RESOLUTION - ACTION REQUESTED 2012-561

MEETING: November 13, 2012

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: GP Amendment 2012-098; Transfer of Ag Lands

RECOMMENDATION AND JUSTIFICATION:

Public hearing to Consider Adoption of a Resolution with Findings, Approving General Plan Amendment No. 2012-098 to Clarify Policies for Processing Projects Submitted Pursuant to Goal 10-2 Policy 10-2a, and Implementation Measure 10-2a(4) of the Mariposa County General Plan for Transfers of Lands Within the Agriculture/Working Landscape Land Use Classification, and Directing Staff to File a Notice of Exemption for the Project.

The County of Mariposa is the project proponent.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors adopted the General Plan in December 2006. Chapter 10 of the General Plan includes Goal 10-2, Policy 10-2a, Implementation Measure 10-2a(4).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Do not adopt resolution adopting policies clarifying policies for processing projects submitted pursuant to Goal 10-2 Policy 10-2a, and Implementation Measure 10-2a(4) of the Mariposa County General Plan for transfers of lands within the Agriculture/Working Landscape Land Use Classification. There would be no clarified policies to apply to projects proposing transfers of lands.
- Amend Clarifying policies. Amended text should consider the goal, policy and implementation measure as established by the General Plan.
- Continue public hearing and direct staff to provide additional information.

FINANCIAL IMPACT:

None

ATTACHMENTS:

GP Amend 2012_098 Transfer of Ag Lands (PDF)

CAO RECOMMENDATION

Requested Action Recommended
Resolution - Action Requested 2012-561

RESULT: ADOPTED [4 TO 1]
MOVER: Lyle Turpin, District II Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen
NAYS: Janet Bibby
TO: SARAH WILLIAMS, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: PUBLIC HEARING to Consider Adoption of a Resolution with Findings, Approving General Plan Amendment No. 2012-098 to Clarify Policies for Processing Projects Submitted Pursuant to Goal 10-2, Policy 10-2A, and Implementation Measure 10-2A(4) of the Mariposa County General Plan for Transfers of Lands Within the Agriculture/Working Landscape Land Use Classification, and Directing Staff to File a Notice of Exemption for the Project. The County of Mariposa is the Project Proponent

RES. 561

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on November 13, 2012

ACTION AND VOTE:

1. Planning RES-2012-561
PUBLIC HEARING to Consider Adoption of a Resolution with Findings, Approving General Plan Amendment No. 2012-098 to Clarify Policies for Processing Projects Submitted Pursuant to Goal 10-2, Policy 10-2A, and Implementation Measure 10-2A(4) of the Mariposa County General Plan for Transfers of Lands Within the Agriculture/Working Landscape Land Use Classification, and Directing Staff to File a Notice of Exemption for the Project. The County of Mariposa is the Project Proponent

Staff report was given by Sarah Williams/Planning Director. She presented an overview and explained that this amendment to the countywide General Plan is needed to define a clear process for the transfers of Ag lands in the Agriculture/Working Land Use Classification when there is no net loss of Ag lands. She stated that, at present, the General Plan states criteria for lands to be included, and criteria for lands proposed to be removed, but does not address the issue of a transfer; an omission that became apparent when processing General Plan Amendment 2011-108 (the Dinneal Project to be heard later this day.) Ms. Williams further stated that, in developing this amendment, her Department referenced the Board of Supervisors discussions of October, 2006 regarding the goal policy and implementation measure. She concluded her presentation by pointing out that there is one correction needed in the proposed
resolution; to change to past tense the third “Whereas” paragraph so that it reads:

"WHEREAS, the ‘criteria for transfers of land’ has not yet been approved by the Board of Supervisors as anticipated by this Implementation Measure; and" Staff responded to questions from the Board relative to the draft resolution; the General Plan Amendment process for transfers and clarification of the criteria; whether additional written public comment was received; and clarification of "no net loss of Ag lands."

