

**MARIPOSA COUNTY ORDINANCE NO. 935  
(Not to be Codified)**

**AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT NO. 96-1,  
MACK AND PAMELA TONEY, APPLICANTS**

**WHEREAS**, a General Plan/Zoning Amendment Application to change the zoning on APN 015-060-025 from Mountain Home to Neighborhood Commercial-2 was submitted by Mack and Pamela Toney in order to accommodate an existing restaurant on the parcel; and

**WHEREAS**, the environmental review of this application found that there could be potentially significant land use compatibility impacts resulting from the change in zoning based upon the range and intensity of development allowed by the Neighborhood Commercial-2 Zone; and

**WHEREAS**, mitigation developed to address these potentially significant impacts required the execution of a Development Agreement, in order to limit the development and uses on this parcel; and

**WHEREAS**, an application for a Development Agreement was submitted by the Toneys pursuant to the 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:

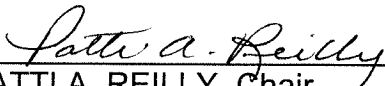
**SECTION 1:** The Board of Supervisors approves Development Agreement No. 96-1 as shown in Exhibit 1 of this ordinance.

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

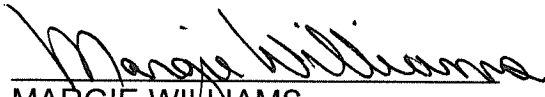
**SECTION 3:** This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**PASSED AND ADOPTED** on this 28<sup>th</sup> day of July, 1998 by the following vote:

AYES:	REILLY, STEWART, PARKER, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	BALMAIN

  
\_\_\_\_\_  
PATTI A. REILLY, Chair  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

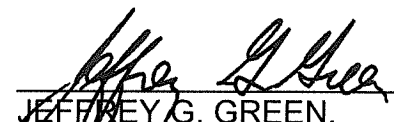
  
\_\_\_\_\_  
JEFFREY G. GREEN,  
County Counsel

EXHIBIT 1  
DEVELOPMENT AGREEMENT No. 96-1

(Attached)

EXHIBIT 2  
FINDINGS

**Finding No. 1:** *The agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan.*

The Development Agreement will create development and use restrictions on the subject property to limit changes in use and expansion potential in order to provide for protection of the residential nature of the neighborhood while providing for some neighborhood services near medium density developments.

Based upon the existing uses on the parcel, the Development Agreement will not be inconsistent with the policies and standards of the Conservation and Open Space Elements of the General Plan. The Development Agreement will significantly limit development expansions and will keep the majority of the parcel in open space.

The Development Agreement is consistent with, or will have no negative effect on the other goals, policies, and standards of the Mariposa County General Plan.

**Finding No. 2:** *The agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use zone in which the real property is located.*

The purpose of the agreement is to impose development restrictions to ensure that development and uses on the property will remain strictly neighborhood commercial in character and be compatible with the residential neighborhood.

**Finding No. 3:** *The agreement is in conformity with public convenience, general welfare, and good land use practices.*

See Finding No. 1.

**Finding No. 4:** *The agreement will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the county as a whole.*

The Initial Study/Negative Declaration adopted for the General Plan Amendment and Development Agreement studied these issues and determined the project will not have a significant effect on the

environment, including the surrounding area, with the mitigation measure adopted. The mitigation measure is the Development Agreement.

**Finding No. 5:** *The agreement will not adversely affect the orderly development of property or the preservation of property values.*

The Development Agreement will further the orderly development of property by limiting and specifying the allowed commercial intensity in a rural residential area.

The use and development limitations imposed by the Development Agreement will stabilize property values in the area.

**Finding No. 6:** *The agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.*

The Development Agreement has been prepared in accordance and is consistent with the Government Code.