

DEPARTMENT: Planning

8/5 Adopt #CA-3
BY: Steven J. Engfer,
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

1. Adopt a resolution adopting a Negative Declaration and Approving Specific Plan Zoning Amendment and Historic Design Review #2002-343 with the recommended findings and conditions.
2. Waive the first reading and introduce an ordinance amending the Zoning Designation on APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public.

This recommendation is based upon the Planning Commission action on the project applications.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board action to adopt a Negative Declaration for the Purchase of the parcels occurred on March 19, 2002.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Approve the applications with modified conditions and findings; 2) Deny one or more of the applications

NEGATIVE ACTION on the Specific Plan Zoning Amendment would result in denial of both applications.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		1. Staff Report <u>and Initial Study</u>
Source: _____		2. Mariposa County Planning Commission Resolution #2003-021
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

7/15 Res. No. 03-268 Ord. No. 991
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 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: [Signature]

MARIPOSA COUNTY ORDINANCE NO. 991
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, Specific Plan Zoning Amendment Application & Historic Design Review Application # 2002-343 was received from the County of Mariposa proposing to modify the zoning designation for APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 20, 2003 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 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 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 Specific Plan Zoning Amendment #2002-343 for the property (APN 013-186-003 and APN 013-186-005) General Commercial to Public Quasi Public.

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.

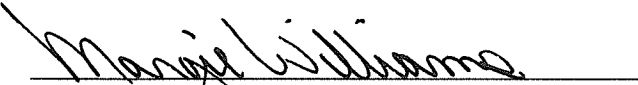
PASSED AND ADOPTED on this 5th day of August 2003, by the following vote:

AYES:	STETSON, BIBBY, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	BALMAIN, PARKER



BOB PICKARD, 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

ORDINANCE No. 991 EXHIBIT A

1. The Specific Plan zoning change provides for a more streamlined process for development applications on the subject parcels. The subject parcels are at the lower end of the Historic Downtown Mariposa District and the project site links the Creek Parkway and the Art Park. The property lies within the vicinity of other commercial and mixed use developments within the Mariposa TPA. The peace and welfare of the general public will not be adversely impacted by the development of the limited scale park as proposed with the zone change application. Design Review procedures and requirements contained in the Mariposa Specific Plan ensure adequate oversight of the development applications.
The project site is within an established community with community water and sewer available, a fire station, and with good quality, maintained roads.
2. The Zoning amendment provides for the opportunity to develop a public park consistent with the plans set forth in the Specific Plan for the Mariposa Creek Parkway. Also, the project helps to meet both the General Plan goals and Specific Plan Goal to provide recreational opportunities for the citizens of Mariposa County and visiting tourist populations. The General Plan has identified the Mariposa TPA as an area for mixed use development of which this zoning amendment does not detract.
3. The Specific Plan/Zoning Amendment application has been processed in accordance with the requirements of State law and County regulations and established policy. An Initial Study with a recommendation for a Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) and must be adopted prior to approval of the amendment.
4. The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan. The Land Use Element states TPAs are for the purposes of providing basic services and being centers of population concentration. As such, TPAs are considered centers of service, commerce, industry, and population. The amendment to Public Quasi Public will allow the purposes of the Land Use Element to be met in that the development of a park will provide recreational opportunities for the populations living in the TPA and as well tourists visiting the TPA. The amendment is consistent with, or will have no negative effect on the other goals, policies, and standards of the Mariposa County General Plan. The project is found to support, accomplish or have no effect on the goals, policies, and standards of the Specific Plan as a whole and will not obstruct the achievement of the Specific Plan's purpose. This finding is made in accordance with Section 2.600 et seq.
5. A. Access to the project site is gained by way of the existing pedestrian encroachments and the adjacent Creek parkway. The project site is within the Mariposa Public Utility District.
The amendment does not affect the requirements set forth by the Historic Design Review Overlay Zone. The project as proposed is required to meet all applicable development standards and requirements of the HDRO whether the zone is General Commercial or Public Quasi Public. The subject parcels' location was determined to be suitable for a park use per the Mariposa Town Planning Area Specific Plan Land Use and Development Standards and Regulations.
- B. The proposed zoning of Public Quasi Public and the proposed use as public park will provide a service through recreational opportunities for the Mariposa residents and the tourist populations.



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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DOUG BALMAIN
JANET BIBBY

DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: SPECIFIC PLAN ZONING AMENDMENT AND HISTORIC DESIGN REVIEW
#2002-343, CHANGING THE SPECIFIC PLAN LAND USE AND ZONING
DESIGNATION ON APN 013-186-003 AND 013-186-005 FROM GENERAL
COMMERCIAL TO PUBLIC QUASI-PUBLIC AND TO THEN DEVELOP A
LIMITED SCALE ARTS VENUE AND PARK
Ordinance No. 991

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on August 5, 2003

ACTION AND VOTE:

Approval of the Consent Agenda (See End of the Minutes)

BOARD ACTION: Jeff Green, County Counsel pulled item 3 to be taken separately from the remainder of the Consent Agenda. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Stetson, Bibby, Pickard; Excused: Balmain, Parker.

CA-2 Waive the Second Reading and Adopt an Ordinance Approving Development Agreement No. 2002-472, for a Skilled Nursing Facility and Assisted Living Facility in the Town of Mariposa (APNs 012-350-008 and 012-350-010); Norm Gallagher and Rick Roesch, Applicants (Planning); Ord. 990

cc: Jim Petropulos, Public Works Director
File