

DEPARTMENT: Planning

2nd 5/4/04 CA-4
BY: Bill King
PHONE: 966-0305

RECOMMENDED ACTION AND JUSTIFICATION:

The Planning Commission recommends adoption of a resolution approving the project with the recommended findings, including a negative declaration. Waive the first reading and introduce an Ordinance approving the project's changes to the general plan land use map and 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 a 40-acre parcel with one home with the potential to build a secondary residence.

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: \$		Staff Report
Source:		Notice of Determination
Internal Transfer		Draft Resolution
Unanticipated Revenue _____ 4/5's vote		Draft Ordinance
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:
Res. No. 94-167 Ord. No. 1004
Vote - Ayes: 5 Noes: _____
Absent: _____

() Approved
4/20 () 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. 1004
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, General Plan Zoning Amendment Application # 2003-239 was received from Jon and Melinda Turcsanyi proposing to modify the zoning designation for APN 15-350-046 from Mountain General (MG) to Mountain Transition (MT); and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 23, 2004 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 the matter in accordance with State Law and County Code; and


WHEREAS, environmental review has been conducted on the amendment in accordance with the California Environmental Quality Act and a Negative Declaration is recommended for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby modify the Mariposa County Zoning Map pursuant to General Plan Zoning Amendment #2003-239 for the property described as the property located one-quarter mile south of the intersection of Chowchilla Mountain Road, Harris Cut-Off Road and Leaning Pine Way, south of Chowchilla Mountain Road, also known as Assessor Parcel Number 15-350-046 from Mountain General (MG) to Mountain Transition (MT).

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

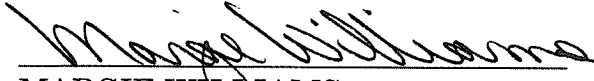
PASSED AND ADOPTED on this 4th day of May 2004 by the following vote. The ordinance will become effective 30 days after adoption:

AYES:	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE




GARRY R. PARKER, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



THOMAS GUARINO,
County Counsel

ORDINANCE No. 1004 EXHIBIT A

Pursuant to Mariposa County Zoning Ordinance, Section 17.128.050, the following Findings are made:

1. The rezone of this property to the Mountain Transition zone proposed will not have a significant adverse effect on the general public health, safety, peace and welfare of present and future residents of the area. The project applicants have provided information on the proposed use of the property, namely a 2-parcel minor land division for residential use. The vicinity of the project has been developed with similar low-density residential uses. Within a one-mile radius of the project parcel and in similar terrain, there are zones that allow greater densities that include Mountain Home and Rural Residential zones and Land Use Designations. The change from Mountain General to Mountain Transition results in a reduction of permitted and conditionally permitted uses. The less intensive uses allowed in the Mountain Transition zone will not have a significant effect on neighboring properties from the perspective of noise and traffic. The roadways within the proposed and existing easements will be improved to a standard that will adequately serve potential uses thereby reducing potential traffic and dust impacts on neighboring properties.

The proposed land division is consistent with the Mountain Transition zone . The implementation of septic conditions will ensure that the public health as it relates to the issue will be preserved, and the proposed access roads will help to ensure public safety in the event of a fire emergency and will limit traffic and circulation impacts in the area.

2. The amendment is desirable for the purpose of improving the General Plan as the amendment allows new zoning on the property that satisfies the General Plan Housing Element overall goal to “...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County...” The amendment satisfies the following Housing Element Policy: “to ensure that there are adequate sites and facilities available to support future housing needs.”
3. The amendment was processed in accordance with state law and county code with respect to notice, hearings and findings.
4. In addition to the Land Use Element cited in Finding No. 2, the amendment is consistent with Land Use Element Goal (E), which outlines a goal to “establish site standards and adopt procedures that provide for clean, safe, sanitary, and economical building sites for the present and future residents of the county.” A general plan amendment procedure is appropriately applied in this case because of this property’s ability to support Mountain Transition uses. The site has suitable access, residentially developable terrain, and the uses that are projected to be placed on the property under the Mountain Transition zone are compatible with adjoining uses.

