

Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA 95338-2039

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2009-008

**A resolution recommending approval for Zoning Amendment Application No. 2008-197 Carla Kelly, applicant. Assessor Parcel Number 012-010-031.**

WHEREAS an application for Zoning Amendment No. 2008-197 was received on November 13, 2008 from Carla Kelly for a property located at 5752 French Camp Road in the Mariposa area, also known as Assessor Parcel Numbers 012-010-031; and

WHEREAS the application proposes to change the zoning designation of the subject parcel from Mountain Transition (MT) 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 March 4<sup>th</sup>, 2009; 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 was recently entered into a Land Conservation Act Contract and similar findings had to be made, 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. 2008-197; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 8<sup>th</sup> day of May 2009; and

WHEREAS the Planning Department determined that the change of zoning from Mountain Transition (MT) to the more restrictive Agriculture Exclusive (AE) zone can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act per the General Rule Exemption; Section 15061, CEQA Guidelines; 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, testimony presented by the public concerning the application, the proposed environmental determination, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors find that the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve Zoning Amendment Application No. 2008-197 by both Resolution and Ordinance.

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

ON MOTION BY Commissioner Francisco, seconded by Commissioner Ross, this resolution is duly passed and adopted this 8<sup>th</sup> day of May 2009 by the following vote:

AYES: Francisco, Ross, Rudzik, Tucker, Marsden

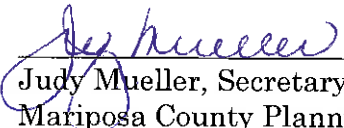
NOES: None

EXCUSED: None

ABSTAIN: None

  
\_\_\_\_\_  
Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Judy Mueller, Secretary to the  
Mariposa County Planning Commission

**EXHIBIT 1**  
**RECOMMENDED PROJECT FINDINGS**  
**FOR**  
**Zoning Amendment No. 2008-158**

In keeping with Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for Zoning Amendment Application No. 2008-197:

**Zoning Amendment Findings**

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. **FINDING:** 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;

**EVIDENCE:**

- 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 Agriculture 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. **FINDING:** 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;

**EVIDENCE:**

a. The zoning designation of Agriculture Exclusive is necessary to allow for the property to be placed under 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. The AE zone is the appropriate zone for a Williamson Act contracted parcel based on contract restrictions.

3. **FINDING:** That such an amendment conforms to the requirements of state law and county policy;

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

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

**EVIDENCE:** The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agriculture 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 the open space nature of the county. One hundred sixty (160) acres of this parcel are in 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. 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. **FINDING:** 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

**EVIDENCE:** The proposal meets the minimum dimensional requirements of the Agriculture Exclusive zone, has access to French Camp Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Mountain Transition-20 acre minimum). The Agriculture 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).

**EVIDENCE:** 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. The proposed zoning designation is logical, based upon existing "development" on-site, infrastructure investments made on-site (for the vineyard and cattle grazing) and past use of the site.