RESOLUTION - ACTION REQUESTED 2015-336

MEETING: July 7, 2015

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Resolution Initiating Amendments to the Fish Camp Town Planning Area Specific Plan

RECOMMENDATION AND JUSTIFICATION:

The Fish Camp Planning Advisory Council (FCPAC):

1. Requested the Board adopt a resolution of intention, initiating the Fish Camp Specific Plan (FCSP) amendments as submitted, and

2. Recommended the Planning Commission and Board of Supervisors approve the amendments.

The intent of the recommended amendments are:

1. To ameliorate any concerns regarding open ended language in the Planned Development (PD) application administrative procedures; and

2. To have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension requests for a project in an existing PD (this will benefit the community, developer/applicant and County decision making process).

If initiated, the amendments will be taken through a full public review process, including review by the Planning Commission.

Please see the attached Memorandum for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors adopted the Fish Camp Specific Plan June 7, 1988 by Resolution No. 83-170.

Amendments to the plan have been made:
- July 12, 1988 (Resolution No. 88-377)
- November 22, 1988 (Resolution No. 88-573)
- May 23, 1989 (Resolution No. 89-275)
- October 17, 1989 (Resolution No. 89-532)
- July 23, 2002 (Resolution No. 02-294)
- December 2, 2003 (Resolution No. 03-423)
- February 3, 2009 (Ordinance No. 1050)

**ALTERNAIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not adopt resolution. The process to amend the Fish Camp Specific Plan would not be initiated.

Amend text of initiated amendments and forward back to FCPAC for consideration.

**FINANCIAL IMPACT:**
No known financial impact.

**ATTACHMENTS:**
BOS Memo FCSP PD Amendments BOS Initiation (DOC)
Attachment A- FCSP PD Amendment Initiation Resolution (DOC)
Attachment B- FCSP Appendix IV Planned Development Applications (PDF)

**CAO RECOMMENDATION**
Requested Action Recommended

Mary Hodson, CAO 7/1/2015

**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]
**MOVER:** Kevin Cann, District IV Supervisor
**SECONDER:** Marshall Long, District III Supervisor
**AYES:** Smallcombe, Jones, Long, Cann, Carrier
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS  

Resolution  
No. 2015-336  
A resolution of intention to initiate amendments to the Fish Camp Specific Plan - Appendix IV. I. Planned Development Applications, O. Development Schedule, 1. 2. and 3.

WHEREAS, the Mariposa County General Plan Chapter 5.3.01 Planning Area Land Use Classifications A., Purpose, creates the “planning area” classification and states “Planning Areas are implemented by area plans adopted by the Board of Supervisors.”; and

WHEREAS, the General Plan Chapter 5.3.01 Land Use Classifications identifies Fish Camp as a “Town Planning Area”; and

WHEREAS, the Fish Camp Specific Plan (FCSP) as amended to date, was adopted by Resolution 83-170 June 7, 1983 and amended July 12, 1988- Resolution No. 88-377, November 22, 1988- Resolution No. 88-573, May 23, 1989- Resolution No. 89-275, October 17, 1989-Resolution No. 89-532, July 23, 2002- Resolution No. 02-294, December 2, 2003-Resolution No. 03-423 and February 3, 2009 by Ordinance No. 1050; and

WHEREAS, the FCSP is the land use governance document for the Fish Camp Planning Area;

WHEREAS, the FCSP establishes in Section VI. Land Use Policies and Standards in the Fish Camp Planning Area; and

WHEREAS, the FCSP Section VI. Land Use Policies and Standards, E. Planned Unit Development Overlay, Land Use Classification 1. establishes the intent of the Planned Unit Development (PD):

“...to provide an alternate development procedure which would reflect the unique characteristics of the Fish Camp Community...”; and

WHEREAS, FCSP Appendix IV I. Planned Development Applications, A. Purpose states:

“these provisions are intended to provide the administrative procedures for planned development applications”; and

WHEREAS, in accordance with the Mariposa County Code §2.50.100 Planning Advisory Committees, the Board established the Fish Camp Town Plan Advisory Council (FCPAC):

“to recommend actions representing the local community views about planning matters to the planning commission and board of supervisors”; and
WHEREAS, at their meeting on January 24, 2015 the FCPAC formed a subcommittee with the following specific objectives to:

- Review the “Planned Development” provisions of the Fish Camp Town Plan Area Specific Plan (FCSP) with the intent to provide a recommendation to the FCPAC for amending Appendix IV, I. Planned Development Applications, O. Development Schedule 1, 2, 3, and

- Establish objective limit to extensions of time for a Planned Development in Subsection O., Development Schedule; and

WHEREAS, the FCPAC subcommittee met to consider and write draft amendments on January 28, February 11, and February 18, 2015 and additional communication activities through March 6, 2015 to the point where the amendments were ready to forward to the FCPAC for consideration; and

WHEREAS, at their meeting of April 18, 2015 the FCPAC considered the amendment recommendations of the subcommittee with the intent to remedy the PD Application provisions to more clearly define the initial approval time limits and allowance for time extension requests; and

WHEREAS, at their meeting of April 18, 2015 the FCPAC voted unanimously to recommend the Board initiate the amendments and request the Planning Commission and Board approve the amendments.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors of the County of Mariposa does hereby initiate amendments to Fish Camp Specific Plan – Appendix IV, I. Planned Development Applications, O., Development Schedule, 1. 2. and 3. The amendment will not affect any other area plans or zoning ordinances, including those established for Planned Unit Developments or Planned Developments outside the boundary of the Fish Camp Planning area.

BE IT THEREFORE FURTHER RESOLVED THAT, the action to initiate the amendments only authorizes staff to process the amendments pursuant to Zoning, County Code Section 17.128.020.B. This action does not commit the Board of Supervisors to approval action as a result of processing.

BE IT THEREFORE FURTHER RESOLVED THAT, the amendments to the Fish Camp Specific Plan initiated for processing by this action will read as shown in Attachment 1 (new text shown in italicized underlined font and deleted text shown in strikethrough font).

BE IT THEREFORE FINALLY RESOLVED THAT, all other text in Fish Camp Specific Plan shall remain unchanged.

ON MOTION BY Supervisor Cann, seconded by Supervisor Long, this resolution duly passed and adopted this 7th day of July 2015 by the following vote:
AYES: Smallcombe, Jones, Long, Cann, Carrier

NOES: None

EXCUSED: None

ABSTAIN: None

Merlin Jones, Chair
Mariposa County Board of Supervisors

ATTEST:

René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
ATTACHMENT 1

Amendments to Fish Camp Specific Plan Appendix IV., I. Planned Development Applications, O. Development Schedule, 1. 2 and 3.

Appendix IV. 1. Planned Development Applications

(The terms use permit and conditional use permit shall be synonymous. The terms PD, P-D, PUD shall be synonymous.)

O. Development Schedule and Time extension of a PD and/or Use Permit within a PD.

1. An application for a PD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one-three years from the effective date of the approval of the PD. Construction beginning shall mean building and/or grading permit issuance, which shall be within three years from the effective date of the approval of the PD. The development schedule shall also include the anticipated rate of development, and completion date. The development schedule, if approved by the board of supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the PD and his/her/their successors in interest. These requirements shall apply to any PD Use Permit concurrently approved with the PD. The County shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney’s fees of any civil action brought to enforce any provisions of a PD, the bond is to be in the amount of five thousand dollars. The county shall require the applicant to enter into an indemnification agreement to guarantee reimbursement to the county for court costs and attorney's fees of any claim, action, or proceeding against Mariposa County to attack, set aside, void or annul an approval or any proceedings related to the project.

2. Periodically the planning department shall compare the actual development in the various Planned Developments with the approved development schedules. The applicant shall be required to submit annual progress reports to the Planning Department by December 15th of each calendar year, including the year during which the approval date is established, until the project is completed. Completed shall mean the issuance of a building permit final, certificate of completion or certificate of occupancy. The planning department shall compare the annual progress reports and actual development in the Planned Development with the approved development schedule.

If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule and make progress toward obtaining a grading and/or building permit to begin construction, and/or have failed to submit the required progress reports, the department may recommend the commission initiate proceedings to revoke the approval of the PD development plan or PD use permits.

3. If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon recommendation of the planning commission and for good cause shown by the property owner, the planning commission may also extend the limits imposed by the development schedule.
One 18-month time extension of the initial time frame between the effective date of the approval of the PD and/or PD Use Permits and the start of construction may be requested through application to the Planning Commission. The application must be made at least 90 calendar days prior to the initial approval expiration date.

