

DEPARTMENT: Planning

BY: Alvaro Arias, Associate Planner
PHONE: 742-1218

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 March 15, 2011 to waive the first reading and introduce the ordinance and adopt a resolution adopting a mitigated negative declaration and approving General Plan/Zoning Amendment No. 2010-128 and Commercial-Industrial-Manufacturing Plan (CIM) No. 2010-150. The effective date of the approval of the accompanying General Plan Amendment to reclassify the property from Residential to Rural Economic/Recreation subclassification and the CIM Plan allowing zip lines, commercial horseback riding opportunities and appurtenant uses on the project site is the effective date of the ordinance.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On March 15, 2011 the Board of Supervisors approved General Plan/Zoning Amendment No. 2010-128 and CIM Plan No. 2010-150. The Board waived the first reading and introduced the ordinance on March 15, 2011 and adopted a resolution adopting a mitigated negative declaration and approving the amendment on that same date.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board of Supervisors has adopted a resolution approving General Plan/Zoning Amendment No. 2010-128 and CIM Plan No. 2010-150.

| | | |
|---|---------------------|--|
| 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) Draft 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. 1077
 Vote - Ayes: 4 Noes: _____
 Absent: Ribby
 Approved
 () Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:
 Requested Action Recommended
 No Opinion
 Comments:

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

CAO: RJB

MARIPOSA COUNTY ORDINANCE NO. 1077
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the General Plan land use classification and zoning designation on Assessor's Parcel Number 012-180-014 (4808 Highway 140) was submitted by Victoria and Bryan Imrie on September 3, 2010, and

WHEREAS, the application is known as General Plan/Zoning Amendment No. 2010-128. The application proposes to rezone the above-referenced 36.3-acre parcel from the Mountain General zone to the Resort Commercial zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment No. 2010-128 on the 18th day of February 2011, in accordance with State Law and County Code; and

WHEREAS, the Agriculture Advisory Committee held a duly noticed public meeting on General Plan/Zoning Amendment No. 2010-128 on the 24th day of February 2011, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment No. 2010-128 on the 15th day of March 2011, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on General Plan/Zoning Amendment No. 2010-128 and its accompanying application, Commercial-Industrial-Manufacturing Plan No. 210-150, 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 General Plan/Zoning Amendment No. 2010-128. The property to be rezoned is legally described below and is shown on the map in Exhibit A.

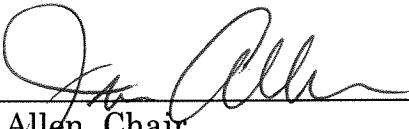
"Parcel 1 as shown on Parcel Map for Frank Long, Jr., recorded September 15, 1997 in Book 27 of Parcel Maps, at Page 20, Mariposa County Records."

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.

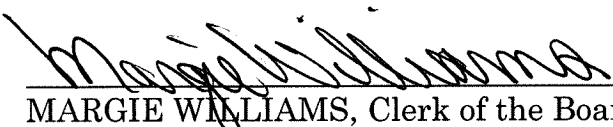
PASSED AND ADOPTED on this 5th day of April, 2011 by the following vote.

AYES: STETSON, TURPIN, CANN, ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED: BIBBY



Jim Allen, Chair
Mariposa County Board of Supervisors

Attest:



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

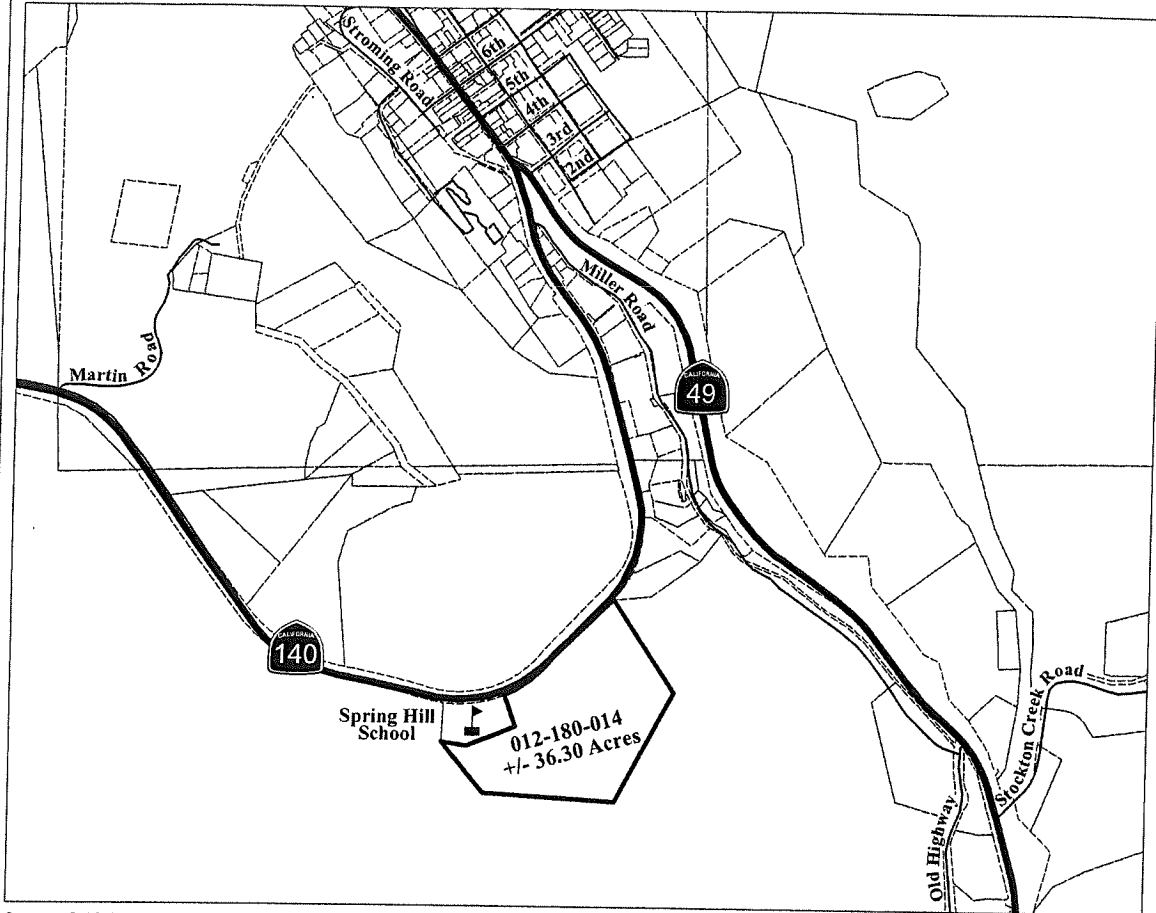
APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel





Exhibit A

PROJECT VICINITY MAP



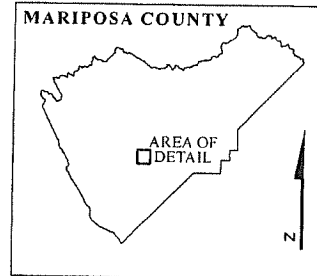
0 0.125 0.25 MILES

PROJECT #: GPZA 2010-128
PROJECT NAME: Gold Rush Zip Line Park / Yosemite Adventure Ranch
PROJECT TYPE: General Plan Rezoning Amendment & a Commercial, Industrial and Manufacturing Plan (CIM)
APPLICANT: Victoria Rudge & Bryan Imrie
APN: 012-180-014
SITE ADDRESS: 4808 State Highway 140 Mariposa, CA 95338
MAP CREATED ON: OCTOBER 4, 2010
DATA SOURCE: PARCEL MAP FROM MARIPOSA COUNTY ASSESSOR'S MAP; AUGUST 2010 UPDATE
MAP CREATED BY: EE MERIAM, GIS TECHNICIAN

-  PROJECT LOCATION
-  ASSESSOR PARCEL MAP
-  SCHOOL
-  ROADS



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MARIPOSA COUNTY MAKES NO WARRANTY REGARDING THE ACCURACY OF THE GIS OR THE ANALYSIS AND CONCLUSIONS RESULTING FROM USING OUR GIS DATA.

