

9-1-92
CA 6

DEPARTMENT: Planning

BY: Roger Evans

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

(1) Adoption of a resolution adopting a Negative Declaration and approving General Plan / Zoning Amendment No. 92-1 with findings as set forth in Planning Commission Resolution No. 92-14; and (2) Waiver of first reading and introduction of an ordinance approving General Plan / Zoning Amendment No. 92-1 with findings as set forth in Planning Commission Resolution No. 92-14. This recommendation is based upon Planning Commission review and their recommendation for approval of the project.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 16, 1992, the Board of Supervisors approved the preliminary adoption of a Negative Declaration for the project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Deny amendment; 2) Approve amendment and adopt a Negative Declaration with mitigation measures; 3) Continue public hearing.

Negative action would result in denial of General Plan / Zoning Amendment.

COSTS: (X) Not Applicable
A. Budgeted current FY \$
B. Total anticipated costs \$
C. Required additional funding \$
D. Internal transfers \$
SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$
B. Reserve for contingencies \$
C. Source description:
Balance in Reserve for Contingencies, if approved: \$

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
(1) Agenda Trans. (2) Agenda Action
(3) Memo to Board (4) Location Maps
(5) Ordinance (6) PC Resolution
(7) PC Minutes (8) Staff Report

CLERK'S USE ONLY:
Res. No.: 92-453
Vote - Ayes: 4
Absent: Kabanovich
Approved
Minute Order Attached
Ord. No.: 8385
Noes:
Abstained:
Denied
No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
[X] Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action
Comment:
A.O. Initials:

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

MARIPOSA COUNTY ORDINANCE NO. 836 ⁵/_{mws}
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, Mariposa County has received a request for a amendment to the Mariposa County Zoning Map; and

WHEREAS, environmental review has been conducted on the amendment in accordance with the California Environmental Quality Act and the Mariposa County Environmental Review Policies and Procedures adopted pursuant thereto, and a Negative Declaration has been adopted for the project; and

WHEREAS, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendment in accordance with State Law and County Code; and are in accordance with County Code and State Law; and

WHEREAS, the Mariposa County Planning Commission has recommended approval of the amendment; and

WHEREAS, the amendment to the Zoning Map is consistent with the Mariposa County General Plan.

NOW THEREFORE, the Mariposa County Board of Supervisors does hereby ordain as follows:

SECTION I

The property described in Exhibit B is hereby zoned Mountain Home (MH) as provided by Chapter 17.04.030 of Mariposa County Code.

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SECTION II

This action of the Board is based upon the findings contained in Mariposa County Resolution No. 92-14 which is hereby incorporated by reference.

SECTION III

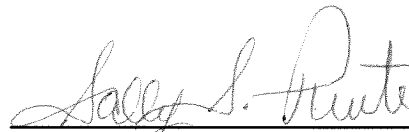
The Official Zoning Map of Mariposa County shall be modified to reflect the property described in Exhibit A is located in the same zone district specified in Section I.

SECTION IV

This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 1st day of September , 1992 by the following vote:

- AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH
- NOES: NONE
- ABSTAINED: NONE
- EXCUSED: TABER
- NOT VOTING: NONE



 SALLY S. PUNTE, Chairman
 Mariposa County Board of Supervisors

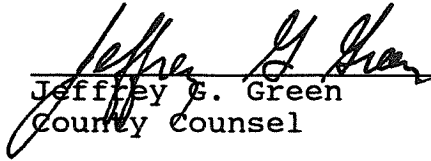
ATTEST:



 Margie Williams
 Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Jeffrey G. Green
County Counsel

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MARIPOSA COUNTY PLANNING COMMISSION

RESOLUTION NO. 92-14

A RESOLUTION RECOMMENDING APPROVAL OF GENERAL
PLAN / ZONING AMENDMENT NO. 92-1;
DENNIS AND BARBARA MILLER, APPLICANTS.