Public portion of the hearing was opened and input was provided from the following:
Anita Starchman Bryant/Starchman & Bryant Law Offices, stated that she attended all of the General Plan hearings concerning this provision, and that the provision does not use the term “equivalent” but, rather, discusses “resulting in no net loss” of like kind of agriculture land. Thus, the word “equivalent” was not incorporated in the General Plan. She continued that the intent of this provision was to allow for transfers so that there wouldn’t be a loss of even one square inch of Ag lands, and to allow transfers within zones for those instances where it would make more sense to consolidate Ag lands next to Ag lands, and residential lands next to residential lands. She advised that the reason this was included was because it was pointed out by several supervisors that the criteria that would have to be met for removal of agricultural lands was impossible to meet; so this was an alternative for transferring of lands, not removing of lands. She continued that the criteria for removing lands, which is what is being clarified here, does not apply to transfers. She stated that this is an alternate route for transferring of lands, and not removing any Ag lands from Mariposa County. She stated that she thought the difference between removing Ag lands and transferring Ag lands was very clear when she applied for the application and was astounded to find that staff decided that they needed to provide this clarification. She concluded by stating that she is in support of the clarification and asks that it be passed.
Supervisor Bibby commented on potential negative effects should the State of California ever repeal Proposition 13. Staff responded to questions from the Board relative to showing the changes in the General Plan for each land use classification; and as to language needing correction in the resolution.
Supervisor Stetson expressed his qualms with the terms “similar” and “equivalent.” Supervisor Cann stated that it is to be expected that a document as large as the General Plan would need correction over time. He also stated that he feels that allowing land swaps protects and avoids loss. He further stated that he felt it was prudent to have established criteria on this issue. Supervisor Turpin noted that the General Plan was established in 2006 and since that time there has not been an abuse problem concerning it.
Public portion of the hearing was closed and the Board commenced with deliberations.
Action was taken to adopt the Resolution as recommended, including the replacement of “has” with “had” in the third paragraph; and directing staff to file a Notice of Exemption for the project.
Supervisor Bibby advised that she was unable to make the finding requested under “Finding 1”: that this Amendment is in the general public’s best interest or will not have a significant adverse effect on the general public health, safety, peace, and welfare. She stated that she thinks this amendment could cause problems with demand for services, that Ag will be displaced into other communities and other townships, where historically they were not. She also advised that she was unable to make the finding requested under “Finding 2”: 
that this 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. She stated that she does not think that this amendment will improve the General Plan, and feels it will impact demand for services.

The hearing was closed.

RESULT: ADOPTED [4 TO 1]
MOVER: Lyle Turpin, District II Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen
NAYS: Janet Bibby

Cc: Steven W. Dahlem, County Counsel
File
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution No 2012-561

A resolution adopting General Plan Amendment No. 2012-098, to clarify application of policies for processing of projects submitted pursuant to Goal 10-2, Policy 10-2a, Implementation Measure 10-2a(4) for Transfers of Lands within the Agriculture/Working Landscape Land Use

WHEREAS, an application was submitted to Mariposa Planning for processing pursuant to the Mariposa County General Plan, Goal 10-2 Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character; Policy 10-2a Agriculture lands should be retained; and Implementation Measure 10-2a(4) Develop criteria for transfers of lands within the Agriculture/Working Landscape land use designation for lands within other land use designations which result in no net loss of like kind of agriculture lands (type and quality) and that demonstrate a benefit to agriculture lands; and

WHEREAS, said application is known as General Plan/Zoning Amendment No. 2011-108; and

WHEREAS, the “criteria for transfers of land” had not yet been approved by the Board of Supervisors as anticipated by this Implementation Measure; and

WHEREAS, based on direction from the Planning Commission at their meeting on May 4, 2012, planning staff developed draft “criteria for transfers of land within the Agriculture/Working Landscape land use designation” and submitted the criteria to the Agricultural Advisory Committee for review at their meetings on May 24, 2012 and June 7, 2012; and

