

DEPARTMENT: Planning

BY: Skip Strathearn  
PHONE: 742-1247

**RECOMMENDED ACTION AND JUSTIFICATION:** Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on September 22, 2009 to waive the first reading and introduce the ordinance and adopt a resolution adopting a mitigated negative declaration and approving General Plan/Zoning Amendment No. 2006-26 and Conditional Use Permit No. 2006-43. The effective date of the approval of the accompanying General Plan Amendment to reclassify the property from Rural Economic to Residential and the Conditional Use Permit allowing a church and appurtenant uses on the project site is the effective date of the ordinance.

**BACKGROUND AND CONTEXT OF BOARD ACTIONS:** On September 22, 2009 the Board of Supervisors approved General Plan/Zoning Amendment No. 2006-26 and Conditional Use Permit No. 2006-43. The Board waived the first reading and introduced the ordinance on September 22, 2009 and adopted a resolution adopting a mitigated negative declaration and approving the amendment on that same date.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** The Board of Supervisors has adopted a resolution approving General Plan/Zoning Amendment No. 2006-26 and Conditional Use Permit No. 2006-43.

Financial Impact? ( ) Yes ( X ) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( X ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
		1) Ordinance
Additional Funding Needed: \$ _____		
Source:		
Internal Transfer		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		

**CLERK'S USE ONLY:**

Res. No.: \_\_\_\_\_ Ord. No. 1061  
 Vote - Ayes: 4 Noes: \_\_\_\_\_  
 Absent: None  
 ( ) Approved  
 ( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

CAO: 24B

MARIPOSA COUNTY ORDINANCE NO. 1061  
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the General Plan land use classification and zoning designation on Assessor's Parcel Number 009-170-024 (4953 Carstens Road) was submitted by the Midpines Bible Church on February 14, 2006, and

WHEREAS, the application is known as General Plan/Zoning Amendment No. 2006-26. The application proposes to rezone the above-referenced 7.75-acre parcel located within the Midpines Community Planning Study Area from the Resort Commercial zone to the Mountain Home zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment No. 2006-26 on the 15<sup>th</sup> day of June 2007, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment No. 2006-26 on the 22<sup>nd</sup> day of September 2009, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on General Plan/Zoning Amendment No. 2006-26 and its accompanying application, Conditional Use Permit No. 2006-43, 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 amend the zoning map of Mariposa County pursuant to General Plan/Zoning Amendment No. 2006-26. The property to be rezoned is legally described below and is shown on the map in Exhibit A.

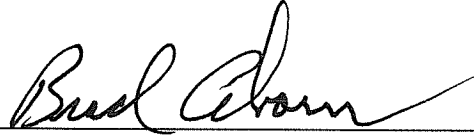
*"All that property identified as Parcel B on that certain parcel map recorded on August 20, 1986 in Book 22, Page 33, Mariposa County Official Records."*

BE IT FINALLY ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit B.

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

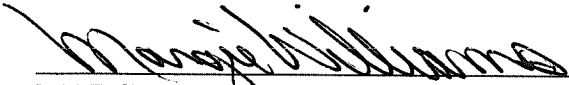
PASSED AND ADOPTED on this 6<sup>th</sup> day of October, 2009 by the following vote.

AYES:	Aborn, Turpin, Bibby, Allen
NOES:	None
ABSTAINED:	None
EXCUSED:	Cann
NOT VOTING:	None



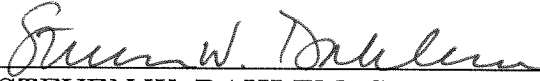
Brad Aborn, Chair  
Mariposa County Board of Supervisors

Attest:



MARGIE WILLIAMS, Clerk of the Board  
Mariposa County Board of Supervisors

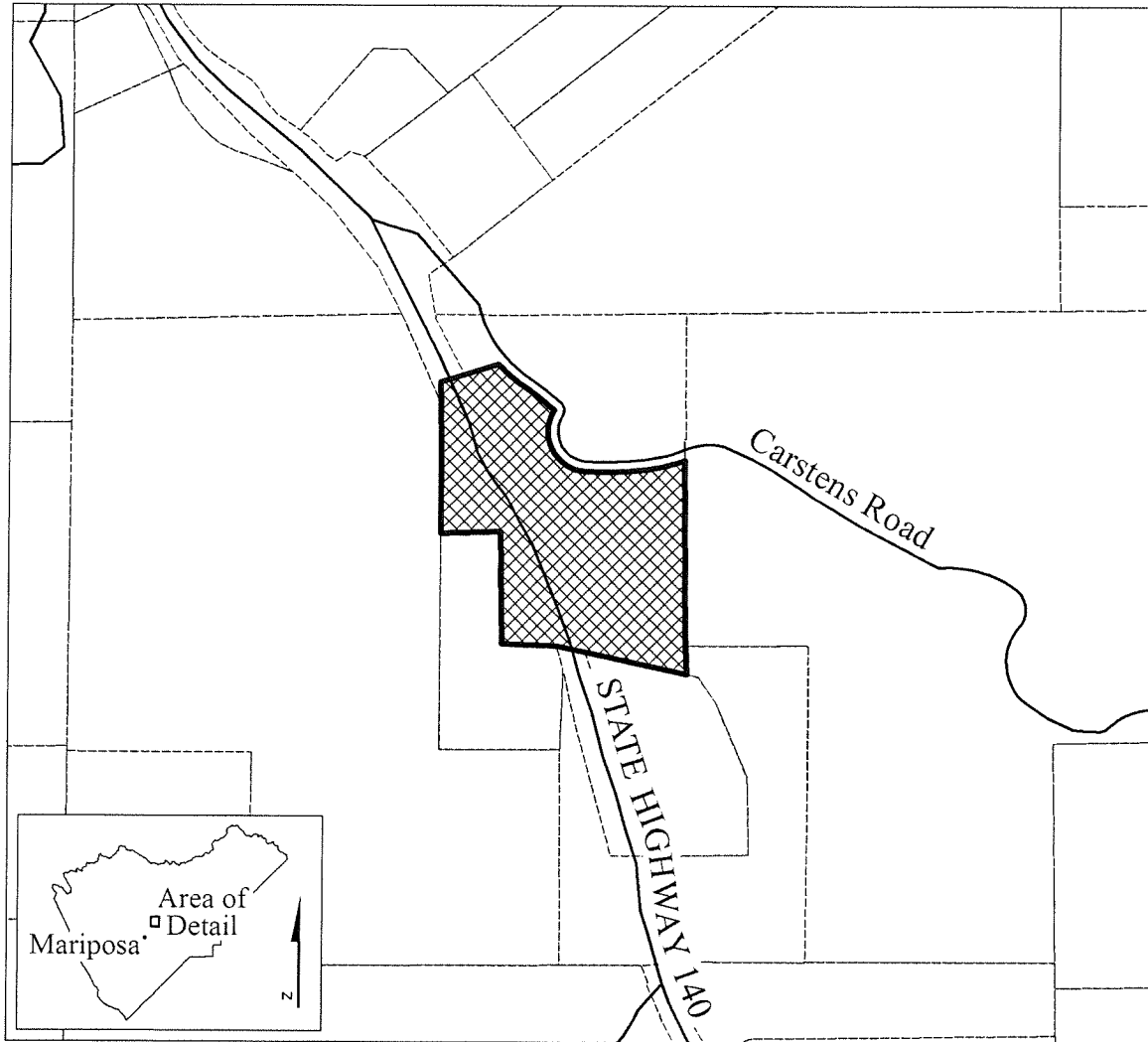
APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel

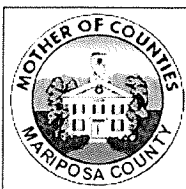
# Exhibit A

## General Plan/Zoning Amendment No. 2006-26





0 500 1,000 Feet


MAP DATE: August 2009  
DATA SOURCE: Assessor Parcel Map Update June 2009  
MAP CREATED BY: E.E. Meriam  
Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



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 Reclassified/Rezoned Parcel  
APN 009-170-024  
(+/- 7.75 Acres)  
4953 Carstens Road  
Midpines, CA 95345

 Assessor Parcel Map

 Roads

## Exhibit B

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

**EVIDENCE:** The project provides an institutional use of relatively low intensity which will be available to the public. The subject property is located within a short distance of State Highway 140, which constitutes the main tourist route within Mariposa County. Current access to the property is obtained from Carstens Road connecting to Highway 140. The property is located near an area of Mariposa County which serves as a commercial pocket; the increased traffic associated with this project will be incorporated into the existing traffic without significant adverse effect based upon the results of the traffic study. The project site is well buffered from the highway by vegetation surrounding Bear Creek, and is unable to be subdivided due to minimum parcel sizes, so it will remain at its current size. Adequate provisions for water, wastewater, garbage, and parking facilities will be provided on the project site to ensure that the area will not be negatively impacted.

2. **FINDING:** This 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.

**EVIDENCE:** Amending the land use of the site to the Residential land use classification and the reversion of the subject property to the Mountain Home zone provides a clear plan for the future development of the property in a manner consistent with the surrounding privately owned properties. The amendment is consistent with the existing zoning on the properties surrounding the project site, and it eliminates issues associated with commercial land use designations in the middle of public and residential land.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

**EVIDENCE:** State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and in the Mariposa County Zoning Code. This application has been processed in accordance with all requirements of State laws and local ordinances.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

**EVIDENCE:** The development of community institutional facilities and the preservation of open space as proposed by this application are consistent with the

Mariposa County General Plan. This amendment and the associated conditional use permit application allow the Midpines Bible Church to construct a facility, provide a use consistent with the residential uses in the immediate vicinity of the project site and provide a facility that members of the community may use as a gathering place. The establishment of a church in or near a community planning area is consistent with the purpose of a planning area.

5. **FINDING:** 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.

**EVIDENCE:** The subject parcel is found to be physically suitable for the proposed zoning classification based upon the existing development immediately surrounding the project site; the proposed development is consistent in appearance with the existing development in the area, and the scale of the development is suitable for the project site. Utilities and infrastructure are available for this property, with access to the project site provided by a County-maintained road that connects to a State highway. There are no physical constraints on the property that would impede or prohibit institutional development of the project site. The project site is buffered from the highway by Bear Creek and its associated riparian vegetation as well as the scattered oak and pine vegetation, and provides good topography for the proposed church development.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**EVIDENCE:** The proposed zoning is logical and desirable in that it provides the potential for the proposed church development, which provides a basic service in the form of a gathering place to the residents of Mariposa County.