RECOMMENDED ACTION AND JUSTIFICATION:

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:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Budgeted current FY</td>
<td>$</td>
</tr>
<tr>
<td>Total anticipated Costs</td>
<td>$</td>
</tr>
<tr>
<td>Required additional funding</td>
<td>$</td>
</tr>
<tr>
<td>Internal transfers</td>
<td>$</td>
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</tbody>
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Balance in Reserve Contingencies, If Approved:

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)
3. Planning Commission Minutes (Dec. 7, 2001)
4. Draft Ordinance
5. Draft Resolution

CLERK’S USE ONLY

Res. No.: 2001-6    Ord. No.: 369
Vote - Ayes:        Noes:        Absent:
Approved            Denied        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:
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 02--47

A resolution approving a General Plan/Zoning Amendment for
Mabel L. Cree. Assessor Parcel Number: 001-130-001.

WHEREAS a complete application for a General Plan/Zoning Amendment was received
from Mabel L. Cree for a change in land use classification and zoning
designation of 96.3 acres from the Mountain General Zone (40 acre parcel
minimum) and 140.4 acres from the Mountain Home Zone (5 acre parcel
minimum) to the Agriculture Exclusive Zone (160 acre parcel minimum) on
August 8, 2001 proposed on a .236.7 acre parcel more particularly described as
Assessor Parcel Number 001-130-001; and

WHEREAS the Planning Department circulated the application among trustee and
responsible agencies, interested public organizations, and others as appropriate; 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 was prepared pursuant to the California Government Code,
Mariposa County Code, California Environmental Quality Act, and local
administrative procedures; and

WHEREAS the Planning Commission and the Board of Supervisors have held public
hearings in accordance with County Code and State Law on December 7, 2001
and February 12, 2002, respectively, and considered all of the information in the
public record, including the Staff Report, testimony presented by the public
concerning the application, and the comments of the applicant; and

WHEREAS, the Planning Commission has recommended approval of the amendment
to the Board of Supervisors;

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of
Mariposa does hereby approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the
County of Mariposa does hereby approve General Plan/Zoning Amendment
2001-6 to change the land use classification and rezone 96.3 acres from the
Mountain General Zone (40 acre parcel minimum) and 140.4 acres from the Mountain Home Zone (5 acre parcel minimum) to the Agriculture Exclusive Zone (160 acre parcel minimum), being a portion of Section 35, Township 2 South, Range 15 East, MDB&M and a portion of Section 2, Township 3 South, Range 15 East, MDB&M; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based on the following findings supported by substantial evidence in the public record:

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 decision making.

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.
ON MOTION BY Supervisor Pickard, seconded by Supervisor Parker, this resolution duly passed and adopted this 12th day of February, 2002 by the following vote:

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

[Signature]
Robert C. Stewart, Chairman
Mariposa County Board of Supervisors

ATTEST:

[Margie Williams]
MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
JEFFREY G. GREEN
Mariposa County Counsel
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.

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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.
TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

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