Demonstration of good cause shall be shown by the applicant for the time extension request based on the following findings:

a) That the proposed use and development plan remains consistent with the policies and standards of the general plan and any applicable specific plan at the time of the approval of the time extension;

b) That the time extension and the project development will not result in any new or modified environmental impacts not reviewed by the original environmental determination;

c) That with the time extension, the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county;

d) That reasonable progress on the project has been made; reasonable progress shall be substantiated by supporting documentation;

e) That reasons for the additional time request are provided and documentation justifying the reasons are included in the request.

The planning commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section.

Any tolling provisions provided for by conditions of approval for a PD or PD use permit shall remain in full effect. Time extension request provisions of this Section do not change any approved applicable tolling provisions.
DATE: July 7, 2015

TO: The Board of Supervisors

FROM: Steve Engfer, Associate Planner

RE: Specific Plan Zoning Amendment SPZA 2015-017, Resolution Initiating Amendments to the Fish Camp Town Planning Area Specific Plan Appendix IV, I. Planned Development Applications, O. Development Schedule, 1. 2. and 3.

RECOMMENDATION AND JUSTIFICATION:

Adopt a resolution of intention to initiate amendments to the Fish Camp Town Planning Area Specific Plan- Appendix IV. I. Planned Development Applications, O. Development Schedule, 1. 2. and 3 as recommended by the Fish Camp Planning Advisory Council.

Background

The Fish Camp Planning Advisory Council (FCPAC) formed a subcommittee with specific goals:

- Review the “Planned Development” provisions of the Fish Camp Town Planning Area Specific Plan (FCSP) with the intent to provide a recommendation to the FCPAC for amending Appendix IV, I. Planned Development Applications, O. Development Schedule, 1, 2, and 3.
- Establish objective limit to extensions of time for a Planned Development in Appendix IV. Subsection O. Development Schedule

The subcommittee members are Chair-Bob Bassett, Barry Green, Jim Hale and Pamela Salisbury. The subcommittee did not constitute a quorum of FCPAC members. Ex-officio members John Carrier – Supervisor District V, and Donn Harter – Planning Commissioner District V. Public participants also included Karen Green, Mr. & Mrs. Swenson and County Planning staff – Steve Engfer. The group met on January 28, February 11, and February 18, 2015. The group conducted additional communication activities through March 6, 2015 to the point where the amendments were ready to forward to the FCPAC for consideration.

The FCPAC met on April 18, 2015 to consider the proposed language. The FCPAC:

1) requested the Board of Supervisors adopt a resolution of intention, initiating the FCSP amendments as submitted, and
2) recommended the Planning Commission and Board of Supervisors approve the amendments.

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
Discussion

The FCPAC had concerns that the Planned Development (PD) Application provisions of the FCSP were not clear enough relative to the PD development schedule, initial approval time limits, time extension limits and criteria to support extension requests. The intent of this project is to remedy the PD Application provisions to more clearly define the initial approval time limits and allowance for time extension requests. The desired result would be for the community, developer/applicant and County to have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension request for a project in an existing PD.

The Planning Department staff considered the existing PD provisions within the FCSP and provided discussion points and staff support for the meetings and text edit process. The following are some of the discussion points that the subcommittee considered:

- What is the PD and why is it in the Plan?
- Planning permitting processes for PDs Use Permits and CEQA overview
- There are approximately 52 developable parcels under the current TPA boundary and less than 5 parcels appear to have the potential for a PD as a viable option for development. Do the existing land use classifications provide enough options for future plan area development to suit the needs of the community and plan goals?
- Are wholesale amendments needed to the PD provisions of the Specific Plan?
- Are just specific text amendments needed to the PD provisions of the Specific Plan?

The subcommittee discussions included a wide array of topics that included the following key points:

- Initial PD & PD Use Permit approval timeframe- Result 3 years to begin construction
  - Defined construction beginning
  - Informed by review of other jurisdictions permit time limits
- Time Extension- allowing one 18-month time extension
  - Demonstration of ‘good cause’ to meet specific findings for time extension requests
  - Patterned after the Zoning Ordinance Title 17 requirements for Use Permits
- Text includes requirement for annual progress reports to the Planning Department

The subcommittee presented their recommendations to the full FCPAC, which recommended the amendment text as contained in the draft Board of Supervisors resolution.