WHEREAS, an application to amend the Mariposa County
General Plan Land Use Map and Mariposa County Zoning Map has
been submitted to the County; and

WHEREAS, the Planning Commission is responsible for
formulating a recommendation to the Board of Supervisors
relative to the approval or denial of the requested
amendment; and

WHEREAS, the Board of Supervisors has adopted a
preliminary Negative Declaration for the project and
established a public review period; and

WHEREAS, the Planning Commission has held a duly noticed
public hearing in accordance with County Code and State Law;
and

NOW THEREFORE BE IT RESOLVED, that the Planning
Commission hereby recommends that the Board of Supervisors
adopt a Negative Declaration for the project and approve the
amendment to the Mariposa County General Plan and Mariposa
County Zoning Map as shown in Exhibit B of this resolution.

BE IT FURTHER RESOLVED, this recommendation is based
upon the mandatory findings established by Section 2.504 of
the Mariposa County General Plan as stated and
discussed in Exhibit A.

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PASSED AND ADOPTED by the Mariposa County Planning
Commission on the 7th day of August, 1992 by the following

vote:

AYES: Fall, Cromell, Reilly

NOES: None

ABSTAINED: None

EXCUSED: Eskra

NOT VOTING: None

Charles R. Fall

Charles R. Fall, Chairman
Mariposa County Planning
Commission

ATTEST:

Susan M. Menje

Susan M. Menje, Secretary
Mariposa County Planning Commission

EXHIBIT A

GENERAL PLAN FINDINGS

Section 2.504 of the Mariposa County General Plan establishes four (4) mandatory findings that must be made prior to approval of a General Plan Amendment. The required findings and a discussion in support of each finding follows:

1. **The amendment is in the general public interest and will not have a significant adverse effect on the general public health, safety, peace, and welfare.**

The current land use classification boundary divides the 28 acre parcel into two separate land use designations with approximately 8 acres in the Mountain Home Land Use Classification and 20 acres located in the Mountain Preserve Land Use Classification. It is in the general public interest to modify the land use on the 20 acre portion so the land use classification reflects the existing residential development on the 8 acre portion of the existing 28 acre parcel and to modify the land use classification boundary so the parcel is not divided by the land use boundary line.

The change in the proposed land use classification on the 20 acre portion will be compatible with existing development and planned uses on properties to the east, south, and partially to the west, and will not adversely impact the properties within the Mountain Preserve Land Use Classification to the north and west.

The 20 acre portion within the Mountain Preserve Land Use Classification would not meet minimum parcel size requirements for the Mountain Preserve Zone if the 20 acre portion were ever to be subdivided from the 28 acre parcel. The resultant 20 acre parcel would be substandard to a large degree. The inclusion of the 20 acre portion into the Mountain Home Land Use Classification is in the public interest since the 20 acre portion is more suited to the uses and residential development allowed in the Mountain Home Land Use Classification.

A Negative Declaration will be adopted for the amendment which will state that based upon the information available at this time this amendment, including potential subdivision or gift deeding and development of the 20 acre portion will not have a significant impact upon the environment or will not have any adverse impacts upon the surrounding properties and future development.

EXHIBIT A

GENERAL PLAN FINDINGS
(Continued)

The subdivision of the 20 acre portion will be subject to additional review by the County to verify that any proposed parcels meet County Subdivision Ordinance standards and will require additional environmental review based upon the specific subdivision design to determine that no additional environmental impacts will occur.

2. **The amendment is desirable for the purpose of improving the General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making.**

The amendment will result in modifying the existing land use classifications on the subject property so that the property will be in single land use classification which will more closely conform to existing residential development on the site and on the adjoining parcels to the northeast, east, southeast, south, and southwest. The policies and standards of the Mariposa County General Plan will apply to any new residential development or subdivision of the 20 acre portion.

Any proposed subdivision parcels will be subject to review for compliance with the County Subdivision Ordinance in order to ensure adequate access, services, and site improvements. This will improve the circumstances of the existing development on the site. In addition, any resultant subdivision parcels created from the 20 acre portion will meet the minimum parcel size requirements of the Mountain Home Land use Classification. At present the 20 acre portion would not meet the minimum parcel size requirement of 160 acres for the Mountain Preserve Land Use Classification, and as such would result in a substandard parcel. The amendment will improve the General Plan by requiring any proposed subdivision parcels to meet the policies and standards of the General Plan.

3. **The amendment conforms with the requirements of State law and County policy.**

The General Plan / Zoning Amendment application has been processed in accordance with the requirements of State law and County regulations and established policy.

