ths)

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board previously amended Title 17 and added Agritourism as a permitted use in the Agricultural Exclusive Zone (AEZ). Title 17 as amended does not contain sufficient regulations and standards as to what uses are permitted, conditional and prohibited in the Agritourism land use. This Interim Urgency Ordinance is proposed to prohibit approvals of permitted uses under Agritourism until the Board adopts a comprehensive amendment to Title 17 relative to permitted, conditional and prohibited uses.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Without a prohibition of approvals of uses in Agritourism permits might be approved that would have the adverse effects of urbanizing lands in the AEZ.

Financial Impact? () Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____	List Attachments, number pages consecutively	
Additional Funding Needed: \$ _____	_____	
Source: _____	Interim Urgency Ordinance	
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. 1049
Vote - Ayes: 5 Noes: _____
Absent: _____
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: PB _____



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: JEFF GREEN, Interim County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: URGENCY ORDINANCE – AGRITOURISM USES
Ord. No. 1049

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on February 3, 2009

ACTION AND VOTE:

11:08 a.m. Jeffrey G. Green, Interim County Counsel;

Adopt an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 Effective Immediately Prohibiting the Approval of Any Agritourism Uses Pursuant to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications which have been deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. If this Interim Urgency Ordinance is Adopted it will Expire in 45 Days after Adoption Unless the Board Holds a Public Hearing to Extend the Ordinance within the 45 Day Period

BOARD ACTION: Jeff Green reviewed the process to adopt an interim urgency Ordinance and he advised of the findings in the Ordinance. Discussion was held. Jeff Green responded to questions from the Board and advised that the applications for six cabins and associated eating facility for Coyote Springs Ranch are exempt from this Ordinance as these applications have been deemed okay for processing.

Input from the public was provided by the following:

Theresa Castaldi stated she is happy to be working with the Board on their project; and she referred to the General Plan and Agriculture Exclusive land use and agritourism. She asked for clarification as to whether this Ordinance would affect any Public Assemblage Permits that they might need to acquire for events that have over 250 persons. Jeff Green responded that this Ordinance would not have any legal affect upon uses that individuals can put to their property under the current County codes and ordinances including the Public Assemblage Permit.

Further discussion was held, including starting the process to schedule a public hearing to extend the Ordinance. (M)Turpin, (S)Cann, the reading was waived and urgency Ordinance No. 1049 was adopted prohibiting the approval of any agritourism uses as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Cc: Kris Schenk, Planning Director
Maxwell Norton, Interim Farm Advisor
Cathi Boze, Agricultural Commissioner
Fred Lustenberger, Building Director

✓ File

MARIPOSA COUNTY ORDINANCE NO. 1049

AN INTERIM URGENCY ORDINANCE TO PROHIBIT THE APPROVAL OF ANY AGRITOURISM USES RELATIVE TO CHAPTER 17.40 AND CHAPTER 17.148 OF THE MARIPOSA COUNTY CODE

WHEREAS, there are not sufficient regulations and standards contained in Chapter 17.40, the “Agricultural Exclusive Zone” and Chapter 17.148, “Definitions” relative to the event and activity uses permitted under the term Agritourism; and

WHEREAS, there are not sufficient procedures and thresholds contained in Chapter 17.40, as Agritourism uses relate to guest ranches, which are specific listed conditional uses in the Agriculture Exclusive Zone and resort commercial development as allowed in the Resort Commercial Zone; and

WHEREAS, without sufficient regulations, standards, procedures and thresholds which are enforceable pursuant to an adopted ordinance, there are potentially detrimental effects to Mariposa County’s rural and agricultural areas, which may lead to potential urbanization in these areas, which is inconsistent with the Mariposa County General Plan; and

WHEREAS, urbanization in Mariposa County’s agricultural areas poses a significant threat to the county’s pastoral way of life and rural character; and

WHEREAS, urbanization in Mariposa County’s agricultural areas poses a significant threat and potentially detrimental effects to Mariposa County’s Williamson Act contracted lands; and

WHEREAS, as a result of the lack of sufficient regulations and standards contained in Chapter 17.40 and Chapter 17.148 of the Mariposa County Code an Interim Urgency Ordinance is necessary to protect the public safety, health and welfare of the citizens of Mariposa County as delineated in the findings below, and

