

**MARIPOSA COUNTY BOARD OF SUPERVISORS
ORDINANCE NO. 974
(Not to be Codified)**

**AN ORDINANCE AMENDING THE BOUNDARIES OF
PLANNED DEVELOPMENT ZONE 84-1 PURSUANT TO
ZONING AMENDMENT 2002-1**

WHEREAS, an application to adjust the property line between two residential parcels and the Lake Don Pedro (Hidden Hills) Golf Course has been submitted to the County and the adjustment and has been processed as Lot Line Adjustment No. 636; and

WHEREAS, the golf course parcel (APN 021-350-019) is part of Planned Development Zone 84-1 and adjusting the boundaries of this parcel requires modifying the boundaries of the planned development zone through the zoning amendment process; and

WHEREAS, the Planning Commission initiated the process to amend the boundaries of Planned Development Zone 84-1 and held a duly noticed public hearing on Zoning Amendment 2002-1 in accordance with State Law and County Code, and recommends approval of the amendment 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 Notice of Exemption has been adopted for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors hereby modifies the boundaries of Planned Development Zone 84-1 pursuant to Zoning Amendment 2002-1 with the planned development zone's new boundaries being legally described in Exhibit A. The new legal description contained in Exhibit A supersedes the legal description for the boundaries of Planned Development Zone 84-1 contained in Exhibit A of Mariposa County Ordinance No. 622.

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

PASSED AND ADOPTED on this 7th day of May, 2002 by the following vote:

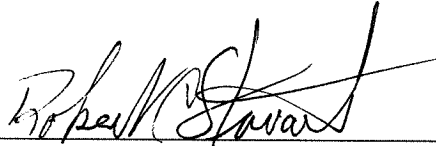
AYES: Reilly, Balmain, Stewart, Pickard

NOES: None

ABSTAINED: None

EXCUSED: Parker

NOT VOTING: None



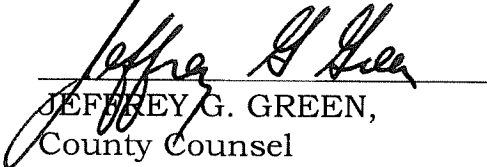
ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN,
County Counsel

EXHIBIT A

All that certain real property situated in the County of Mariposa, State of California, described as follows:

All that portion of Sections 30, 31 and 32 all in Township 3 South, Range 15 East, Mount Diablo Base and Meridian, more particularly described as follows:

Parcel 1:

Beginning at the most northerly corner of Lot 1797 as said lot is shown and so designated on the official map of "Lake Don Pedro Subdivision Unit No. 3-M", filed for record in the office of the Records of Mariposa County, California, as Record of Survey Map #1693, MCR, thence from said point of beginning, along the exterior boundary lines of said "Lake Don Pedro Subdivision Unit No. 3-M", the following twenty-five (25) bearings and distances: (1) South 75° 49' 33" East 809.67 feet; (2) North 85° 37' 03" East 195.22 feet; (3) North 60° 40' 28" East 306.97 feet; (4) South 62° 09' 58" East 76.32 feet; (5) North 27° 50' 02" East 926.95 feet; (6) along the arc of a tangent curve concave Westerly whose center bears North 62° 09' 58" West having a central angle of 22° 12' 43" and a radius of 950.00 feet, a distance of 368.29 feet; (7) along the arc of tangent curve, concave Southwesterly whose center bears North 84° 22' 41" West having a central angle of 106° 57' 22" a radius of 25.00 feet, a distance of 46.67 feet; (8) South 78° 39' 57" West 40.70 feet; (9) South 68° 33' 06" West 103.28 feet; (10) North 48° 03' 47" West 167.19 feet; (11) along the arc of a tangent curve concave Southerly whose center bears South 41° 56' 13" West having a central angle of 75° 54' 00" a radius of 25.00 feet, a distance of 33.12 feet; (12) South 56° 02' 13" West 134.39 feet; (13) along the arc of tangent curve concave Northerly whose center bears North 33° 57' 47" West having a central angle of 24° 48' 02" a radius of 555.00 feet, a distance of 240.29 feet; (14) South 09° 09' 22" East 56.28 feet; (15) South 45° 58' 24" West 150.88 feet; (16) North 78° 17' 03" West 410.42 feet; (17) North 33° 42' 01" West 384.49 feet; (18) North 41° 05' 06" East 86.66 feet; (19) North 48° 54' 54" West 167.60 feet; (20) along the arc of a tangent curve concave Northeasterly whose center bears North 41° 05' 06" East having a central angle of 25° 03' 58" a radius of 405.00 feet, a distance of 177.18 feet; (21) South 74° 58' 06" West 32.98 feet; (22) North 19° 04' 16" West 545.02 feet; (23) North 61° 52' 49" West 875.74 feet; (24) North 01° 31' 25" West 300.11 feet, and (25) North 87° 14' 31" West 368.85 feet to a point on the West line of the East one-half of said Section 30; thence along said West line South 00° 11' 08" West 726.63 feet to the North one-quarter corner of said Section 31; thence along the exterior boundary line of the Northwest one-quarter of the Northeast one-quarter of said Section 31, the following two (2) bearings and distances: (1) South 00° 03' 36" West 1321.62 feet and (2) North 89° 05' 30" East 1331.98 feet to the Southeast corner thereof; thence along the West line of the Southeast one-quarter of the Northeast one-