EXHIBIT A

GENERAL PLAN FINDINGS
(Continued)

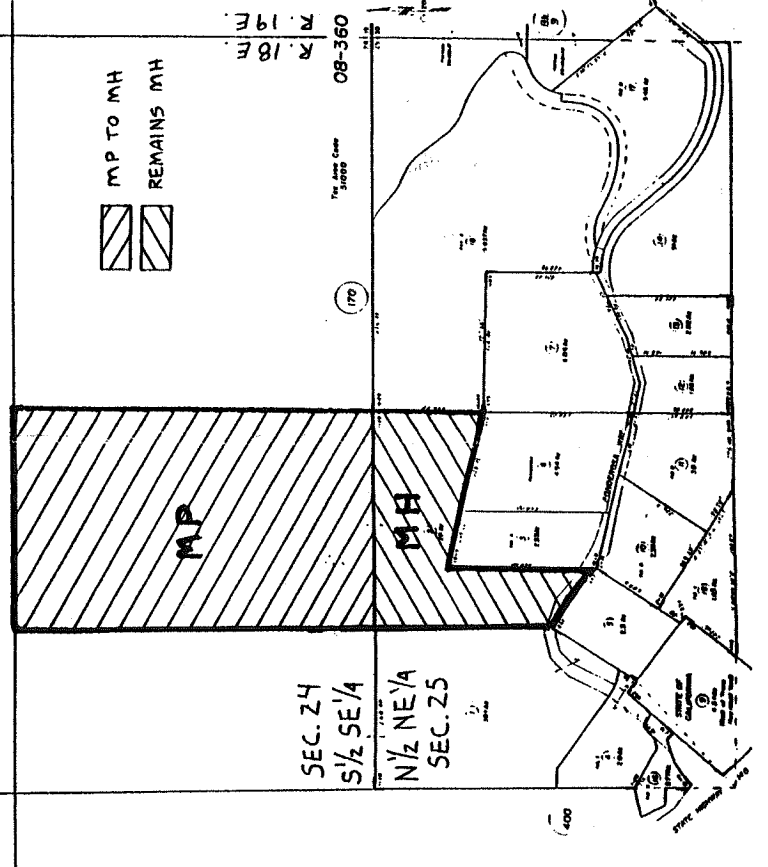
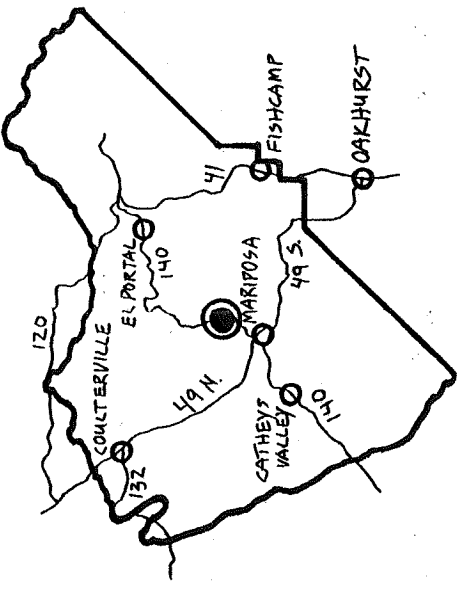
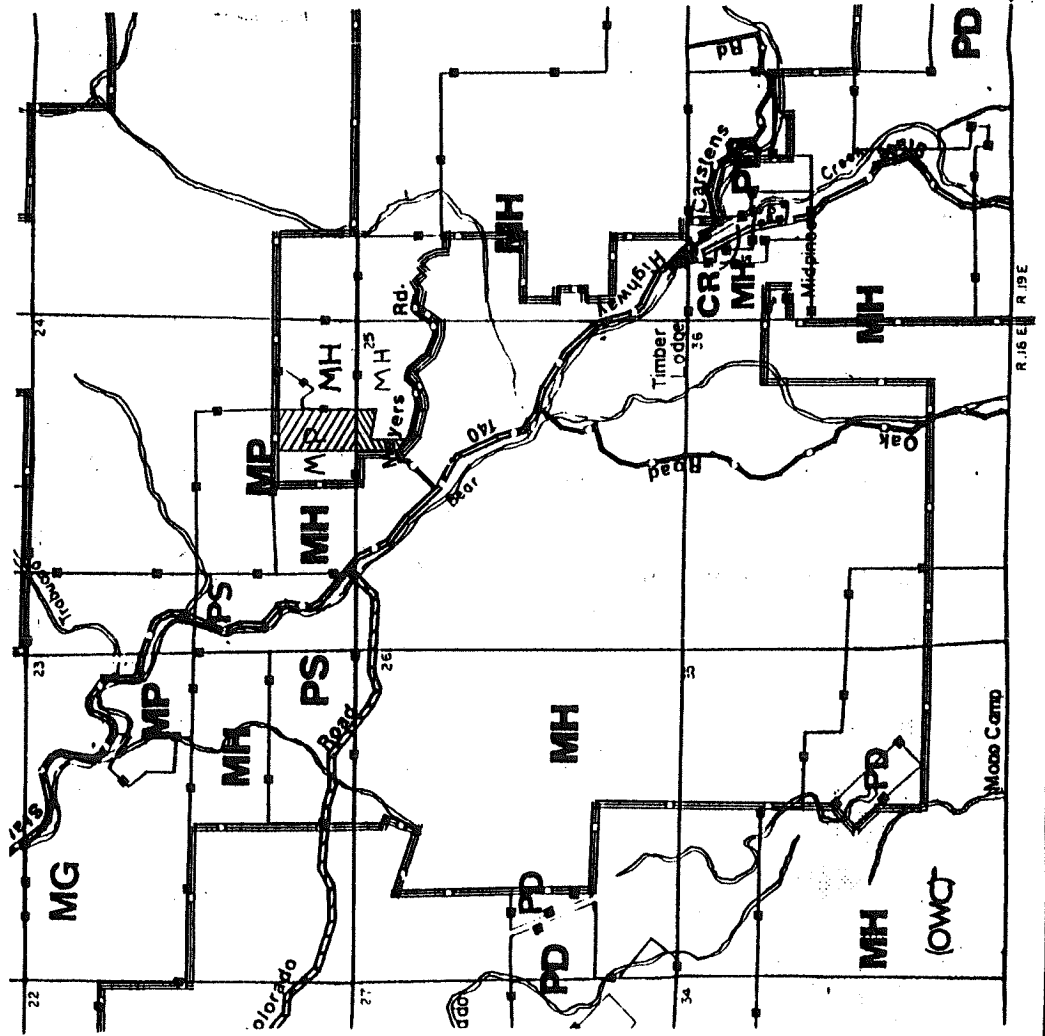
An Initial Study with a recommendation for a Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA), and must be adopted prior to approval of the amendment.

