

DEPARTMENT: Planning

BY: Julie Sergovic Associate Planner  
PHONE: 966-0304

**RECOMMENDED ACTION AND JUSTIFICATION:**

1. Adopt a resolution adopting a Mitigated Negative Declaration and Approving General Plan Zoning Amendment #2002-527 and Land Division #2002-526 with the recommended findings conditions and mitigation measures.
2. Waive the first reading and introduce an ordinance amending the General Plan Land Use and Zoning Designation on APN 015-280-010 from Mountain General to Mountain Home.

This recommendation is based upon the Planning Commission action on the project applications.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

No previous Board actions have occurred on the project applications.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- 1) Approve the applications with modified conditions and findings; 2) Deny one or more of the applications

NEGATIVE ACTION on the General Plan Zoning Amendment would result in denial of both applications.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		1. Staff Report
Source:		2. Mariposa County Planning Commission Resolution #2003-026
Internal Transfer		3. Draft Board of Supervisors ordinance
Unanticipated Revenue _____ 4/5's vote		4. Draft Board of Supervisors Resolution
Transfer Between Funds _____ 4/5's vote		5. Neighbor's comments
Contingency _____ 4/5's vote		
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No.: 03-349 Ord. No. \_\_\_\_\_  
 Vote - Ayes: \_\_\_\_\_ 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: [Signature]



# COUNTY OF MARIPOSA

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

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

DISTRICT V  
DISTRICT IV  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

---

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: INTRODUCTION OF AN ORDINANCE APPROVING THE CHANGE IN GENERAL PLAN ZONING AMENDMENT #2002-527 AND LAND DIVISION #2002-526  
Resolution No. 03-349

---

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 23, 2003

#### ACTION AND VOTE:

Eric Toll, Planning Director;

**PUBLIC HEARING** to Consider the Waiver of the First Reading and Introduction of an Ordinance Approving the Change in General Plan Zoning Amendment #2002-527 and Land Division #2002-526, a Proposal to Change the General Plan Land Use and Zoning Designation on APN 015-280-010, (21.22 Acre Parcel Located on Chowchilla Mountain Road, 1/8 Mile from Chowchilla Mountain Road and Highway 49 South Intersection), from Mountain General to Mountain Home and to then Subdivide the Parcel into Three Parcels of 5 Acres, 7.26 Acres and 8.96 Acres Each

**BOARD ACTION:** Eric Toll presented the staff report. Eric and Julie Sergovic/Associate Planner responded to questions from the Board relative to the difference in the size of the pipe and the nozzle connection for the water tank system for fire protection; clarification of typographical errors in the draft ordinance; relative to the conditions to intervene in the spread of noxious weeds and whether this condition is required as a part of the Road Improvement Standards; as to whether Fish and Game considers off-site habitat for wildlife; and relative to the location of the drainage issues and whether the issues have been addressed within the conditions.

The public portion of the hearing was opened, and input was provided by the following:

- Dick Seaman, agent for the applicant, advised that the applicant could not be present. He said he thought that previous direction was given to remove the pipe/nozzle size issue and refer to the State fire safe standards. He advised that the condition relative to intervening in the spread of noxious weeds is becoming a standard condition on subdivisions; however, he does not know where it came from, and he feels it would be difficult to monitor.
- Jack Martin, neighboring property owner, stated he opposes this project. He stated he has lived there for twenty years, and he does not feel that the road is adequate to support any more development. And he noted that there are still many undeveloped parcels in Ponderosa Basin. He expressed concern with water impacts, and he stated he had to re-dig his well and that Pat Rhoan had to drill another well. He referred to a letter he received that was dated September 8<sup>th</sup>, and he stated that was the first notification he received relative to this project.
- Pat Rhoan stated he agrees that water is an issue and that there is not enough. He also noted that other people in the area have concerns with the water quantity. He expressed concern with the

section of County road in the area, especially during the winter when it is icy. He also expressed concern with the impact the project will have on wildlife.

- Dick Seaman stated he feels the water issues were addressed by the County in an environmental impact report that determined that a five-acre parcel is adequate for individual wells. In regard to the road safety issues, he advised that Public Works looked at the site distance and access issues. He stated he feels that this project is appropriate.
- Pat Rhoan referred to a recent story in the Sierra Star that talked about the water problems in Oakhurst, and he stated the County does not have any water supplies and we will have problems if we are not careful.

The public portion of the hearing was closed and the Board commenced with deliberations. Discussion was held relative to the following issues: difference in the pipe/nozzle connection and the noxious weed prevention conditions. Staff responded to a question from the Board as to the number of existing residences on the property. (M)Balmain, (S)Bibby, Res. 03-349 was adopted adopting a Mitigated Negative Declaration and approving General Plan Zoning Amendment No. 2002-527 and Land Division No. 2002-526 with the recommended findings and mitigation measures; and the first reading was waived and the Ordinance introduced amending the General Plan Land Use and Zoning Designation on APN 015-280-010 from Mountain General to Mountain Home; with the deletion of the noxious weed conditions and with changing the language referring to the size of the pipe and nozzle for the fire prevention to refer to the Fire Safe Standards. Further discussion was held relative to the weed-free mulch requirements and whether it is available. Ayes: Balmain, Bibby, Pickard; Noes: Stetson; Excused: Parker. The hearing was closed. Supervisor Bibby asked staff to research whether certified noxious weed-free mulch is available and to provide information on where the condition came from.