RECOMMENDED ACTION AND JUSTIFICATION:

PUBLIC HEARING:
Adopt a final extension of the Interim Urgency Ordinance which was adopted on February 3, 2009 and an extension was subsequently adopted commencing on March 18, 2009, prohibiting the approval of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the exception of any existing permit applications which have been deemed complete for processing as of the date of the adoption of the Interim Urgency Ordinance. This final extension shall be effective for one (1) year commencing on February 2, 2010, and shall expire one (1) year thereafter. This extension is adopted pursuant to California Government Code Section 65858.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board previously amended Title 17 and added Agritourism as a permitted use in the Agricultural Exclusive Zone (AEZ). Title 17 as amended does not contain sufficient regulations and standards as to what uses are permitted, conditional and prohibited in the Agritourism land use. On February 3, 2009 the Board of Supervisors adopted an Interim Urgency Ordinance prohibiting approvals of permitted uses under Agritourism until the Board adopts a comprehensive amendment to Title 17 relative to permitted, conditional and prohibited uses. The necessary amendments to Title 17 cannot be finalized within the initial 45 day term of the Interim Urgency Ordinance. On March 18, 2009 an extension to the Urgency Ordinance commenced extending it for ten (10) months and fifteen (15) days.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Without a prohibition of approvals of uses in Agritourism permits might be approved that would have the adverse effects of urbanizing lands in the AEZ.

Financial Impact? ( ) Yes (x) No Current FY Cost: $  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $  
Additional Funding Needed: $  
Source:  
Internal Transfer  
Unanticipated Revenue  
Transfer Between Funds  
Contingency  
( ) General ( ) Other

List Attachments, number pages consecutively

Interim Urgency Ordinance
Notice of Public Hearing
Staff Report

CLERK'S USE ONLY:
Res. No.: 10-53  
Ord. No.  
Vote - Ayes:  
Nays:  
Absents:  
Affirmative:  
Negative:  
Unanimous:  
Approved  
( ) Minute Order Attached  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By:

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Action Recommended
Comments:  

CAO:  

Revised Dec. 2002
RECOMMENDED ACTION AND JUSTIFICATION:

Adopt an Interim Urgency Ordinance pursuant to California Government Code Section 65858 effective immediately prohibiting the approval of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the exception of any existing permit applications which have been deemed complete for processing as of the date of the adoption of this Interim Urgency Ordinance. If this Interim Urgency Ordinance is adopted it will expire in 45 days after adoption unless the Board holds a public hearing to extend the Ordinance within the 45 day period.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board previously amended Title 17 and added Agritourism as a permitted use in the Agricultural Exclusive Zone (AEZ). Title 17 as amended does not contain sufficient regulations and standards as to what uses are permitted, conditional and prohibited in the Agritourism land use. This Interim Urgency Ordinance is proposed to prohibit approvals of permitted uses under Agritourism until the Board adopts a comprehensive amendment to Title 17 relative to permitted, conditional and prohibited uses.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Without a prohibition of approvals of uses in Agritourism permits might be approved that would have the adverse effects of urbanizing lands in the AEZ.

Financial Impact? ( ) Yes ( ) No
Current FY Cost: $ Annual Recurring Cost: $
Budgeted in Current FY? ( ) Yes ( ) No
( ) Partially Funded
Amount in Budget: $ Additional Funding Needed: $
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No.: Ord. No. 2002-04
Vote - Ayes: Absent:
Noes: 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:
X Requested Action Recommended
( ) No Opinion
Comments:

CAO:

Revised Dec. 2002
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, Interim County Counsel

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: URGENCY ORDINANCE – AGRITOURISM USES
Ord. No. 1049

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on February 3, 2009

ACTION AND VOTE:

11:08 a.m. Jeffrey G. Green, Interim County Counsel;
Adopt an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 Effective Immediately Prohibiting the Approval of Any Agritourism Uses Pursuant to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications which have been deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. If this Interim Urgency Ordinance is Adopted it will Expire in 45 Days after Adoption Unless the Board Holds a Public Hearing to Extend the Ordinance within the 45 Day Period

BOARD ACTION: Jeff Green reviewed the process to adopt an interim urgency Ordinance and he advised of the findings in the Ordinance. Discussion was held. Jeff Green responded to questions from the Board and advised that the applications for six cabins and associated eating facility for Coyote Springs Ranch are exempt from this Ordinance as these applications have been deemed okay for processing.

