

**MARIPOSA COUNTY BOARD OF SUPERVISORS
ORDINANCE NO. 962
(Not to be Codified)**

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, an application to amend the Mariposa County Zoning Map has been submitted to the County; and

WHEREAS, General Plan/Zoning Amendment 2000-8 proposes to modify the zoning designation for APN 008-410-010 from Mountain Home to Resort Commercial; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the project in accordance with State Law and County Code, and recommends approval of the project to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the matter in accordance with State Law and County Code; 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 hereby modifies the Mariposa County Zoning Map for the property described in Exhibit A of this ordinance.

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

PASSED AND ADOPTED on this 17th day of April, 2001 by the following vote:

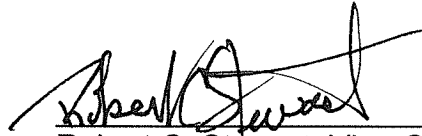
AYES: Reilly, Stewart, Parker, Pickard

NOES: None

ABSTAINED: None

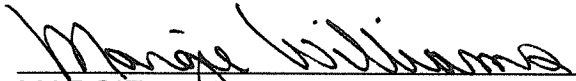
EXCUSED: Balmain

NOT VOTING: None



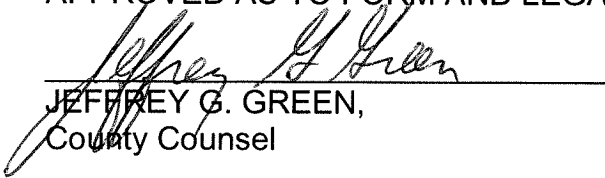
Robert C. Stewart, Vice-Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN,
County Counsel

EXHIBIT A
Legal Description for Assessor's Parcel Number
(008-410-010)

Parcel 1:

All that certain real property situate in the County of Mariposa, State of California, described as follows:

A parcel of land situate in the Southeast quarter of the Northwest quarter (Lot 4) of Section 25, Township 4 South, Range 18 East, M.D.B.&M., County of Mariposa, State of California, more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 25; thence N. 89° 20' W. along the North line of the Southeast quarter of the Northwest quarter of Section 25, 906 feet to a point on the Northeasterly line of the Santa Clara Mining Claim; thence along the Northeast line of the Santa Clara Mining Claim S. 53° 20' E. 832 feet to Corner No. 4 of the Santa Clara Mining Claim; thence along the North line of the Santa Clara mining Claim, S. 89° 35' E. 239 feet, more or less to a point on the East line of the Southeast quarter of the Northwest quarter of Section 25; thence along the East line of the Southeast quarter of the Northwest quarter of Section 25, N. 0° 27' W. 477 feet, more or less to a point of COMMENCEMENT.

EXCEPTING THEREFROM any area contained in the State Highway Right of Way.

Parcel 2:

All of that portion of the Santa Clara patented mine as described in mineral survey #5052, and situate in the Northwest quarter of Section 25, Township 4 South, Range 18 East, M.D.B.&M., Mariposa County, California, as described as follows:

Beginning at the most Northerly corner of said Santa Clara patented mine; thence along the Northerly line of said Santa Clara patented mine; S. 53° 20' 00" E., 858.00 feet; thence leaving said Northerly line, S. 77° 42' 12" W., 673.12 feet to the Westerly line of said Santa Clara patented mine; thence along said Westerly line, N. 02° 40' 00" W., 656.43 feet to the point of beginning.

EXHIBIT B
FINDINGS FOR GENERAL PLAN/ZONING AMENDMENT 2000-8

1. This amendment is in the general public interest because improvements made to the site to allow the tent cabin campground use have the potential to improve general public health. The amendment brings into conformance with county code a use that services the important tourism sector of the county's economy. The safety, peace and welfare of the general public is not negatively impacted by this project.
2. The amendment brings into conformance a use that satisfies General Plan Land Use Element Goal (I), which states that a goal of this element is to "establish clear policies that will encourage the private sector economy." The project is in an area that has other commercial development which coexists with residential uses. This land use compatibility provides a long term guide for county development and day-to-day decision making by defining the types of commercial development which can locate in residential areas.
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 (D) which outlines a goal to "establish site standards and adopt procedures that provide for commercial and industrial development based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses." The General Plan states that the intent of the Resort Commercial classification is to "provide for highway-related and tourist commercial services and uses along road heavily traveled by tourists." The intent further states that the Resort Commercial classification is appropriate in areas located adjacent to or easily accessible to a County Primary Road or a State Highway." The amendment is not inconsistent with guiding policies, goals, policies, and standards of the Mariposa County General Plan. The legal non-conforming aspects of the project, such as location of some of the parking spaces and one of the campsites is consistent with the non-conforming use standards contained in the General Plan.

The amendment is consistent with the Recreation Element of the General Plan.

5. The subject parcel has historically been used as a campground and is physically suitable for such a use. Access to the site is adequate for customers of the campground, utilities are available, the application of project conditions will ensure that the project is compatible with adjoining land uses and there are no physical constraints for this type of development. The amendment will have no adverse impacts on wildlife resources.
6. This amendment will allow the potential for uses that would provide basic services, such as restaurants and campgrounds to the residents in the area and touring public. There may also be employment opportunities offered at the site depending upon the type of Resort Commercial use proposed.