

DEPARTMENT: Planning

BY: Megan Tennermann, Assoc. Planner
PHONE: 742-1219

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt resolution adopting a Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act, approving Zoning Amendment No. 2005-252 with the recommended findings, and approving Major Subdivision No. 2005-253 with the recommended findings, conditions, and mitigation measures.

Waive first reading and introduce ordinance approving amendment to Mariposa County zoning map with the recommended findings, pursuant to Zoning Amendment No. 2005-252.

Action is based upon the Planning Commission's recommendation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Property will remain in Mountain Home zoning and Residential land use classification; subdivision of the property according to this design will not occur.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		A. Memorandum to Board/B. Staff Report to _____
Additional Funding Needed: \$ _____		Planning Commission/C. Initial Study/D. Letters _____
Source:		From Public/E. Minutes of Planning Commission _____
Internal Transfer _____		Hearing of September 8, 2006 and September 22, _____
Unanticipated Revenue _____ 4/5's vote		2006/F. Planning Commission Resolution No. 2006- _____
Transfer Between Funds _____ 4/5's vote		48/G. Draft Board Resolution/H. Draft Ordinance _____
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 07-60 3/6 Ord. No. 1035 Agenda: 5
Vote - Ayes: _____ Noes: _____
Absent: _____
() Approved
(X) 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. 1035
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, Zoning Amendment Application No. 2005-252 was received from Bret and Teri Willis proposing to modify the zoning designation for APN 008-240-064, 008-240-065, and 008-350-066 within the Residential General Plan Land Use classification from Mountain Home (MH) to Mountain Transition (MT); and

WHEREAS the Zoning Amendment is processed together with Major Subdivision Application No. 2005-253 proposing to divide the subject property known by the Assessors Parcel Numbers listed above into ten parcels of not less than 20 acres each; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 8, 2006 in accordance with State Law and County Code, which was continued to September 22, 2006 in accordance with State Law and County Code, and the Commission recommended approval of the project to the Board of Supervisors; and

WHEREAS, the Board of Supervisors 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 entire project 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 Zoning Amendment No. 2005-252.

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, and the zoning map for this amendment as attached in Exhibit B.

PASSED AND ADOPTED on this 6th day of March by the following vote. The ordinance will become effective 30 days after adoption.


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




JANET BIBBY, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS
Clerk of the Board



