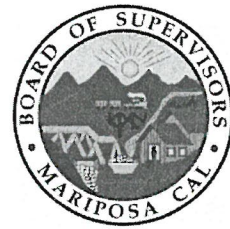




MARIPOSA COUNTY

Planning · 209-966-5151



ORDINANCE 2013-1097

MEETING: September 3, 2013
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Zoning Amendment No. 2013-053, Kertzman and Corallo

RECOMMENDED ACTION AND JUSTIFICATION:

Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on August 13, 2013 to waive the first reading and introduce the ordinance and adopt a resolution adopting a negative declaration and approving Zoning Amendment No. 2013-053 and Conditional Use Permit No. 2013-054. The effective date of the approval of the Conditional Use Permit allowing the use of an existing arena for organized and/or competitive equestrian, canine, livestock events, and appurtenant uses on the project site is the effective date of the ordinance.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On August 13, 2013 the Board of Supervisors approved Zoning Amendment No. 2013-053 and Conditional Use Permit No. 2013-054. The Board waived the first reading and introduced the ordinance on August 13, 2013 and adopted a resolution adopting a negative declaration and approving the amendment on that same date effective on the effective date of the ordinance.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

None, based on action taken on August 13, 2013.

FINANCIAL IMPACT:

None

ATTACHMENTS:

Ordinance (DOC)

CAO RECOMMENDATION

Requested Action Recommended

Ordinance 2013-1097


Rick Benson, County Administrator

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
AYES: Lee Stetson, Kevin Cann, John Carrier
EXCUSED: Merlin Jones, Janet Bibby

MARIPOSA COUNTY ORDINANCE NO. 1097
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING ORDINANCE

WHEREAS, a proposal to amend Section 17.16.010.A.1.b. Conditional Uses of Chapter 17.16 Rural Residential Zone contained in Title 17 was submitted by Marla Kertzman and Ken Corallo on March 15, 2013, and

WHEREAS, the application is known as Zoning Amendment No. 2013-053. The application proposes to add "...public stables and arenas on parcels of 15 acres in size or greater, where arenas may be used for organized competitive events;" to Section 17.16.010.A.1.b. Conditional Uses; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2013-053 on the 12th day of July 2013, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2013-053 on the 13th day of August 2013, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2013-053 and its accompanying application, Conditional Use Permit No. 2013-054, 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 amend Section 17.16.010.A.1.b. Conditional Uses of the Zoning Ordinance pursuant to Zoning Amendment No. 2013-053. The section is amended to include:

"...public stables and arenas on parcels of 15 acres in size or greater, where arenas may be used for organized competitive events;"

BE IT FINALLY ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit A.

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

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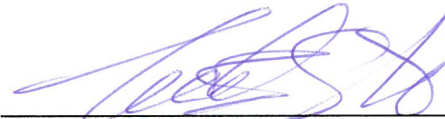
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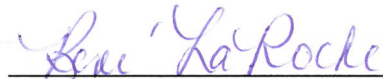
PASSED AND ADOPTED on this 3rd day of September, 2013 by the following vote.

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE
NOT VOTING: NONE



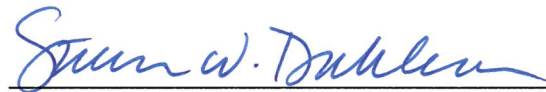
LEE STETSON, Chair
Mariposa County Board of Supervisors

Attest:



RENE' LAROCHE, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM:



STEVEN W. DAHLEM, County Counsel

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 Zoning Amendment Application No. 2013-053:

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 a rural competitive events facility of relatively low intensity which will be available to the public. The subject property is located within the Don Pedro area, which has an equestrian history and focus, including equestrian and pedestrian access easements. Current access to the property is obtained from Ranchito Drive. The increased traffic associated with this project will be incorporated into the existing traffic without significant adverse affect. Adequate provisions for water, wastewater, garbage, and parking facilities will be provided on the project site to ensure that the area will not be negatively impacted. Mitigation measures to ensure noise levels do not affect off-site parcels are included.

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 public stables and arenas on parcels 15 acres or greater in size in the conditional uses for the Rural Residential zoning district allows for the development of this use where conditions allow it and is compatible. By listing it under the conditional uses section, a discretionary permit is required which allows environmental review to be conducted to determine the potential impacts of each proposal. The public will have the opportunity to weigh in on each individual proposal and the Planning Commission will be able to condition the project or deny it to ensure that it is compatible with its surroundings and with the General Plan where on-site conditions allow it and is found to be compatible.

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 event 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. Goal 5-1 of the General Plan is to "Maintain the rural character of Mariposa County." This zoning amendment helps toward this goal as it provides an area in the county where equestrian and similar related events can take place.

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: Only parcels in the Rural Residential zoning district and 15 acres or greater in size will have the ability to propose public stables and arenas. Each proposal will require a discretionary permit and subject parcels will need to be found to be physically suitable for the proposed public stable or arena; the proposed development is consistent in appearance with the existing development in the area, and the scale of the development will be suitable for the project site. Utilities and infrastructure are available for this property, with access to the project site provided by a County-maintained road. There are no physical constraints on the property that would impede or prohibit the development of the project site, which is already developed with an arena.

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 the proposed development, which provides a basic service to the residents of Mariposa County in that a gathering place will be provided.

Tracy Gauthier

From: Dan Tucker <mariposagazette@mariposagazette.com>
Sent: Friday, October 11, 2013 11:49 AM
To: Tracy Gauthier
Subject: Re: Ordinance 1097 Planning

Received, its ready to go for the 17th, have a nice weekend.
Dan Tucker
mariposagazette@mariposagazette.com

On Oct 10, 2013, at 5:13 PM, Tracy Gauthier wrote:

Greetings,

Attached is Ordinance 1097 for publication in next week's issue of the Mariposa Gazette.

If you have any questions please feel free to contact me by reply email or my direct line (209)742-1228

Please reply in receipt of this request.

Thank you and have a great weekend.

Tracy Gauthier
<Ordinance 1097 Planning.doc>

Certificate of Publication

C.C.P. 2015.5

This place is for filing stamp



STATE OF CALIFORNIA)

COUNTY OF MARIPOSA)

) ss.

I, the undersigned, state:

I am the publisher and principal clerk of the GAZETTE AND MINER, an established weekly newspaper circulation, within the Town and County of Mariposa of California, within the provision of Chapter 1 Division 1 of the California Government Code, and which has been printed and published weekly in the Mariposa, County of Mariposa, State of California, continually since the year 1854; that I am a citizen of the United States over the age of 18 years, and a resident of the County of Mariposa; that the notice, of which the annexed is a printed copy published in each regular issue of said newspaper and any supplement thereof on the following dates, to wit:

10/17/13

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

R.D. Tucker

Signature (R.D. Tucker, Publisher)

Date 10/17 2013

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

PASSED AND ADOPTED on this 3rd day of September, 2013 by the following vote.

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

/S/ LEE STETSON
LEE STETSON, Chairman
Mariposa County Board of Supervisors

ATTEST:
/S/ RENE' LAROCHE
RENE' LAROCHE
Clerk of the Board

APPROVED AS TO FORM:
/S/ STEVEN W. DAHLEM
STEVEN W. DAHLEM
County Counsel

10/17/2013:1C