Input from the public was provided by the following:
Theresa Castaldi stated she is happy to be working with the Board on their project; and she referred to the General Plan and Agriculture Exclusive land use and agritourism. She asked for clarification as to whether this Ordinance would affect any Public Assemblage Permits that they might need to acquire for events that have over 250 persons. Jeff Green responded that this Ordinance would not have any legal affect upon uses that individuals can put to their property under the current County codes and ordinances including the Public Assemblage Permit.

Further discussion was held, including starting the process to schedule a public hearing to extend the Ordinance. (M)Turpin, (S)Cann, the reading was waived and urgency Ordinance No. 1049 was adopted prohibiting the approval of any agritourism uses as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Cc: Kris Schenk, Planning Director
Maxwell Norton, Interim Farm Advisor
Cathi Boze, Agricultural Commissioner
Fred Lustenberger, Building Director
File
MARIPOSA COUNTY ORDINANCE NO. 1049

AN INTERIM URGENCY ORDINANCE TO PROHIBIT THE APPROVAL OF ANY AGRITOURISM USES RELATIVE TO CHAPTER 17.40 AND CHAPTER 17.148 OF THE MARIPOSA COUNTY CODE

WHEREAS, there are not sufficient regulations and standards contained in Chapter 17.40, the “Agricultural Exclusive Zone” and Chapter 17.148, “Definitions” relative to the event and activity uses permitted under the term Agritourism; and

WHEREAS, there are not sufficient procedures and thresholds contained in Chapter 17.40, as Agritourism uses relate to guest ranches, which are specific listed conditional uses in the Agriculture Exclusive Zone and resort commercial development as allowed in the Resort Commercial Zone; and

WHEREAS, without sufficient regulations, standards, procedures and thresholds which are enforceable pursuant to an adopted ordinance, there are potentially detrimental effects to Mariposa County’s rural and agricultural areas, which may lead to potential urbanization in these areas, which is inconsistent with the Mariposa County General Plan; and

WHEREAS, urbanization in Mariposa County’s agricultural areas poses a significant threat to the county’s pastoral way of life and rural character; and

WHEREAS, urbanization in Mariposa County’s agricultural areas poses a significant threat and potentially detrimental effects to Mariposa County’s Williamson Act contracted lands; and

WHEREAS, as a result of the lack of sufficient regulations and standards contained in Chapter 17.40 and Chapter 17.148 of the Mariposa County Code an Interim Urgency Ordinance is necessary to protect the public safety, health and welfare of the citizens of Mariposa County as delineated in the findings below, and

WHEREAS, Section 65858 of the California Government Code empowers the Board of Supervisors (Board) to adopt an Interim Urgency Ordinance to protect the public safety, health and welfare of the citizens of Mariposa County; and

WHEREAS, the Board has directed that the Mariposa County Planning Department prepare a comprehensive draft ordinance amending Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, defining “Agritourism” and containing permitted, conditional, and prohibited uses in Agritourism zoned lands

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION 1: During the dates this Interim Urgency Ordinance and any extension is effective approvals of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code are prohibited, with the exception of any existing permit applications
which have been deemed complete for processing as of the date of the adoption of this Interim Urgency Ordinance.

SECTION II: The purpose of this Interim Urgency Ordinance is to protect the public safety, health and welfare of the citizens of Mariposa County and is based upon the following findings:

A. There are not sufficient regulations and standards contained in Chapter 17.40, the “Agriculture Exclusive Zone” and Chapter 17.148, “Definitions” relative to the event and activity uses permitted under the term Agritourism.

