



MARIPOSA COUNTY

Planning · 209-966-5151



ORDINANCE 2018-1135

MEETING: December 4, 2018
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Zoning Amendment No. 2018-160

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the second reading and adopt an Ordinance Amending the Mariposa County Zoning Map for a 135.79 Acre Portion of Assessor Parcel Number (APN) 004-100-039 from the Mountain Home Zone (MHZ) to the Agriculture Exclusive Zone (AEZ) Pursuant to Zoning Amendment No. 2018-160, Miriam and Merlin Jones, Project Proponents.

The recommended action is based the Planning Commission's recommendation.

The project will:

1. Change the zoning designation of 135.79 acres from the Mountain Home Zone (MHZ) to the Agriculture Exclusive Zone (AEZ).
2. Result in zoning conformance with Mariposa County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (Board of Supervisors Resolution 10-150), Section III Land Conservation Act Contracts, C. 2. "Zoning Restrictions", that requires lands under contract to be in Agriculture Exclusive Zone (AEZ).
3. Result in the appropriate zone for the existing agricultural uses on the parcel.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This ordinance was introduced at the November 13, 2018, Board of Supervisors meeting.

Board of Supervisors Resolution 2010-150, Mariposa County Rules of Procedure to Implement the California Land Conservation Act of 1965, provide LCA policy and application procedures.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Ordinance 2018-1135

Do not approve and the ordinance will not take effect.

ATTACHMENTS:

Final Ordinance (DOCX)

RESULT: ADOPTED [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

RECUSED: Merlin Jones

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

**MARIPOSA COUNTY ORDINANCE NO. 1135
(Not to be codified)**

AN ORDINANCE AMENDING THE ZONING MAP OF MARIPOSA COUNTY

WHEREAS, Zoning Amendment Application No. 2018-162 was received on the 30th day of July, 2018 from Miriam and Merlin Jones, rezoning a 135.79 acre portion of APN 004-100-0390, from the Mountain Home Zone (MHZ) to the Agriculture Exclusive Zone (AEZ); and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2018-162 on the 19th day of October, 2018 in accordance with State law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2018-162 on the 13th day of November, 2018 in accordance with State law and County Code; and

WHEREAS, it has been found that the project is exempt from the California Environmental Quality Act (CEQA) and a Notice of Exemption has been filed for the project.

NOW, THEREFORE, the Board of Supervisors of the County of Mariposa ordains as follows:

Section I: Amend the zoning designation of adjusted Parcel B of Lot Line Adjustment 2018-161, a portion of APN 004-100-0390, as shown on the map in Exhibit 1, from the Mountain Home zone to the Agriculture Exclusive zone.

Section II: If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

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

PASSED AND ADOPTED on this 4th day of December, 2018, by the following vote:

AYES:	SMALLCOMBE, LONG, CANN, MENETREY
NOES:	NONE
RECUSED:	JONES



Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Attest:



René LaRoche,
Clerk of the Board of Supervisors

Approved as to Form:



Steven W. Dahlem
County Counsel

Exhibit 1

Zoning Amendment No. 2018-160
(Amends zoning for portion of APN 004-100-0390 as shown below)