ATTACHMENTS:

A- Resolution FCSP
B- Appendix IV. I. Planned Development Applications
APPENDIX IV

I. PLANNED DEVELOPMENT APPLICATIONS

A. Purpose. These provisions are intended to provide the administrative procedures for planned development applications, and are not intended to alter the original content or purpose of the Specific Plan. A planned development is intended to provide a process which can permit and encourage logical or desirable development and carry out the objectives of the Fish Camp Specific Plan by:

1. Permitting flexibility in development of commercial districts in close proximity to residential areas while protecting the character and quality of adjacent residential uses;

2. Permitting clustering of multiple-family developments or single-family dwellings on lots smaller than county minimum in appropriate locations within single-family land use classifications with suitable controls imposed;

3. Providing for the location, under suitable safeguards, of desirable types of commercial uses adjacent to and within residential areas;

4. Permitting planned developments on a large scale in accordance with the provisions of the Specific Plan which would include a combination of any two or all of the developments mentioned in subsections 1, 2, and 3;

5. Permitting the redevelopment of parcels for residential or commercial purposes or any combination thereof, in areas already built upon, but which now have marginal development;

6. Permitting commercial development on lots smaller than county minimums in appropriate locations within commercial land use classifications with suitable controls imposed.

B. Approval of the Plan. Applications shall be initiated by the owner or owners of the land.
Applications for the establishment of a P-D must include a development plan as described herein. The P-D approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the planning department prior to submission for review by the planning commission. The planning department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the planned development proposal and environmental review consistent with adopted county policy. The planning commission may approve, disapprove, modify, or attach conditions to a development plan.

C. **Findings required for approval of a Planned Development.** The planning commission, after a public hearing, may recommend the approval of a planned development; and the board of supervisors, after a public hearing, may by resolution approve a planned development provided they find that the facts submitted with the application and presented at the public hearings establish that:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development;

2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect;

3. Any deviation from the subdivision title requirements is warranted by the design and additional amenities incorporated in the development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and

4. The principles incorporated in the proposed development plan indicate certain unique or unusual features which could not otherwise be achieved under standard subdivision provisions.

D. **Principal Permitted Uses.** In a planned development,
any use may be permitted provided such use or uses are shown on the development plan for the particular P-D and is approved by the planning commission and board of supervisors. An approved development plan shall be considered an addition to or augmentation of the Fish Camp Specific Plan.

E. Use Permits. 1. A use permit shall be required for all uses in a P-D with the exception of a single-family residence on an approved building site and buildings accessory thereto which serve the domestic needs of single-family dwellings.

2. A use permit may be issued by the planning commission at the option of the planning commission without a public hearing if the structure or structures comply with the adopted development plan and conditions thereof.

F. Development Plan—Design and Location. A planned development shall be designed and located so as to minimize traffic congestion on public highways and streets in its vicinity and to best fit the land use pattern and topography of the area in which it is located.

G. Filing Fees. There shall be a fee prescribed by resolution of the board of supervisors to provide for the costs for processing the application and the development plans.

H. Application—Items Required. Planned development application shall be accompanied by:

1. A completed application on a form provided by the planning department.

2. The required fee.

3. A plan proposal prepared according to the specifications as described for the development plan in Section I.

4. A legal description by metes and bounds of the area to be affected by the planned development; and

5. A list of names and addresses of property
owners with property located within six hundred feet of the proposed planned development.

I. **Development Plan—Components.** 1. The development plan shall include all of the following:

   a. A site plan map which shows:

      (1) Existing and proposed private and public streets and sidewalk improvements,

      (2) Lot design,

      (3) Areas proposed to be dedicated or reserved for any public use including but not limited to public utility easements, public buildings, and public land uses,

      (4) Parking and interior traffic flow, including parking rations,

      (5) Land uses adjacent to the external boundary of the P-D site;

   b. Site development details, including:

      (1) Preliminary building plans, including generalized elevations,

      (2) Maximum building heights,

      (3) Maximum lot or area coverages,

      (4) Minimum distance between structures,

      (5) Minimum setbacks from interior lot lines,

      (6) Minimum setbacks from street rights-of-way,

      (7) Landscaping, screening, and lighting.

      (8) Population densities within the planned development;
c. Signing standards, including generalized locations, maximum sizes, maximum height, and lighting arrangements. For purposes of this section, "neighborhood shopping center" shall be defined as a shopping center in which the major tenant is a supermarket. "Major tenant" shall be defined as the tenant occupying the greatest amount of floor space;

d. Land uses proposed to be located within the development;

e. Development schedule, including date of commencement of construction, annual accomplishment, and completion of planned development;

f. Any other reasonably related information necessary for the planning commission to act.

