MARIPOSA COUNTY  
DEPARTMENT: Planning  
BY: Jean Clark, Planner III  
PHONE: 966-0304

AGENDA ITEM NO.: 43/03
AGENDA DATE: July 9, 2002
CONTINUED TO 7/23/03

RECOMMENDED ACTION AND JUSTIFICATION: 
(Policy Item: Yes ___ No __)

APPROVE AS RECOMMENDED BY THE PLANNING COMMISSION. See attached detailed staff report.

Recommended actions:

Approve a Notice of Exemption.
Approve a resolution amending the text of the Fish Camp Town Planning Area Specific Plan relative to allowing property owners to apply for a variance from building setback standards as proposed by the Planning Commission.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None. The Planning Commission initiated the Specific Plan Amendment to the text of the Fish Camp Town Planning Area Specific Plan on June 7, 2002.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVE: 1) Deny the application.

NEGATIVE ACTION would result in property owners within the Fish Camp Town Planning Area not being able to apply for a variance from building setback standards.

COSTS: ( ) 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:

Memorandum to Board with Attachments:
1. Proposed Amendment Language
2. Planning Commission Staff Report (June 21, 2002)
5. Draft Resolution

CLERK'S USE ONLY
Res. No.: 02-0704  
Ord. No.: ____________

Vote - Ayes: __

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

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: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Text Amendments to Section V.B.6.a of the Fish Camp Town Planning Area Specific Plan Resolution No. 02-294

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 23, 2002

ACTION AND VOTE:

B) PUBLIC HEARING: Adopt a Resolution Approving Text Amendments to Section V.B.6.a. of the Fish Camp Town Planning Area Specific Plan; Specific Plan Amendment No. 2002-109; Mariposa County, Applicant (Continued from July 16, 2002)

BOARD ACTION: Eric Toll presented the staff report, recommending an amendment to the Fish Camp Specific Plan to allow property owners of lots and parcels in effect prior to July 1, 2002, to apply for a variance from residential building setback standards with conditions. He advised that the department received two variance applications; and upon further review, they realized that the Specific Plan does not allow for a variance. He referred to correspondence that was submitted by Pierce Loberg and to his response. He responded to questions from the Board relative to obtaining variances from the General Plan and Specific Plan.

The public portion of the hearing was opened and input was provided by the following:
Ron Young noted that he had provided input on July 16th, and he had nothing to add.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Balmain, Res. 02-294 was adopted approving the text amendments to the Fish Camp Town Planning Area Specific Plan as recommended/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. The hearing was closed.

cc: File
STATE OF CALIFORNIA  
COUNTY OF MARIPosa  
BOARD OF SUPERVISORS

Proposed Resolution  
No. 02-294

A resolution approving Specific Plan Amendment No. 2002-109 to the Fish Camp Town Planning Area Specific Plan to allow property owners to apply for a variance from building setback standards on residential parcels including APNs 010-361-ALL (all parcels on page), 010-362-ALL, 010-363-ALL, 010-364-ALL, 010-365-ALL, 010-366-ALL, 010-367-ALL, 010-372-ALL, 010-373-ALL, 010-374-ALL, 010-375-ALL, 010-376-ALL, 010-381-ALL, 010-382-ALL, 010-383-ALL, 010-384-ALL, 010-390-ALL, 010-500-001 through 010-500-039 and -071, -072, and portions of 010-550-055, Portion of Section 23, T.5S., R.21E., Mariposa County

WHEREAS the Planning Commission initiated an amendment to the Fish Camp Town Planning Area Specific Plan to allow property owners of residentially zoned properties to apply for a variance from building setback standards if the proposal meets the requirements of Section 65906 of the California Government Code and Mariposa County Code, Zoning, Chapter 17.120, Variances;

WHEREAS the Planning Department circulated the application among the Fish Camp Town Planning Area Planning Advisory Committee and all property owners in the Fish Camp Town Planning Area; and

WHEREAS changes to the text of proposed amendment were included by staff based upon public comments; and

WHEREAS the changes to the text are for the purpose of limiting the amendment to lots and parcels created prior to July 1, 2002; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission and the Board of Supervisors have held public hearings in accordance with County Code and State Law on June 21, 2002 and July 23, 2002, respectively, and considered all of the information in the public record, including the Staff Report and testimony presented by the public concerning the application; and

WHEREAS, the Planning Commission has recommended approval of the amendment to the Board of Supervisors;
Proposed Resolution 02-294. Specific Plan Amendment No. 2002-109; Fish Camp Town Planning Area.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve Specific Plan Amendment 2002-109 to modify Section V.B.6.a. of the Fish Camp Town Planning Area Specific Plan to read as follows to allow property owners to apply for a variance from residential building setback standards:

6. Residential Area General Development Standards
   a. Front, Back and Side Yard Setback Requirements (any proposals for a variance from setback standards are applicable only to legally created parcels and lots created prior to July 1, 2002. Any subdivision or parcel map proposed after July 1, 2002 shall demonstrate that each lot or parcel contains a building site which does not require variances from setback requirements):
      (1) Front Yard Setback Requirements: All structures must be located at least 50 feet from the centerline of the facing street, or 20 feet from the front property line, whichever is greater unless the proposed project substantiates its eligibility for a variance approved with findings required by California law and Title 17, Mariposa County Code, Zoning.
      (2) Side Yard Setback Requirements: All structures must be located at least 10 feet from interior side property lines. A side yard on a corner lot, facing on a street or highway, shall conform to the same requirements as in the front yard setback on the same lot unless the proposed project substantiates its eligibility for a variance approved with findings required by California law and Title 17, Mariposa County Code, Zoning.
      (3) Rear Yard Setback Requirements: All structures must be located at least 20 feet from the rear property line unless the proposed project substantiates its eligibility for a variance approved with findings required by California law and Title 17, Mariposa County Code, Zoning.

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based on the following findings supported by substantial evidence in the public record:

1. The amendment creates an opportunity to submit a variance application. The future variance applications are subject to independent, site specific discretionary review through the CEQA procedures. The proposed amendment does not create any entitlements.
2. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare. It will provide flexibility as to where residences and appurtenant structures might be located, particularly on those properties with size and topographical limitations. Review by staff and Planning Commission will remain in effect with this amendment.
3. The Specific Plan establishes setbacks. The amendment sets a policy that expressly allows a variance application only for residential setback standards if the application meets zoning code and statutory requirements. The
amendment improves the Mariposa County General Plan by removing unsupported regulatory requirements with respect to preclusion of variances by amending the Plan to provide a guide for day-to-day decision making consistent with statutory powers.

4. The amendment was processed in accordance with state law and county policy. The project was noticed properly, hearings were held, and findings were made. A Notice of Exemption 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.

5. The amendment is consistent with those guiding policies, goals, policies, and standards of the Mariposa County General Plan. The amendment provides for flexibility of setback standards on parcels which were designed prior to minimum parcel size standards. The amendment will adopt a procedure which provides for clean, safe, and sanitary building sites on parcels difficult to develop.

6. It is found that this amendment will not have a significant impact on wildlife or plant resources. It will not substantially and avoidably injure fish and wildlife or their habitat, and will not individually or cumulatively have an adverse effect on wildlife resources because the amendment is establishing a review process only.

ON MOTION BY Supervisor Pickard, seconded by Supervisor Balmain, this resolution duly passed and adopted this 23rd day of July, 2002 by the following vote:

AYES: Reilly, Balmain, Stewart, Pickard

NOES: None

EXCUSED: Parker

ABSENT: None

ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN
Mariposa County Counsel