

**DEPARTMENT:** Planning

**BY:** Julie Sergovic, Associate Planner  
**PHONE:** 966-0304

**RECOMMENDED ACTION AND JUSTIFICATION:**

Waive second reading and adopt an ordinance approving General Plan Amendment #2002-527, a proposal to change the General Plan Land Use on APN 015-350-023 (a 21.22 acre parcel located on Chowchilla Mountain Road) from Mountain General to Mountain Home.

This recommendation is based upon the Board of Supervisors action to introduce ordinance at a noticed Public Hearing on September 23rd, 2003.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

September 23rd, 2003. The Board adopted Resolution # 03-349 adopting a mitigated negative declaration, approving General Plan Zoning Amendment #2002-527 and Land Division #2002-526, with conditions and mitigation measures as modified at the hearing to be effective on the effective date of the ordinance approving the Zone change. The modifications made at the hearing included deletion of the noxious weed section in the road maintenance condition and modification of language in the condition referring to CDF water tanks.

September 23rd, 2003. The Board waived the first reading and introduced an ordinance amending the General Plan Designation on APN 015-280-010 from Mountain General to Mountain Home with findings.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

NEGATIVE ACTION on the ordinance adoption for the General Plan Zoning Amendment would result in denial of both applications.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Ordinance
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.: \_\_\_\_\_ Ord. No. 995  
 Vote - Ayes: 4 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_ Abstained: Parker  
 Approved  
 ( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments:  
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 CAO: RAH

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 ORDINANCE No. 995  
(Not to be Codified)

**AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP**

**WHEREAS**, General Plan Zoning Amendment Application # 2002-527 was received from Dawn Hagin proposing to modify the zoning designation for APN 015-280-010 from Mountain General to Mountain Home; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on July 25<sup>th</sup>, 2003 in accordance with State Law and County Code, and recommended approval of the project to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing on the matter in accordance with State Law and County Code on September 23, 2003; and

**WHEREAS**, environmental review has been conducted 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 ORDAINED**, the Board of Supervisors does hereby modify the Mariposa County Zoning Map pursuant to General Plan Zoning Amendment #2002-527 for the property described as Parcel A in Book 1 of Maps at page 1711, April 3<sup>rd</sup>, 1970 MCR (APN 015-280-010) from Mountain General to Mountain Home.

**BE IT FINALLY ORDAINED**, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as discussed in exhibit A.

**PASSED AND ADOPTED** on this 14th day of October by the following vote:

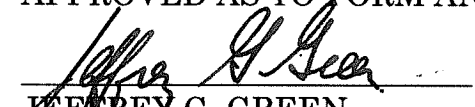
AYES:	STETSON, BALMAIN, BIBBY, PICKARD
NOES:	NONE
ABSTAINED:	PARKER
EXCUSED:	NONE
NOT VOTING:	NONE

  
\_\_\_\_\_  
Bob Pickard, Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN,  
County Counsel

**ORDINANCE No. 995 EXHIBIT A**

**GENERAL PLAN/ZONING AMENDMENT FINDINGS**

1. The rezone of this property to the Mountain Home zone proposed will not have a significant adverse effect on the general public health, safety, peace and welfare of present and future residents of the area. The project applicants have provided information on the proposed use of the property, namely a 3-parcel minor land division for residential use. The property has already been developed with substantial residences and their improvements. The land division would allow the applicants to recoup some of the investment that they placed in them.

The vicinity of the project has been developed with a combination of similar low-density residential uses and larger undeveloped tracts of land consisting of Mountain Transition. The change from Mountain General to Mountain Home results in a reduction of permitted and conditionally permitted uses. The less intensive uses allowed in the Mountain Home zone will not have a significant effect on neighboring properties from the perspective of noise and traffic. The reduction of permitted uses allowed in Mountain Home would be more in keeping with the surrounding residential uses as well as the intended use of the project parcel more than some of the allowable uses under Mountain General. The roadway within the proposed easement will be improved to a standard that will adequately serve the proposed residential uses in a manner that is in keeping with County Road Improvement standards and CDF ingress/egress concerns, thereby mitigating any safety concerns.

The proposed land division is consistent with the Mountain Home zone. The project is located in an area that has been planned as residential designation in the General Plan Update. The implementation of septic conditions will ensure that the public health as it relates to the issue will be preserved, and the proposed access roads will help to ensure public safety in the event of a fire emergency and will limit traffic and circulation impacts in the area.

2. The amendment is desirable for the purpose of improving the General Plan as the amendment allows new zoning on the property that satisfies the General Plan Housing Element overall goal to “...*provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County...*” The amendment satisfies the following Housing Element Policy: “*to ensure that there are adequate sites and facilities available to support future housing needs.*”
3. The amendment was processed in accordance with state law and county code with respect to notice, hearings and findings.

4. In addition to the Land Use Element cited in Finding No. 2, the amendment is consistent with Land Use Element Goal (E), which outlines a goal to “*establish site standards and adopt procedures that provide for clean, safe, sanitary, and economical building sites for the present and future residents of the county.*” A general plan amendment procedure is appropriately applied in this case because of this property’s ability to support Mountain Home uses. The site has suitable access, residentially developable terrain, and the uses that are projected to be placed on the property under the Mountain Home zone are compatible with adjoining uses.
5. The subject property is currently zoned Mountain General, a forty-acre minimum parcel size zone that allows for residential uses and other uses. Rezoning the property to Mountain Home will bring the parcel into conformance in size and promotes consistency with the residential land uses allowed in the Mountain General zone. The anticipated residential uses allowed in Mountain Home zone on the subject parcel are compatible with the uses in the vicinity as the subject parcel is located in an area that has seen residential development. The rezoning of the parcel will allow establishment of residences which will serve the existing residents and future residents of Mariposa County. The subject parcel is physically suited with good access, developable building sites and with utility infrastructure on the parcel. For these reasons, the proposed amendment is logical and desirable on the subject property. The amendment would not lead to the introduction of uses into the area that could not be placed in the immediate area under the current General Plan designation.