

DEPARTMENT: Planning

BY: Kris Schenk

PHONE: 742-1216

RECOMMENDED ACTION AND JUSTIFICATION: Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on October 20, 2009 to waive the first reading and introduce the ordinance and adopt a resolution adopting a mitigated negative declaration and approving Zoning Amendment No. 2008-142 and Major Subdivision No. 2008-141. The project also included a Major Subdivision, the approval date for which is effective on the effective date of the ordinance.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On October 20, 2009 the Board of Supervisors approved Zoning Amendment No. 2008-142 and Major Subdivision 2008-141. The Board waived the first reading and introduced the ordinance on October 20, 2009 and adopted a resolution adopting a mitigated negative declaration and approving the amendment on that same date.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: None

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
		1) Final Board Ordinance _____
Additional Funding Needed: \$ _____		_____
Source: _____		_____
Internal Transfer _____		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
_____		_____

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1064
 Vote - Ayes: 5 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: 

MARIPOSA COUNTY ORDINANCE NO. 1064
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the zoning designation on a portion of Assessor's Parcel Number 017-210-010 (4864 Leonard Road) was submitted by Steven Allison on July 30, 2008, and

WHEREAS, the application is known as Zoning Amendment No. 2008-142. The application proposes to rezone a 43.5 acre portion of the above referenced 87 acre parcel located from the Mountain General zone to the Mountain Home zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2008-142 on the 11th day of September 2009, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2008-142 on the 20th day of October 2009, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2008-142 and its accompanying application, Major Subdivision No. 2008-141, 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 does hereby amend the zoning map of Mariposa County pursuant to Zoning Amendment No. 2008-142. The property to be rezoned is legally described below and is shown on the map in Exhibit A.

"Lot 2 of Section 5, T. 6 S., R 20 E., MDBM"

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

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

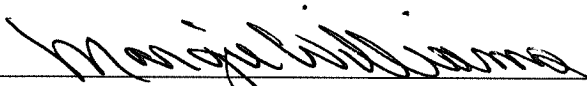
PASSED AND ADOPTED on this 10th day of November, 2009 by the following vote.

AYES:	ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE



BRAD ABORN, Chair
Mariposa County Board of Supervisors

Attest:



MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

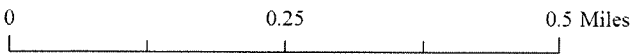
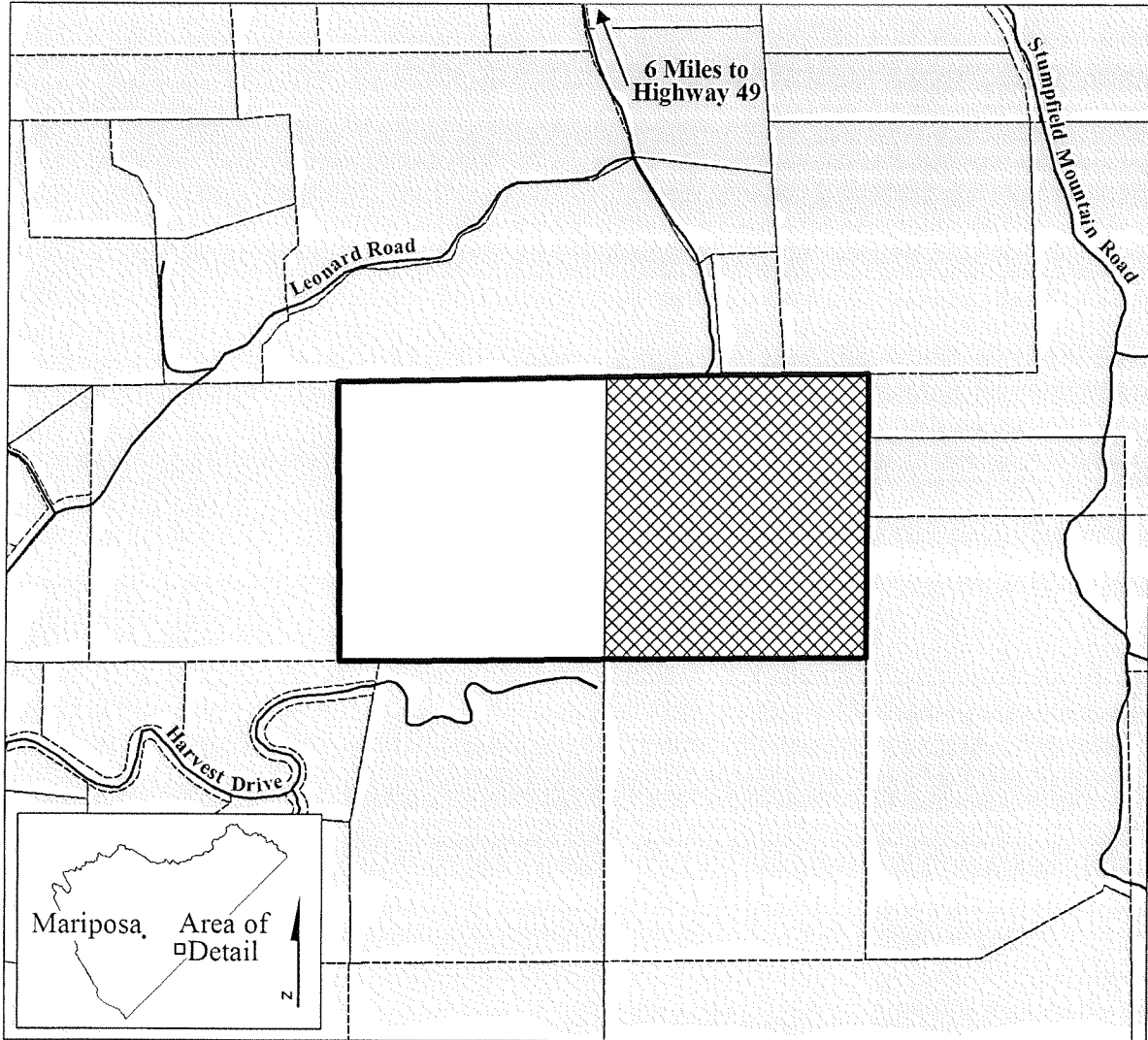
APPROVED AS TO FORM:



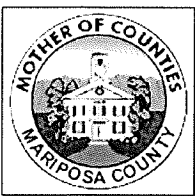
STEVEN W. DAHLEM, County Counsel

Exhibit A


Zoning Amendment No. 2008-142




MAP DATE: September 2009
DATA SOURCE: Assessor Parcel Map Update June 2009
MAP CREATED BY: E.E. Meriam
Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



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 Portion to be Rezoned
APN 017-210-010 (+/- 87 Acres)
Area to be Rezoned from
Mountain General
to Mountain Home
(+/- 43.5 Acres)
4864 Leonard Road
Mariposa, CA 95338

 Assessor Parcel Map


 Roads

Exhibit B Findings

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

The amendment is in the general public interest as it will provide densities in the amendment area that can support the required level of road improvements to easement roads for the area, with improved emergency access in the event of wildland fires. The easement road along the easterly boundary travels through the amendment area would not be required and it would not be improved or developed unless the zoning were changed in the area to allow for lots to be created in the southeast portion of the project site. This easement road will provide an addition access loop for properties located south of the project on Harvest Drive. This additional emergency access is in the public interest, and will have a positive affect on the general public health, safety, peace, and welfare.

2. ***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.***

The amendment has no affects on the policies that guide long-term development, but the project will provide for long-term improvements to the circulation in the area that enhance emergency vehicle access and provides for additional evacuation routes in the area. Emergency services will have additional access as part of their long-term planning to improve emergency services. The improved circulation will provide safety personnel with additional resources to use in their decision day-to-day decision making during emergencies.

3. ***The processing of this application conforms to the requirements of state law and county policy.***

The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

4. ***The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.***

The proposed zoning amendment is consistent with the goals, policies and implementation measures of the Land Use Element and other applicable standards in Mariposa County General Plan and Title 17, Mariposa County Zoning. The Mountain Home Zone is consistent with the Residential Land Use of the General Plan.

The zoning amendment provides additional residential land with smaller parcel sizes and reduced cost of ownership. Under Section 8.10.04 – Housing Objectives and Programs, A. Objective One: - Accommodate the County’s Housing Allocation states: “California law requires the Department of Housing and Community Development to provide the County of Mariposa with its ‘fair share’ of regional housing. This Regional Housing Needs Allocation establishes the minimum number of dwelling units per income classification.” C. Objective Three: – Providing Adequate Sites and Services of the Housing element states: “The County shall provide opportunities for adequate housing sites and new subdivisions to accommodate

anticipated population growth and its fair share of regional housing as required by state law.” The zoning amendment satisfies these objectives by providing increased housing opportunities.

The amendment would provide for additional new development in keeping with the County's rural character. The zoning amendment and further subdivision would be consistent with Implementation Measure 5-3a(3) which reads “No subdivision shall be approved unless it is found that there is adequate road capacity to serve the new traffic”. The zoning amendment area and subdivision has access to a County maintained road that has been deemed adequate for capacity by the County Engineer.

Implementation Measure 5-3b reads “All subdivision roads shall be maintained roads.” The project has access to a County maintained road, and the easement roads on the property have a required condition of approval that will result in the establishment of a road maintenance association or zone of benefit for the on-site easement roads.

The amendment to the Mountain Home Zone will provide the five-acre density identified by the General Plan as the standard size lot for outlying residential land in the County as identified in Section 5.1.09 of the General Plan. The five acre parcel minimum proposed by the amendment provides the appearance of the rural landscape, the proposed 5+ acres lots permitted by the zoning amendment provide adequate room for on-site sewage disposal systems and provide suitable separation from wells.

5. ***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.***

The subject parcel is physically suitable for the requested land use designation and the anticipated land use development. The amendment is located in close proximity to State Highway 49 by way of Leonard Road, a paved County maintained road from the project site to the State Highway. Road improvements on site can be adequately designed and improved to provide required access. The subject parcel's terrain is similar to surrounding land currently in the Mountain Home Zone, and each lot has adequate room and locations to develop residential uses at the density permitted by the Mountain Home Zone. Further, the soils in the area can support installation of septic systems in accordance with the requirements of the Mariposa County Health Department at the densities permitted by the Mountain Home Zone.