B. There are not sufficient procedures and thresholds contained in Chapter 17.40, as Agritourism uses relate to guest ranches, which are specific listed conditional uses in the Agriculture Exclusive Zone and resort commercial development is allowed in the Resort Commercial Zone.

C. Without sufficient regulations and standards, and considering that Agritourism is listed as a permitted use in the Agriculture Exclusive Zone, Agritourism development could occur on any legally existing nonconforming sized parcel no matter what the size. This could have potentially increased adverse impacts on neighboring properties should large events be conducted without review or limits.

D. Unregulated large Agritourism events create traffic on rural roads which may not have adequate capacity for increased traffic. This represents a potential health and safety impact to drivers and emergency response vehicles. This also represents a potential health and safety impact relative to air quality and PM-10 (dust impacts), considering that many of Mariposa County’s rural roads are not paved.

E. Unregulated large Agritourism events result in gatherings of people or large assembly events which may be conducted during the evening hours. This creates the potential for significant noise impacts in an otherwise quiet environment.

F. Unregulated large Agritourism events create traffic and parking demands, which may impact rural roads if there have not been adequate provisions made for on-site parking. This represents a potential health and safety impact to drivers and emergency response vehicles, as most rural roads do not have sufficient width to accommodate on-street parking. This also represents a potential health and safety impact to pedestrians walking from their vehicles to the Agritourism facility, as most rural roads do not contain provisions for pedestrians.

G. Unregulated large Agritourism events result in gatherings of people or large assembly events which may be conducted during the evening hours. This creates the potential for nighttime lighting and glare impacts in an otherwise dark environment.

H. Unregulated Agritourism development results in the potential for establishment of transient occupancy rental units and additional use of and potentially pressure on agricultural lands which may include Williamson Act contracted lands. Without the
ability to address these potential impacts, the Agritourism development could have potentially significant impacts on the Land Conservation Act program.

I. Unregulated large Agritourism events result in the potential for increased wild land fire hazards and impacts on other emergency services such as police protection. This increases demands on local and state government services.

J. Without sufficient regulations, standards, procedures and thresholds which are enforceable pursuant to an adopted ordinance, there are potentially detrimental effects to Mariposa County’s rural and agricultural areas, which may lead to potential urbanization in these areas, which is inconsistent with the Mariposa County General Plan.

K. Urbanization in Mariposa County’s agricultural areas poses a significant threat to the county’s pastoral way of life and rural character.

L. Urbanization in Mariposa County’s agricultural areas poses a significant threat and potentially detrimental effects to Mariposa County’s Williamson Act contracted lands.

SECTION III: This Interim Urgency Ordinance is adopted under the authority of California Government Code, Section 65858, and shall become effective upon adoption and shall be of no further force and effect after forty-five (45) days from date of adoption, unless extended by the Board of Supervisors pursuant to California Government Code Section 65858.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 3rd day of February 2009 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

BRADFORD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:

JEFFREY G. GREEN
Interim County Counsel
RECOMMENDED ACTION AND JUSTIFICATION:

Adopt an extension of the Interim Urgency Ordinance which was adopted on February 3, 2009, prohibiting the approval of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the exception of any existing permit applications which have been deemed complete for processing as of the date of the adoption of the Interim Urgency Ordinance. This extension shall be effective for ten (10) months and fifteen (15) days commencing on the 18th day of March, 2009, and shall expire ten (10) months and fifteen (15) days thereafter unless further extended pursuant to California Government Code Section 65858. This extension is adopted pursuant to California Government Code Section 65858.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board previously amended Title 17 and added Agritourism as a permitted use in the Agricultural Exclusive Zone (AEZ). Title 17 as amended does not contain sufficient regulations and standards as to what uses are permitted, conditional and prohibited in the Agritourism land use. On February 3, 2009 the Board of Supervisors adopted an Interim Urgency Ordinance prohibiting approvals of permitted uses under Agritourism until the Board adopts a comprehensive amendment to Title 17 relative to permitted, conditional and prohibited uses. The necessary amendments to Title 17 cannot be finalized within the initial 45 day term of the Interim Urgency Ordinance.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Without a prohibition of approvals of uses in Agritourism permits might be approved that would have the adverse effects of urbanizing lands in the AEZ.