4. **The amendment is consistent with other guiding policies, goals, policies, and standards of the General Plan.**

The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan. Based upon the existing residential development on the parcel and adjoining parcels, the amendment will not be inconsistent with the policies and standards of the Conservation and Open Space Elements of the General Plan. The amendment is consistent with, or will have no negative effect upon the other goals, policies, and standards of the Mariposa County General Plan.

EXHIBIT B

LOCATION MAP
 GENERAL PLAN/ZONING AMEND.
 #92-1
 APPLICANT: DENNIS MILLER
 MOUNTAIN PRESERVE TO
 MOUNTAIN HOME (APN: 8-360-2)



Mariposa County Board of Supervisors



JOHN W. McCAMMAN
Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222

DISTRICT 1 ARTHUR G. BAGGETT, JR.
DISTRICT 2 SALLY S. PUNTE
DISTRICT 3 ERIC J. ERICKSON
DISTRICT 4 GEORGE P. RADANOVICH
DISTRICT 5 GERTRUDE R. TABER

MEMORANDUM

TO: Tony Lashbrook, Planning Director
Jeffrey Green, County Counsel

FROM: Brenda Lungu
Deputy Board Clerk *BL*

DATE: September 9, 1992

SUBJECT: Revised Ordinance Number

Attached is a copy of Ordinance 835. This was mistakenly distributed as Ordinance 836. Please change your files.

If you have any questions, please call me or Margie.

Thanks.

Attachment

cc: File