RECOMMENDED ACTION & JUSTIFICATION:

Waive the first reading and introduce an Ordinance approving Development Agreement No. 2002-472.

This is based upon the Board of Supervisor's adoption of a resolution approving Amended Development Agreement and Design Review Application No. 2002-472 with findings and conditions on July 8, 2003. The Board of Supervisor's action on July 8, 2003 also approved Land Division Application No. 2002-470 and Variance Application No. 2002-471 with findings and conditions.

The second reading and adoption of the ordinance will occur on August 5, 2003. The ordinance will become effective 30 days following the second reading and adoption of the ordinance.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- July 8, 2003 – The Board of Supervisors adopted a resolution approving a series of applications for the project, including an amended development agreement and design review application, a land division and a variance.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

None.

Financial Impact? ( ) Yes (X) No  Current FY Cost: $  
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded
Amount in Budget: $  
Additional Funding Needed: $  
Source:  
Internal Transfer  
Unanticipated Revenue  
Transfer Between Funds  
Contingency  
( ) General  ( ) Other

CLERK'S USE ONLY:  
Res. No.: _______ Ord. No. _______  
Vote – Ayes: _______ Noes: _______  
Absent: _______  
( ) Approved  
( ) 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  
County of Mariposa, State of California  
By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:  
Requested Action Recommended  
No Opinion  
Comments: __________________________

CAO: __________________________

Revised Dec. 2002
MARIPOSA COUNTY ORDINANCE NO. 990
(Not to be Codified)

AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT NO. 2002-472
FOR NORM GALLAGHER & RICK ROESCH, APPLICANTS

WHEREAS, an application was received from Norm Gallagher and Rick Roesch seeking approval of amendments to Development Agreement No. 98-1 for a Skilled Nursing Facility and Assisted Living Facility on a 7.45 acre parcel located at the end of Saint Andrews Road in the Mariposa Town Planning Area; and

WHEREAS, the amendments to this development agreement were a result of financing requirements and further refinement of construction level documents for the project; and

WHEREAS, staff made further amendments to the development agreement, to remove design review conditions of approval which are applied to the project by resolution; and

WHEREAS, Mariposa County Resolution No. 00-240 was adopted on June 27, 2000, adopting a negative declaration for Development Agreement No. 98-1 and the proposed amendments for Development Agreement No. 2002-472 do not change or add project impacts or mitigation; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the matter in accordance with State Law and County Codes and have considered all public input.

NOW THEREFORE, the Board of Supervisors does hereby ordain as follows:

SECTION 1: The Board of Supervisors approves Development Agreement No. 2002-472 as shown in Exhibit A of this ordinance.

SECTION 2: This action of the Board is based on the findings mandated by Section 17.124.130.C of Mariposa County Code, Zoning as stated and discussed in Exhibit B.

SECTION 3: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.
PASSED AND ADOPTED on this 5th day of August, 2003, by the following vote:

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

Bob Pickard
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN,
County Counsel