DEPARTMENT: Planning

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a resolution of intention to initiate an amendment to the Mariposa County Zoning Ordinance, Chapter 17.40, and the Mariposa County General Plan, Section 3.507, the Agriculture Exclusive (AE) Zone and Land Use Designation. The proposed amendment will modify the list of permitted and conditional uses in the AE zone and land use, to make intensive agricultural uses such as dairies a conditional use instead of a permitted use.

Permitted uses are allowed on all legally established parcels of land, without any discretionary process, without any environmental review, and without any public hearing. Permitted uses may be established through the building permit process.

Conditional uses may or may not be allowed on all legally established parcels of land, depending on a parcel specific and project specific review. Conditional uses are subject to the conditional use permit (CUP) process which is a discretionary process. CUPs require environmental review and a public hearing at the Planning Commission. CUPs may be approved, approved with conditions, or denied based upon findings.

The necessity of this amendment became apparent recently, with a property owner’s proposal to establish an organic dairy on an 80 acre parcel in the Catheys Valley area. Although the property owner never submitted a formal proposal and has stated he is no longer pursuing the project, the Agricultural Advisory Committee believes the amendment is necessary.

An amendment to the General Plan AE Land Use designation may or may not be necessary, depending on the final adoption schedule for the General Plan Update. Staff includes the General Plan amendment to ensure that the zoning amendment may proceed expeditiously.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors adopted the current format of the Agricultural Exclusive Zone in 1988.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not initiate amendment. The Agriculture Exclusive Land Use and Zone would remain unchanged.

<table>
<thead>
<tr>
<th>Financial Impact?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current FY Cost:</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Amount in Budget:</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Additional Funding Needed:</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Source:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internal Transfer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unanticipated Revenue</td>
<td>4/5's vote</td>
<td></td>
</tr>
<tr>
<td>Transfer Between Funds</td>
<td>4/5's vote</td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>4/5's vote</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Attachments:
1. Draft Resolution
   Excerpts

CLERK'S USE ONLY:

Res. No.: 544
Ord. No.:
Vote - Ayes: 4
Noes: 1
Absent: 0
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

Revised Dec. 2002

REQUESTED ACTION RECOMMENDED
No Opinion
Comments:

CAO: 

742-1215
MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: AMENDMENT TO MODIFY PERMITTED AND CONDITIONAL USES IN THE AGRICULTURAL EXCLUSIVE ZONE AND LAND USE DESIGNATION Resolution No. 05-544

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 15, 2005

ACTION AND VOTE:

A) PUBLIC HEARING: Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance, Chapter 17.40, and the Mariposa County General Plan, Section 3.507.B to Modify Permitted and Conditional Uses in the Agricultural Exclusive Zone and Land Use Designations

BOARD ACTION: Sarah Williams, Deputy Director, presented the staff report. She responded to questions from the Board relative to clarifying the use of "intensive" for agricultural uses; and it was agreed that "all" be changed to "certain" types of intensive agricultural uses. Staff responded to a question relative to processing amendments in relation to the status of the General Plan Update; and staff advised that the motion needs to be corrected on the draft resolution. There were additional questions from the Board relative to consideration of ag-tourism uses; addressing exotic animals, refugees, wild game issues, and location of bee colonies.

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

Paul Chapman stated he feels that Sarah Williams is owed thanks for her work on this matter. He referred to the discussion on the General Plan Update held on November 1st, and he stated that based on the comments he heard, he feels that agriculture is under attack by people in the real estate industry. He referred to the number of parcels under Williamson Act in the County, and he stated he feels that the language should be stronger to protect agricultural uses. He also stated he feels that ag-tourism is not a compatible use.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Turpin, Res. 05-544 was adopted for intention to initiate an amendment to the Mariposa County Zoning Ordinance and the Mariposa County General Plan to modify permitted and conditional uses in the Agricultural Exclusive Land Use and Zone within Mariposa County, with the wording changes as discussed/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Cc: File
MARIPOSA COUNTY RESOLUTION NO. 05-544

