

DEPARTMENT: Planning

BY: Sarah Williams, Deputy Director  
PHONE: 742-1215

**RECOMMENDED ACTION AND JUSTIFICATION:**

The Planning Commission recommends adoption of a resolution approving the projects with the recommended findings and conditions, and adoption of a mitigated negative declaration with a DeMinimis finding.

The Planning Commission recommends waiving the first reading and introducing an Ordinance approving the project's change to the county's official zoning map.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

No prior action

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Negative action would result in no project; the property would remain designated for Mountain Home land uses and expansion of the existing legally established non-conforming commercial uses would be limited.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Memorandum to Board with Attachments:
Source:		1. Planning Commission Resolution No. 2005-20,
Internal Transfer _____		2. Planning Commission Draft Minutes Excerpt,
Unanticipated Revenue _____ 4/5's vote		3. Planning Commission Staff Report ,
Transfer Between Funds _____ 4/5's vote		Correspondence, Initial Study 4. Draft Board
Contingency _____ 4/5's vote		Resolution, 5. Draft Board Ordinance, 6. Notice of
( ) General ( ) Other		Determination and DeMinimis Findings

**CLERK'S USE ONLY:**

7/12/05  
 Res. No.: 05-327 Ord. No. 1020  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 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: [Signature]

**MARIPOSA COUNTY ORDINANCE NO. 1020**  
**(Not to be Codified)**

**AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP**

**WHEREAS**, an application to amend the Mariposa County Zoning Map has been submitted to the County, and

**WHEREAS** the application is known as General Plan/Zoning Amendment Application (GP/ZA) No. 2005-23 and was received from John Moore & Joseph McGrath, dba Yosemite Ridge Resort. The application proposes to amend the zoning district for approximately 4.6± acres of a 43.6 acre parcel, APN 004-020-010, from Mountain Home (MH) to Resort Commercial (CR); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on GP/ZA No. 2005-23 on June 3, 2005, in accordance with State Law and County Code, and recommended approval of the project to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors has held a duly noticed public hearing on GP/ZA No. 2005-23 on July 12, 2005, in accordance with State Law and County Code; and


**WHEREAS**, environmental review has been conducted on GP/ZA No. 2005-23 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 modify the Mariposa County Zoning Map pursuant to GP/ZA No. 2005-23 for a 4.6± acre portion of the project site, APN 004-020-010, from Mountain Home (MH) to Resort Commercial (CR), as shown and described in Exhibit 1. The project site is located at 7589 State Highway 120, Buck Meadows, on the north side of State Highway 120.

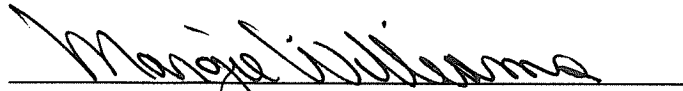
**BE IT FINALLY ORDAINED**, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit 2.

**PASSED AND ADOPTED** on this 26<sup>th</sup> day of July, 2005 by the following vote. This ordinance will become effective 30 days after adoption:

AYES:	STETSON, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE

  
\_\_\_\_\_  
BOB PICKARD, Chairman  
Mariposa County Board of Supervisors

Attest:



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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

