

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 General Plan Zoning Amendment No. 2005-213 with the recommended findings, and approving Commercial Industrial Manufacturing Development Plan No. 2005-214 with the recommended findings, conditions, and mitigation measures.

S/2 Waive first reading and introduce ordinance approving amendment to Mariposa County zoning map with the recommended findings, pursuant to General Plan Zoning Amendment No. 2005-213.
Waive 2nd Reading and Adopt Ordinance.
Action is based upon the Planning Commission's recommendation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors approved General Plan Zoning Amendment No. 98-2 and CIM Plan 98-2 (together with Variance 98-4) for the applicants on November 24, 1998, with the effective date of action being December 1, 1998. County Ordinance 941 was adopted for this project, amending the County zoning map and land use map for this property to show a Resort Commercial designation. County Resolution 98-439 approved the GPZA, CIM Plan, and Variance, subject to findings and conditions. These actions approved the current zoning on the property and allowed the property to be used for camping, transient lodging, and restaurant purposes.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Mariposa County General Plan land use map and zoning map will remain unchanged; this parcel will retain its multiple zoning designations; the commercial use of this property will not be expanded.

| | | |
|---|---------------------|---|
| 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. Amended Initial Study/D. |
| Source: | | Draft County Resolution/E. Draft County Ordinance |
| Internal Transfer _____ | | _____ |
| Unanticipated Revenue _____ 4/5's vote | | _____ |
| Transfer Between Funds _____ 4/5's vote | | _____ |
| Contingency _____ 4/5's vote | | _____ |
| () General () Other | | _____ |

CLERK'S USE ONLY:


S/2 Res. No.: 06-168 S/16 Ord. No. 1028 Ayes: 5
Vote - Ayes: 5 Noes: _____
Absent: _____
Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
_____ No Opinion
Comments:

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

CAO: 

MARIPOSA COUNTY ORDINANCE NO.1028
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, General Plan Zoning Amendment Application No. 2005-213 was received from Caroline McGrath LLC proposing to modify the zoning designation for a portion of modified APN 008-310-001 from Mountain Preserve (MP) to Resort Commercial (CR) in accordance with the new parcel boundary approved by Lot Line Adjustment No. 2005-58; and

WHEREAS, this project was submitted and evaluated with Commercial Industrial Manufacturing Development Plan No. 2005-214, and the environmental determination has been made for those projects together; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 7, 2006 in accordance with State Law and County Code, and 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 on May 2, 2006 in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on the project in accordance with the California Environmental Quality Act and a Mitigated Negative Declaration has been prepared for the project.

NOW, THEREFORE BE IT ORDAINED the Board of Supervisors does hereby modify the Mariposa County Zoning Map pursuant to General Plan Zoning Amendment No. 2005-213 in accordance with the new parcel boundary approved by Lot Line Adjustment No. 2005-58, so that the entire subject parcel shall have Resort Commercial as the land use and zoning designation.

BE IT FURTHER 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 16th day of May, 2006 by the following vote. The ordinance will become effective 30 days after adoption.

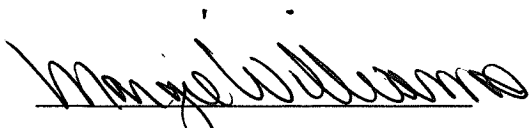
| | |
|-------------|--|
| AYES: | STETSON, TURPIN, BIBBY, FRITZ, PICKARD |
| NOES: | NONE |
| ABSTAINED: | NONE |
| EXCUSED: | NONE |
| NOT VOTING: | NONE |



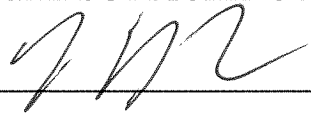
LEE STETSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MARGIE WILLIAMS,
Clerk of the Board



THOMAS GUARINO,
County Counsel

ORDINANCE NO. 1028 EXHIBIT A

In keeping with Section 2.504 of the Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan Zoning Amendment Application No. 2005-213:

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: The project will provide additional lodging opportunities for the touring public. The subject property is located within a short distance of State Highway 140, which constitutes the main tourist route within Mariposa County. Current access to the property is obtained from Highway 140. The property is located within an area of Mariposa County which serves as a commercial pocket providing services to the touring public since the 1920s; Whispering Pines Hotel Complex and Muir Lodge are immediately adjacent to the project. The project site is well buffered from the highway by a ridgeline that virtually surrounds the property, and is nearly twenty times the minimum parcel size required for the Resort Commercial land use and zoning designation. Adequate provisions for water, wastewater, garbage, and parking facilities are 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: The inclusion of the subject property in the Resort Commercial land use and zoning classification will provide a clear plan for the future development of the property, rather than relying on the non-conforming use provisions of the County Zoning Ordinance to govern the operation and expansion of the facility. The amendment is consistent with the existing zoning on the remainder of the project site, and will eliminate problems associated with multiple land use designations on a single property.

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: The development of tourist-serving facilities and the preservation of open space as proposed by this application are consistent with the Goals, Policies, and Standards of the Mariposa 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 and light industrial activity, protection and expansion of agriculture and forestry, and local processing of raw materials." 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."