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quarter of said Section 31, South 00° 03' 36" West 728.71 feet to the point of beginning.

EXCEPTING THEREFROM a piece of land described as follows:

Beginning at a 3/4" rebar with tag LS 3332 being the Northwest corner of Lot 1789 Lake Don Pedro Subdivision Unit 3-M, Record of Survey Map #1693, MCR, thence N. 16° 35' 35" E. 36.79 feet to a set 5/8" rebar with tag LS 4096; thence S. 79° 01' 36" E. 120.17 feet to a set 5/8" rebar with tag LS 4096; thence continuing S. 79° 01' 36" E. 141.22 feet to the Northeast corner of Lot 1788; thence S. 85° 36' 36" W. 161.19 feet; thence N. 75° 47' 25" W. 109.71 feet along the North line of Lot 1789 to the point of beginning.

Parcel 2:

Beginning at the Southwest corner of Lot 1547, as said lot is shown and so designated on the aforementioned map of "Lake Don Pedro Subdivision Unit No. 3-M"; thence from said point of beginning along the exterior boundary line of said "Lake Don Pedro Subdivision Unit 3-M", the following sixteen (16) bearings and distances: (1) North 28° 09' 00" East 151.80 feet; (2) North 33° 32' 19" West 420.45 feet; (3) North 40° 40' 00" West 290.00 feet; (4) North 03° 33' 05" West 222.55 feet; (5) North 48° 00' 23" West 198.39 feet; (6) North 67° 15' 36" West 353.42 feet; (7) North 40° 27' 47" West 520.27 feet; (8) North 60° 47' 15" West 400.08 feet; (9) North 82° 04' 24" West 339.21 feet; (10) South 01° 39' 57" West 90.89 feet; (11) along the arc of a tangent curve concave Westerly whose center bears North 88° 20' 03" West having a central angle of 26° 10' 04" and a radius of 1050.00 feet, a distance of 479.55 feet; (12) South 27° 50' 02" West 432.02 feet; (13) South 62° 09' 58" East 77.72 feet; (14) South 27° 08' 36" East 423.09 feet; (15) South 58° 54' 13" East 685.72 feet; and (16) South 02° 42' 03" East 134.56 feet to a point on the South line of the North one-half of said Section 32; thence along said South line, North 89° 59' 05" East 132.77 feet to the point of beginning.

EXCEPTING THEREFROM all that portion thereof more particularly described as follows:

That certain parcel of land being shown as Parcel A on that certain Parcel Map filed in the office of the Recorder of Mariposa County in Book 5 of Parcel Maps, at Page 17, MCR, and being further described as follows:

Beginning at the most Northerly corner of Lot 1747 of Lake Don Pedro Unit No. 3-M, as shown on the official plat thereof filed in the office of the recorder of Mariposa County as Record of Survey Map #1693, MCR, said point also being a point on the Easterly line of Ranchito Drive; thence from said Point of Beginning along said Easterly line of Ranchito Drive, North 27° 50' 02" East 166.00 feet; thence leaving said Easterly line, South 27° 49' 12" East 170.00 feet; thence South 69° 37' 19" West 94.00 feet to an angle point on the Northeasterly line of the aforementioned Lot

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1747; thence along said Northeasterly line, North 62° 09' 58" West 77.72 feet to the point of beginning.