WHEREAS, the Planning Commission reviewed the Agricultural Advisory Committee’s recommendation on the draft “criteria for transfers of lands within the Agriculture/Working Landscape land use designation” at their meeting on June 15, 2012 and made a recommendation to the Board of Supervisors for final action on the criteria; and

WHEREAS, the “criteria for transfers of lands within the Agriculture/Working Landscape land use designation” must be considered in the review of General Plan/Zoning Amendment No. 2011-108 submitted to Mariposa Planning for processing; and

WHEREAS, at their meeting on May 4, 2012 during the public hearing for General Plan/Zoning Amendment No. 2011-108, the Planning Commission considered a number of other General Plan policies. These included the Residential Land Use Classification “Criteria for New Lands to be Included”, the Agricultural/Working Landscape Land Use Classification “Criteria for New Lands to be Included”, the Agricultural/Working Landscape Land Use Classification “Criteria for Lands
Proposed to be Removed”, and “Contiguity of Land Use Classifications for Agriculture/Working Landscape” in Appendix A; and

WHEREAS, it is several of these sections on which the planning staff report based the denial recommendation; and

WHEREAS, at their meeting on May 4, 2012 during the public hearing for General Plan/Zoning Amendment No. 2011-108, the Planning Commission considered public input in correspondence addressed to the Planning Commission dated April 27, 2012. The correspondence discusses the intent of the General Plan implementation measure for transfers of land. The correspondence provides statements made at the General Plan public hearings in 2006 to document intent; that this “transfer” provision was included in the General Plan to allow the type of proposed “transfer” application proposed by General Plan/Zoning Amendment No. 2011-108 because the findings to remove land from the Agriculture Working Landscape Land use are otherwise very difficult (if not impossible) to make. The correspondence states that, based on the Board’s intent, the other General Plan sections reviewed in the planning staff report to the Planning Commission are not relevant to this “transfer” application; and

WHEREAS, at their meeting on May 4, 2012 during the public hearing for General Plan/Zoning Amendment No. 2011-108, the Planning Commission also considered a section entitled “Appendix A: Contiguity of Land Use Classifications for Agriculture / Working Landscape”. This is in a subsection entitled “Interpretation of Terms and Concepts”. This section on contiguity states, “findings associated with removal of land from the Agriculture/Working Landscape land use classification require calculation of contiguity, or ‘what percent of a parcel is surrounded’ by the A/WL classification or the proposed classification. This section establishes how to make the calculation.” The findings required to remove land from the A/WL are technically established by Section 5.3.04.G of the General Plan, as well as by Implementation Measure 10-2a(1) of the General Plan. The findings [Section 5.3.04.G and Implementation Measure 10-2a(1)] do NOT require a calculation of contiguity as described in the Appendix. An earlier version of a draft General Plan did propose findings which required a calculation of contiguity, but these were removed by the Board of Supervisors prior to December 2006. Unfortunately, the Appendix A section on “how to make the calculation” was inadvertently overlooked during the final editing and adoption of the General Plan and should have been deleted; and

WHEREAS, as a result of the review and discussion at the public hearing, the Planning Commission identified issue for the project relates to the consistency of the General Plan relative to potentially conflicting provisions and the absence of clear written guidance; and

WHEREAS, the Planning Commission believed that it is important to the County, the public, the applicant for General Plan Amendment No. 2011-108, and future applicants of “transfer” projects to ensure that the Board of Supervisors intent to be made clear and explicit in the General Plan; and
WHEREAS, based on this belief, the Planning Commission initiated a text amendment to the General Plan by adopting Resolution No. 2012-012; and

WHEREAS, General Plan Section 3.2.09 “The Protection of Agriculture is Critical for the County’s Future” is a Guiding Principle of the General Plan. This principle states, “Strong policies are established in the General Plan to protect and preserve agriculture for Mariposa County’s future. Agriculture contributes to the County’s economic and social sustainability and is a major aspect of the county’s rural character. This guiding principle establishes the framework for policies established in the Land Use and Agriculture elements.”