WHEREAS, Section 65858 of the California Government Code empowers the Board of Supervisors (Board) to adopt an Interim Urgency Ordinance to protect the public safety, health and welfare of the citizens of Mariposa County; and

WHEREAS, the Board has directed that the Mariposa County Planning Department prepare a comprehensive draft ordinance amending Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, defining “Agritourism” and containing permitted, conditional, and prohibited uses in Agritourism zoned lands

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

SECTION I: During the dates this Interim Urgency Ordinance and any extension is effective approvals of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code are prohibited, with the exception of any existing permit applications

which have been deemed complete for processing as of the date of the adoption of this Interim Urgency Ordinance.

SECTION II: The purpose of this Interim Urgency Ordinance is to protect the public safety, health and welfare of the citizens of Mariposa County and is based upon the following findings:

- A. There are not sufficient regulations and standards contained in Chapter 17.40, the “Agriculture Exclusive Zone” and Chapter 17.148, “Definitions” relative to the event and activity uses permitted under the term Agritourism.
- B. There are not sufficient procedures and thresholds contained in Chapter 17.40, as Agritourism uses relate to guest ranches, which are specific listed conditional uses in the Agriculture Exclusive Zone and resort commercial development is allowed in the Resort Commercial Zone.
- C. Without sufficient regulations and standards, and considering that Agritourism is listed as a permitted use in the Agriculture Exclusive Zone, Agritourism development could occur on any legally existing nonconforming sized parcel no matter what the size. This could have potentially increased adverse impacts on neighboring properties should large events be conducted without review or limits.
- D. Unregulated large Agritourism events create traffic on rural roads which may not have adequate capacity for increased traffic. This represents a potential health and safety impact to drivers and emergency response vehicles. This also represents a potential health and safety impact relative to air quality and PM-10 (dust impacts), considering that many of Mariposa County’s rural roads are not paved.
- E. Unregulated large Agritourism events result in gatherings of people or large assembly events which may be conducted during the evening hours. This creates the potential for significant noise impacts in an otherwise quiet environment.
- F. Unregulated large Agritourism events create traffic and parking demands, which may impact rural roads if there have not been adequate provisions made for on-site parking. This represents a potential health and safety impact to drivers and emergency response vehicles, as most rural roads do not have sufficient width to accommodate on-street parking. This also represents a potential health and safety impact to pedestrians walking from their vehicles to the Agritourism facility, as most rural roads do not contain provisions for pedestrians.
- G. Unregulated large Agritourism events result in gatherings of people or large assembly events which may be conducted during the evening hours. This creates the potential for nighttime lighting and glare impacts in an otherwise dark environment.
- H. Unregulated Agritourism development results in the potential for establishment of transient occupancy rental units and additional use of and potentially pressure on agricultural lands which may include Williamson Act contracted lands. Without the

ability to address these potential impacts, the Agritourism development could have potentially significant impacts on the Land Conservation Act program.

- I. Unregulated large Agritourism events result in the potential for increased wild land fire hazards and impacts on other emergency services such as police protection. This increases demands on local and state government services.
- J. Without sufficient regulations, standards, procedures and thresholds which are enforceable pursuant to an adopted ordinance, there are potentially detrimental effects to Mariposa County's rural and agricultural areas, which may lead to potential urbanization in these areas, which is inconsistent with the Mariposa County General Plan.
- K. Urbanization in Mariposa County's agricultural areas poses a significant threat to the county's pastoral way of life and rural character.
- L. Urbanization in Mariposa County's agricultural areas poses a significant threat and potentially detrimental effects to Mariposa County's Williamson Act contracted lands.

SECTION III: This Interim Urgency Ordinance is adopted under the authority of California Government Code, Section 65858, and shall become effective upon adoption and shall be of no further force and effect after forty-five (45) days from date of adoption, unless extended by the Board of Supervisors pursuant to California Government Code Section 65858.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 3rd day of February 2009 by the following vote:

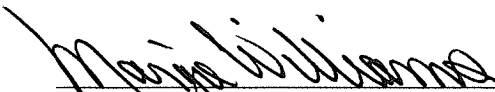
AYES:	ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE




BRAD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS
Clerk of the Board

JEFFREY G. GREEN
Interim County Counsel