2. The planning department shall accept only such plans that contain the information specified or reasonably determined necessary.

J. Standards. Setbacks, building heights, distances between buildings, lot coverage, parking requirements, and landscaping requirements shall be established by the planning commission for each planned development in a manner which assures the suitable integration of the planned development into the neighborhood or area in which it is located.

K. Density Control. The number of dwelling units shall be determined by dividing the net development area by the minimum lot area of the land use classification for the site proposed for the P-D. Net development area shall be determined by subtracting the area set aside for churches, schools, or commercial use from the gross development area and deducting fifteen percent of the remainder for streets. Open spaces for recreational uses shall be included in determining the number of dwelling units permitted.

L. Revision of plan--Use permit. A public hearing by the planning commission and board of supervisors shall be required prior to issuance of a use permit for revisions of the plan which involve changes in land use, expansion or intensification of development, or a
revision in the standards of development. All other revisions may be allowed after a use permit is approved by the planning commission. A public hearing may be called regarding such changes if deemed necessary by the planning commission.

M. Area Requirements. Minimum parcel size for the consideration of a planned development shall be two and one-half acres exclusive of easements.

N. Public Improvements. Improvement to full county standards of all public rights-of-way abutting and within the development shall be required. In addition, if determined necessary for proper traffic circulation, the applicant may be required to provide proper methods of ingress and egress to the development including acceleration and deceleration lanes, and traffic devices including channelization.

O. Development Schedule. 1. An application for a P-D shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one year from the effective date of the approval of the P-D, the anticipated rate of development, and completion date. The development schedule, if approved by the board of supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the P-D and his successors in interest. The county shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney's fees of any civil action brought to enforce any provisions of a P-D. The bond is to be in the amount of five thousand dollars.

2. Periodically the planning department shall compare the actual development in the various Planned Developments with the approved development schedules.

3. If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon the recommendation of the planning commission and for good cause shown by the
property owner, the planning commission may also extend the limits imposed by the development schedule.

P. Identification of planned developments. Each P-D shall be numbered, the first adopted being shown on the specific plan map as P-D 1 and each planned development subsequently approved being numbered consecutively.

Q. Compliance with provisions—Interpretation. 1. Compliance with any requirement shall not be construed to relieve applicant from compliance with subdivision regulations, building code requirements, or any other applicable regulations of the county.

2. A planned development may be accepted with applications for minor or major subdivisions and may be processed simultaneously, including staff review, environmental review, public hearings at the planning commission and board of supervisors.

R. Public hearings. The planning commission shall hold at least one public hearing on the proposed planned development. Notice of the time and place of such hearing and the area affected by the proposed amendment shall be published at least one time in a newspaper of general countywide circulation at least 14 days prior to the hearing. In addition, property owners with property located within six hundred feet of the proposed planned development shall receive notice by mail of such hearing.

S. Report of planning commission—Findings and recommendations. Following the hearing required by Section R., the planning commission shall make a report of its findings and recommendations with respect to the proposed planned development and shall file with the board of supervisors a copy of such report. Such report shall include a statement as to whether the proposed planned development is in conformance with the latest adopted specific plan. If the planning commission deems it advisable, it may recommend that the area under consideration for a planned development be enlarged or diminished.

T. Action by the board of supervisors. Upon receipt of such report from the planning commission, the board of
supervisors shall schedule the matter for public hearing and publish notice thereof as required in Section R. The board of supervisors shall render its decision after consideration of the report and recommendation of the planning commission, public testimony and comments by the applicant, and such decision shall be to deny, conditionally approve, or approve all or part of the proposed planned unit development.

U. Abandonment after proceedings have begun. Upon consent of the planning commission, any application for a planned unit development may be withdrawn by written request of a majority of all persons who signed such application. The planning commission or board of supervisors may by resolution abandon any proceedings for a planned development initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided, that any hearing of which public notice has been given shall be held.

V. Site Restoration. Security to the satisfaction of County Counsel is required to restore the property to nearly its natural and original state in the event of abandonment after construction has begun. The amount is to be based on 10% of the total construction cost of the project, or an engineer's estimate of the cost of site preparation and grading. This amount is to be confirmed by the Department of Public Works, covered by a 50% contingency, and guaranteed by an appropriate agreement with the County. Upon completion of the project and final approval by the County, the required security shall be returned to the developer.