MARIPOSA COUNTY ORDINANCE 511

AN INTERIM EMERGENCY ZONING ORDINANCE PLACING A MORATORIUM ON ALL VOLUNTARY DIVISIONS OF LAND WITHIN THE AREA KNOWN AS "BOOTJACK" IN THE COUNTY OF MARIPOSA

The Board of Supervisors of the County of Mariposa does hereby ordain as follows:

SECTION I: FINDINGS AND DECLARATION OF INTENT.

Over one year ago the Mariposa County Planning Commission received a request from residents of the area of Bootjack to change the land use designation from Rural Residential (2.5-acre minimum) to Mountain General (5-acre minimum). After several public hearings by the Planning Commission, the issue of the amendment is still unresolved. In response to the issue and the problems of growth in the Bootjack area, the Planning Commission has undertaken a major study of the development capacity of the area.

In anticipation of the adoption of more stringent land use regulations and standards being adopted for the area under study, development activity has rapidly increased causing severe problems such as:

(a) Significant impacts on County road system.

(b) Potential contamination of surface and subsurface water supplies from private septic systems.

(c) Significant increases in the demand of subsurface water supplies for domestic purposes.

The extent and severity of these problems are unknown at this time. The Planning Commission is capable of establishing reasonable standards that would regulate development in this area and mitigate potential hazards to public health and safety from over-development.
SECTION II: PURPOSE.

A. The purpose of this ordinance is to place a moratorium on all voluntary divisions of land by any individual by any means within the study area described in Exhibit "A" attached hereto and made a part hereof as though set out in full. Said moratorium shall effect all pending applications for division of land within the study area in accordance with existing State law and County ordinance.

B. This ordinance shall have no effect within the areas contained by the Bootjack Community Planning Area boundaries described in Exhibit "B" attached hereto and made a part hereof as though set out in full.

C. All properties in the study area divided by the boundaries described in Subsection A above, although not completely contained within the study area, shall be governed by the provisions of this ordinance.

SECTION III: URGENCY AND EFFECTIVE DATE.

This ordinance is an urgency ordinance and is for the immediate preservation of the public peace, health, and welfare. The facts constituting the urgency are as follows:

(a) Significant concerns have been registered by residents of the study area over the impact of development on water supplies, roads and streets, septic disposal systems, grading, and erosion control.

(b) The Planning Commission has undertaken a study of development impacts and density limits in addition to establishing specific standards regulating subdivision development in the area.

(c) A complex and comprehensive study of adequate policies, procedures, and standards for the regulation of development in this study area cannot be established in an adequate fashion quickly, and it will take many weeks to work out the details of the comprehensive plan and regulations.
(d) It would be destructive of the proposed policies, procedures, and standards if, during the period they are being studies and are subject to enactment, parties seeking to evade the operation of these regulations in the form they may be adopted should be permitted to subdivide, which might progress so far as to defeat in whole or in part the ultimate objective of these policiess, procedures, and standards.

(e) It is entirely possible that subdivision activity contemplated or in progress on land contained within the study area may not conform to the policies, procedures, and standards under study and any regulations imposed pursuant thereto, thereby destroying the usefulness of the regulations and creating a hazard to the public peace, health, and welfare.

In accordance with the intent and purpose of this ordi-
nance, the Mariposa County Planning Commission shall develop a comprehensive development plan for the study area to be submitted to the Board of Supervisors prior to the expiration of this ordi-
nance as provided below.

This ordinance takes effect immediately and is in

accordance with Government Code Section 65858. It is no further in

force and effect ninety days from the date of its adoption, ex-
cept as it may be extended as provided by Section 65858.

SECTION IV: PENALTY.

Any person violating this ordinance shall be guilty of

a misdemeanor and shall be fined up to $500 or imprisoned up to

six months, or both:

PASSED AND ADOPTED by the Mariposa County Board of
Supervisors this 8th day of May, 1979, by the following vote:

AYES: Owings, Weber, Dalton, Erickson

NOES: Clark

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NOT VOTING: None

ABSENT: None

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM:

NEIL B. VAN WINKLE
County Counsel/Administrative
Assistant to the Board
DATED: May 8, 1979

ATTEST:

JOAN LYNK, Clerk of the Board
There is a large map attached to the original Ordinance on file.