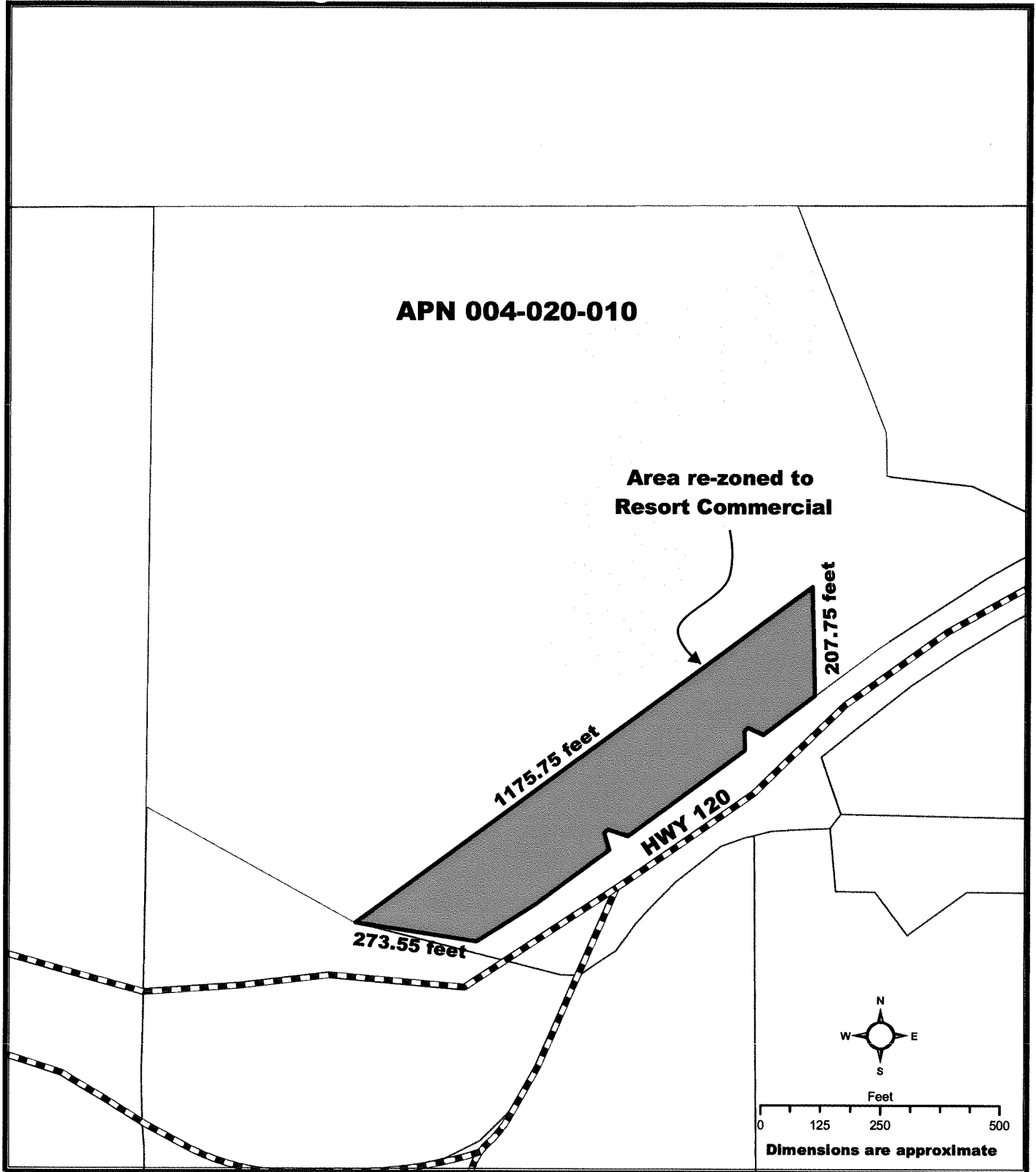


THOMAS P. GUARINO, County Counsel

**EXHIBIT 1**

**Map of rezone area and description of rezone area**

**(See Attached Two Pages)**



**MARIPOSA PLANNING**

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 MariposaPlanning@MariposaCounty.org

GP/ZA No. 05-23  
 Yosemite Ridge Resort  
 7589 HWY 120  
 Groveland, Ca 95321

Owners:  
 John C Moore  
 Joseph C. McGrath

**REZONE AREA** of  
**PARCEL B-1**

Parcel B-1 is a parcel of land in the State of California, County of Mariposa, being a portion off the Northwest  $\frac{1}{4}$  of Section 36, Township One South, Range 17 East, M.D.M., also being a portion of Parcel "A" and all of Parcel "B" as said Parcels are shown in Volume 25 of Parcel Maps at Page 19.

Rezone Area, BEGINNING POINT defined

STARTING at the Northwest corner of said section 36, identical with the Northwest corner of said Parcel "B-1",  
THENCE S.  $00^{\circ} 19' 11''$  W., along the Western Boundary of Section 36 and the Western Boundary of Parcel "B" 1189.53 feet,  
THENCE S.  $61^{\circ} 09' 39''$  E., along the Southern Boundary of Parcel "B-1" 449.24 feet to a  $\frac{5}{8}$ " steel rod with brass tag stamped L.S. 3159,  
THENCE S.  $81^{\circ} 29' 03''$  E., along the Southern Boundary of Parcel "B-1" 39.5 feet to the BEGINNING POINT of the rezone area.