EXHIBIT B

FINDINGS FOR ZONING AMENDMENT 2002-1

1. This amendment involves amending the boundaries of Planned Development Zone (PDZ) 84-1 to reflect the adjusted area proposed in Lot Line Adjustment No. 636. Just 0.18 acres of the roughly 140-acre golf course open space area will be removed from the planned development zone. Therefore, this zoning amendment has no potential to have a significant adverse effect on the general public health, safety, peace and welfare and no potential to have a significant adverse effect on the golf course.
2. The amendment has no potential to have any impact on the goals and policies of the Mariposa County General Plan, including long term or day-to-day decision making.
3. The amendment was processed in accordance with state law and county code with respect to notice, hearings and findings. The County of Mariposa initiated this amendment due to the fact that the applicants for the lot line adjustment were not informed by Planning Department staff when they purchased the two residential parcels and applied for the adjustment between the parcels and the golf course parcel that it would also require an amendment to the planned development zone. The applicants purchased the residential parcels based upon statements by Planning Department staff that modifying the subject property line could be completed through a standard lot line adjustment process. County initiation of this amendment should not be construed as a statement that the county would initiate and be the proponent of future amendments to the planned development zone.
4. This amendment is consistent with the guiding policies, goals, policies, and standards of the Mariposa County General Plan.



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222
 ROBERT C. STEWART, CHAIRMAN
 PATTI A. REILLY, VICE-CHAIRMAN
 DOUG BALMAIN
 GARRY R. PARKER
 BOB PICKARD



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
 FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
 SUBJECT: Lot Line Adjustment No. 636 and Ordinance Modifying Boundaries of Planned Development Resolution No. 02-143

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 7, 2002

ACTION AND VOTE:

10:05 a.m. Skip Strathearn, Planner, appeared on behalf of Eric Toll, Planning Director;
PUBLIC HEARING: Adopt a Notice of Exemption and Approve Lot Line Adjustment No. 636; Adopt an Ordinance Modifying the Boundaries of Planned Development Zone (PDZ) 84-1 Pursuant to Zoning Amendment 2002-1
BOARD ACTION: Skip Strathearn presented the staff report, reviewed the history and processing of the lot line adjustment request. He advised that he will revise the draft ordinance to reflect the new legal description of the Planned Development Zone, which will supercede the previous description. Public portion of the hearing was opened, and there was no input. Public portion of the hearing was closed, and the Board commenced with deliberations. (M)Balmain, (S)Reilly, Res. 02-143 was adopted approving a Notice of Exemption and approve Lot Line Adjustment No. 636 with the recommended findings; and Ordinance No. 974 was adopted modifying the boundaries of Planned Development Zone (PDZ) 84-1 pursuant to Zoning Amendment 2002-1 with the recommended findings/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. The hearing was closed. Mr. Gile, applicant, withdrew his appeal on this matter. Jeff Green, County Counsel, advised that the appeal is nullified as a result of the action taken.

cc: Jeff Green, County Counsel
File

DEPARTMENT: Planning

By: Skip Strathearn
Planner III

Phone: 966-0305

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes ___ No X

- a) Adopt a Resolution adopting a Notice of Exemption and approving Lot Line Adjustment No. 636 with the recommended findings, and
- b) Adopt an ordinance modifying the boundaries of Planned Development Zone (PDZ) 84-1 pursuant to Zoning Amendment 2002-1 with the recommended findings

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 19, 2002 the Board heard an appeal of the Planning Commission's 1/4/02 denial of the lot line adjustment and at that hearing referred the matter back to the commission for reconsideration of the adjustment. The Board also directed the commission to initiate the process to amend the boundaries of PDZ 84-1 which is required to effect the lot line adjustment since the golf course parcel is part of the PDZ. The boundaries of the PDZ can only be modified by ordinance.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Deny the lot line adjustment and zoning amendment.

NEGATIVE ACTION: If the amendment to the PDZ boundaries and lot line adjustment are not approved, the two residential parcels and the Hidden Hills (Lake Don Pedro) Golf Course parcel would remain in their present configuration and the boundaries of the planned development zone would not be amended..

COSTS: (X) Not Applicable

A. Budgeted Current FY	\$
B. Total anticipated Costs	\$
C. Required additional funding	\$
D. Internal transfers	\$

COSTS: () 4/5th Vote Required

A. Unanticipated revenues	\$
B. Reserve for Contingencies	\$
C. Source Description	\$

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments

Attachment 1	Planning Commission Resolution
Attachment 2	Staff Report to Planning Commission
Attachment 3	Commission Minutes
Attachment 4	Commission Resolution Initiating Amendment
Attachment 5	Draft Board Resolution
Attachment 6	Draft Board Ordinance

CLERK'S USE ONLY

Res. No.: 02-143 Ord. No.: 974
 Vote - Ayes: 4 Noes: _____
 Absent: Parker Abstained: _____
 Approved Denied
 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

By: _____
 Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_____ Recommended
 _____ Not Recommended
 _____ For Policy Determination
 _____ Submitted for Comment
 _____ Returned for Further Action

Comment: _____

A.O. Initials: [Signature]