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 17th day of August, 2012; and

WHEREAS, the Planning Commission did hold a public hearing on General Plan Amendment No. 2012-098 on the 17th day of August, 2012 and considered all of the information in the public record, including the Staff Report, a proposed Notice of Exemption prepared by the Planning Department staff in accordance with the California Environmental Quality Act and local administrative procedures, and correspondence and testimony presented by the public, and

WHEREAS, the Planning Commission adopted Resolution No. 2012-014, recommending the Board of Supervisors approve General Plan Amendment No. 2012-098 to clarify application of policies for processing of projects submitted pursuant to Goal 10-2, Policy 10-2a, Implementation Measure 10-2a(4) for Transfers of Lands within the Agriculture/Working Landscape Land Use, finding the action is exempt from environmental review and directing staff to file a Notice of Exemption pursuant to the California Environmental Quality Act; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 13th day of November 13, 2012; and

WHEREAS, the Board of Supervisors did hold a public hearing on General Plan Amendment No. 2012-098 on the 13th day of November, 2012 and considered all of the information in the public record, including the Staff Report to the Board of Supervisors, Planning Commission Resolution No. 2012-014, the minutes from the Planning Commission meeting conducted on August 17, 2012, a proposed Notice of Exemption prepared in accordance with the California Environmental Quality Act and local administrative procedures, and correspondence and testimony presented by the public.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan Amendment No. 2012-098.

BE IT THEREFORE FURTHER RESOLVED THAT the amendments to Sections 5.3.02, 5.3.04, 5.3.05 and 10.2, and Appendix A of the General Plan will allow processing of applications to transfer ag land within the Agriculture/Working Landscape land use designation for lands within other land use designations
pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4) and pursuant to adopted criteria. The proposed amendments clarify that such applications are not subject to other adopted General Plan criteria for lands to be included or removed from the Residential, Natural Resources or Agriculture/Working Landscape land use classifications.

BE IT THEREFORE FURTHER RESOLVED THAT the amendments shall be as shown in Exhibit A: New text is shown in italicized underlined type and deleted text shown in strike-through type.

BE IT THEREFORE FURTHER RESOLVED THAT the Board’s action includes direction to staff to file a Notice of Exemption for General Plan Amendment No. 2012-098 pursuant to the California Environmental Quality Act, and Title 14, California Code of Regulations.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in the General Plan shall remain unchanged.

BE IT THEREFORE FINALLY RESOLVED THAT the approval of General Plan Amendment No. 2012-098 is based on the following findings supported by substantial evidence in the public record:

1. FINDING: This 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: The proposed amendment will clarify application of policies for processing projects submitted pursuant to Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4) of the Mariposa County General Plan, for transfers of lands within the Agriculture/Working Landscape Land Use Classification. It is in the public interest to implement the adopted General Plan. Pursuant to Section 11.03 of the General Plan, “An implementation measure carries out a policy. These measures ensure Board policy is carried out through the County’s administrative process. Implementation measures are either time-specific or quantifiable. Implementation measures are mandatory components that make the General Plan work.” The amendment clarifies the policies for transfer of Agriculture/Working Landscape lands pursuant to Implementation Measure 10-2a(4) and will not have any adverse affect on the general public health, safety, peace, and welfare.

2. FINDING: This 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: The adoption of criteria will improve the General Plan by clarifying that a General Plan Map Amendment proposing a transfer of land within the Agriculture/Working Landscape land use classification pursuant to Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4) shall not be subject to the other specific General Plan sections established for land use classifications (“Criteria for
New Lands to be Included," and "Criteria for Lands Proposed to be Removed"), including Agriculture/Working Landscape Land Use Classification. The amendment also deletes a section in Appendix A of the Mariposa County General Plan as that deletion was overlooked during the final editing and adoption of the General Plan. This amendment will improve the Mariposa County General Plan as a long-term guide for county development and as a short-term basis for day-to-day decision making by clarifying policies for the processing of General Plan Amendment applications involving land within the Agriculture/Working Landscape Land Use Classification.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

