

MARIPOSA COUNTY ORDINANCE NO. 983
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, General Plan Zoning Amendment Application # 2002-337 was received from Ernest J. Reamer proposing to modify the zoning designation for APN 015-350-023 from Mountain General to Mountain Transition; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 20, 2002 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 on January 21, 2003; and

WHEREAS, the Board of Supervisors held a second reading meeting on February 18, 2003, directing staff to amend related LDA #2002-338 Condition #17 and bring back for ordinance adoption; and

WHEREAS, environmental review has been conducted on the amendment in accordance with the California Environmental Quality Act and a Mitigated 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 General Plan Zoning Amendment #2002-337 for the property described as Parcel A of Map Book 14 Page 8, March 21, 1978 MCR (APN 015-350-023) from Mountain General to Mountain Transition.

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.

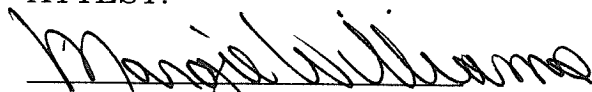
PASSED AND ADOPTED on this 18th day of March 2003 by the following vote:

AYES:	STETSON, BIBBY, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	BALMAIN, PARKER
NOT VOTING:	NONE




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. 983 EXHIBIT A

GENERAL PLAN/ZONING AMENDMENT FINDINGS

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 4-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 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 the 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.