RESOLUTION OF INTENTION TO INITIATE AN AMENDMENT TO THE MARIPOSA COUNTY GENERAL PLAN AND TITLE 17, THE MARIPOSA COUNTY ZONING ORDINANCE, TO MODIFY PERMITTED AND CONDITIONAL USES IN THE AGRICULTURAL EXCLUSIVE LAND USE AND ZONE WITHIN MARIPOSA COUNTY

WHEREAS, the Mariposa County Agricultural Advisory Committee did, on August 4, 2005 and September 8, 2005, consider the current list of permitted and conditional uses in the Agriculture Exclusive Land Use and Zoning Designation within Mariposa County; and

WHEREAS, the Mariposa County Agricultural Advisory Committee did, on September 8, 2005, recommend that the Board of Supervisors initiate an amendment to the 1981 Mariposa County General Plan and the Mariposa County Zoning Ordinance to modify the land use and zone to address intensive agricultural uses; and

WHEREAS, the Board of Supervisors has considered the recommendation of the Mariposa County Agricultural Advisory Committee.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors does hereby initiate an action, pursuant to Section 17.128.020 (B) of the County Code, the Zoning Ordinance, to modify the text of Chapter 17.40, the Agriculture Exclusive Zone.

BE IT FURTHER RESOLVED THAT the Board of Supervisors does hereby initiate an action, pursuant to Section 2.500 of the 1981 Mariposa County General Plan, to modify the text of Section 3.507.B, the Agriculture Exclusive Land Use.

BE IT FURTHER RESOLVED THAT the Board of Supervisors does hereby adopt the following findings as the basis for undertaking this amendment to the Mariposa County General Plan and Title 17, the Zoning Ordinance:

1. There are many parcels which are in the Agriculture Exclusive land use and zone, which do not comply with the minimum parcel size of the zone.

2. There are many parcels which are in the Agriculture Exclusive land use and zone, which are adjacent to parcels developed and used for residential purposes.
3. Intensive agricultural uses may be appropriate on large parcels which are in the Agriculture Exclusive land use and zone, however they are not appropriate on all parcels in the Agriculture Exclusive land use and zone.

4. The proposed amendment to the General Plan and Zoning Ordinance will ensure that there is a discretionary review process for certain types of intensive agricultural uses. The discretionary review process will ensure that potential environmental impacts of a proposed intensive agricultural operation are adequately addressed, and that inappropriate locations for intensive agricultural operations are not approved.

5. This amendment is in the interest of the health and safety of Mariposa County residents.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby directs that the proposed Zoning Ordinance amendments in Attachment 1 and the proposed 1981 General Plan amendments in Attachment 2 be advertised for adoption, be widely circulated in Mariposa County, be noticed to the general public in the newspaper and be referred to the Mariposa County Planning Commission for a recommendation, prior to being brought back to the Board of Supervisors for final consideration and enactment.

BE IT FINALLY RESOLVED THAT the Board of Supervisors hereby directs that the proposed amendments to the 1981 Mariposa County General Plan shall be terminated, should the Mariposa County General Plan Update be adopted prior to completion of the processing of this project.

ON MOTION BY Supervisor Bibby, seconded by Supervisor Turpin; this resolution is duly passed and adopted this 15th day of November, 2005 by the following vote:

AYES: Stetson, Turpin, Bibby, and Pickard

NOES: None

ABSENT: Fritz

ABSTAIN: None

[Signature]
Bob Pickard, Chairman
Mariposa County Board of Supervisors
ATTEST:

[Signature]
Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

[Signature]
Thomas P. Guarino
County Counsel
ATTACHMENT 1

Proposed Text of Zoning Ordinance Amendment

Changes shown in: italicized, underlined type for new text
                   strikethrough type for deleted text

Chapter 17.40
AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the
Mariposa County land use map, is applied to land considered to be most
desirable for agriculture use. The purpose is to preserve the
agricultural industry of Mariposa County as a viable economic activity.