**EVIDENCE:** The proposed amendment will clarify specific sections of the Mariposa County General Plan and will implement clear and consistent policies for the processing of General Plan Amendment applications involving transfer of land within the Agriculture/Working Landscape Land Use Classification pursuant to Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4). The amendment has been processed in accordance with applicable local policies and ordinances and State law.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

**EVIDENCE:** The proposed amendment clarifies the text in the General Plan to implement clear and consistent policies for the processing of General Plan Amendment applications involving the transfer of land within the Agriculture/Working Landscape Land Use Classification.

**ON MOTION BY** Supervisor Turpin, seconded by Supervisor Allen, this resolution duly passed and adopted this 13th day of November 2012 by the following vote:

**AYES:** Stetson, Turpin, Cann, Allen

**NOES:** Bibby

**ABSENT:** None

**ABSTAIN:** None

**EXCUSED:** None

\[Signature\]

Janet Bibby, Chair

Mariposa County Board of Supervisors
Attest:

[Signature]
Margie Williams, Clerk of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem
County Counsel
Exhibit A

Amendment No. 1 – Amendment to Section 5.3.02

5.3.02 RESIDENTIAL LAND USE CLASSIFICATION

5.3.02.G Criteria for New Lands to be Included

For land to be considered for inclusion into the Residential land use classification of the General Plan, the application will include a specific project and the county will substantiate the findings below.  *This section shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within the Residential land use classification pursuant to General Plan Goal 10.2, Policy 10.2a, and Implementation Measure 10.2a(4), and pursuant to adopted criteria.*

1. One of the following:
   a. the subject property is not under a Williamson Act contract or zoned as a Timber Preserve; or
   b. if the subject property is under a Williamson Act contract for which a Notice of Non-renewal has been recorded, there must be less than two years remaining on the contract or as otherwise specified in the contract or state law; or
   c. if the subject property is zoned as a Timber Preserve, there must be less than five years remaining on the contract or as otherwise specified in contract or state law.

2. There is a need for additional residential land to meet General Plan goals, respond to changes in County policy, or to meet the Regional Housing Needs Allocation.

3. The subject property will be contiguous on at least two sides to lands within the Residential, Rural Economic, or Planning Area land use classifications.

4. The subject property has access from a maintained road or the proposed project incorporates maintained road access as part of the project description.

Amendment No. 2 – Amendment to Section 5.3.04

5.3.04 AGRICULTURE/WORKING LANDSCAPE LAND USE CLASSIFICATION

5.3.04.F Criteria for New Lands to Be Included
This section shall not be considered in the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within other land use classifications pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

Lands proposed for Agricultural use: The application must be presented with a recommendation by the Agricultural Advisory Committee indicating the proposed agricultural use requires the policy protections of the Agriculture/Working Landscape classification and, if applicable, meets standards for Williamson Act contracts.

Lands proposed for timber Management: Minimum 160 acres and compliance with state regulation.

Lands proposed for mineral resource production: The proposal must be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

5.3.04.G Criteria for Lands Proposed to be Removed From the Agriculture/Working Landscape Land Use Classification

The General Plan provides for long-term preservation of agricultural uses. The purpose of this section is to establish significant criteria which are applicable to any proposal to change a land use classification from Agriculture/Working Landscape to another land use classification.

Small lot or parcel sizes diminish commercial scale agricultural use potential of an area. The smaller parcels, when sited in close proximity to working agricultural lands create potential conflicts when the accepted agricultural practices are at variance with perceived rural residential lifestyles. The inclusion of lands under Williamson Act contract and within the Agriculture Exclusive zoning district as Agriculture/Working Landscape lands in a community plan is to reinforce the need to preserve and conserve these lands. With the Mariposa County 20-year Williamson Act contract, no
Agriculture Preserve is eligible for exit from its contract during the 20-year life of the General Plan through 2026, unless the parcel filed a notice of non-renewal.

