DEPARTMENT: Planning

RECOMMENDED ACTION AND JUSTIFICATION:

The Planning Commission recommends adoption of a resolution approving the project with the recommended findings, including a finding that the project is exempt from environmental review. Waive the first reading and introduce an Ordinance approving the project's changes to the general plan land use map and the county's official zoning map.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

In December 2003, the Mariposa County Board of Supervisors, upon recommendation of the Agricultural Advisory Committee and the Planning Commission, approved the applicant's request to enter into a Williamson Contract for the subject property. The contract has been executed and recorded with the Mariposa County Recorder's Office.

The Board's approval gave the applicant six-months to process the "companion" General Plan / Zoning Amendment (GPZA) application from Mountain General to Agricultural Exclusive (AE). The AE zoning is the required zoning for lands under Williamson Contract.

The project under consideration now is such GPZA application.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

There are no alternative zoning designations for property held in a Williamson Contract. If the zoning is not changed, the property would need to be removed from Williamson Contract Lands.

Financial Impact? ( ) Yes (X) No
Budgeted In Current FY? ( ) Yes ( ) 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

CLERK'S USE ONLY:
Res. No.: 04-58  Ord. No: 1005
Vote - Ayes: 5  Noes: ______  Absent: ______
( ) Approved
( ) Minute Order Attached  ( ) No Action Necessary

APPENDIX:

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: ______
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2004-168   A resolution adopting a Notice of Exemption, and approving
General Plan/Zoning Amendment #2003-182, Ronald Enos,
applicant. Assessor Parcel Number 007-090-021.

WHEREAS complete applications for General Plan Zoning Amendment was received from
Ronald Enos, applicant, for a change in Land Use and Zoning Designation of a 160-
acre parcel from Mountain General (MG) to Agricultural Exclusive (AE). The project is
located west of William's Peak Lookout at 7831 Hunters Valley Road, also known as
Assessor Parcel Number 007-090-021; and

WHEREAS the Planning Department circulated the applications 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 duly noticed public hearing was scheduled for the 6th day of February, 2004
for the Mariposa County Planning Commission; and

WHEREAS a Planning Commission Staff Report were prepared pursuant to the California
Government Code, Mariposa County Code, California Environmental Quality Act, and
local administrative procedures; and

WHEREAS on February 6th, 2004 the Planning Commission held a public hearing on the
applications in accordance with County Code and State law; and

WHEREAS the Planning Commission adopted resolution #2004-2 recommending to the
Board of Supervisors the adoption of a Notice of Exemption and approval of General
Plan/Zoning Amendment #2003-182 and adoption of an ordinance with findings; and

WHEREAS a duly noticed public hearing was scheduled for the 20th day of April, 2004 for
the Mariposa County Board of Supervisors; and

WHEREAS a Board of Supervisors Staff Report were prepared pursuant to the California
Government Code, Mariposa County Code, and California Environmental Quality Act,
and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and
considered all information in the public record, including the Staff Report, testimony
presented by the public concerning the application, comments from affected agencies, the comments of the applicant and the recommendation of the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan Zoning Amendment #2003-182 to be effective on the effective date of the ordinance.

BE IT FINALLY RESOLVED that the action to approve the projects is based upon following findings supported by substantial evidence in the public record:

GENERAL PLAN/ZONING AMENDMENT #2003-182
FINDINGS

Pursuant to Mariposa County Zoning Ordinance, Section 17.128.050, the following Findings are made:

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 requires 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 land use designation of Agricultural Exclusive is necessary to allow for the property to placed under 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 Conservation Element. The Open Space 
   Element confirms the importance of maintaining the viability of the agricultural 
   industry for Mariposa County, and results in the execution of a Land Conservation 
   Act contract, which is a 20-year commitment to agriculture and open space uses for 
   the site. The preserves are consistent with the General Plan. 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 proposal meets the minimum dimensional requirements of the 
      Agricultural Exclusive zone, has access to Hunter's Valley Road, has been 
      used over the last three years for commercial agricultural use and is 
      compatible with adjacent uses and land use designations (Public Sites – BLM 
      (public grazing land) and Mountain General (used for ranching). 
   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.

ON MOTION BY Supervisor Balmain, seconded by Supervisor Pickard, this resolution 
which was duly passed and adopted this 20th day of April 2004 by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE
GARRY R. PARKER, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

THOMAS GUARINO, County Counsel
TO: SARAH WILLIAMS, Interim Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING TO CONSIDER GENERAL PLAN/ZONING AMENDMENT
#2003-182, RONALD ENOS, APPLICANT
Resolution No. 04-168

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 20, 2004

ACTION AND VOTE:

B) PUBLIC HEARING to Consider General Plan/Zoning Amendment #2003-182; Adopt a Resolution Approving Project, Including a Finding that the Project is Exempt from Environmental Review; Waive First Reading and Introduce an Ordinance Amending the General Plan Land Use Map and Official Zoning Map of the County for a Property Located West of William’s Peak Lookout at 7831 Hunters Valley Road from Mountain General (MG) to Agricultural Exclusive (AE); Assessor Parcel Number 007-090-021; Ronald Enos, Applicant

BOARD ACTION: Bill King, Senior Planner, presented the staff report. Staff responded to a question from the Board relative to the status of the Williamson Act contract. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to use of the parcel for the last three years, and whether any written objections were received to the project. (M)Balmain, (S)Pickard, Res. 04-168 was adopted approving the project with the recommended findings, including a finding that the project is exempt from environmental review; and the first reading was waived and an ordinance introduced approving the project’s changes to the General Plan Land Use Map and the County’s Official Zoning Map. The Clerk of the Board read the title of the ordinance into the record. Ayes: Unanimous. The hearing was closed.

cc: Tom Guarino, County Counsel
File