

7-25-95

July 11, 1995

Intro

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: ~~June 19~~ 1995

AGENDA ITEM NO.: 7A

DEPARTMENT: Planning BY: Jay Pawlek

PHONE: (209) 966-5151 5-B

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes No XX)

Adopt the Right to Agricultural Activity Ordinance and amendment to the General Plan, General Plan/Zoning Amendment 94-3. Introduction, first reading, and public hearing for ordinance and amendment to Title 17 (Zoning Ordinance) and public hearing for General Plan amendments.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- On December 21, 1993, the Board directed the Planning Department to initiate the process of developing a "right to agricultural activity" ordinance and approved a tentative work program.
- On January 4, 1994, the Farm Bureau made a recommendation to the Board regarding the development of a "right to agricultural activity" ordinance and what they hoped it would contain.
- On March 1, 1994, the Board directed the Planning Department to begin the process of considering a "right to agricultural activity" ordinance as a result of a request from the Mariposa County Farm Bureau.
- On June 8, 1994, The Farm Bureau reviewed the proposed ordinance and determined that it contained what they had hoped.
- On June 28, 1994, the Board adopted Resolution 94-267 initiating the public review and hearing process on a "right to agricultural activity" ordinance.
- On June 16, 1995, the Planning Commission adopted Resolution 95-11 recommending approval of General Plan/Zoning Amendment 94-3 and the "right to agricultural activity" ordinance.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Continue matter. (2) Request additional information.

NEGATIVE ACTION would result in not adopting the right to agricultural activity ordinance.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Memorandum

(1) Draft Board Ordinance

(2) Draft Board Resolution

(3) Planning Commission Resolution 95-11

(4) Planning Commission Minutes

(5) Staff Report

CLERK'S USE ONLY:

Res. No.: 95-333 (1st Reading); 35 Ord. No. 888 + Res 95-

Vote - Ayes: _____ Noes: 349

Absent: _____ Abstained: _____

() Approved () Denied

7/11 (X) Minute Order Attached () No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: *[Signature]*

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

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING Re Right to Agricultural Activity
Ordinance and Amendment to the General Plan,
General Plan/Zoning Amendment 94-3, County of
Mariposa, Applicant; Res. 95-333

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 11, 1995

ACTION AND VOTE:

11:00 a.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider Right to Agricultural Activity Ordinance and Amendment to the General Plan, General Plan/Zoning Amendment 94-3, County of Mariposa, Applicant

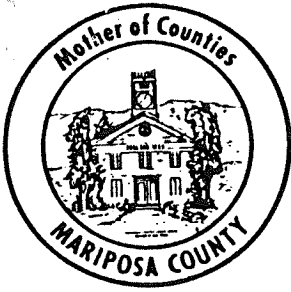
BOARD ACTION: Ed Johnson, Planning and Building Director, and Jay Pawlek, Assistant Planner, presented staff recommendations of modifying General Plan, introducing and waiving first reading of Ordinance and receiving public input. Staff explained proposed Ordinance's background, one year complaint and nuisance criteria, and the anticipated steps to insure public awareness of disclosure statement as well as the County's feelings towards agriculture. Planner Pawlek emphasized Ordinance only protects commercial agricultural activities and not hobby farmers or 4-H like activities. Ordinance will not affect agriculture exclusive zoning, in that it is already protected. Planner Pawlek explained that the adoption of the Resolution Approving General Plan/Zoning Amendment 94-3, is to maintain document consistency between this Ordinance and the General Plan. Planner Pawlek informed Board that the agriculture disclosure statement would be enforced the same as any disclosure information and would be provided to all buyers for all transactions. Disclosure statements would be made available through the building permit process and to the Board of Realtors for outside real estate agents. Planner Pawlek stated that local Realtors were involved during the beginning of the proposed Ordinance. Presentation concluded. Public portion of hearing was opened. Cathie Ragghianti, Farm Bureau Director, expressed support for Ordinance and that the Farm Bureau has worked on this issue for years and feels that agriculture is very important to the County of Mariposa. Mrs. Ragghianti also noted that if this issue is not dealt with now, problems could result later. Diane Crisp, Cattle Rancher, stated that she is in agreement with Mrs. Ragghianti's

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feelings. No additional public input received. Public portion was closed and Board commenced deliberations. (M) Reilly to move action and waive introduction and first reading, (S) Balmain, Res. 95-333 adopted, with discussion concerning methods of public notification relative to disclosure statement. Board directed staff to work through steps of implementing disclosure requirement and to report back to the Board, rather than including specifics in motion. Such as agencies responsible for distributing disclosure statement to the public, i.e. Recorder's Office, through escrow, planning permit process, etc./Ayes: Reilly, Balmain and Stewart; Abstained: Parker, as a member of the Farm Bureau; Excused: Taber. Ed Johnson, Planning Director, informed Board that Resolution Approving General Plan/Zoning Amendment 94-3 will be adopted during second reading and adoption of Ordinance.

cc: Jay Pawlek, Assistant Planner
Cathie Ragghianti, Farm Bureau Director
Diane Crisp, Cattle Rancher
File



Mariposa County Planning and Building Department

EDWARD J. JOHNSON
Director

5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

MEMORANDUM

June 28, 1995

TO: Board of Supervisors

FROM: Jay Pawlek, Assistant Planner
Ed Johnson, Director

RE: General Plan/Zoning Amendment No. 94-3 - Proposed Text Amendments to the General Plan and Zoning Ordinance and the adoption of a "right to agricultural activity" Ordinance.

RECOMMENDATION

Staff recommends that the Board introduce the "right to agricultural activity" ordinance and amendments to Title 17, waive the first reading, and receive public testimony on the Zoning Ordinance and General Plan amendments.

PROJECT DESCRIPTION AND SUMMARY

The proposed Right to Agricultural Activity Ordinance is intended to:

- Declare that the policy of the County is to enhance and encourage agricultural operations within the County.
- Reduce the loss to the county of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance.
- Promote a good neighbor policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential effects associated with such purchase or residence.

The Ordinance achieves these goals through three measures:

- The addition of specific nuisance conditions. Under the "right to agricultural activity" ordinance no agricultural activity shall become a private or public nuisance after it has been in operation for more than one year, if it is not a nuisance at the time it began.

- A disclosure statement which must be presented to a buyer of property upon transfer or sale. The ordinance would require that the seller provide information about the County's agricultural practices, priorities, and regulations to a buyer of property at the time of sale.
- The distribution of information about the County's agricultural practices, priorities, and regulations to people during the building permit process.

See Planning Commission staff report for additional details.

See Attachment 2 for text amendments to the General Plan.

See Attachment 1 for text amendments to the Zoning Ordinance and the "right to agricultural activity" ordinance.

HISTORY OF BOARD ACTION

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PLANNING COMMISSION RECOMMENDATION

- On June 16, 1995, the Planning Commission adopted Resolution 95-11 recommending approval of General Plan/Zoning Amendment 94-3 and the "right to agricultural activity" ordinance.

PUBLIC NOTICE AND INPUT

An 1/8 page public notice regarding the proposed actions and the scheduled public hearings was published in the Mariposa Gazette on May 25, 1995. No correspondence has been received in regards to this matter.