Land may be considered for reclassification to a Rural Economic land use designation if the land is not restricted by a Williamson Act contract, or is not within an Agricultural Exclusive zone, or if the land is not within a Timber Preserve zone. The reclassification shall meet the criteria for Rural Economic land use classification as provided in Section 5.4.0.23.

Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification will be approved unless the Board of Supervisors adopts the following findings: These findings shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within another land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.

- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production.

- There are no other lands within the proposed land use classification available for the proposed or similar project.

- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.

- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.
Amendment No. 3 – Amendment to Section 5.3.05

5.3.05 NATURAL RESOURCE LAND USE CLASSIFICATION

5.3.05.E(2) Criteria for New Lands to be Included

To be approved for the Natural Resources land use classification, the subject property must be proposed for a zoning district consistent with the purpose of this classification. This section shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within the Natural Resource land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

Lands proposed for Agricultural use: The application will be presented with a recommendation by the Agriculture Advisory Committee indicating why the proposed agricultural use requires the policy protections of the Natural Resource classification.

Lands proposed for timber management: Comply with state regulations.

Lands proposed for mineral resource production: The proposal will be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

Lands proposed for open space or conservation purposes: No special requirements.

Amendment No. 4 – Amendment to Section 10.2

10.2 GENERAL PLAN IMPLEMENTATION

Goal 10-2: Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character.

Policy 10-2a: Agriculture lands should be retained.

Implementation Measure 10-2a(1): Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area, or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification unless the
Board of Supervisors adopts all of the following findings. These findings shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within another land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.
- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agricultural production.
- There are no other lands within the proposed land use classification available for the proposed or similar project.
- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.
- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

Timing: Ongoing review standard.
Responsibility: Mariposa County Planning Department and Agricultural Advisory Committee.
Fiscal Impact: Ongoing review.
Consequences: This sets a high standard of review.

Amendment No. 5 – Amendment to Appendix A

CONTIGUITY OF LAND USE CLASSIFICATIONS FOR AGRICULTURE/WORKING LANDSCAPE

Findings associated with removal of land from the Agriculture/Working Landscape (A/WL) land use classification require a calculation of contiguity, or "what percent of a parcel is surrounded" by the A/WL classification or the proposed classification. This section establishes how to make the calculation.

The lines between the Residential and Agriculture/Working Landscape land use classifications were generated following discussions between the County and the Mariposa County Farm Bureau. The determination was to ensure that generally connected or contiguous agriculture lands remained usable for agriculture. The County has adequate land area to meet population needs for the next twenty years, and so preservation of agriculture areas is critical to the County’s economy. The question arises in relation to "peninsulas" of agricultural lands into Residential areas and of residential lands into Agriculture/Working Landscape area. The formula used is as follows:
1. The subject property proposed for a change must have at least two of its property lines contiguous to the land-use classification being requested or to the Residential land-use classification or a Planning Area—in other words, half the property adjoins non-Agriculture/Working Landscape or non-Natural Resource land-use classification.¹

2. The total linear footage of those two boundary lines adjoining the proposed land-use classification must equal more than 50 percent of the total linear distance of the perimeter of the subject property.

Example: A subject property has six property lines, two of those adjoin the Residential Land Use Classification. The perimeter of the subject property is 5,000 linear feet.² The two property lines total 2,501 linear feet. This property would be eligible for consideration of a land-use classification amendment.

Example: A subject property has four property lines, two of those adjoin the Residential Land Use Classification. The perimeter of the subject property is 5,000 linear feet. The two property lines total 2,450 linear feet. This property would not be eligible for consideration of a land-use classification amendment.

¹ A subject property within A/WS seeking to change the land-use classification to Natural Resource may adjoin Natural Resource, Residential, or Planning Area.

² The perimeter linear footage is available from the County of Mariposa Geographic Information System database for each Assessor Parcel in the County.