
**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2008-14

**A resolution recommending approval of General Plan Amendment No. 2008-86, County of Mariposa, proponent, Michael Mondo, property owner.
Portion Assessor Parcel Number 008-060-003**

WHEREAS a general plan amendment was initiated by the Board of Supervisors on the 1st day of April 2008 as a result of the Board of Supervisors Annual Review on the General Plan; and

WHEREAS that General Plan Amendment is known as General Plan Amendment No. 2008-86; and

WHEREAS General Plan Amendment No. 2008-86 is for property located at 7585 Highway 49 North just north of the Bear Valley Planning Area, for an approximately 411-acre portion of Assessor Parcel Number 008-060-003; and

WHEREAS the amendment area coincides with that portion of APN 008-060-003 which is currently in the Mountain General (MG) zoning designation; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, the Agricultural Advisory Committee, and others as appropriate; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 16th day of May 2008; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the Initial Study, and the comments of the property owner's agent.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a Negative Declaration and approve General Plan Amendment No. 2008-86, County of Mariposa, proponent.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

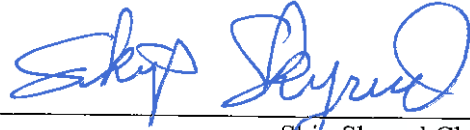
ON MOTION BY Commissioner Francisco, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 16th day of May, 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud and DeSantis

NOES: None

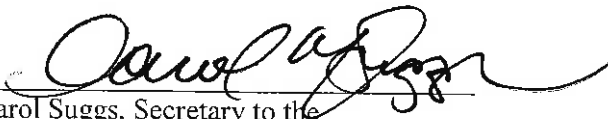
EXCUSED: None

ABSTAIN: None



Skip Skyrud Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1 – RECOMMENDED FINDINGS OF APPROVAL

- 1. The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.***

The General Plan Amendment is in the general public interest as it will result in the correcting the land use classification of property to what was discussed by the Board of Supervisors and staff during the General Plan update process. The amendment area has not and was not previously in an agricultural classification. This amendment is a mapping correction and is in the general public interest. This amendment provides a buffer area between existing smaller parcels and a much larger parcel designated for Agricultural/Working landscape uses, which is also in the general public interest. This amendment will provide for some additional potential housing area, should the site be subdivided in the future. There is no evidence that the project will have any impact on surrounding agricultural uses.

- 2. The 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.***

The project improves the Mariposa County General Plan with respect to providing a long or short term guide or basis for decision-making. The amendment makes the land use classification and the zoning designation consistent relative to minimum density and parcel size provisions, thus clarifying day-to-day decision making about allowable uses and minimum parcel sizes and density within the amendment area. The amendment clears up a remaining issue associated with the GIS mapping capabilities which have been discussed publicly since the fall of 2006.

- 3. The processing of this application conforms to the requirements of state law and county policy.***

The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

- 4. The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.***

This project is consistent with Policy 5-2a, which states, "Ensure that development shall occur first where services are located." Implementation Measure 5-2a(1) states, "Development shall grow outward from Planning Areas and Residential Areas with available services." This project will create an area for slightly higher density development (40 acre minimum parcel sizes) in an area adjacent to the Bear Valley Planning area, which is designated as a community area in the county. Bear Valley has some developed services, including a store and a restaurant.

Goal 5-5 states, "Designate land areas to maintain the county's agricultural/working landscape." Policy 5-5a states, "Maintenance of the agricultural/working landscape shall recognize the economic use of these lands, as well as their scenic and open space functions. Finally, Implementation Measure 5-5a(1) reads, "The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber, timber, and minerals shall be the primary purpose. Staff reviewed the Mariposa County Soils Survey and received comments from staff at the Mariposa County LPO. Based on the information from these sources, the vegetation type (mainly brush, but some small areas are in grass, oaks and digger

pine) is not conducive to agricultural production or timber production. The soils are used mainly for watershed and wildlife habitat. Modifying the amendment area to the Natural Resources Land Use designation is not inconsistent with these goals, policies and implementation measures of the General Plan, based upon soils and vegetation in the amendment area.

Pursuant to Section 5.3.05.E(2), there is no project associated with this project at this time. Consequently, staff reviewed this project as "land proposed for open space" at this time. No special requirements were needed for review of the proposal for reclassification to the Natural Resource Land Use designation.