Financial Impact? ( ) Yes (x) No Current FY Cost: $ 
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded 
Amount in Budget: $ 
Additional Funding Needed: $ 
Source: 
Internal Transfer 
Unanticipated Revenue 4/5's vote 
Transfer Between Funds 4/5's vote 
Contingency 4/5's vote 
( ) General ( ) Other

Annual Recurring Cost: $ 
List Attachments, number pages consecutively 
Interim Urgency Ordinance 
Notice of Public Hearing 

CLERK'S USE ONLY:
Res. No.: ________ 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: 

CAO: 

Revised Dec. 2002
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: STEVE DAHLEM, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING to Adopt an Extension of the Interim Urgency Ordinance Which was Adopted on February 3, 2009, Prohibiting the Approval of Agriculture Tourism Uses Relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications Which have been Deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. This Extension Shall be Effective for Ten Months and Fifteen Days Commencing on the 18th Day of March, 2009, and Shall Expire Ten Months and Fifteen Days Thereafter Unless Further Extended pursuant to California Government Code Section 65858. This Extension is Adopted Pursuant to California Government Code Section 65858 (4/5ths Vote Required)

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 10, 2009

ACTION AND VOTE:

10:03 a.m., Steve Dahlem, County Counsel;
PUBLIC HEARING to Adopt an Extension of the Interim Urgency Ordinance Which was Adopted on February 3, 2009, Prohibiting the Approval of Agriculture Tourism Uses Relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications Which have been Deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. This Extension Shall be Effective for Ten Months and Fifteen Days Commencing on the 18th Day of March, 2009, and Shall Expire Ten Months and Fifteen Days Thereafter Unless Further Extended pursuant to California Government Code Section 65858. This Extension is Adopted Pursuant to California Government Code Section 65858 (4/5ths Vote Required)

BOARD ACTION: Steve Dahlem presented the staff report; and he advised that the written report describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance, required by Government Code Section 65858(d), has been prepared by Planning and submitted to the Board and is available to the public.

The public portion of the hearing was opened and input was provided by the following: Ken Baker, representing Coyote Springs Ranch, asked for clarification of the status of their permits for the kitchen facilities and other projects they previously started. Steve Dahlem advised that the status of specific projects and permits would need to be reviewed on a case-by-case basis by Planning and the Building Departments; and it was noted that the urgency Ordinance excepts existing permit
applications which have been deemed complete for permit processing as of the date of the adoptions of
the interim Urgency Ordinance.

Jeanetta Phillips stated she does not feel that the length of time allowed in this extension
qualifies this as being an urgent matter, especially given the current economy. She feels that this will
require people to wait too long to do projects.

MaryAnn Huff expressed concern with the status of Title 17 and this urgency; and asked
whether work is being done on Title 17.

Rita Kidd noted that the extension criteria is specified in law; and she suggested that County
Counsel explain this for the public.

The public portion of the hearing was closed and the Board commenced with deliberations. Steve
Dahlem explained the process for extending an urgency ordinance. (M)Cann, (S)Bibby, the Board
adopted the extension of the Interim Urgency Ordinance which was adopted on February 3, 2009,
prohibiting the approval of Agritourism uses as recommended/Ayes: Unanimous. The hearing was
closed.

Cc:  Kris Schenk, Planning
File
TO: Mariposa County Board of Supervisors

FROM: Kris Sturges, Planning Director

DATE: March 10, 2009

SUBJECT: REPORT DESCRIBING MEASURES TAKEN TO ALLEVIATE CONDITIONS LEADING TO ADOPTION OF AN INTERIM URGENCY ORDINANCE PROHIBITING THE FURTHER APPROVAL OF AGRITOURISM USES IN CHAPTERS 17.40 AND 17.148 OF THE MARIPOSA COUNTY CODE

The Board of Supervisors conducted an extended public hearing on January 27, 2009, at which a Resolution of Intention was adopted. The Resolution identified the Board’s objective to limit the further approval of agritourism uses pending the consideration and adoption of sufficient standards, thresholds and procedures to protect the public safety, health and welfare of the citizens of Mariposa County. The Board followed through with that intention on February 3, 2009 by adopting an Interim Urgency Ordinance prohibiting agritourism uses.

