

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-1

A resolution recommending to the Mariposa County Board of Supervisors conditional approval of Land Division Application (LDA) #2003-240 and recommending approval of General Plan and Zoning Amendment (GP/ZA) #2003-239, Jon and Melinda Turcsanyi, applicant. Assessor Parcel Number 015-350-046.

WHEREAS an application for land division and General Plan and Zoning Amendment was received on October 7, 2003 from Jon and Melinda Turcsanyi for a property located one-quarter mile south of the intersection of Chowchilla Mountain Road, Harris Cut-Off Road and Leaning Pine Way, 2441 leaning Pine Way, also known as Assessor Parcel Number 015-350-046; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for the 23rd day of January, 2004; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS Section 17.08.210 of the Mariposa County Zoning Ordinance identifies the Mariposa County Board of Supervisors as the final county review authority for this application;

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend approval of a Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend approval of Land Division Application #2003-240 and General Plan / Zoning Amendment #2003-239; and

BE IT THEREFORE FURTHER RESOLVED THAT the project as described in Exhibit 1 is recommended for approval based upon the findings set forth in Exhibit 2 with the terms and conditions set forth in Exhibit 3, along with the recommendation on the offers of dedication as shown on Exhibit 3:

ON MOTION BY Commissioner Rudzik, seconded by Commissioner Ludington, this resolution is duly passed and adopted this 23rd day of January, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Crain, Skyrud, and Turpin

NOES: None

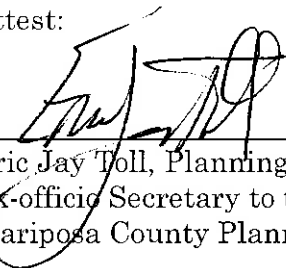
EXCUSED: None

ABSTAIN: None



Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:


Eric Jay Toll, Planning Director and
Ex-officio Secretary to the
Mariposa County Planning Commission

Project Description – Exhibit 1

- Proposal:** The General Plan/Zoning Amendment application proposes changing the designation on the parcel totaling 40.04 acres from Mountain General (40 acre minimum parcel size) to Mountain Transition (20 acre minimum parcel size). The land division application proposes the subdivision of the property into two 20-acre parcels.
- Location:** One-quarter mile south of the intersection of Chowchilla Mountain Road, Harris Cut-Off Road and Leaning Pine Way, south of Chowchilla Mountain Road.
- Applicants:** Jon and Melinda Turcsanyi
- Existing Zoning:** Mountain General Zone (40 acre minimum).
- General Plan:** Mountain General Land Use Designation
- Current Land Use:** Currently one home on 40-acres
- Parcel History:** Parcel C as shown on the Parcel map for David and Norma Mullen, Filed March 31, 1993 in Book 26 of Maps, at page 7, Mariposa County Records.
- Adjacent Land Use:** Residential uses and vacant land.
- Site Topography:** Grade on site ranges from 8-18%.

Project Findings – Exhibit 2

GENERAL PLAN/ZONING AMENDMENT 2003-239 RECOMMENDED FINDINGS

Pursuant to Mariposa County General Plan Section 2.504 and Mariposa County Zoning Ordinance, section 17.128.050, the following Findings must be made before a general plan/zoning amendment may be approved.

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.

LAND DIVISION APPLICATION NO. 2003-240 RECOMMENDED FINDINGS

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are recommended:

1. Based on site inspection and the size and the number of parcels proposed the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met.
2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Transition zone (20-acre minimum parcels with individual wells and sewage disposal systems). The subdivision density is designed in accordance with the Mountain Transition zoning.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be effected by approval of this project. The CDFG has determined the project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of (\$1250) for a negative declaration as required by AB 3158 and a county Clerk fee of (\$25).
4. This land division and its subsequent use for low-density residential purposes will not

cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The proper implementation of these improvements will ensure that serious health problems will not occur on the site.

5. Upon Completion of the General Plan Zoning Amendment process, the proposed map will be consistent with the Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan's 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 land division satisfies the following Housing Element Policy: *"to ensure that there are adequate sites and facilities available to support future housing needs."* There is no specific plan governing this property.
6. The minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan.
7. The project will not conflict with any public easement.
8. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance.

Project Condition and Mitigation Monitoring Plan – Exhibit 3

Project Name: Turcsanyi Land Division FileNumber: LDA #2003-240
Project Approval Date: January 23, 2004

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa’s Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Understood Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. The easement from Chowchilla Mountain Road to the cul-de-sac located at parcels A and B shall be made a 60-foot wide and non-exclusive. (<u>A cul-de-sac easement with an on-site radius of 50-feet shall be provided to encompass the required cul-de-sac improvements.</u>) The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the <i>parcel</i> map that the dedications are for "public road and utility purposes."	Public Works	/
2. The road within the easement from Chowchilla Mountain Road to the cul-de-sac located at parcels A and B shall be restored to a Rural Class II SRA standard and shall meet this standard at the time of parcel map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer prior to the recordation of the parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.	Public Works	/
3. The existing cul-de-sac shall be upgraded to meet county standards prior to the recordation of the parcel map. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. This improvement shall be approved by the County Engineer prior to the recordation of the parcel map.	Public Works	/
4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Chowchilla Mountain Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa	Public Works	/