RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes X No __)

1) Adopt a Resolution adopting a Mitigated Negative Declaration for General Plan/Zoning Amendment No. 95-38 and Development Agreement No. 96-1; Mack and Pam Toney, Applicants;
2) Waive the first reading and introduce an ordinance approving a change in the Official County Zoning Map (changing the zoning on APN 015-060-025 from Mountain Home to Neighborhood Commercial-2), with the recommended findings and condition;
3) Waive the first reading and introduce an ordinance approving Development Agreement No. 96-1, with the recommended findings; and
4) Schedule the second reading for the zone change and Development Agreement, and adoption of General Plan designation amendment, following the signing of the Development Agreement by the applicants.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached memorandum.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Approve both applications as provided for in the project staff report, or
2) modify conditions or terms of Development Agreement.

NEGATIVE ACTION, or denying the General Plan/Zoning Amendment No. 95-38 and Development Agreement No. 96-1, would result in no change to the zoning designation for the parcel. The restaurant would be illegal, unless the business operator or owner moved on site. The beauty salon would be illegal, unless the business owner moved on site.

COSTS: (X) Not Applicable

| A. Budgeted current FY | $ __________ |
| B. Total anticipated Costs | $ __________ |
| C. Required additional funding | $ __________ |
| D. Internal transfers | $ __________ |

COSTS: ( ) 4/5th Vote Required

| A. Unanticipated revenues | $ __________ |
| B. Reserve for contingencies | $ __________ |
| C. Source description: | |

Balance in Reserve Contingencies, If Approved: $ 

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Memorandum to Board with Attachments
2. July 1998 Recommended Conditions of Approval
4. Draft Ordinances
5. Board Packet for Agenda of May 14, 1996

CLERK'S USE ONLY

Res. No.: R-285

Vote - Ayes: _______ Noes: _______

Absent: _______ Abstained: _______

Approved _______ No Action Necessary

Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.

Date: ____________

ATTEST: MARGIE WILLIAMS, Clerk of the Board

By: __________________________

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_______ Recommended
_______ Not Recommended
_______ For Policy Determination
_______ Submitted for Comment
_______ Returned for Further Action

Comment: ______________________

A.O. Initials: ____________

Action Form Revised 10/95
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: General Plan/Zoning Amendment No. 95-38; Res. 98-285

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 14, 1998

ACTION AND VOTE:

2:07 p.m. Ed Johnson, Planning and Building Director; PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 95-38 and Development Agreement No. 96-1; Mack and Pam Toney, Applicants:

- Resolution Adopting a Mitigated Negative Declaration
- Waive the First Reading and Introduce an Ordinance Changing the Zoning from Mountain Home to Neighborhood Commercial-2
- Waive First Reading and Introduce an Ordinance Approving Development Agreement No. 96-1, with the Recommended Findings
- Schedule the Second Reading for the Zone Change and Development Agreement, and Adoption of General Plan Designation Amendment, Following the Signing of the Development Agreement by the Applicants

BOARD ACTION: Ed Johnson and Sarah Williams/Planning Manager, presented staff report, advised of revisions to the Development Agreement, and responded to questions from the Board relative to the Development Agreement. Public portion of the hearing was opened. Pam Toney, applicant, stated they were happy to be able to reach an agreement with their neighbors that they could live with. Public portion of the hearing was closed and Board commenced with deliberations. Mike Edwards, Public Works Director, responded to questions from the Board relative to the traffic count and future relocation of the encroachment. (M)Pickard, (S)Parker, Res. 98-285 adopted approving the mitigated Negative Declaration and Development Agreement/Ayes: Unanimous. (M)Pickard, (S)Parker, first reading was waived and an Ordinance introduced approving a change in the Official County Zoning Map from Mountain Home to Neighborhood Commercial-2, with the recommended findings and conditions/Ayes: Unanimous. (M)Pickard, (S)Parker, first reading was waived and an Ordinance introduced approving Development Agreement No. 96-1, with the recommended findings, and as revised this date/Ayes: Unanimous. Hearing was closed.

cc: File