

DEPARTMENT: Planning By: Jean Clark, Associate Planner Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No X)

*Res. 00-341*  
*Ord. 954*  
*Ord. 955*

- 1) Adopt a Resolution which approves an amendment to the Mariposa Town Planning Area Specific Plan pursuant to Specific Plan/Zoning Amendment No. 98-1, Richard Roesch and Norman Gallagher, Applicants;
- 2) Waive the second reading and adopt an ordinance approving Development Agreement No. 98-1; and
- 3) Waive the second reading and adopt an ordinance approving an amendment to the Official County Zoning Map (changing the zoning on portions of APNs 012-140-009 and -058 from Single Family Residential [½ acre] to Multi-Family Residential.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 27, 2000, the Board approved the Design Review Application for the nursing home project, adopted a Mitigated Negative Declaration for the Specific Plan/Zoning Amendment, waived the first readings and introduced ordinances approving a change in the Mariposa TPA Specific Plan Zoning Map and approving the Development Agreement, and directed staff to schedule the second reading for the zone change and Development Agreement, and adoption of the resolution, after the applicants had signed the Development Agreement.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

NEGATIVE ACTION, or not taking recommendations, would result in no change to the zoning designation for the project site, and the nursing home project could not be constructed.

COSTS: ( X ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated Costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

COSTS: ( ) 4/5th Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Attachments: \_\_\_\_\_

1. Minute Order, June 27, 2000

2. Draft Resolution

3. Draft Ordinances (including Development Agreement)

Balance in Reserve Contingencies, If Approved:  
\$ \_\_\_\_\_

CLERK'S USE ONLY

Res. No.: 00-341 Ord. No.: 954 + 955

Vote - Ayes: 5 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

Approved  Denied

Minute Order Attached  No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

MARGIE WILLIAMS, Clerk of the Board

By: \_\_\_\_\_

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted for Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: MAA

**MARIPOSA COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION NO. 00-341**

**A RESOLUTION APPROVING SPECIFIC PLAN/ZONING AMENDMENT NO. 98-1**

**WHEREAS**, an application to amend the Mariposa Town Planning Area Specific Plan Land Use Map and Mariposa County Zoning Map has been submitted to the County; and

**WHEREAS**, this application proposes to modify the land use and zoning designation on a portion of APN 012-140-009 and -058 from Single Family Residential (½ Acre) to Multi-Family Residential; and

**WHEREAS**, the Board of Supervisors is responsible for reviewing the proposed amendment and the approval or denial of the proposed amendment to the Specific Plan; and

**WHEREAS**, the Planning Commission and Board of Supervisors have held duly noticed public hearings in accordance with County Code and State Law; and have considered all input, written and verbal, delivered to the Commission and Board; and

**WHEREAS**, the Planning Commission has recommended approval of the amendment to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors has conducted an environmental review on the amendment in accordance with the California Environmental Quality Act and a Mitigated Negative Declaration has been adopted for the project.

**NOW, THEREFORE BE IT RESOLVED**, the Mariposa County Board of Supervisors hereby approves Specific Plan/Zoning Amendment No. 98-1, delineated in Exhibit A of this resolution, attached hereto and incorporated herein by reference.

**BE IT FINALLY RESOLVED**, that this action is based upon the recommendation of the Planning Commission as found in Planning Commission Resolution No. 99-5 and the findings for approval of the Specific Plan/Zoning Amendment as stated and discussed in Exhibit B.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 10th day of October, 2000 by the following vote:

**AYES:** Reilly, Balmain, Stewart, Parker, Pickard

**NOES:** None

ABSTAINED: None

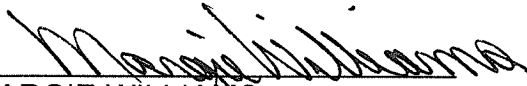
EXCUSED: None



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GARRY R. PARKER, Chairman  
Mariposa County Board of Supervisors

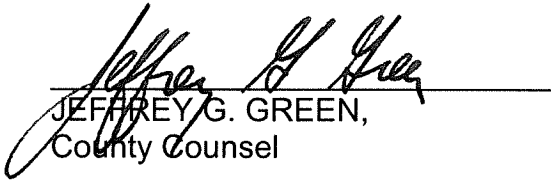
ATTEST:



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MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



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JEFFREY G. GREEN,  
County Counsel