The following actions have been and are being taken to establish the standards, criteria and procedures that will be needed for a permanent definition of agritourism events and uses in the Mariposa County Code:

- The Board of Supervisors has established funding and a contract with a private agricultural consultant, Karen Bobb, to undertake and complete the agritourism work program;
- The Board held a series of public workshops to involve and consider the comments of “stakeholder” organizations and individuals in the creation of agritourism standards and regulations appropriate for Mariposa County;
- The Board adopted a Resolution on January 27, 2009 establishing a seven-member agritourism “stakeholders” committee, consisting of Mariposa County organizations and individuals with knowledge and expertise in the enterprises of ranching, commercial agriculture, economic development, tourism and natural resource conservation;
- The structure of the agriculture tourism advisory committee, appointed on March 10, 2009, represents a broad cross section of commercial, agriculture, conservation and tourism stakeholders within the Mariposa community, consisting of:
  1. One (1) member from the Mariposa County Farm Bureau;

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
2. One (1) member from the Mariposa County Visitors and Tourism Bureau;

3. One (1) member from the Mariposa Agri Nature Trail Committee, representing an agriculture producer;

4. One (1) member from the Mariposa Chamber of Commerce, representing an economic development interest;

5. One (1) member from the Mariposa County Resource Conservation District (RCD);

6. Two (2) members selected from the general public, pursuant to procedures of the Maddy Act, following the appointment of the agency members, to balance the Committee membership.

7. The seven appointed agency members work with the advice and support of the following ex officio (non-voting,) Committee members:

   a. Agricultural Commissioner;
   b. County Assessor;
   c. Business Development Coordinator;
   d. Deputy Planning Director;
   e. U.C. Farm Advisor.

   • The responsibilities of the Committee, to be carried out at public meetings conducted under the provisions of California Open Meeting Law (the Brown Act), include:

     i. Consider and recommend clear definitions, thresholds, standards and procedures appropriate for agriculture tourism activities within the Agriculture Exclusive Zone (AEZ) throughout Mariposa County;

     ii. Communicate and serve as liaison with stakeholder organizations and interests in Mariposa County to insure that a broad spectrum of opinions and information is considered in the development of the agriculture and nature based tourism ordinance;

     iii. Work collaboratively to create economic opportunities for agriculture dependent businesses that will sustain the County’s commercial agricultural lands and natural resources, and maintain sound land management practices and the rural character of Mariposa County.

   • The agriculture tourism advisory committee is scheduled to complete its recommended ordinance at five meetings between March and May, 2009. The meeting dates are March 20 & 27, April 13 & 24, and May 15, 2009. The draft ordinance and regulations will be presented to the Board of Supervisors in June, 2009.

Following the completion of the Committee’s work schedule, the draft ordinance will be circulated at public workshops and public hearings to the County’s standing Agricultural Advisory Committee, the Planning Commission and finally once again to the Board of Supervisors later in 2009. Once the Board has adopted the new Agriculture Tourism regulations containing clear definitions, standards and procedures, following the program of work and the schedule of public meetings outlined above, there will be no further need for the current Interim Urgency Ordinance.
PUBLIC HEARING NOTICE CORRECTION

The public is hereby notified that the Mariposa County Board of Supervisors, on Tuesday, January 26, 2010 at 2:00 p.m. in the Board Chambers, County Government Center, Mariposa, California, will conduct a public hearing to receive public input and adopt a final extension of the Interim Urgency Ordinance which was adopted on February 3, 2009, prohibiting the approval of Agritourism uses relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the exception of any existing permit applications which have been deemed complete for processing as of the date of the adoption of the Interim Urgency Ordinance. An extension was adopted and effective for ten (10) months and fifteen (15) days commencing March 18, 2009, and shall expire ten (10) months and fifteen (15) days thereafter unless further extended pursuant to California Government Code Section 65858. This final extension shall commence on February 2, 2010 and shall expire one (1) year thereafter. The adopted Interim Urgency Ordinance is available for review at the County Administration Counter.

