



MARIPOSA COUNTY

Planning • 209-966-5151



ORDINANCE 2012-1089

MEETING: July 24, 2012

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Second Reading Ordinance Amending the Mariposa County Zoning Map

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending the Mariposa County Zoning Map pursuant to Zoning Amendment No. 2011-192. The Ordinance will Rezone APN 004-010-009 from the Mountain Home Zone to the General Forest Zone; Steve McCorkle and Alexandra North (Blackberry Inn Expansion), Project Applicants.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors conducted a noticed public hearing on the project on June 12, 2012, which was continued to June 19, and July 10, 2012.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Failure to complete action would not complete the process necessary to change the site zoning from Mountain Home Zone to General Forest Zone.

ATTACHMENTS:

120724 Board Ordinance - Attachment (DOC)

CAO RECOMMENDATION

Requested Action Recommended


 Rick Benson, County Administrator 7/19/2012


 Sarah Williams, Planning Director 7/13/2012

Ordinance 2012-1089

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lyle Turpin, District II Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen

MARIPOSA COUNTY ORDINANCE NO. 1089
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the zoning designation on Assessor's Parcel Number 004-010-009 (7567 Hamilton Station Loop) was submitted by Steven McCorkle and Alexandra North on October 24, 2011, and

WHEREAS, the application is known as Zoning Amendment No. 2011-192. The application proposes to rezone the above-referenced 5.40 acre parcel from the Mountain Home zone to the General Forest zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2011-192 on the 20th day of April 2012, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2011-192 on the 12th day of June 2012 continued to the 19th day of June and the 10th day of July 2012, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2011-192 and its accompanying applications, General Plan Amendment No. 2012-025 and Conditional Use Permit No. 2011-193, in accordance with the California Environmental Quality Act, and a 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 Zoning Amendment No. 2011-192. The property to be rezoned is legally described below and is shown on the map in Exhibit A.

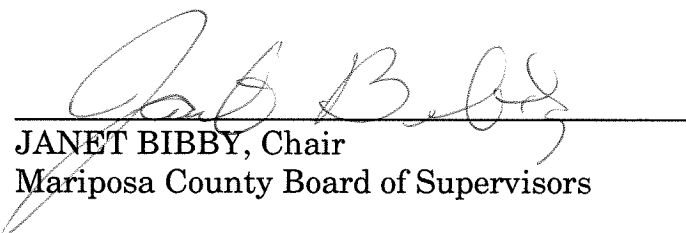
*"Parcel C-1 of Parcel Map 25, Page 19; Mariposa County Official Records.
(LDA No. 1327)"*

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.

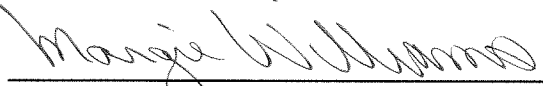
PASSED AND ADOPTED on this 24th day of July, 2012 by the following vote.

AYES:	TURPIN, STETSON, BIBBY, CANN, ALLEN
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE



JANET BIBBY, Chair
Mariposa County Board of Supervisors

Attest:



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

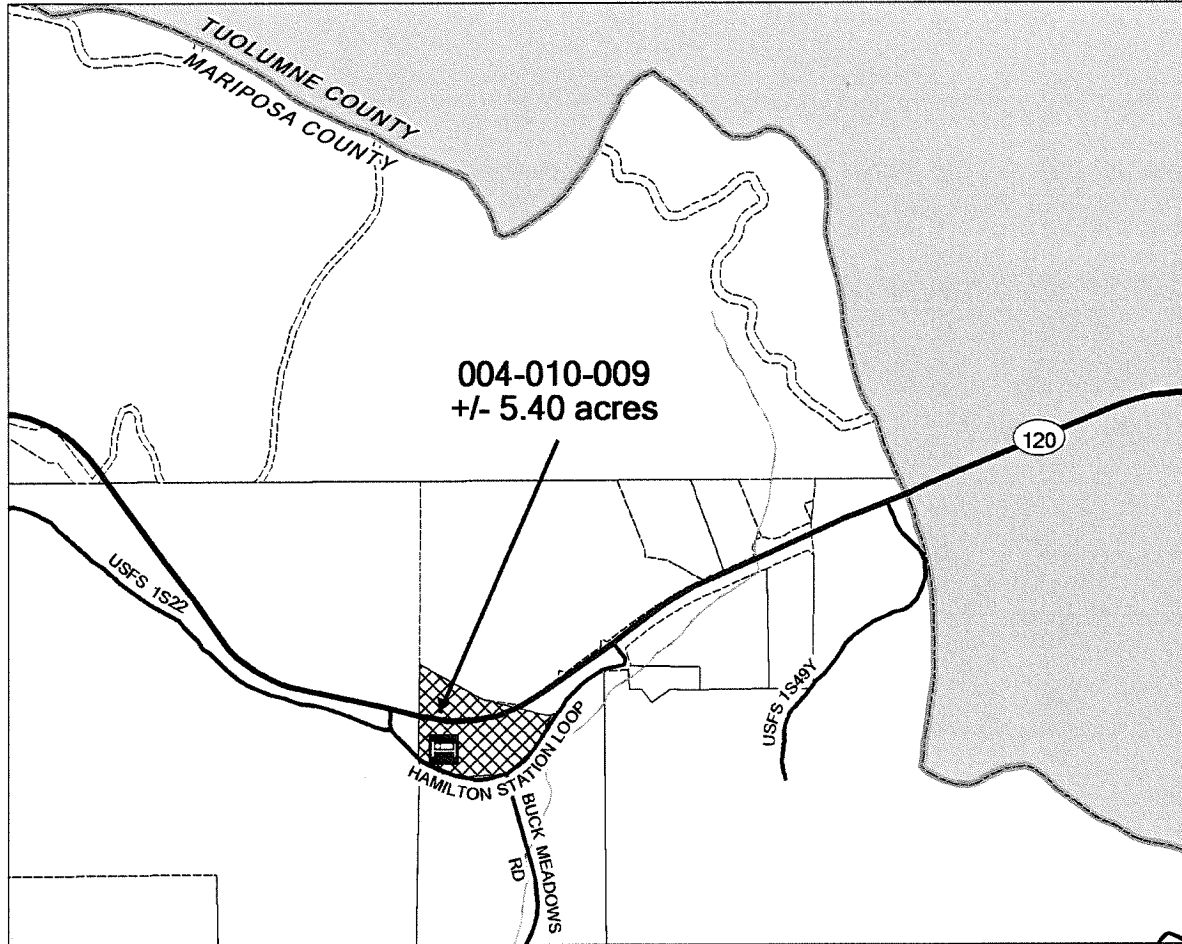
APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel

Exhibit A

Mariposa County Planning Department Project Vicinity Map



0 0.25 0.5 Miles

1:12,500

PROJECT TYPE: Zoning Amendment No. 2011-192 ((ZA 2011-192)
Conditional Use Permit No. 2011-193 (CUP 2011-193)

APPLICANT: Alexandra North & Steven McCorkle (Blackberry Inn)






APN: 004-010-009

SITE ADDRESS: 7567 Hamilton Station Loop

Map created on: January 27, 2011

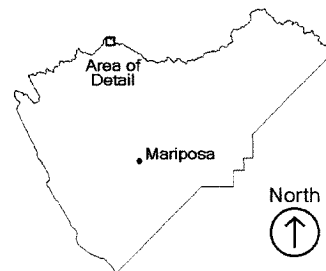
Data Source: Parcel map from Mariposa County Assessor's Map November 2011 Update

Map created by: EE Meriam, GIS Technician

-  Project Location
-  Blackberry Inn
-  County Boundary
-  Roads
-  State Highway



Mariposa County Planning Department
 PO BOX 2039 5100 Bullion Street
 Mariposa, California 95338-2039
 209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
<http://www.mariposacounty.org/planning>



Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.