A. Development standards for the AEZ. Development standards
for the AEZ shall be as follows:

1. Uses:
   a. Permitted uses: Unlimited Ranching and agricultural
      uses when conducted in a manner consistent with proper and accepted
      customs, standards, and practices, except those listed as conditional
      uses below.; low density residential and employee housing in accordance
      with the density standards of this chapter; accessory buildings and
      accessory uses, barns, stables, farm equipment shelters, and other out
      buildings; home enterprises, rural home industry, public schools,
      public parks and other public facilities, such as volunteer fire
      departments, utility transmission and distribution lines, towers, poles
      and substations; mining, rock and mineral processing when in compliance
      with the Surface Mining Act, and those applicable uses listed under
      Chapter 17.108. (Ord. 704 Sec.1, 1988).
   b. Conditional uses: Intensive commercial agricultural
      uses including but not limited to the following: commercial hog
      ranches, cattle feed yards, commercial poultry farming, fertilizer
      plants or yards, animal sales yards, dairies, commercial vineyards and
      orchards, nurseries, wineries, commercial row crops; agricultural or
      dairy processing plant; commercial greenhouses; experimental
      agricultural operations; stands for sale of agricultural products;
      private airstrips which are a part of the agricultural operation on-
      site; dormitory style housing facilities for employees; mining, rock
      and mineral processing when in compliance with the Surface Mining Act;
      slaughter houses, commercial hunting clubs, dude or guest ranches,
      riding clubs, stables or animal boarding facilities and similar
activities; agri-tourism uses; private schools, except as permitted by Section 17.108.060(I). In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. (Ord. 816 Sec.X, 1991).

C. Prohibited uses: All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title. (Ord. 912 Sec.II, 1997).

(all other sections of AE Zone to remain unchanged)
ATTACHMENT 2

Proposed Text of General Plan Amendment

Changes shown in: *italicized, underlined type* for new text
*strike-through type* for deleted text

3.507 "AE" Agricultural Exclusive

A. General Description

The "AE" Classification as designated on the Mariposa County Land Use Map is applied to land considered to be the most desirable land to be maintained for agricultural use for the purpose of preserving the agricultural industry of Mariposa County as a viable economic activity.

B. Development Policy

1. Uses

   a. Permitted Uses

   Permitted uses include unlimited ranching and agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as conditional uses below; low density residential and employee housing in accordance with applicable density standards including a second single family dwelling; for the use of family members or employees, all agricultural uses, quarters for farm labor or servants employed on the premises, accessory building and accessory uses including barns, stables, farm equipment and other out buildings; home enterprises, rural home industry when operated in conjunction with a bona fide agricultural activity, public schools, public parks and other public facilities including volunteer fire departments, mining and mineral processing in accordance with surface mining regulations and mineral or construction material processing site standards contained in Section 3.606 and feed lots and slaughter houses with a 1500 foot setback from state highways and adjacent higher density land use classifications or property lines, and Public Utility Transmission and distribution lines, towers, poles and substations.
b. Conditional Uses

Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, cattle feed yards, commercial poultry farming, fertilizer plants or yards, animal sales yards, dairies, commercial vineyards and orchards, nurseries, wineries, commercial row crops; agricultural or dairy processing plant; commercial greenhouses; experimental agricultural operations; stands for sale of agricultural products; private airstrips which are a part of the agricultural operation on-site; dormitory style housing facilities for employees; mining, rock and mineral processing when in compliance with the Surface Mining Act; slaughter houses, commercial hunting clubs, dude or guest ranches, riding clubs, stables or animal boarding facilities and similar activities; agri-tourism uses; private schools, except as permitted by Section 3.603 (E)(9).

c. Prohibited Uses

Motorcycle, vehicular racing or other similar uses, mobile home parks, recreational vehicle parks or campgrounds, industrial or manufacturing (except home industry or home enterprise) uses, commercial recreation or tourist service facilities except commercial hunting clubs, dude or guest ranches, riding clubs, stables or animal boarding facilities and similar activities when operated in conjunction with a bona fide agricultural activity. All other uses not listed in subsections a and b above are prohibited, except similar uses in compliance with proper findings and review procedures.

(all other sections of AE Land Use to remain unchanged)