RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution:

1) Denying the request for a Compatible Use Determination,
2) Denying Conditional Use Permit No. 2007-13,
3) Adopting Findings as recommended by the Planning Commission.

Recommended action is based upon the Planning Commission and the Agricultural Advisory Committee's recommendations. Further justification is provided in the Staff Report to Board of Supervisors from Mariposa Planning.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Approve the compatible use determination. The findings in state law would have to be made.

<table>
<thead>
<tr>
<th>Financial Impact?</th>
<th>Yes ( ) No (X)</th>
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<tbody>
<tr>
<td>Budgeted In Current FY?</td>
<td>Yes ( ) No ( ) Partially Funded</td>
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<tr>
<td>Amount in Budget:</td>
<td>$</td>
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<td>Additional Funding Needed:</td>
<td>$</td>
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<td>Source:</td>
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<td>Internal Transfer</td>
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<td>Unanticipated Revenue</td>
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<td>Transfer Between Funds</td>
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<td>Contingency</td>
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<td>( ) General ( ) Other</td>
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Memorandum to the Board with Attachments

Staff Report

CLERK'S USE ONLY:

Res. No. S-12 |
Ord. No. ______ |
Vote - Ayes: ______ Noes: ______ |
Absent: ______ |
( ) Approved |
( ) 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 |
County of Mariposa, State of California |
By: ______ |
Deputy |

COUNTY ADMINISTRATIVE OFFICER:

( ) Requested Action Recommended |
No Opinion |
Comments: |

[Signature]

Rev. Dec. 2002
WHEREAS an application for a Conditional Use Permit and an Amendment to the Williamson Act Contract No. 17 was received on January 18, 2007 from Mariposa Revival Center and Frank and Francis Long for a property bounded by Highway 140, Old Highway and Yaqui Gulch Road, also known as Assessors Parcel Number 012-180-032; and

WHEREAS the Conditional Use Permit project proposed to locate a church on an 8 acre portion of a Williamson Act contract property; and

WHEREAS upon review of the project, it was determined that a Lot Line Adjustment was required in Order to amend the boundaries of the Williamson Act Contract; and

WHEREAS on May 4, 2007 the applicants amended their project and requested a Compatible Use Determination in order to locate the church on the Williamson Act Contract property; and

WHEREAS on August 2, 2007 the Mariposa County Agricultural Advisory Committee considered the applicants’ amended project and recommended denial of the projects; and

WHEREAS on October 30, 2007 the Department of Conservation sent correspondence recommending denial of the request for a compatible use determination for the church on Williamson Act Contracted land; and

WHEREAS on October 31, 2007 the Mariposa County Agricultural Commissioner sent correspondence recommending denial of the request for a Compatible Use Determination for the church on Williamson Act Contracted land; and

WHEREAS on November 13, 2007 the Mariposa County Farm Bureau sent correspondence recommending denial of the request for a compatible use determination for the church on Williamson Act Contracted land; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 19th day of October 2007; and

WHEREAS the Planning Commission continued the public hearing to the 16th day of November 2007; and

WHEREAS a Staff Report was prepared for the public hearing 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 16th day of November 2007 and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the request and application, and the comments of the applicant and his agents; and

WHEREAS the Planning Commission adopted Resolution No. 2007-46 with findings, recommending that the Board of Supervisors deny the Request for a Compatible Use Determination to allow a Church on a Williamson Act Contract, including Williamson Act Contract No. 17; and

WHEREAS Resolution No. 2007-46 also recommends that the Board of Supervisors deny Conditional Use Permit No. 2007-13 based upon the inability to approve the request for a Compatible Use Determination; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 8th day of April 2008; and

WHEREAS the Board of Supervisors continued the public hearing to the 22nd day of April 2008; and

WHEREAS a Staff Report was prepared for the public hearing 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 22nd day of April 2008 and considered all of the information in the public record, including the Staff Report, the recommendation of the Agricultural Advisory Committee, the recommendation of the Planning Commission, testimony presented by the public concerning the request and application, testimony from public agencies, and the comments of the applicant and his agents.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors does hereby deny the Request for a Compatible Use Determination to allow a Church on a Williamson Act Contract, including Williamson Act Contract No. 17.

BE IT FURTHER RESOLVED THAT the Board of Supervisors does hereby deny Conditional Use Permit No. 2007-13 based upon the inability to approve the request for a Compatible Use Determination.

BE IT RESOLVED THAT this action is based upon the findings as contained in Attachment A as supported by substantial evidence in the public record.

ON MOTION BY Supervisor Pickard, seconded by Supervisor Bibby, this resolution is duly passed and adopted this 22nd day of April, 2008 by the following vote:

AYES: Aborn, Turpin, Bibby, and Pickard

NOES: Fritz

EXCUSED: None
ABSTAIN:  None

Lyle Turpin, Chairman
Mariposa County Board of Supervisors

Attest:

Margie Williams, Clerk of the Board of Supervisors

Approved as to Legal Form:

Thomas P. Guarino
County Counsel