

DEPARTMENT: Planning

BY: Alvaro Arias, Associate Planner
PHONE: 742-1218

RECOMMENDED ACTION AND JUSTIFICATION: Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on November 22, 2011 to waive the first reading and introduce the ordinance and adopt a resolution adopting a Notice of Exemption and approving General Plan/Zoning Amendment No. 2011-104, Lot Line Adjustment No. 2011-105, and Land Conservation Act Contract No. 2011-106.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On November 22, 2011 the Board of Supervisors approved General Plan/Zoning Amendment No. 2011-104, Lot Line Adjustment No. 2011-105, and Land Conservation Act Contract No. 2011-106. The Board waived the first reading and introduced the ordinance on November 22, 2011 and adopted a resolution adopting a Notice of Exemption and approving the amendment on that same date.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board of Supervisors has adopted a resolution approving General Plan/Zoning Amendment No. 2010-128, Lot Line Adjustment No. 2011-105, and Land Conservation Act Contract No. 2011-106.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
		1) Draft Board Ordinance _____
Additional Funding Needed: \$ _____		_____
Source: _____		_____
Internal Transfer _____		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
_____		_____

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1084
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 () Approved
 () Minute Order Attached () No Action Necessary

MW


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: 

MARIPOSA COUNTY ORDINANCE NO. 1084
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the General Plan land use classification and zoning designation on Assessor's Parcel Numbers 017-110-089, 017-170-091, 017-170-099 and 017-170-075 (3909, 3885 and 3937 Silver Bar Road.) was submitted by Silver Valley Ranch, LLC. on May 31, 2011, and

WHEREAS, the application is known as General Plan/Zoning Amendment No. 2011-104. The application proposes to rezone adjusted Parcel D from Lot Line Adjustment No. 2011-105 to the Agriculture Exclusive Zone; and

WHEREAS, the Agriculture Advisory Committee held a duly noticed public meeting on General Plan/Zoning Amendment No. 2011-104 on the 15th day of September 2011, in accordance with State Law and County Code; and

WHEREAS, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment No. 2011-104 on the 21st day of October 2011, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment No. 2011-104 on the 22nd day of November 2011, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on General Plan/Zoning Amendment No. 2011-104 and its accompanying applications, Lot Line Adjustment No. 2011-105 and Land Conservation Act Contract Application No. 2011-106, in accordance with the California Environmental Quality Act, and the project has been found to be exempt from environmental review.


NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby amend the zoning map of Mariposa County pursuant to General Plan/Zoning Amendment No. 2011-104. The property to be zoned Agriculture Exclusive is legally described in Exhibit A and is shown on the map in Exhibit B.

BE IT FINALLY ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit C.

SECTION II: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

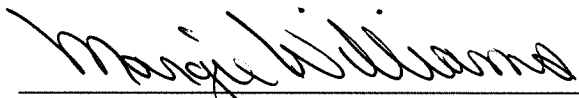
PASSED AND ADOPTED on this 6th day of December, 2011 by the following vote.

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE



JIM ALLEN, Chair
Mariposa County Board of Supervisors

Attest:



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

APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel

Exhibit A

A tract of land situated in a portion of Section 7 and in a portion of Section 18, Township 6 South, Range 19 East, M.D.B. & M., Mariposa County, State of California, said tract of land being more particularly described as follows:

The Southeast quarter of the Southwest quarter (SE1/4 SW1/4) and the Northwest quarter of the Southeast quarter NW1/4 SE1/4) of said Section 7.

TOGETHER WITH Government Lots 3, Government Lot 4, and the Southeast quarter of the Northwest quarter (SE1/4 NW1/4) of said Section 18, according to United States Government Township Plats.

ALSO TOGETHER WITH all that portion of said Sections 7 and 18 described as follows:

COMMENCING at the southeast corner of said Section 7 as said corner is delineated on that certain map entitled "Parcel Map for Steve & Toni Kellenberg" filed May 13, 2005 in Book 28 of Parcel Maps at Page 39, Mariposa County Records; thence N00°46'14"E, along the east line of the Southeast quarter of the Southeast quarter (SE1/4 SE1/4) of said Section 7 a distance of 1257.87 feet to the northeast corner thereof; thence S89°21'29"W, along the north line of said SE1/4 SE1/4 a distance of 99.49 feet to a point on the centerline of that certain Mariposa County road known as Silver Bar Road; thence, continuing S89°21'29"W, along the north line of said SE1/4 SE1/4, a distance of 1210.22 feet to the northwest corner thereof, said corner also being the POINT OF BEGINNING of the herein described tract of land; thence S28°42'25"W for 1357.73 feet to a 5/8" steel bar with a plastic cap stamped LS5339; thence S01°36'33"E for 2753.31 feet to a point on the north line of the South half (S1/2) of said Section 18, said point being marked by a 5/8" steel bar with a plastic cap stamped LS5339, said point being located S89°12'24"W, along the north line of said S1/2, a distance of 500.00 feet from a point on the centerline of said Silver Bar Road; thence S08°21'38"W for 882.31 feet to a point on the centerline of said Silver Bar Road, said point also being the northerly terminus of Course L4 as said Course L4 is delineated on that certain map entitled "Record of Survey for John & Nancy Rinell" filed April 26, 2006 in the Book of Maps at Page 2723, Mariposa County Records; thence, traversing along the centerline of said Silver Bar Road, the following twenty-two (22) courses and distances:

1. S23°37'29"W for 197.57 feet; thence

2. S17°59'57"W for 114.77 feet to the beginning of a tangent curve to the left, having a radius of 250.00 feet; thence
3. southerly along said curve, through a central angle of 14°17'43", an arc distance of 62.38 feet to the point of tangency; thence
4. S03°42'14"W for 108.66 feet to the southerly terminus of Course L1 as said Course L1 is delineated on said map entitled "Record of Survey for John & Nancy Rinell"; thence, continuing along the centerline of said Silver Bar Road,
5. S03°42'14"W for 23.48 feet to the beginning of a tangent curve to the right having a radius of 140.00 feet; thence
6. southwesterly along said curve, through a central angle of 33°18'58", an arc distance of 81.41 feet to the point of tangency; thence
7. S37°01'12"W for 23.36 feet to the beginning of a tangent curve to the left having a radius of 195.00 feet; thence
8. southwesterly along said curve, through a central angle of 25°52'17", an arc distance of 88.05 feet to the point of tangency; thence
9. S11°08'55"W for 89.29 feet to the beginning of a tangent curve to the right having a radius of 300.00 feet; thence
10. southwesterly along said curve, through a central angle of 23°44'28", an arc distance of 124.31 feet to the point of tangency; thence
11. S34°53'23"W for 178.44 feet to the beginning of a tangent curve to the left having a radius of 200.00 feet; thence
12. southerly along said curve, through a central angle of 36°00'26", an arc distance of 125.69 feet to the point of tangency; thence
13. S01°07'03"E for 38.61 feet to the beginning of a tangent curve to the right having a radius of 200.00 feet; thence
14. southwesterly along said curve, through a central angle of 55°01'05", an arc distance of 192.05 feet to the point of tangency; thence
15. S53°54'02"W for 200.61 feet to the beginning of a tangent curve to the right having a radius of 500.00 feet; thence
16. southwesterly along said curve, through a central angle of 5°44'40", an arc distance of 50.13 feet to the point of tangency; thence
17. S59°38'42"W for 68.71 feet to the beginning of a tangent curve to the left having a radius of 375.00 feet; thence
18. southwesterly along said curve, through a central angle of 14°25'43", an arc distance of 94.44 feet to the point of tangency; thence

- 19. S45°12'59"W for 142.30 feet to the beginning of a tangent curve to the right having a radius of 350.00 feet; thence
- 20. southwesterly along said curve, through a central angle of 14°09'19", an arc distance of 86.47 feet to the point of tangency; thence
- 21. S59°22'18"W for 65.77 feet to the beginning of a tangent curve to the left having a radius of 180.00 feet; thence
- 22. southwesterly along said curve, through a central angle of 20°52'41", an arc distance of 65.59 feet to point on the south line of said S1/2, said point being located S89°43'12"E a distance of 2267.30 feet from the southwest corner thereof; thence,

leaving the centerline of said Silver Bar Road, N89°43'12"W, along the south line of said S1/2, for 954.05 feet to the southwest corner of the East half of the Southwest quarter (E1/2 SW1/4) of said Section 18; thence N01°25'13"E, along the west line of said E1/2 SW1/4, for 2642.81 feet to the northwest corner thereof; thence N89°12'24"E, along the north line of said E1/2 SW1/4, for 1304.11 feet to the northeast corner thereof; thence N01°31'22"E, along the west line of the Northeast quarter (NE1/4) of said Section 18, for 2655.06 feet to the northwest corner thereof; thence N00°47'18"E, along the west line of the Southwest quarter of the Southeast quarter (SW1/4 SE1/4) of said Section 7, for 1285.79 feet, more or less, to the northwest corner thereof; thence N89°21'29"E, along the north line of said SW1/4 SE1/4, for 1309.86 feet, more or less, to the POINT OF BEGINNING.

