

DEPARTMENT: Planning

BY: Alvaro Arias
PHONE: 742-1218

RECOMMENDED ACTION AND JUSTIFICATION:

Conduct Public Hearing to consider Zoning Amendment No. 2010-174.

1) Adopt a resolution approving Zoning Amendment No. 2010-174, finding that this amendment is exempt from environmental review, and with the findings as recommended by the Planning Commission; and

2) Waive the first reading and introducing an ordinance amending the Zoning Map by rezoning one parcel of 240 acres currently in the Mountain General Zone (40-acre minimum) and Mountain Home Zone (5-acre minimum) to the Agriculture Exclusive Zone (160-acre minimum).

The recommended action is based upon the Planning Commission's recommendations. Further justification is provided in the Staff Report to the Board of Supervisors from Mariposa Planning.

Charles Michael and Mary Kathrine Copeland are the project applicants. The property is located at 3456 Brooks Road/APN 014-380-021.

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 240 acres in 2010 (Contract No. 2010-104).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: A denial of the requested zoning amendment would mean that the property remains in the Mountain General and Mountain Home Zoning Districts and out of compliance with Resolution 10-187 which provides the policies for the Land Conservation Act of 1965 in the County of Mariposa. This resolution states that "All parcels that are part of a LCA 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: \$		Staff Report to the Board with Attachments
		(as listed on Page 1 of Staff Report)
Additional Funding Needed: \$		
Source:		
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	

CLERK'S USE ONLY:

Res. No.: 11-516 Ord. No. _____
 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: AB



COUNTY of MARIPOSA

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

JIM ALLEN, CHAIR
JANET BIBBY, VICE-CHAIR
LEE STETSON
LYLE TURPIN
KEVIN CANN

DISTRICT V
DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

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

SUBJECT: PUBLIC HEARING to Consider Zoning Amendment No. 2010-174. Action Includes Adopting a Resolution Approving Zoning Amendment No. 2010-174 and Finding that this Amendment is Exempt from Environmental Review; and Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map by Rezoning One Parcel of 240 Acres Currently in the Mountain General Zone (40 Acre Minimum) and Mountain Home Zone (5 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.) Charles Michael and Mary Kathrine Copeland, Project Applicants. The Property is Located at 3456 Brooks Road/APN 014-380-021

RES. 11-516

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 18, 2011

ACTION AND VOTE:

13

Planning

PUBLIC HEARING to Consider Zoning Amendment No. 2010-174. Action Includes Adopting a Resolution Approving Zoning Amendment No. 2010-174 and Finding that this Amendment is Exempt from Environmental Review; and Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map by Rezoning One Parcel of 240 Acres Currently in the Mountain General Zone (40 Acre Minimum) and Mountain Home Zone (5 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.) Charles Michael and Mary Kathrine Copeland, Project Applicants. The Property is Located at 3456 Brooks Road/APN 014-380-021

BOARD ACTION: Alvaro Arias/Associate Planner, presented the staff report.

The public portion of the hearing was opened and input was provided by the following:

Mary "Kathy" Copeland/applicant, stated they have been trying to move this zoning amendment through as fast as possible so that they can comply with their Williamson Act contract; and she noted their uses are in compliance.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to a question from the Board clarifying that the land is being used for agriculture exclusive purposes. (M)Cann, (S)Turpin, Res. 11-516 was adopted approving Zoning Amendment No. 2010-174 as recommended; and the first reading was waived and an Ordinance was introduced amending the Zoning Map as

recommenced. The Clerk of the Board read the title of the Ordinance into the record.
Ayes: Unanimous. The hearing was closed.

Cc: Steven W. Dahlem, County Counsel
File

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No 2011-516

A resolution approving Zoning Amendment No. 2010-174

WHEREAS an application for Zoning Amendment No. 2010-174 was received on December 17, 2010 from Charles and Mary Kathrine Copeland for a property located at 3456 Brooks Road in the Mariposa area, also known as Assessor Parcel Number 014-380-021; and

WHEREAS the application proposes to change the zoning designation of the subject parcel from Mountain General (MG) and Mountain Home (MH) to Agriculture Exclusive (AE); and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of February 24th, 2011; and

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

WHEREAS the Agricultural Advisory Committee did hold their meeting 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 their own knowledge of county-wide agricultural operations; and

WHEREAS based on the fact that the property is currently in a Land Conservation Act Contract, and the current agricultural use of the property, the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors approve Zoning Amendment No. 2010-174; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 6th day of May 2011; and

WHEREAS a Staff Report to the Planning Commission 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, and the comments of the applicant's agent; and

WHEREAS the Planning Commission adopted Planning Commission Resolution No. 2011-008 recommending that the project be found to be exempt from environmental review pursuant to CEQA and approval of the project with findings; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 18th day of October 2011; 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 packet to the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the proposed Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicant and agent.

NOW THEREFORE BE IT RESOLVED THAT the Mariposa County Board of Supervisors finds this project exempt from the provisions of the California Environmental Quality Act.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve Zoning Amendment No. 2010-174.

BE IT THEREFORE FURTHER RESOLVED THAT the project approval is based upon findings set forth in Exhibit 1.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the zoning of the parcels described in Exhibit 2 and as shown in Exhibit 3 will modify the zoning designation from Mountain General (MG) and Mountain Home (MH) to Agriculture Exclusive (AE).

BE IT THEREFORE FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.


ON MOTION BY Supervisor Cann, seconded by Supervisor Turpin, this resolution is duly passed and adopted this 18th day of October 2011 by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE



Jim Allen, Chairman
Mariposa County Board of Supervisors

Attest:

Tracy Santhuis, Deputy
Margie Williams, Clerk of the Board
Mariposa County Board of Supervisors

Approved as to Legal Form:

Steven W. Dahlem
Steven W. Dahlem
County Counsel

EXHIBIT 1 – FINDINGS OF APPROVAL

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. *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;*
 - 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 Agricultural 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. *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;*
 - a. The zoning designation of Agricultural Exclusive is necessary to allow for the property to be in 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-to-day decision-making.
3. *That such an amendment conforms to the requirements of state law and county policy;*

With respect to notice, hearings and findings requirements, the project was reviewed in accordance with state law and county policy.

4. *That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan;*

The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agricultural 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 open space nature of the county. This project is the result of the execution of 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, with the recommended condition. 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. *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*

The proposal meets the minimum dimensional requirements of the Agricultural Exclusive zone, has access to Brooks Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Mountain General and Mountain Home). The Agricultural 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).*

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.

EXHIBIT 2 – Parcel Description

All that certain real property situated in the county of Mariposa, State of California, more particularly described as follows:

THE NORTHWEST QUARTER OF SECTION 36 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35, ALL IN TOWNSHIP 5 SOUTH, RANGE 19 EAST, M.D.B. & M., ACCORDING TO OFFICIAL GOVERNMENT PLATS THEREOF.

TOGETHER WITH RIGHT OF WAY OVER AND ACROSS SOUTHEAST QUARTER AND SOUTH HALF OF NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 19 EAST, TO A POINT ON THE COUNTY ROAD, AS PER DEED RECORDED IN VOLUME 3 OF OFFICIAL RECORDS, PAGE 169, MARIPOSA COUNTY RECORDS.

EXHIBIT 3- Map

Zoning Amendment No. 2010-174