Exhibit B

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

EVIDENCE: The project will provide additional recreational opportunities for the touring public and the residents of Mariposa. The subject property is located within a short distance of State Highway 140, which constitutes the main tourist route within Mariposa County. Current access to the property is obtained from Highway 140 through a short access easement. The property is located adjacent to the Mariposa Town Planning Area, the area of Mariposa County which serves as the central commercial area providing services to the touring public. Several hotels and motels are located within a mile of the project site. The project site is well buffered from the highway by existing vegetation and will be further screened by additional landscaping required as part of the project approval. Water is not proposed to be provided by an on-site well but rather bottled water will be available for customers. Portable restrooms are proposed to serve the customers of the project. Any proposals to provide water or on-site sewage disposal will be required to obtain the proper permits from the Health Department. Adequate provisions for water, wastewater, garbage, and parking facilities are provided on the project site to ensure that the area will not be negatively impacted.

2. **FINDING:** This 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: Amending the land use of the site to the Rural Economic/Recreation land use classification and the rezoning of the subject property to the Resort Commercial zoning classification provides a clear plan for the future development of the property in a manner consistent with the General Plan. The amendment will allow for a recreational project to occur on the site, adjacent to the boundaries of the Mariposa Town Planning Area, an area that already provides extensive commercial opportunities.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

EVIDENCE: State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and in the Mariposa County Zoning Code. This application has been processed in accordance with all requirements of State laws and local ordinances.

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

EVIDENCE: The development of tourist-serving facilities and the recreational use of open space by providing horseback riding opportunities and development of recreational activities with a small footprint such as zip lines as proposed by this application are consistent with the Goals, Policies, and Standards of the Mariposa County General Plan. Section 13.2, Goal 13-3 states, "Increase public access to trails and off-road areas to provide greater opportunities for 'in-County' visitor experience."

Goal 13-5 establishes the goal "Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy."

5. **FINDING:** 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.

EVIDENCE: The subject parcels are found to be physically suitable for the proposed zoning classification and proposed project based upon the existing development immediately adjacent to the project site in the Mariposa Town Planning Area; the proposed development is consistent in appearance with the existing development in the area, and the scale of the development is suitable for the project site. Utilities and infrastructure are available for this property, with access to the project site provided by an access easement to a State highway. There are no physical constraints on the property that would impede or prohibit the proposed development of the project site. The project site is buffered from the highway by existing natural vegetation and the site has good topography for the proposed zip line park development.

6. **FINDING:** 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 proposed zoning is logical and desirable in that it provides the potential for new employment opportunities and will provide additional recreational activities to the touring public as well as to the residential population of the county. The project proposes to hire several people for operation of the zip line park and the horseback riding opportunities. The proposed zip lines and horseback riding will give the touring public the opportunity to enjoy other activities in Mariposa County.

7. **FINDING:** The subject property is not subject to a Williamson Act Contract or zoned as a Timber Preserve.

