



# MARIPOSA COUNTY

Planning · 209-966-5151



## **RESOLUTION - ACTION REQUESTED 2016-257**

MEETING: May 24, 2016

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Zoning Amendment No. 2015-113 - Resolution

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### **RECOMMENDATION AND JUSTIFICATION:**

PUBLIC HEARING: Adopt a Resolution with Findings Approving Zoning Amendment No. 2015-113 to Amend the Mariposa County Zoning Map for a 7.6 Acre Portion of Land Added to Assessor's Parcel Number (APN) 012-120-043 (Via a Previous Lot Line Adjustment) from the Mountain General Zone to the Public Sites Zone, and Directing Staff to File a Notice of Exemption for the Project

The Planning Commission recommends the Board of Supervisors adopt a Resolution with the recommended findings:

1. Approving Zoning Amendment No. 2015-113 and
2. Finding the project is exempt from environmental review.

The Planning Commission recommends the Board of Supervisors direct staff to file a Notice of Exemption for the project.

The project will:

1. Change 7.6 acres from the Mountain General zone to the Public Sites zone for lands that were added to the Mariposa County landfill property through previously approved Lot Line Adjustment 2014-017; and
2. Result in zoning conformance of the County's groundwater monitoring uses on the 7.6 acre area for the solid waste collection facility.
3. Result in an appropriate zone (Public Sites) to reflect public ownership of the land.

Please see the attached report for additional information.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

July 15, 2014, Board of Supervisors Resolution 2014-354 approved the purchase of the land that is the subject of this zoning amendment application.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Could alternatively approve with modifications.

A negative action would result in non conforming zoning designation and use.

**ATTACHMENTS:**

**ZA 2015-113 BOS Staff Report (DOC)**

**Attachment A- Vicinity Map (JPG)**

**Attachment B- Zone Change Map (JPG)**

**Attachment C- Notice of Exemption (DOC)**

**Attachment D- PC Resolution (PDF)**

**Attachment E- BOS Draft Resolution (DOC)**

**CAO RECOMMENDATION**

Requested Action Recommended

  
Mary Hodson, CAO 5/19/2016

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Carrier

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS**

Resolution  
No. 2016-257

**A resolution approving Zoning Amendment No. 2015-113, amending the zone of 7.6 acres from Mountain General zone to Public Sites zone for lands that were added to the Mariposa County landfill property by Lot Line Adjustment 2014-017. Adjusted APN 012-120-043. Mariposa County, owner.**

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**WHEREAS**, an application for a General Plan/Zoning Amendment was received on August 28, 2015 from Mariposa County Public Works Department for a property located at 5593 Highway 49 north in Mariposa, also known as adjusted Assessor Parcel Number 012-120-043; and

**WHEREAS**, this amendment is known as Zoning Amendment (ZA) No. 2015-113; and

**WHEREAS**, the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

**WHEREAS**, a duly noticed Planning Commission public hearing was scheduled for the 18<sup>th</sup> day of March 2016; and

**WHEREAS** a Staff Report and environmental document (Notice of Exemption) were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

**WHEREAS**, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and the proposed environmental determination; and

**WHEREAS** the Planning Commission of the County of Mariposa adopted Resolution No. 2016-003 recommending that the Board of Supervisors Adopt a Resolution Approving Zoning Amendment No. 2015-113; and find the project is exempt from environmental review; and waive the first reading and introduce an ordinance amending the zoning designation of the project area; and

**WHEREAS**, a duly noticed Board of Supervisors public hearing for the project was scheduled for the 24<sup>th</sup> day of May 2016; and

**WHEREAS**, the Board of Supervisors did hold a public hearing on the noticed date and considered the Planning Commission recommendation, all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

**NOW THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of the County of Mariposa does hereby approve Zoning Amendment No. 2015-113 and find the project is exempt from environmental review.

**BE IT THEREFORE FURTHER RESOLVED THAT**, this action is based upon the findings set forth in Exhibit 1.

**BE IT THEREFORE FINALLY RESOLVED THAT**, the Mariposa County zoning map area amended by this action is shown in Exhibit 2.

**ON MOTION BY** Supervisor Smallcombe, seconded by Supervisor Long, this resolution duly passed and adopted this 24th day of May 2016 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER


NOES: NONE

ABSTAINED: NONE


EXCUSED: NONE

  
\_\_\_\_\_  
John Carrier, Chairman  
Mariposa County Board of Supervisors

Attest:

  
\_\_\_\_\_  
René LaRoche, Clerk of the  
Board of Supervisors

Approved as to Form:

  
\_\_\_\_\_  
Steven W. Dahlem  
County Counsel

**EXHIBIT 1**  
**Recommended Findings for Approval**  
**ZA 2015-113**

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

**Evidence:** The proposed zone change of the 7.6 acres is required for zoning conformance of a public solid waste collection facility, that in and of itself, is designed to provide services intended to minimize significant adverse effects on the general public health, safety, peace and welfare through local, and State regulated and permitted solid waste and recycling material management activities. The public will benefit by the appropriate zone (Public Sites) being applied to the site to support the required groundwater monitoring that is intended to assist in maintaining compliance for the public serving solid waste collection facility and avoiding potential adverse effects on the general public health, safety peace and welfare through groundwater monitoring and testing protocols required to meet water quality minimums per State and Federal laws.

2. **Finding:** The 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:** This amendment ensures that the uses and activities are conforming to the zone. The Public Sites zone is listed as being consistent with the Natural Resources land use designation.

3. **Finding:** That amendment conforms to the requirements of state law and county policy.

**Evidence:** This project has been processed in accordance with State law. According to State law, General Plans take precedence over zoning ordinances and one of the functions of the zoning ordinance is to implement the General Plan. This amendment conforms to the requirements of State law and county policy by aligning the zoning map and the General Plan land use by ensuring consistency between policy and regulatory documents where the applicable General Plan Land Use of Planning Area, Mariposa Town

Planning Study Area, Natural Resources Land Use lists the Public Sites Zone as a compatible zoning district. The Public Sites Zone lists the uses of the landfill (solid waste collection facility) as permitted uses thereby conforming to the zoning district.

4. **Finding:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

**Evidence:** The amendment implements the General Plan by making the uses conform to zoning and zoning conform to the General Plan Land Use thereby meeting the standards within County Code titles consistent with those contained in the General Plan. The amendment is consistent with the guiding policies, goals, policies, standards and implementation measures of the General Plan.

5. **Finding:** In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map,

- a. 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; and
- b. the proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**Evidence:** The 7.6 acre area proposed for Public Sites zoning is physically suitable for the groundwater monitoring well/s where the location requirements are dictated by the geology and proximity to the nearby landfill modules. The provision of utilities, infrastructure and land use compatibility is established at the site.

The proposed zoning is logical as it reflects the public ownership of the land and brings the subject lands into conformance through the Public Sites zone which provisions support the solid waste collection facility as a permitted use. The landfill use provides a basic service to the residential population and touring public.

***Recommended Finding for Categorical Exemption***

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines.

The proposed zone change from the Mountain General zone to Public Sites zone is to reflect the public ownership of the 7.6 acre portion added to the existing landfill property by LLA 2014-017. No improvements are proposed as a part of the project. Any future development application would undergo environmental review at the time of application and any landfill related changes would undergo its own permitting process in addition to the land use permitting process required.

**EXHIBIT 2**  
**Map showing amendments to the Mariposa County Zoning map**

