

MARIPOSA COUNTY ORDINANCE NO. 749

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE COUNTY OF MARIPOSA AND KENNETH E. MELTON AND LINDA K. MELTON, SUCCESSORS IN INTEREST OF ALTON AND JANIS McRAE

WHEREAS, an application to establish a Development Agreement between the County of Mariposa and the applicants has been submitted to the County; and

WHEREAS, the Board of Supervisors has adopted a Negative Declaration for the Development Agreement in accordance with the California Environmental Quality Act and the Mariposa County Environmental Review Policies and Procedures adopted pursuant thereto; and

WHEREAS, the Mariposa County Planning Commission and the Board of Supervisors have held duly noticed public hearings on the Development Agreement in accordance with State Law and County Code.

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

SECTION I: The Board of Supervisors of the County of Mariposa hereby finds that that certain agreement known and referred to as Development Agreement No. 89-1 between the County of Mariposa and Kenneth E. Melton and Linda K. Melton and affecting that real property within the County of Mariposa particularly described therein, a true copy of which Agreement is on file with the Clerk of the Board of Supervisors, complies with all provisions of Article 2.5, Chapter 4, Division 1, Title 7, commencing with Section 65864 of the Government Code and

Chapter 17.124 of the Mariposa County Code, and that the provisions of such Agreement are consistent with the General Plan of the County of Mariposa and any specific plans relating to said real property.

Section II: The Development Agreement described in Section I of this ordinance is hereby approved and the Chairman of this Board of Supervisors is directed to execute said Agreement after this ordinance becomes effective and the clerk hereof shall within ten (10) days thereafter cause a true copy of said Agreement to be duly recorded in the office of the County Recorder of the County of Mariposa.

Section III: This action of the Board is based upon the following findings:

1. The agreement will support or have no effect on the goals and objectives of the Mariposa TPA Specific Plan and the Mariposa County General Plan.

2. The Board has adopted Resolution No. 89-295 approving Specific Plan Amendment No. 89-1; therefore, the agreement is compatible with the uses authorized in and the regulations prescribed for the land use zones in which the real property is located.

3. A Negative Declaration has been adopted for the agreement, and all commercial development on the property will require approval of a use permit. The use permit provisions will ensure development is compatible with surrounding land uses and does not have an adverse effect on surrounding properties,

the community of Mariposa, and the County as a whole. As such, the agreement is in conformity with public convenience, general welfare, and good land use practices; the agreement will not be detrimental to the health, safety, and general welfare or injurious to property or persons in the immediate area or the County; and the agreement will not adversely effect the orderly development of property or the preservation of property values.

4. The agreement has been prepared and adopted in accordance with the Government Code and is consistent with the provisions of Government Code Sections 65864 through 65869.5.

Section IV: This Ordinance shall become effective thirty (30) days from the date of final passage pursuant to Government Code Section 25123.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors on the 25th day of July , 1989 by the following vote:

AYES: PUNTE, ERICKSON, RADANOVICH

NOES: NONE

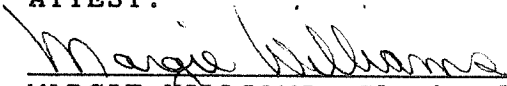
ABSTAINED: TABER

EXCUSED: BAGGETT



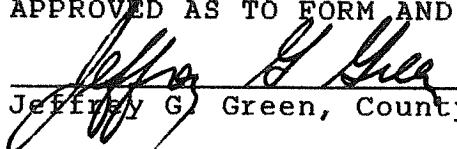
GERTRUDE R. TABER, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Jeffrey G. Green, County Counsel