

MARIPOSA COUNTY ORDINANCE NO. 969

(Not to be Codified)

**AN ORDINANCE REZONING PROPERTY FOR INCLUSION INTO THE
AGRICULTURE EXCLUSIVE ZONE (AEZ)
AND AMENDING THE MARIPOSA COUNTY ZONING MAP**

WHEREAS, Mariposa County has received General Plan/Zoning Amendment Application No. 2001-6, Mabel L. Cree, applicant, requesting a change in the zoning designation of 96.3 acres from the Mountain General Zone (40 acre minimum) and 140.4 acres from the Mountain Home Zone (5 acre minimum parcel size), as described in Exhibit A, to the Agriculture Exclusive Zone (AEZ) and that the Mariposa County Zoning Map be amended accordingly; and

WHEREAS, General Plan/Zoning Amendment Application No. 2001-6 has been determined to be exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act, and a Notice of Exemption has been adopted for the project; and

WHEREAS, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendment in accordance with State Law and County Code; and

WHEREAS, the Mariposa County Planning Commission has recommended approval of the amendment.

WHEREAS, the Board of Supervisors finds such amendment is consistent with the guiding policies, goals, and standards of the Mariposa County General Plan;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby ordain as follows:

SECTION 1: The Board of Supervisors modifies the Mariposa County Zoning Map as shown in Exhibit A of this ordinance.

SECTION 2: The action of the Board is based on the findings mandated by Section 2.504 of the Mariposa County General Plan as stated and discussed in Exhibit B.

SECTION 3: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

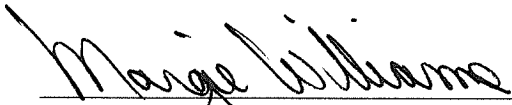
PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 12th day of February, 2002, by the following vote:

AYES:	Balmain, Parker, Pickard, Stewart
NOES:	None
ABSTAINED:	None
EXCUSED:	Reilly



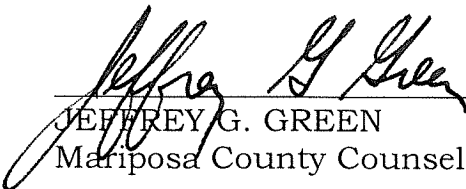
Robert C. Stewart, Chairman
Mariposa County Board of
Supervisors

ATTEST:



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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
Mariposa County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

ROBERT C. STEWART, CHAIRMAN
PATTI A. REILLY, VICE-CHAIRMAN
DOUG BALMAIN
GARRY R. PARKER
BOB PICKARD

DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: General Plan/Zoning Amendment 2001-6; Mabel L. Cree, Applicant
Resolution No. 02-47
Ordinance No. 969

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on February 12, 2002

ACTION AND VOTE:

10:11 a.m. Eric Toll, Planning Director;

A) PUBLIC HEARING: Adopt a Notice of Exemption and Approve the General Plan/Zoning Amendment 2001-6; Mabel L. Cree, Applicant

BOARD ACTION: Jean Clark, Planner, presented the staff report and responded to questions from the Board relative to the parcels surrounding the subject parcel. The public portion of the hearing was opened. There was no public input. The public portion was closed and the Board commenced with deliberations. (M)Pickard, (S)Parker, Res. 02-47 was adopted adopting Notice of Exemption and approving General Plan/Zoning Amendment No. 2001-6/Cree, applicant, based upon the findings as set forth in Planning Commission Resolution No. 2001-24; and reading was waived and Ordinance 969 was enacted approving a change in the Official County Zoning Map, as recommended/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Hearing was closed.

cc: File

DEPARTMENT: Planning

By: Jean Clark, Planner III

Phone: 966-0304

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

1. Conduct a public hearing; and
2. Adopt a Resolution adopting a Notice of Exemption and approving General Plan/Zoning Amendment 2001-6; Mabel L. Cree, Applicant; and
3. Enact an ordinance approving a change in the Official County Zoning Map in accordance with GP/ZA 2001-6. This action is based upon the Planning Commission's recommendation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVE: 1) Deny the application.