This extension is proposed to be adopted pursuant to California Government Code Section 65858.

The public is invited to attend and comment on the proposed extension.

Steven W. Dahlem
County Counsel

Publication dates: 1/14/2010
January 15, 2010

TO: Board of Supervisors

FROM: Sarah Williams, Deputy Planning Director

RE: Update to March 10, 2009 Report Describing Measures Taken to Alleviate Conditions Leading to Adoption of an Interim Urgency Ordinance Prohibiting the Further Approval of Agritourism Uses in Chapter 17.40 and 17.148 of the Mariposa County Code

On January 27, 2009 a seven-member agritourism “stakeholders” committee was established by the Board of Supervisors; known as the Agriculture Nature Tourism Advisory Committee.

On March 10, 2009 the Agriculture Nature Tourism Advisory Committee members were appointed by the Board of Supervisors.

Since the last report was made to the Board of Supervisors on March 10, 2009 regarding measures taken to alleviate conditions leading to adoption of an interim urgency ordinance prohibiting further approval of agritourism uses, the following progress has been made in the development of recommendations for detailed regulations and standards for Chapter 17.40, the “Agriculture Exclusive Zone” and Chapter 17.148, “Definitions” relative to the event and activity uses permitted under the term Agritourism:

1. March 20, 2009: The Agriculture Nature Tourism Advisory Committee conducted a noticed public meeting.

2. March 27, 2009: The Agriculture Nature Tourism Advisory Committee conducted a noticed public meeting.

3. April 13, 2009: The Agriculture Nature Tourism Advisory Committee conducted a noticed public meeting.
4. April 24, 2009: The Agriculture Nature Tourism Advisory Committee conducted a noticed public meeting.


6. May 22, 2009: The Agriculture Nature Tourism Advisory Committee conducted a continued public meeting to complete their recommendations on the amended ordinance language.

7. June 16, 2009: The Board of Supervisors considered the recommendations of the Agriculture Nature Tourism Advisory Committee at a noticed public meeting. The Board of Supervisors adopted Resolution No. 09-296 initiating an amendment to the Zoning Ordinance for processing, as recommended by the committee. The Project was assigned an application number: Zoning Amendment No. 09-87 or ZA No. 09-87 (Agritourism and Agri-Nature Tourism Amendments).

8. July 9, 2009: The Agricultural Advisory Committee considered ZA No. 09-87 at a noticed public meeting.

9. August 20, 2009: The Agricultural Advisory Committee continued their consideration of ZA No. 09-87 at a noticed public meeting.

10. September 10, 2009: The Agricultural Advisory Committee completed their consideration of ZA No. 09-87 at a noticed public meeting. The Agricultural Advisory Committee forwarded a recommendation for action on ZA No. 09-87 to the Planning Commission.

Copies of all of the above referenced meeting agendas and minutes are available upon request, as is the text of the recommended amendments contained in ZA No. 09-87.

The next step in the processing of ZA No. 09-87 is to schedule a noticed public hearing at the Planning Commission. Staff did not schedule the Agritourism Amendments for Planning Commission consideration during October, November or December of 2009 due to the processing and scheduling of other major projects involving senior level planning staff, as well as the scheduling of other major projects to the Planning Commission.

Upon completion of the Planning Commission public hearing and review process expected in the spring of 2010, ZA No. 09-87 will be scheduled for final public hearing and review by the Board of Supervisors. This will complete the adoption of regulations containing clear definitions, standards and procedures for agritourism. At such time, there will be no further need for the current Interim Urgency Ordinance.