**REZONE AREA**

FROM THE BEGINNING POINT, N.  $53^{\circ} 53' 24''$  E. 1175.75 feet  
THENCE S.  $11^{\circ} 34' 12''$  E., 212.25 feet, to the Southern Boundary of Parcel B-1,  
THENCE S.  $53^{\circ} 14' 32''$  W., 164.58 feet along the Southern Boundary of Parcel B-1  
THENCE N.  $66^{\circ} 45' 28''$  W., 42.73 feet along the Southern Boundary of Parcel B-1  
THENCE S.  $53^{\circ} 14' 32''$  W., 30.00 feet along the Southern Boundary of Parcel B-1  
THENCE S.  $06^{\circ} 45' 28''$  E., 42.73 feet along the Southern Boundary of Parcel B-1  
THENCE S.  $53^{\circ} 14' 32''$  W., 514.13 feet along the Southern Boundary of Parcel B-1  
THENCE S.  $57^{\circ} 38' 38''$  W., 141.69 feet along the Southern Boundary of Parcel B-1  
THENCE N.  $81^{\circ} 29' 03''$  W., 273.55 feet along the Southern Boundary of Parcel B-1  
to THE BEGINNING POINT

contains 4.63 acres of land, more or less.

## EXHIBIT 2

### Findings

Pursuant to Mariposa County Zoning Ordinance, Section 17.128.050, and based on the evidence provided in the staff report and presented at the public hearing, the following findings are made:

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 General Plan/Zoning Amendment is in the general public interest as it will result in bringing into compliance with the General Plan and Zoning Ordinance an existing use. The site is not in an area identified for future residential growth, pursuant to the Mariposa County General Plan land use map. Consequently, the site is not a needed development area for meeting the County Regional Housing Needs Allocation (REHNA), pursuant to the Mariposa County General Plan Housing Element.

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 project does improve the Mariposa County General Plan with respect to providing a long and/or short-term guide or basis for decision-making. The site meets the standards of the General Plan for commercial resort uses, the commercial resort uses on site provide tax dollars to Mariposa County, the site is in the Buck Meadows special planning area for the proposed new General Plan, the site is close to existing commercial resort uses, and the site has adequate infrastructure for the existing and proposed uses on it.

3. The processing of this amendment 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 other guiding policies, goals, policies, and standards of the Mariposa County general plan.

The amendment is consistent with policies and goals of the Mariposa County General Plan.

The Land Use Element is established to designate the proposed general distribution and general location and extent of the uses of land for housing,

business, industry, open space, and other categories of public and private uses of land. Goals of the Land Use Element include planning development in a manner and style that will promote the availability of sufficient County revenues to provide cost effective public services, to establish site standards that provide for commercial and industrial development based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses, and to establish clear policies that will encourage the private sector economy. Based on the project's historical use, its location, its proposed use, and adjacent uses, this project does further these land use goals and the purpose of the Land Use Element.

The Circulation Element has as one of its policies "Increase the attraction for tourism through adequate access to existing and potential recreation areas." Enabling the existing use to become into conformance and thus allow for the construction of a gas station on a State Highway leading to Yosemite National Park meets the intent of this policy.

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

The proposed zoning is logical and desirable because with the change in zoning the existing use will have the appropriate zoning for its use. The proposal will provide expanded employment opportunities because with conformity the use can expand. Basic services to either the immediate residential population or touring public will be provided by this proposal, which includes the operation of a two-pump gas island at a site where historically there has been a gas station.

The requested zoning designation will make an existing use have the appropriate zone. The project site and uses as existing and planned has suitable access pursuant to the State Fire Safe Standards and the California Department of Transportation. The site has power and telephone utilities to support the use that has been existing for over 30 years and the proposed use of a two-pump island gas station. The project is compatible with adjoining uses, such as existing residential and commercial recreation uses.