Resolution No. 2015-013

A resolution recommending that the Board of Supervisors approve Specific Plan/Zoning Amendment No. 2015-017, amending 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 Town Planning Area 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 Town Planning Area;

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

WHEREAS, at their meeting of July 7, 2015 the Mariposa County Board of Supervisors voted unanimously to adopt Resolution 2015-336 initiating amendments to Fish Camp Town Plan Specific Plan – Appendix IV, I. Planned Development Applications, O., Development Schedule, 1. 2. and 3 as recommended by the FCPAC; and

WHEREAS, this amendment is known as Specific Plan/Zoning Amendment No. 2015-017; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 4th day of December 2015; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, the proposed environmental determination, the recommendation of the Fish Camp Planning Advisory Council and testimony presented by the public.

NOW BE IT THEREFORE RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby adopt this resolution, recommending that the Board of Supervisors approve Specific Plan/Zoning Amendment No. 2015-017; and amendment to Fish Camp Town Plan Specific Plan – Appendix IV, I. Planned Development
Applications, O., Development Schedule, 1. 2. and 3. The amendment will not affect any other specific plans or zoning ordinances, including those established for Planned Unit Developments or Planned Developments outside the boundary of the Fish Camp Town Planning area.

**BE IT THEREFORE FURTHER RESOLVED THAT**, the recommendation is based upon the findings set forth in Exhibit 1.

**BE IT THEREFORE FURTHER RESOLVED THAT**, the recommended amendments to the Fish Camp Specific Plan by this action will read as shown in Exhibit 2 (new text shown in *italicized underlined* font and with 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** Commissioner Bernikoff, seconded by Commissioner Harter, this resolution duly passed and adopted this 4th day of December 2015 by the following vote:

**AYES:** Becker, Bernikoff, Harris, Harter and Kennec

**NOES:** None

**EXCUSED:** None

**ABSTAIN:** None

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Larry Harris, Chair
Mariposa County Planning Commission

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ATTEST:

Susan Hunter, Planning Commission Secretary
EXHIBIT 1
Recommended Findings for Approval
SP/ZA 2015-017

The Fish Camp Specific Plan VIII. Specific Plan Implementation B, Plan Amendment Standards, 2. Specific Findings, require the following findings be made for any amendment to the plan:

a. Finding: The amendment will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan

Evidence: The proposed amendments remedy the PD application provisions to more clearly define the initial approval time limits and allowance for time extension requests. The result would be for the community, developer/applicant and County to have clearly defined plan language for consideration of future PD’s and PD use permits, as well as future time extension request for a project in an existing PD.

b. Finding: All environmental impacts of the amendment can satisfactorily be mitigated

Evidence: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines, resulting in no mitigation as there are no environmental impacts. The proposed text changes are to administrative procedures, definitions and timeframes that would govern any future application for a PD or PD Use Permit for lands governed by the Fish Camp Specific Plan. Any future application for a PD or PD use permit within the Fish Camp Town Planning area would undergo environmental review at the time of application.

c. Finding: The amendment will not result in the degradation of the community as a residential and commercial center.

Evidence: No physical improvements are proposed or authorized by the proposed text amendments and therefore no degradation of the community as a residential and commercial center would result. The proposed amendments are to ameliorate any concerns regarding open ended language in the Planned Development (PD) application administrative procedures; and 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 for potential future residential and commercial center type applications that may

d. Finding: The proposed amendment is needed to promote orderly growth within the Fish Camp Community.
Evidence: FCSP Appendix IV I. Planned Development Applications, A. Purpose states: “these provisions are intended to provide the administrative procedures for planned development applications”. The proposed amendments provide more clearly defined procedures for the processing of future applications for PD’s and PD Use permits to assist in the implementation of the Fish Camp Specific Plan land use policies and development standards that govern orderly growth within the Fish Camp Community.

e. Finding: That the area proposed for the amendment is uniquely suited to the proposed use or density and that other areas are not presently available or useable for such use or density.

Evidence: No physical improvements, use or density changes are proposed by these amendments and therefore no available or useable areas are impacted by the proposed amendments.

f. Finding: The amendment will not result in the damage or have an adverse effect on the value of adjacent properties.

Evidence: No physical improvements are proposed or authorized by the proposed text amendments and therefore no adverse effect on the value of adjacent properties would result. The proposed amendments are to ameliorate any concerns regarding open ended language in the Planned Development (PD) application administrative procedures; and 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.

g. Finding: The proposed amendment is needed to promote orderly growth within the Fish Camp Community.

Evidence: The proposed amendments provide more clearly defined procedures for the processing of future applications for PD’s and PD Use permits to assist in the implementation of the Fish Camp Specific Plan land use policies and development standards that govern orderly growth within the Fish Camp Community.

Recommended Finding for Categorical Exemption

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The proposed text changes are to administrative procedures and timeframes that would govern any future application for a PD or PD Use Permit for lands governed by the Fish
Camp Specific Plan. Any future application for a PD or PD use permit would undergo environmental review at the time of application.

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

The new text is shown in italics underlined font and the deletions in strikethrough font:
Appendix IV, I. Planned Development Applications

Appendix IV, I. 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 finds 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 may 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.