

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2011-007

A resolution recommending approval for Zoning Amendment Application No. 2010-162. Jerry Cox (Bison Creek Ranch), applicant. Assessor Parcel Numbers 008-140-021, 008-140-022, and 008-140-023 .

WHEREAS an application for Zoning Amendment No. 2010-162 was received on November 15, 2010 from Jerry Cox for a property located at 6071 CYA Road in the Mariposa area, also known as Assessor Parcel Numbers 008-140-021, -022, and -023; and

WHEREAS the application proposes to change the zoning designation of the subject parcel from Mountain Preserve (MP) to Agriculture Exclusive (AE); and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of February 24th, 2011; and

WHEREAS a Staff Report to the Agricultural Advisory Committee was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Agricultural Advisory Committee did hold their meeting on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and their own knowledge of county-wide agricultural operations; and

WHEREAS based on the fact that the property is currently in a Land Conservation Act Contract and similar findings had to be made, and the current agricultural use of the property, the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors approve Zoning Amendment No. 2010-162; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 6th day of May 2011; and

WHEREAS the Planning Department determined that the change of zoning from Mountain Preserve (MP) to Agriculture Exclusive (AE) zone can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act per the General Rule Exemption; Section 15061, CEQA Guidelines; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, the proposed environmental determination, and the comments of the applicant.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve Zoning Amendment Application No. 2010-162 by both Resolution and Ordinance.

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

ON MOTION BY Commissioner Francisco, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 6th day of May 2011 by the following vote:

AYES: Francisco, Marsden, Ross, Tucker, and Rudzik

NOES: None

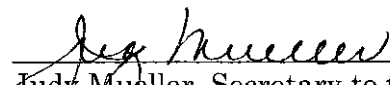
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
RECOMMENDED PROJECT FINDINGS
FOR
Zoning Amendment No. 2010-162

Pursuant to the Mariposa County Zoning Ordinance, section 17.128.050, the following findings must be made before a zoning amendment may be approved.

1. *That such an amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare;*
 - a. Through the Land Conservation Act (Williamson Act), the State of California encourages commercial agricultural to occupy lands suited to such enterprises in order to maintain and enhance this type of economic resource of the state.
 - b. Commercial agricultural uses are common in Mariposa County and permitted to occur on most land use designations.
 - c. The Agricultural Exclusive zoning district includes provisions that require discretionary review for certain uses that by their nature may require measures to reduce impacts to less than significant.
2. *That such an amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short- term basis for day-to-day decision- making;*
 - a. The zoning designation of Agricultural Exclusive is required for property enrolled in a rolling 20-year contract with the County for agricultural uses. This improves the plan by providing long-term guidance on the use of the property in a manner consistent with the desired land use of the area.

b. The requested zoning designation will also provide guidance with respect to day-to-day decision-making.

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

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

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

The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agricultural Element and its emphasis on preserving agricultural lands (Section 10.1.01 of The General Plan), and maintaining the rural character of the county (Section 10.1.04 of The General Plan). The Conservation and Open Space Element confirms the importance of maintaining open space nature of the county. This project is the result of the execution of a Land Conservation Act contract, which is a 20 year commitment to agriculture and open space uses for the site. The preserve is consistent with the General Plan. The current and past use of the property is for agricultural purposes. This finding is made in accordance with Section 51234 of Government Code.

5. *In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map:*

a. *the subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development; and*

The parcels include a 160 acre parcel, a 120 acre parcel, and a 157.26 acre parcel. One of the parcels does not meet the minimum 160 acre or legal quarter section parcel size required by the Agriculture Exclusive zone. All three parcels are currently in the Mountain Preserve zone which has a minimum parcel size of 160 acres or legal quarter section, therefore the parcel is already existing non-conforming in terms of parcel size. The parcel will continue to be existing, non-conforming in terms of parcel size. The parcels have access to CYA Road. The Agricultural Exclusive zoning district

is considered to be consistent with the Agriculture/Working Landscape land use classification, per Section 5.3.04.C of the County of Mariposa General Plan.

- b. *the proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).*

The proposal is to maintain commercial agricultural uses on the property for a minimum period of 20-years, which is extended automatically each year until the property owner notifies the county and state of his/her intent to terminate the contract after 20-years. The proposed zoning designation is logical, based upon existing "development" on-site, infrastructure investments made on-site (bison grazing) and past use of the site.

- 6 *The site plan submitted by the applicant shows a "guest cabin" located on APN 008-140-021. Chapter 17.40 states that guest ranches and/or transient occupancy uses are a Conditional use and therefore require a Conditional Use Permit. There is no Conditional Use Permit for a guest ranch or a transient occupancy use on this parcel. The Rules of Procedure Implementing the Land Conservation Act of 1965 allow recreation that does not displace agricultural production use that does not include permanent structures. The rules allow one-family dwellings located on the land and occupied by persons directly engaged in the commercial agricultural operation (including both lessors and lessees). Approval of a zoning amendment does not approve a "guest cabin" or any uses or structures not in compliance with County Code or existing Land Conservation Act contract policies.*