

**MARIPOSA COUNTY BOARD OF SUPERVISORS  
ORDINANCE NO. 941  
(Not to be Codified)**

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

**WHEREAS**, an application to amend the Mariposa County General Plan Land Use and Zoning Map has been submitted to the County; and

**WHEREAS**, this application proposes to modify the general plan land use and zoning designation on APN 008-310-001 from Mountain Preserve to Resort Commercial; and

**WHEREAS**, the Planning Commission has conducted a duly noticed public hearing on the project in accordance with State Law and County Code, and recommends 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.

**NOW THEREFORE BE IT ORDAINED**, the Board of Supervisors hereby modifies the Mariposa County Zoning Map as shown in Exhibit A of this ordinance.

**BE IT FINALLY ORDAINED**, this action is based on the findings mandated by Section 2.504 of the Mariposa County General Plan as stated and discussed in Exhibit B.

**PASSED AND ADOPTED** on this 1st day of December, 1998 by the following vote:

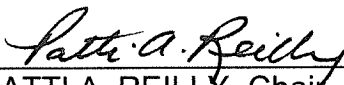
AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: None

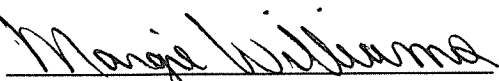
ABSTAINED: None

EXCUSED: None

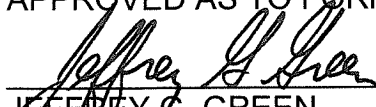
NOT VOTING: None

  
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PATTI A. REILLY, Chair  
Mariposa County Board of Supervisors

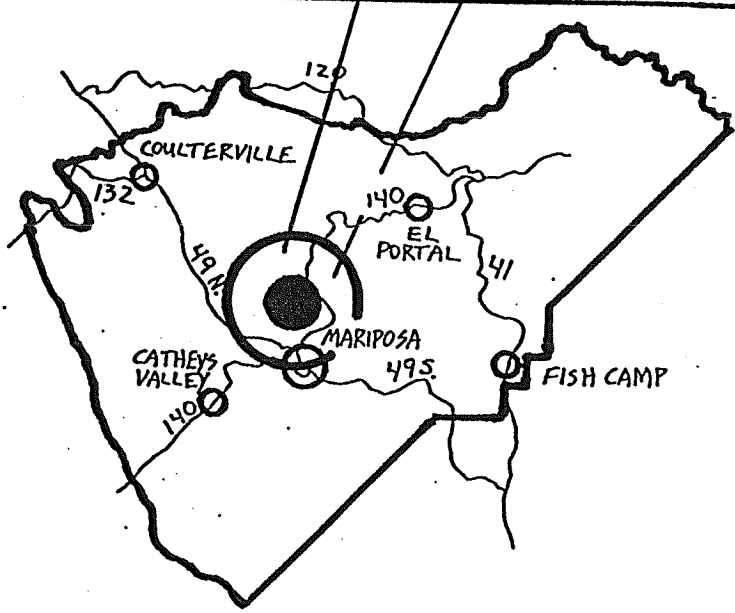
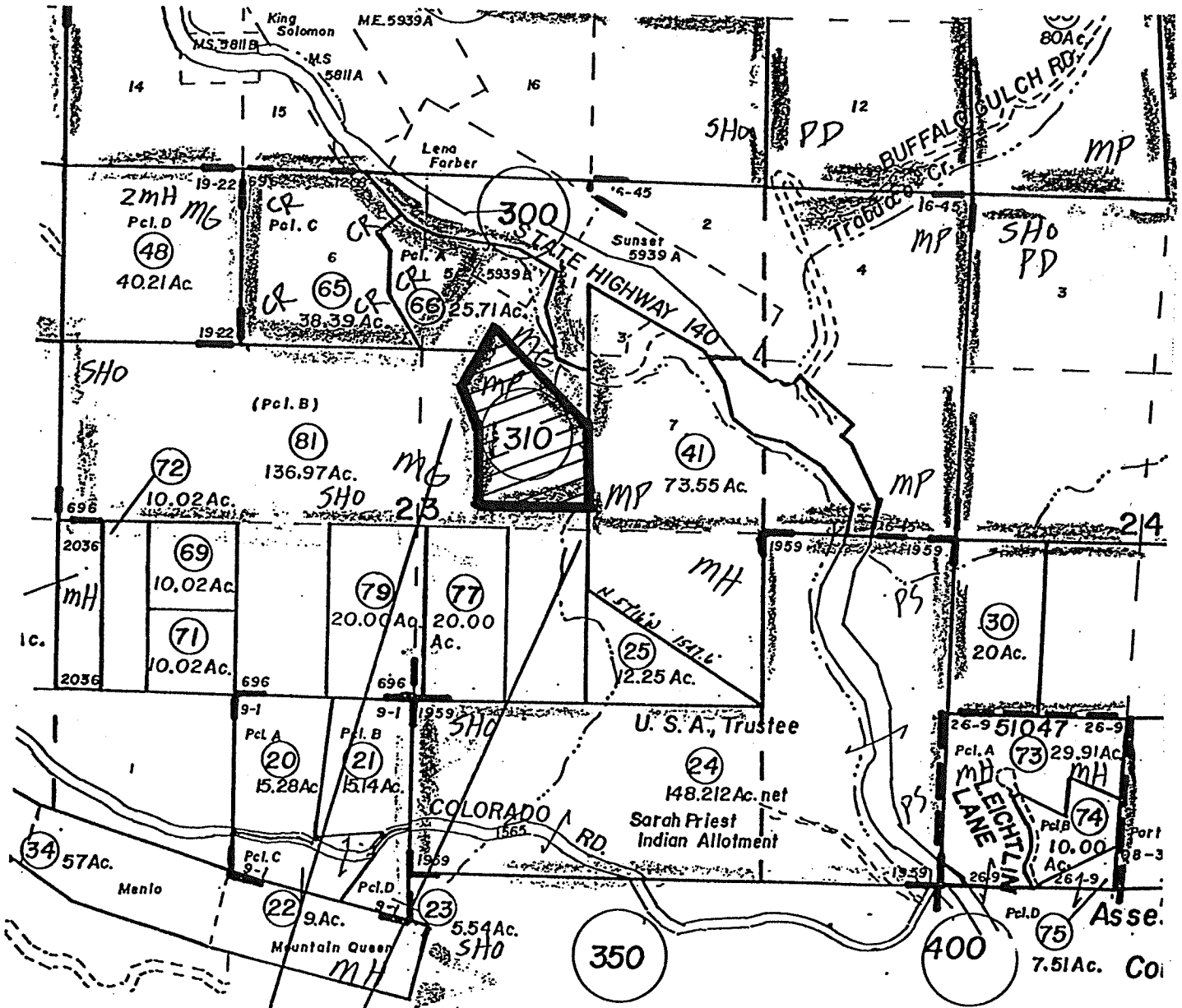
ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN,  
County Counsel

