

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-46

A Resolution Recommending Denial of a Request for a Williamson Act Compatibility Use Determination to allow a church on Williamson Act Contracted Land and Recommending Denial of Conditional Use Permit No. 2007-13; Mariposa Revival Center, applicant. Assessors Parcel Number 012-180-032.

WHEREAS an application for a Conditional Use Permit and an Amendment to the Williamson Act Contract No. 17 was received on January 18, 2007 from Mariposa Revival Center and Frank and Francis Long for a property bounded by Highway 140, Old Highway and Yaqui Gulch Road, also known as Assessors Parcel Number 012-180-032; and

WHEREAS the Conditional Use Permit project proposed to locate a church on an 8 acre portion of a Williamson Act contract property; and

WHEREAS upon review of the project, it was determined that a Lot Line Adjustment was required in Order to amend the boundaries of the Williamson Act Contract; and

WHEREAS on May 4, 2007 the applicants amended their project and requested a Compatible Use Determination in order to locate the church on the Williamson Act Contract property; and

WHEREAS on August 2, 2007 the Mariposa County Agricultural Advisory Committee considered the applicants' amended project and recommended denial of the projects; and

WHEREAS on October 30, 2007 the Department of Conservation sent correspondence recommending denial of the request for a compatible use determination for the church on Williamson Act Contracted land; and

WHEREAS on October 31, 2007 the Mariposa County Agricultural Commissioner sent correspondence recommending denial of the request for a Compatible Use Determination for the church on Williamson Act Contracted land; and

WHEREAS on November 13, 2007 the Mariposa County Farm Bureau sent correspondence recommending denial of the request for a compatible use determination for the church on Williamson Act Contracted land; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 19th day of October 2007; and

WHEREAS the Planning Commission continued the public hearing to the 16th day of November 2007; and

WHEREAS a Staff Report was prepared for the public hearing pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the 16th day of November 2007 and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the request and application, and the comments of the applicant and his agents.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors deny the Request for a Compatible Use Determination to allow a Church on a Williamson Act Contract, including Williamson Act Contract No. 17.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors deny Conditional Use Permit No. 2007-13 based upon the inability to approve the request for a Compatible Use Determination.

BE IT RESOLVED THAT this action is based upon the findings as contained in Attachment A as supported by substantial evidence in the public record.

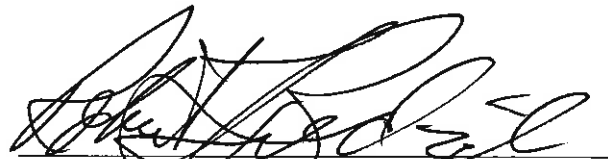
ON MOTION BY Commissioner Francisco, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 16th day of November, 2007 by the following vote:

AYES: Francisco, Rudzik, Skyrud and DeSantis,

NOES: None

EXCUSED: Ross

ABSTAIN: None


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:


Carol Suggs, Secretary to the
Mariposa County Planning Commission

Attachment A Recommended Findings for Denial of Williamson Act Compatibility Use Determination and CUP 2007-13

1. The Board of Supervisors has discretion to make a compatible use determination based upon a request from a property owner.
2. This is the first time a request for a Compatible Use Determination has been made by a private property owner to Mariposa County. The request needs to be evaluated carefully.
3. Mariposa County has not adopted rules “related to compatible uses, to be applied uniformly throughout the preserve” consistent with the provisions of Government Code, Section 51238.1.
4. The Board of Supervisors needs to consider State Law (Government Code) including the purpose and intent of the Williamson Act, Mariposa County Resolution No. 77-157, input from the Mariposa County Agricultural Advisory Committee, input from the State of California Department of Conservation, input from the Mariposa County Agricultural Commissioner, input from members of the agricultural community including the Mariposa County Farm Bureau, and public input.
5. The Board of Supervisors needs to consider policies from the Mariposa County General Plan relative to rural character and preservation of agricultural lands, protecting agricultural lands from pressures of urbanization, maintenance of Mariposa County’s agricultural heritage, and concentrating more “community-support” uses in town areas.
6. The Board of Supervisors needs to consider the request and position of the applicant.
7. There are other large ranches in Mariposa County, which are under a Williamson Act Contract.
8. Using the agent’s interpretation and application of the Principles of Compatibility from Government Code as described in their letter to the Mariposa County Planning Commission dated October 8, 2007, almost any use within the applicant’s proposed 1,600 square foot structure or 8 acres could be *substituted* and *considered* as a compatible use (other than a residential subdivision).

One could make the same arguments about the substituted use “not compromising the long-term productive agricultural compatibility of the contracted parcel” (a large ranch), the substituted use “not significant displacing or impairing the agricultural operations on the contracted parcels” (a large ranch), and “not resulting in the removal of adjacent contracted lands from agricultural or open space use”.

Although the underlying Agriculture Exclusive (AE) zoning still limits the choice of land uses, there are other permitted and conditional land uses within the AE zone which, like a church, are not agricultural production uses and which are not appropriate for Williamson Act Contracted land. These include (some) Agritourism uses (such as those which may have permanent facilities related to overnight guest accommodations or food and beverage facilities), schools, recreational camps, riding clubs and boarding facilities, and guest ranches, etc.

9. Consequently, considering the listed permitted and conditional uses in the AE zone, and considering the sizes of other contracted lands in Mariposa County, it is important relative to Mariposa County’s

interpretation and application of the Government Code's Rules for Compatible Uses in Mariposa County, that Mariposa County consider how any one decision for a compatible use determination might create a precedent.

10. Mariposa County's evaluation of and action on the request for a Compatible Use Determination is not an action which is "against" the church or the purpose of the church or the function of the church or all of the positive things the church does for the community.
11. Mariposa County's evaluation of and action on the request for a Compatible Use Determination is simply a statement and a position that a Compatible Use on a Williamson Act Contract in Mariposa County should be related to or incidental to an agricultural operation or agricultural production use or commercial agriculture in some integral way.
12. Mariposa County finds that, the applicant's proposed church, even though it is called a "cowboy" church, is not related to an agricultural use or an agricultural commodity or agricultural production. A church functions like an independent assembly hall use.
13. Mariposa County finds that the proposed church use will displace 8 acres of ground which is currently used for agricultural purposes.
14. Mariposa County finds that, a contracted parcel which is receiving tax advantages for agricultural uses, should be used for agricultural purposes or purposes related to agriculture.
15. Mariposa County finds that the Williamson Act program is a voluntary program. Relative to the applicant's property, Mariposa County finds that the Conservation Easement program is a voluntary program.
16. Mariposa County finds that the applicant has other property which is not in a Williamson Act contract, which may be considered for this project.