Goal 10-2 states, "Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character." Policy 10-2a states, "Agriculture lands should be retained." This project does not result in a significant loss of agriculture lands because the majority of the amendment area is not and has not been used for agricultural purposes. The parcel west of Highway 49 North is not fenced for cattle. The parcel east of Highway 49 North is fenced and has been used for cattle grazing, however less than 100 acres of the amendment area is on the east side of Highway 49 North. Soils and vegetation within the amendment area are not suitable for productive agricultural purposes based upon information in the Mariposa County Soils Survey and information from the District Conservationists from the Resource Conservation District. Further, the acreage within the amendment area is not suitable for productive mining based upon historic usage or adjacent land uses. The acreage within the current amendment area did not meet criteria for placement in the Agriculture/Working Landscape classification on the adopted 2006 General Plan Land Use Diagram.

Pursuant to Section 5.3.04.G and Implementation Measure 10-2a(1):

- "The amendment area is not within an area in which the majority of the surrounding parcels are being used or historically have been used for agriculture, timber or mineral purposes." The majority of the 411-acre amendment area has not been used or historically used for agriculture, timber or mineral purposes. The majority of the parcels south of the project site are all 10 – 40 acre parcels (14 in the affected property owner notice area on Page 008-200) and are in the Bear Valley Planning Area and zoned for Mountain General or Mountain Home uses. The remainder of the project parcel, which will remain in the Agriculture Working Landscape land use designation, has had mining activities on it historically. The land use designation on this acreage will not change. The amendment will create a buffer area between the smaller off-site residentially sized parcels and the remainder of the project site property which will remain in the AWL land use designation, and which may have mining potential.
- "The soils, vegetation, topography and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production." Based upon the Mariposa County Soil Survey Information and input from the District Conservationist at the Resource Conservation District, vegetation is mainly brush (up to 90% typically, for representative soils). Soils are shallow, with bedrock at a depth of 9 inches. Representative soils on-site are used mainly for watershed and wildlife habitat. In fact, the property on the west side of Highway 49 North, including the majority of the amendment area, has not been used for agricultural grazing purposes in the past (it is not even fenced).

- "There are no other lands within the proposed land use classification available for the proposed or similar project." There is no development proposed with the project. This application was discussed by the Planning Commission and initiated by the Board of Supervisors following the 2008 Annual Review of the General Plan.
- "The characteristics and size of the amendment area make it unsuitable for open space, conservation easements or other preservation opportunities which further implement the goals and policies of the General Plan." The 411-acre amendment area is part of a 1,561.22 acre parcel. Following the amendment, 1,150 acres of the parcel will remain in the AWL land use designation which will thus retain the majority of the existing parcel's open space and preservation opportunities. The 411-acre amendment area is proposed for the Natural Resources land use designation, which is specifically established for "for lands for open space, ... ecosystem conservation, watershed protection, environmental protection, conservation of natural resources... For the reasons listed above, this General Plan Amendment is consistent with, and implements many other goals and policies of the General Plan.
- "The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture / Working Landscape land use classification." There is no identification of the amendment area as being specifically worthy of preservation for agriculture or timber production or mining purposes. The historic mining operation area on the project parcel is not within the amendment area.

Pursuant to 8.9.03 3.1, "Whenever the County updates its...general plan...it shall ensure that enough land is set aside for all types of residential development..." This project will add the opportunity for 40 acre home sites north of the Bear Valley planning area, accessible to State Highway 49 North, consistent with this provision of the Housing Element.

Pursuant to Goal 9-1, "All development shall have safe and adequate access." While this project isn't proposing any development project, it is the first step in enabling a higher density development project for the amendment area than allowed by the current land use designation. The amendment area has safe and adequate access in that it fronts Highway 49 North.

5. ***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 amendment area has suitable potential access pursuant to the State Fire Safe Standards and the Mariposa County Subdivision Ordinance and Road Improvement and Circulation Policy for 40 acre parcels. The amendment area has immediate frontage along State Highway 40 North, which has adequate capacity for increased residential development. The project parcel has power and telephone utilities supporting the existing improvements (used for office purposes), and there are power and telephone utilities to the south of the amendment area as well (serving existing residential development on parcels immediately adjacent to the amendment area). Parcels adjacent to the amendment area include those of sizes between 10 and 40 acres, which are compatible with the minimum density allowed by the Natural Resource classification. The Natural Resource classification is the obvious choice for a buffer land use between the Residential land uses and Agriculture / Working Landscape land uses.