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 will provide additional transient occupancy (overnight) accommodations for the touring public visiting Mariposa County. The subject property is located within a short distance of State Highway 120, which constitutes the main tourist route within Mariposa and Tuolumne counties. Current access to the property is obtained from Highway 120 to Hamilton Station Loop. The property is located within the Buck Meadows Special Planning Study Area, an area which serves as the commercial area in the far northern part of the county providing services to the touring public. Several hotels and motels are close to the project site. The project site is buffered and screened from the highway by existing dense vegetation. Water is provided by an on-site well and will be available for customers. Guest Ranch accommodations with restrooms exist and are proposed to serve the customers of the project. Any expansion of the existing water or on-site sewage disposal systems will be required to obtain the proper permits from the Health Department. Adequate provisions for water, wastewater, garbage, and parking facilities are 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 text of the Residential Land Use Classification, Section 5.302.C, to include General Forest as a consistent zoning designation and the rezoning of the subject property to the General Forest zoning designation provides a clear plan for the future development of the property in a manner consistent with the General Plan. The amendment will allow for expanded transient rentals to occur on the site, within the Buck Meadows Special Planning Study Area, an area that already provides extensive commercial opportunities.

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 tourist-serving facilities and a Guest Ranch allowing visitors to explore the Stanislaus National Forest and be involved in the basic care of and education about the property owner's 9 Arabian horses as proposed by this application are consistent with the Goals, Policies, and Standards of the Mariposa County General Plan. Section 13.2, Goal 13-3 states, "Increase public access to trails and off-road areas to provide greater opportunities for 'in-County' visitor experience." Goal 13-5 establishes the intent to: "Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy."

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 parcels are found to be physically suitable for the proposed zoning classification and proposed project based upon the existing development immediately adjacent to the project site in the Buck Meadows Special Planning Study Area; 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 paved driveway to a County-maintained road. There are no physical constraints on the property that would impede or prohibit the proposed development of the project site. The project site is buffered from the highway by existing dense natural vegetation and provides good topography for the proposed 4-unit transient rental building.

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

EVIDENCE: The proposed zoning is logical and desirable in that it provides for additional recreational activities to the touring public as well as to the residential population of the county. The project may need additional people to be hired for operation of the new 4-unit transient rental building. Visitors exploring the Stanislaus National Forest and those involved in the basic care and education about the property owner's 9 Arabian horses will give visitors the opportunity to enjoy other activities in Mariposa County.

7. **FINDING:** The subject property is not subject to a Williamson Act Contract or zoned as a Timber Preserve.

EVIDENCE: The subject property is not now, nor has it ever been subject to a Williamson Act contract or zoned as a Timber Preserve. Land located adjacent to the property to the west and east are part of the Stanislaus National Forest. Property south of the project site is zoned Mountain Home and not governed by a Williamson Act contract. Property north of the site is either part of the Buck Meadows commercial area or State Highway 120 and not governed by a Williamson Act contract. The project site itself is not governed by a Williamson Act contract. The original zoning on this property is Mountain Home.

8. **FINDING:** There is a need for additional residential land to meet General Plan goals, respond to changes in County policy, or meet the Regional Housing Needs Allocation.

EVIDENCE: There has been a perceived need by the Board of Supervisors that efforts should occur to enhance and encourage transient occupancy facilities for more visitors to stay in Mariposa County. Inclusion of General Forest zoning as a consistent Residential Land Use Classification is a way to expand transient occupancy facilities in the County through conditional permitting of additional Guest Ranch operations throughout the County.

9. **FINDING:** The subject property will be contiguous on at least two sides to lands within the Residential, Rural Economic, or Planning Area land use classification.

EVIDENCE: The project site abuts lands that are within either the Residential or Rural Economic and is within the Special Planning Study Area land use designation.

10. FINDING: The subject property has access from a maintained road or the proposed project incorporates maintained road access as part of the project description.

EVIDENCE: The project site has access from Hamilton Station Loop, a County-maintained road. Also, the subject property is served by an asphalt driveway and road within the site. All parking area are paved with an asphalt surface.