NEGATIVE ACTION would result in the denial of General Plan/Zoning Amendment Application No. 2001-6 and the exclusion of the 237 acres from the Williamson Act.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated Costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments:

1. Staff Report to the Planning Commission (Dec. 7, 2001)
2. Planning Commission Resolution 2001-24
3. Planning Commission Minutes (Dec. 7, 2001)
4. Draft Ordinance
5. Draft Resolution

Balance in Reserve Contingencies, If Approved:
\$ _____

CLERK'S USE ONLY

Res. No.: 22-47 Ord. No.: 969

Vote - Ayes: 4 Noes: _____

Absent: Keilly Abstained: _____

Approved Denied

Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: _____

MARGIE WILLIAMS, Clerk of the Board

By: _____

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_____ Recommended

_____ Not Recommended

_____ For Policy Determination

_____ Submitted for Comment

_____ Returned for Further Action

Comment: _____

A.O. Initials: MM

EXHIBIT A

GENERAL PLAN/ZONING AMENDMENT # 2001-6
REZONE TO AGRICULTURE EXCLUSIVE ZONE

APN 001-130-001

APPLICANT: MABEL L. CREE

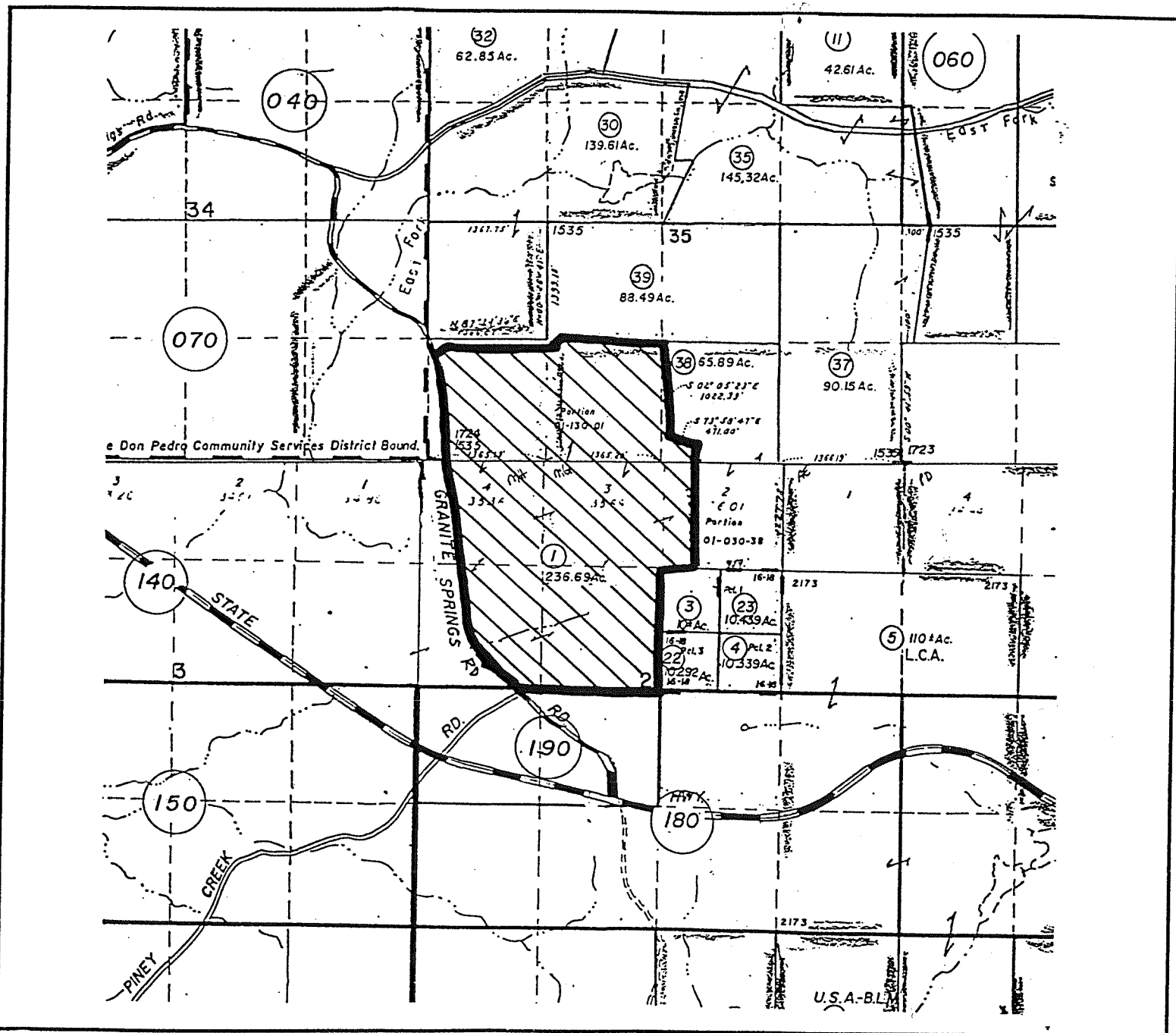


EXHIBIT B

1. The zoning change provides an area which will be restricted to agricultural uses and will remove land which would be used for higher density purposes. The zoning will encourage a commitment to agricultural uses.