# EXHIBIT A

## AREA REZONED BY

SPECIFIC PLAN / GEN. PLAN AMEND. #98-1

APPLICANTS: ROESCH & GALLAGHER

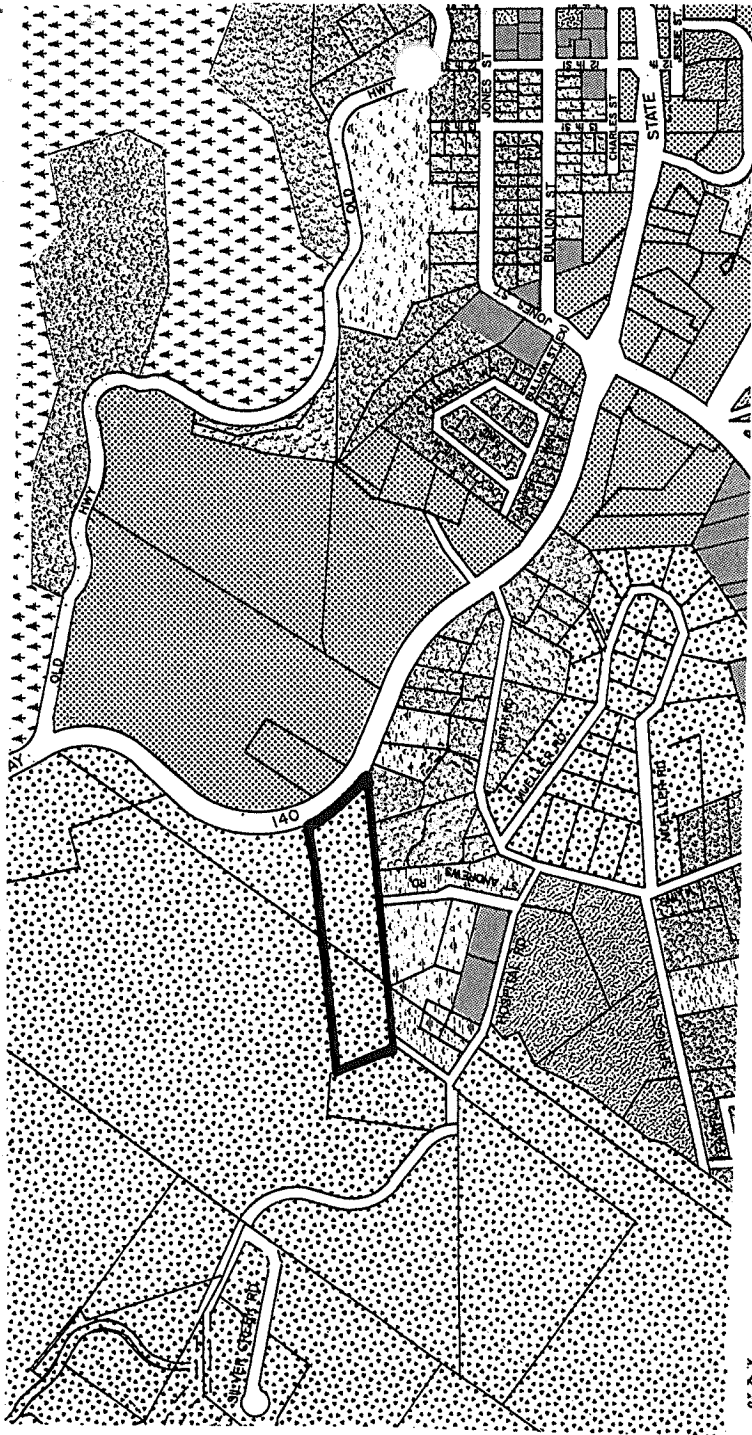
FROM: SINGLE FAMILY RES. 1/2 ACRE

TO: MULTI-FAMILY RESIDENTIAL

### MARIPOSA TOWN PLANNING AREA



MARIPOSA COUNTY PLANNING DEPARTMENT



## LEGEND:



REZONE AREA



### MARIPOSA TPA SPECIFIC PLAN LAND USE & ZONING MAP

	SFR 1/2 (Single Family Res. 1/2 acre lots)		GC (General Commercial)
	SFR 9000 (9000 sq. ft. lots)		SR-20 (Scenic Resource - 20 acre)
	MFR (Multi-Family Res.)		POP (Public / Quasi-Public)
	LI (Light Industrial)		SR-5 (Scenic Resource - 5 acre)
	POC (Professional Office Commercial)		

## EXHIBIT B

**Finding No. 1:** *The amendment is in the general public interest and will not have a significant adverse effect on the general public health, safety, peace, and welfare.*

The Specific Plan zoning changes provide an area for multi-family residential uses, and the applicants' proposed skilled nursing facility will be a permitted use. The property lies east and northeast of other multi-family residential uses. Additional multi-family residential development at the project site would be an extension of the uses which already exist along St. Andrews Road. The peace and welfare of the general public will not be detrimentally affected by the addition of an 86-bed nursing facility and 20 senior housing apartments which are compatible with those existing in the surrounding neighborhood.