THOMAS P. GUARINO
County Counsel

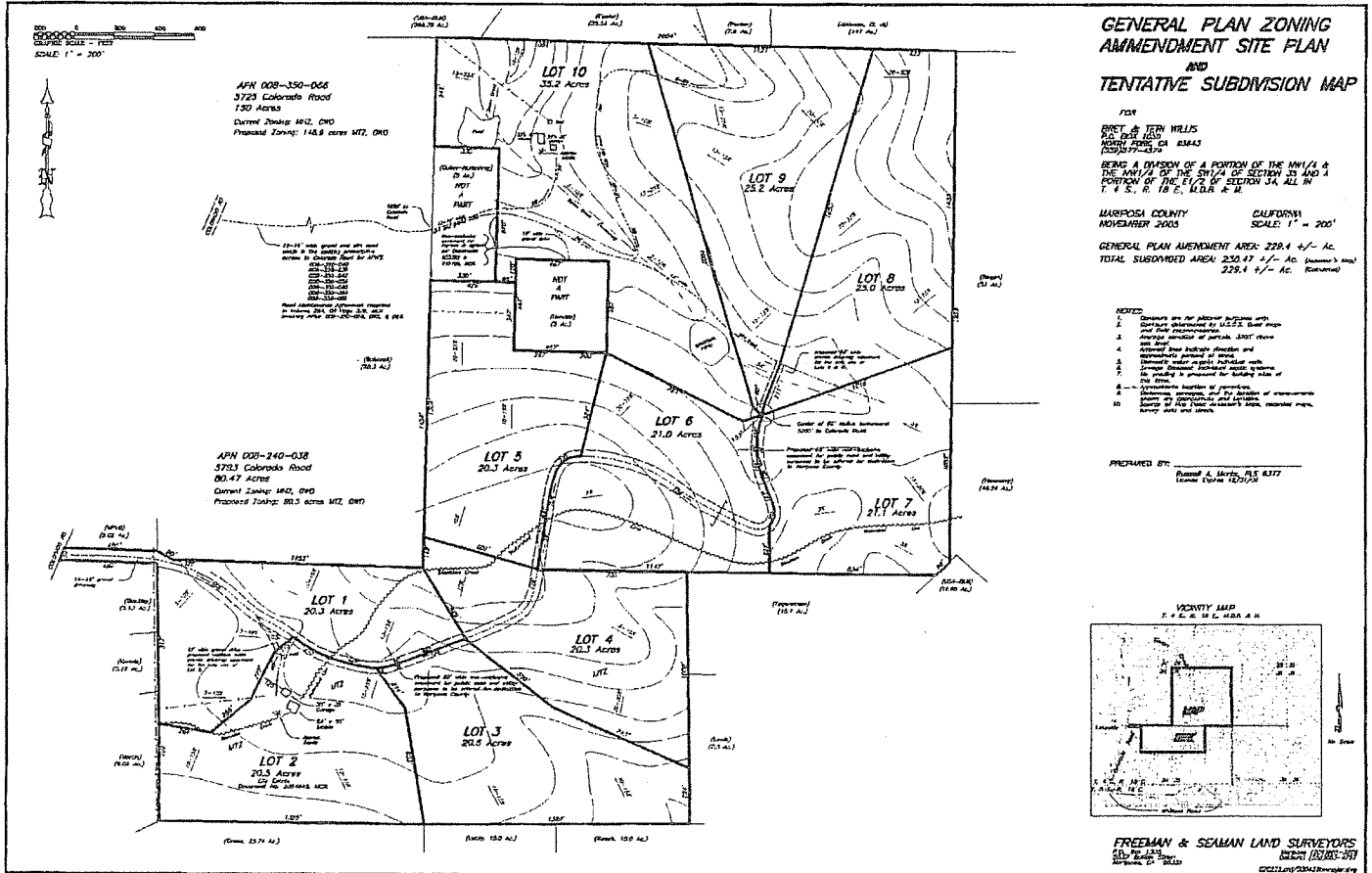
ORDINANCE NO. 1035 EXHIBIT A

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: *"This amendment is in the general public interest"*. This project will increase the minimum parcel size from 5 acres to 20 acres which will provide additional open space. There will be reduced potential impacts on the Saxon Creek watershed and the environment in general as the parcels will be larger. *"This amendment ... will not have a significant adverse affect on the general public, safety, peace, and welfare"*. The project has adequate access from a proposed easement road to a county maintained road. The project abides by CDF dead end road length limits with the propose zoning designation of Mountain Transition. CDF would not support a future GPZA for any of the parcels in the subdivision to change back to Mountain Home as the increased density on the easement road would put people and property at risk in case of a wild fire emergency. Adequate provisions for water and septic will be 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: This amendment will help preserve the "rural mountain lifestyle" that the General Plan attempts to promote. The Mountain Transition Zoning designation is appropriate for the subject parcels due to limited development potential associated with steep slopes and access difficulties. The project will improve the Mariposa County General Plan because the subject parcels are more suited for the Mountain Transition zone as described in Section 17.24 of the Mariposa County Zoning Code than their current zoning of Mountain Home.
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: This amendment is consistent with the policies, goals and standards in that it applies an appropriate zoning to the property, thereby allowing development of suitable home sites that would not otherwise be available. By increasing the minimum parcel size the amendment is effectively increasing the amount of open space and decreasing the potential impact on the environment. Implementation of this amendment and subdivision will create parcels which will provide the citizens of Mariposa County with clean, safe, and economical building sites. Mountain transition zoning, rather than Mountain Home zoning, will result in larger parcels which will help preserve, protect, and promote sensible development of the county's natural resources.
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; also, 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 designation is residential, in keeping with the General Plan land use designation and the zoning categories on all the surrounding parcels. The requested Mountain Transition zoning requires a minimum parcel size of twenty acres; this property is physically suited to development at that density. Low-density zoning such as Mountain Transition is logical for this property, as portions of the property are steep and the bulk of the property acreage is located away from Colorado Road. Access, utilities and infrastructure are present for the existing configuration, and will be expanded as a condition of approval for any development proposal, including the land division proposed in conjunction with this zoning amendment.

Ordinance No. 1035 Exhibit B



"EXHIBIT B"