5. The subject property it is currently zoned Mountain General, a forty-acre minimum parcel size zone that allows for residential uses and other uses. Rezoning the property to Mountain Transition promotes consistency with the residential land uses allowed in Mountain General zone. The anticipated residential uses allowed in Mountain Transition zone on the subject parcel are compatible with the uses in the vicinity as the subject parcel is located in an area that has seen residential development. The rezoning of the parcel will allow establishment of residences which will serve the existing residents and future residents of Mariposa County. The subject parcel is physically suited with good access, developable building sites and with utility infrastructure on the parcel. For these reasons, the proposed amendment is logical and desirable on the subject property. The amendment would not lead to the introduction of uses into the area that could not be placed in the immediate area under the current General Plan designation.

CHOWCHILLA MT. RD.

REAMER
25.7 A

WHITE
44.5 A



SCALE: 1" = 400'

60' PUBLIC UTILITY AND ACCESS EASEMENT
GRADED GRAVEL ROAD - GRADE < 5%
OVERHEAD POWER LINES / BURIED TELEPHONE LINES
OFFERED FOR DEDICATION TO THE COUNTY OF MARIPOSA
ON PARCEL MAP - BK14, PG8

60' PUBLIC UTILITY AND ACCESS EASEMENT
GRADED GRAVEL ROAD - GRADE < 5%
OVERHEAD POWER LINES / BURIED TELEPHONE LINES
OFFERED FOR DEDICATION TO THE COUNTY OF MARIPOSA
ON PARCEL MAP BK26, PG7

60' PUBLIC UTILITY AND ACCESS EASEMENT
(UNDEVELOPED)
OFFERED FOR DEDICATION TO THE COUNTY OF MARIPOSA
ON PARCEL MAP - BK14, PG8

27 | 26
34 | 35

SEHMSDORF
68.9 A

MEIJER
40 A

Project Parcel
40.04 Acres

PARCEL B
20.03 Acres

PARCEL A
20.01 Acres

No Existing
Structures or
Development
on Parcel B

Driveway

Well

Existing
House

Septic

NEW DIVISION LINE

S 90° E 2071'

LAING
230 A

SEHMSDORF
71.8 A

PREPARED BY: JON TURCSANYI

⊕ Proposed Identification / Map Postings

LEGAL DESCRIPTION: PARCEL 'C' AS SHOWN ON THE PARCEL MAP
FOR DAVID & NORMA MULLEN, FILED MARCH 31, 1993 IN BOOK 26 OF
MAPS, AT PAGE 7, MARIPOSA COUNTY RECORDS.

LOCATION: PORTION OF NW ¼ SECTION 35 TSS, R20S, MDB&M

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COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222


GARRY R. PARKER, CHAIR
DOUG BALMAIN, VICE-CHAIR
LEE STETSON
BOB PICKARD
JANET BIBBY

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT V
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SARAH WILLIAMS, Interim Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: PUBLIC HEARING TO CONSIDER GENERAL PLAN/ZONING AMENDMENT #2003-239 AND LAND DIVISION APPLICATION #2003-240, JON AND MELINDA TURCSANYI, APPLICANTS
Resolution No. 04-167

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 20, 2004

ACTION AND VOTE:

12:21 p.m. Sarah Williams, Interim Planning Director;

A) PUBLIC HEARING to Consider General Plan/Zoning Amendment #2003-239 and Land Division Application #2003-240; Adopt Resolution Approving Project, Including a Negative Declaration; Waive First Reading and Introduce an Ordinance Amending Zoning Map Changing the General Plan Land Use Map and Official Zoning Map of the County for a Property Located One-Quarter Mile South of the Intersection of Chowchilla Mountain Road, Harris Cut-Off Road, and Leaning Pine Way, from Mountain General (MG) to Mountain Transition (MT); Assessor Parcel Number 15-350-046; Jon and Melinda Turcsanyi, Applicants

BOARD ACTION: Bill King, Senior Planner, presented the staff report. The public portion of the hearing was opened and there was no public input. The public portion was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the State Firesafe Regulations requirement for a 2500 gallon water storage tank, and relative to appeal provisions for these types of conditions. Sarah Williams advised that the water storage tank language gives constructive notice that CDF reviews the building permits and may require the storage tank; however, it does not affect the subdivision. (M)Pickard, (S)Stetson, Res. 04-167 was adopted approving the project with the recommended findings, including a negative declaration; and the first reading was waived and an ordinance introduced amending the Zoning Map as recommended; with the removal of the water storage tank language in the conditions. The Clerk of the Board read the title of the ordinance into the record. Ayes: Unanimous. The hearing was closed.

cc: Tom Guarino, County Counsel
File