The project site adjoins an established community with community water and sewer available, a fire station, and with good quality, maintained roads.

The project site is appropriate for a nursing facility because of its proximity to the hospital and senior housing. It is in the public interest to develop a nursing facility in this area.

A Development Agreement between the County and the property owners/project developers will limit uses at the project site so that the rezoning will not adversely impact the adjacent parcels and properties in the area.

**Finding No. 2:** *The amendment is desirable for the purpose of improving the General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decisionmaking.*

The amendment, in conjunction with the Planning Director's determination that traditional apartments are similar to a nursing facility, will provide a location near the hospital for a needed use in the community, a skilled nursing facility. A Development Agreement will establish specific limits to allowed uses and the extent of development.

The Housing Element of the General Plan states that the County will rezone to higher density residential uses land that has residential potential and is served with water service. Because of sufficient gentle terrain and a water district, the project site can support higher residential densities.

**Finding No. 3:** *The amendment conforms with the requirements of State law and County policy.*

The Specific Plan/Zoning Amendment application has been processed in accordance with the requirements of State law and County regulations and established policy. An Initial Study with a recommendation for a Mitigated Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) and must be adopted prior to approval of the amendment.

**Finding No. 4:** *The amendment is consistent with other guiding policies, goals, policies, and standards of the General Plan.*

The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan.

Approximately 50 percent of the project site will be kept in open space; the amendment is consistent with the policies and standards of the Open Space Element.

The Land Use Element states TPAs are for the purposes of providing basic services and being centers of population concentration. As such, TPAs are considered centers of service, commerce, industry, and population. The proposed project in the Mariposa TPA provides a location for a skilled nursing facility close to an established hospital and within a population center.

The Housing Element states the County should consider encouraging multi-unit senior citizen housing, especially in areas where a full range of services are offered. The rezoning of the project site is necessary for the applicants' project to provide senior citizen housing. The amendment is consistent with the Housing Element in that the Housing Element states that the County will rezone to higher density residential uses land that has residential potential and is served with water service. Because of sufficient gentle terrain and a community water service, the project site can support higher residential densities.

The amendment is consistent with, or will have no negative effect on the other goals, policies, and standards of the Mariposa County Specific Plan.

The project is found to support, accomplish or have no effect on the goals, policies, and standards of the Specific Plan as a whole and will not obstruct the achievement of the Specific Plan's purpose. This finding is made in accordance with Section 2.600 et seq.

**Finding No. 5:**

(a) *The amendment is for a project site which 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.*

Access to the project site is by way of St. Andrews Road, a paved road which will be extended through the LDA.

The project site is served by telephone and electrical lines. The project will be annexed into the Mariposa Public Utility District to receive water and sewer services.

The site, proposed for Multi-Family Residential zoning, abuts other parcels zoned Multi-Family Residential on the west. The Development Agreement will address potential noise, lighting, and impacts to other single family residential parcels.

(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 rezoning to the MFR Zone, and the accompanying construction of a nursing facility, will provide both short term construction employment and permanent employment for as many as 50 people, and possibly more, making the proposed zoning logical and desirable in an area requiring additional jobs for its population.

**Finding No. 6:**

*The project will not have an adverse impact on wildlife resources and is not subject to the Department of Fish and Game filing fee for the Negative Declaration (AB 3158).*

A condition of LDA # 1503 requires a drainage easement to be created to protect the drainage from construction and grading activities. Completion of LDA # 1503 is a condition of the proposed project Development Agreement.

According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare or endangered plant or animal species located on the project site or the surrounding area. Based upon the large size of the project site, the clustered design and retention of open space, and the existing development surrounding the project site, this project will not have an adverse impact on wildlife resources and is not subject to the Department of Fish and Game filing fee for the Negative Declaration (AB 3158).