The above-described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

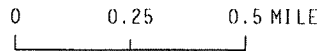
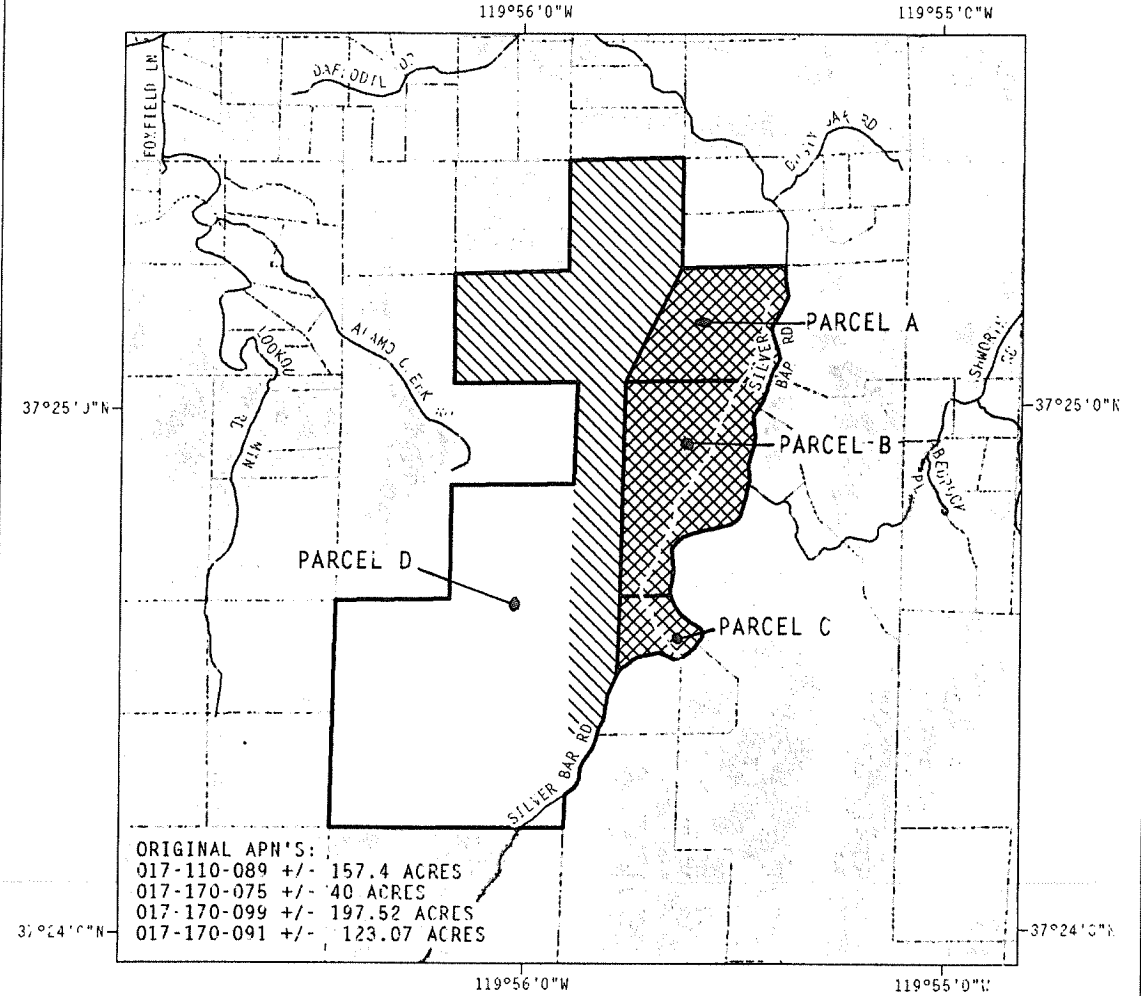
Richard A. Seaman
Richard A. Seaman, LS 5339

11/22/11
Date






Exhibit B

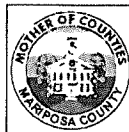
GENERAL PLAN/ZONING AMENDMENT NO. 2011-104



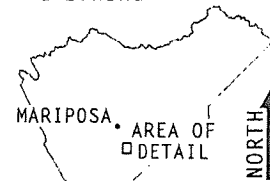
MAP CREATED ON: NOVEMBER 28, 2011
 DATA SOURCE: MARIPOSA COUNTY ASSESSOR PARCEL MAP
 UPDATE NOVEMBER 2011

-  AREA REZONED FROM MOUNTAIN HOME TO AGRICULTURE EXCLUSIVE
-  AGRICULTURE EXCLUSIVE ZONING
-  MOUNTAIN HOME ZONING

MARIPOSA COUNTY MAKES NO WARRANTY REGARDING THE ACCURACY OF THE GIS OR THE ANALYSIS AND CONCLUSIONS RESULTING FROM USING OUR GIS DATA.



MARIPOSA COUNTY PLANNING DEPARTMENT
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 MARIPOSAPLANNING@MARIPOSACOUNTY.ORG
 HTTP://WWW.MARIPOSACOUNTY.ORG/PLANNING



DATE PREPARED BY: E. M. RIAN

Exhibit C

Pursuant to the 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. This project will result in execution of a Land Conservation Act Contract on a portion of the site.
 - b. Commercial agricultural uses are common in Mariposa County and permitted to occur on most land use designations. This project will ensure continued commercial agricultural use on the project site.
 - 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 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.
 - c. The project will ensure that Mountain Home zoned portions of the property are in the Residential land use designation of the General Plan.
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 will result 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 preserve is consistent with the General Plan, with the recommended condition. The current and past use of the property is for agricultural purposes. This finding is made in accordance with Section 51234 of Government Code. This project will result in a net increase in Agricultural Exclusive zoned land and a net increase in land in the Agriculture/Working Landscape land use.

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.*

The proposal meets the minimum dimensional requirements of the Agricultural Exclusive zone, has access to Silver Bar Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Agriculture Exclusive and Mountain Home). The Agricultural Exclusive zoning district is considered to be consistent with the Residential land use classification, per Section 5.3.02.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.*

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.