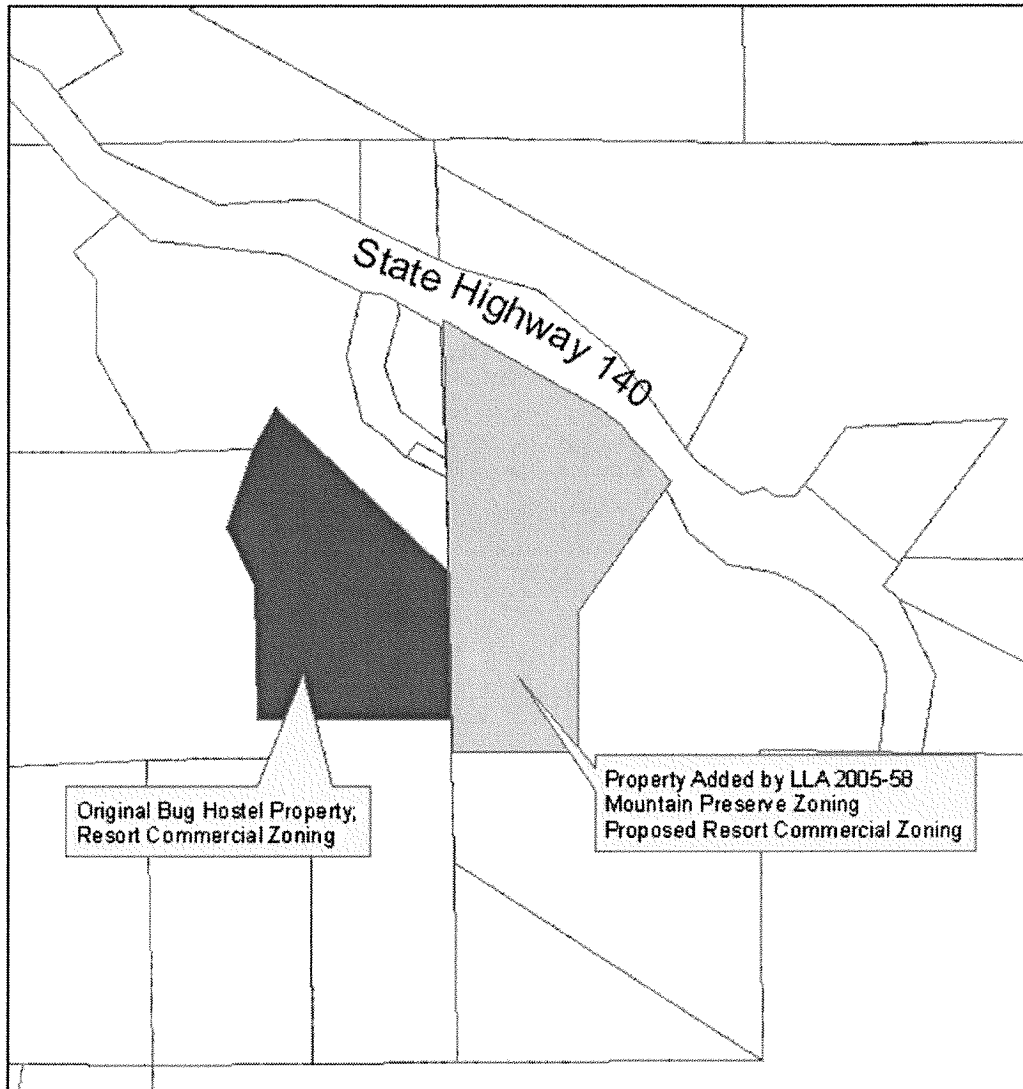
5. **FINDING:** The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

EVIDENCE: The subject parcels are found to be physically suitable for the proposed zoning classification based upon the existing development on and immediately surrounding the project site; the proposed development is consistent in scale and appearance with the existing conditions in the area. Utilities and infrastructure are available for this property, with access to the project site provided by a privately-maintained onsite easement road that connects to a State highway. There is an existing left-turn lane on the highway at the intersection of the onsite easement road. There are no physical constraints on the property that would impede or prohibit industrial development of the project site. The project site is buffered from the highway by the mixed oak woodland vegetation and provides good topography for resort commercial uses.

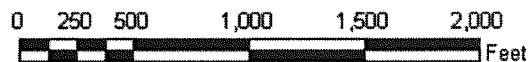
6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

EVIDENCE: The proposed zoning is logical and desirable in that it provides the potential for expanded lodging opportunities at the time the project site is developed, which provides a basic service to the touring public of Mariposa County and the potential for expanded employment opportunities for the residents of Mariposa County.

ORDINANCE NO. 1028 EXHIBIT B



**Project Vicinity Map
GPZA 2005-213 and CIM Plan 2005-214**



Applicant: Caroline McGrath LLC
Address: 6979A Highway 140, Midpines
APN: 008-310-001 (modified)
Prepared By: Megan Tennermann
Mariposa Planning
Date: May 5, 2006