EVIDENCE: The subject property is not now, nor has it ever been subject to a Williamson Act contract or zoned as a Timber Preserve. Land located adjacent to the property to the west, south, and east is zoned Agriculture Exclusive (160-acre minimum parcel size) and is governed by a Williamson Act contract. The 12-foot wide (average) access road into the project site is contained within an existing 60-foot wide non-exclusive private access easement which traverses neighboring land governed by a Williamson Act contract. The existing access road within the easement is fenced off (within the easement) from the grazing land and does not interfere with agricultural operations. Approximately two acres of the neighbor's large grazing land holding is fenced off. The project applicant's horses, which will be used for commercial purposes as a result of this project, graze this two-acre area. This project will not change the existing conditions on the adjacent contracted property. The private access easement will still exist, as will an access road to the 36-acre parcel. This project will result in a requirement that the access road within the access easement be improved to accommodate the additional traffic for the development. This requirement, however, does not change the status of the existing easement, which, as noted above, exists for the purposes of access. The project site itself is not governed by a Williamson Act contract. The original zoning and land use designation on this property is Mountain General. The access easement was created through a Land Division approved by the county, the easement width will not be widened, the road improvements will require gravel and no paving is proposed, and the approval is for the use on the parcel which is not governed by a Williamson Act contract. The approval of this

project does not create precedence for the creation of easements over Williamson Act for development projects.

8. **FINDING:** The parcel and proposed project meet the criteria for inclusion in the Rural Economic/Recreation classification.

EVIDENCE: The project has been reviewed to ensure that it meets all of the criteria for inclusion in the Rural Economic/Recreation classification. The CIM plan submitted provides the development plan for the project as required by Section 5.3.03.E of the Mariposa County General Plan. The project will be accessed through an existing access easement that connects to State Highway 140 where an existing left turn lane is improved for an adjacent development. This easement was created by and for a Parcel Map recorded in Book 27 at Page 20 (processed as Land Division Application No. 1457). The overall design will not obstruct the viewshed, detract from the quality of view, require large amounts of grading, and will be compatible with the rural character. The project does not propose any on-site source of water such as a well or on-site septic sewage disposal, instead providing bottled water and portable restrooms. It is found that the topographic changes between the Mariposa Town Planning Area and the project site and the proximity of the site to the Mariposa Town Planning Area make this site suitable for the proposed use. General Plan Section 5.3.03.F(1) states that Rural Economic/Recreational subclassification should be located at least 3 miles between a Rural Economic/Recreational land use and a Town Planning Area. These guidelines were adopted to encourage these types of recreational and resort commercial uses either locate within Planning Areas or locate an appropriate distance from a Planning Area and other commercial developments to preserve the rural character of the county and its main thoroughfares. Application of the guidelines will preclude recreational and resort commercial development from monopolizing the main thoroughfares in the County with various commercial uses and will keep the edges of planning and development areas distinct. While the guideline was considered for this project, it is found that application of the 3 mile guideline is not necessary because the project was designed in consideration of the community and the tourist customer base supported by it, and the proposed use requires a larger parcel than is typically found within a Town Planning Area. The property is also surrounded by property that is in a Conservation Easement and Williamson Act Contract, which meets the General Plan strategy of creating a buffer or edge between Planning Areas and Rural Economic land uses. Additionally, based on the site location, it is not visible from the highway and will not impact or detract from the rural character objective. The majority of the proposed project involves outdoor activities with minimal need for substantial structures. The proposed parking area will be approximately 10,000 square feet. The proposed public area, which will contain portable bathrooms, equipment storage buildings, and food concession trailer is approximately 60,000 square feet. There is an existing residence which is approximately 1440 square feet and an existing horse arena that is approximately 37,500 square feet. A large majority of the site will be used for the zip line activities and the horse riding operation, but will not be developed with permanent structures. In accordance with Section 5.3.03.F(2) of the General Plan, which establishes acreage and site size constraints that must be met in order to reclassify land to the Rural Economic/Recreation subclassification, the developed portion of the site will not exceed 35 percent of the parcel, but the portion used for the project activities is expected to be larger than five acres overall area.

9. **FINDING:** The subject property has access from a maintained road.

EVIDENCE: The project will take access through an access easement that will be required to be improved to a Rural Class II standard. This access easement takes access from State Highway 140, one of the main thoroughfares in the County.