Agricultural uses at the project site would be an extension of the uses which already exist north, east, and west of the project site.

The peace and welfare of the general public will not be detrimentally affected by the change in zoning from the Mountain Home and Mountain General zones to the Agriculture Exclusive Zone.

2. The General Plan states that "Mountain Home" is applied to lands characterized by land best suited for moderate residential densities based upon suitability of terrain. "Mountain General" is applied to lands characterized by terrain that is less suitable for high or moderate residential densities or intense use. Due to the requirement for larger parcel sizes, diverse uses such as guest ranches, hunting clubs, and public stables are possible with minimum potential for use conflicts within this classification. "Agriculture Exclusive" is defined as land considered to be the most desirable land to be maintained for agricultural use for the purpose of preserving the agricultural industry of the County as a viable economic activity.

The amendment will provide preservation and protection of agricultural land in an area which has the potential to be subdivided into five-acre and 40-acre parcels. The project site is a large parcel which has historically been used for agricultural purposes.

The amendment is desirable for the purpose of improving the General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decisionmaking.

3. The Zoning Amendment application has been processed in accordance with the requirements of State law and County regulations and established policy. The project is exempt from environmental review (Section 15061(b)(3) CEQA Guidelines).

The amendment conforms with the requirements of State law and County policy.

4. The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan.

It has been determined that the project site meets the standards for inclusion into the Agriculture Exclusive Zone as set forth in the Conservation Element (Section 6.502) of the General Plan.

The Open Space Element (Section 7.301.B.) of the General Plan states that the primary concern of Mariposa County is to maintain the viability of the basic agricultural industry for the benefit of residents of Mariposa.

The amendment is consistent with, or will have no negative effect on the other goals, policies, and standards of the Mariposa County General Plan. This finding is made in accordance with Section 2.600 et seq.

5. The amendment is for a parcel which is physically suitable (including, but not limited to access, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

Access to the 237 acre parcel is from a County road. There is no reason to expect that the rezoning will create or exacerbate maintenance or traffic problems on this road above those of the existing cattle operation.

The site, proposed for Agriculture Exclusive zoning, abuts parcels zoned Mountain Home (5 acre minimum), Mountain General (40 acre minimum), and Agriculture Exclusive (160 acre minimum). The project site is adjacent to property which could potentially be subdivided into small residential lots. Residential use on small lots could potentially result in land use compatibility conflicts. However, land use compatibility conflicts are not anticipated because of low-intensity agricultural uses on the project site and past history of compatibility between land uses. The Agriculture Exclusive Zone is compatible with the Mountain General Zone as they are larger parcel sizes and provide open space.

The steeper slopes do not provide physical constraints to cattle grazing.

6. The rezone to a zone encouraging agricultural uses will provide potential employment opportunities to the residential population in the area, making the proposed zoning logical and desirable. The cattle industry utilizes feed, fencing, veterinary services, and other related businesses.
7. Environmental findings have been made which conclude that there is no possibility that the rezoning may have a significant effect on the environment.



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

ROBERT C. STEWART, CHAIRMAN
PATTI A. REILLY, VICE-CHAIRMAN
DOUG BALMAIN
GARRY R. PARKER
BOB PICKARD

DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: General Plan/Zoning Amendment 2001-6; Mabel L. Cree, Applicant
Resolution No. 02-47
Ordinance No. 969

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on February 12, 2002

ACTION AND VOTE:

10:11 a.m. Eric Toll, Planning Director;

A) PUBLIC HEARING: Adopt a Notice of Exemption and Approve the General Plan/Zoning Amendment 2001-6; Mabel L. Cree, Applicant

BOARD ACTION: Jean Clark, Planner, presented the staff report and responded to questions from the Board relative to the parcels surrounding the subject parcel. The public portion of the hearing was opened. There was no public input. The public portion was closed and the Board commenced with deliberations. (M)Pickard, (S)Parker, Res. 02-47 was adopted adopting Notice of Exemption and approving General Plan/Zoning Amendment No. 2001-6/Cree, applicant, based upon the findings as set forth in Planning Commission Resolution No. 2001-24; and reading was waived and Ordinance 969 was enacted approving a change in the Official County Zoning Map, as recommended/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Hearing was closed.

cc: File