**ORDINANCE EXHIBIT A**



LOCATION MAP  
 GP / ZA #98-2  
 VARIANCE #98-4  
 CIM PLAN #98-2  
 APPLICANT: CAROLINE McGRATH, LLC  
 APN: 008-310-001  
 MIDPINES AREA

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## ORDINANCE EXHIBIT B

1. *“That such an 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 project will provide additional lodging opportunities for the touring public. The subject property is located within a short distance of Highway 140, which constitutes the main tourist route within Mariposa County. Current and proposed access to the property is easily obtained from Highway 140. The property is bounded by the approved Whispering Pines Hotel Complex and Whispering Pines Apartments to the north and by Muir Lodge to the south. This property is located within an area which serves as a tourist serving commercial pocket within Mariposa County. Additionally the property has historically been utilized to serve the touring public since approximately the 1920's.

The property is well buffered from properties to the north, west, and south by a ridge which generally surrounds the property on these three sides and by Bear Creek which runs along the east side of the property. The subject property is more than eight times the required size for properties within the resort commercial designation. Additionally the project will be provided with adequate water, wastewater, garbage, and parking facilities to insure that it will not negatively impact the area.

2. *“That such an 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 enhances the existing situation that this section of Highway 140 is an area serving the touring public and provides a restaurant for tourists and locals within the Midpines area. The project provides a clear plan for future development on the project site rather than relying on the non-conforming use provisions of the Zoning Ordinance to govern operation and expansion. Additionally the project involves a rezoning of a successful legal non-conforming hostel and restaurant business into the Resort Commercial designation to allow for the business to grow and prosper. This rezoning will allow for the development of new rental buildings which are consistent with the scale and theme of the existing on-site development. The amendment will insure that on-site development is in accordance with commercial development standards.

3. *“That such an amendment conforms to the requirements of state law and county policy”*

The amendment was processed in accordance with state law and County Code with regards to notice, hearing, and findings.

4. *“That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan”*

The development of tourist serving facilities and the preservation of open space provided by this development are consistent with the Goals, Policies, and Standards of the County general plan. Section 3.200.4 provides for “The strengthening of the economic and

employment opportunities of Mariposa County through encouragement of appropriate commercial” development. Section 3.300.D establishes the goal “to establish site standards and adopt procedures that provide for commercial and industrial development based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses”.

5. *“The subject parcel is physically suitable (including, but not limited to access, provision or 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 development area of the project site has been disturbed by previous development on the property, which has historically been used as a camp, church camp, and recovery center. As such the project results in little new disturbance on the project site. The site is served by power and phone and can be adequately served by primary and emergency access routes. The subject property is well buffered by a ridge from properties to the north, south, and west and by Bear Creek to the east. A large amount of existing mature vegetation also serves to buffer the use from Highway 140 and adjoining properties. The subject property is located in an area which has historically been used for transient usage (church camp) since the early twentieth century. Additionally properties to the north and south have existing or previously approved resort commercial projects located on them.

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

The project enhances the existing situation that this section of Highway 140 is an area serving the touring public and provides a restaurant for tourists and locals within the Midpines area. The project will allow for an existing business to grow and provide the touring public the opportunity for alternative lodging opportunities within a hostel. Additionally the project will provide a public restaurant facility in the Midpines area. The project will generate both seasonal and permanent jobs within Mariposa County.