MARIPOSA COUNTY RESOLUTION NO. 94-232

A RESOLUTION ESTABLISHING POLICY AND PROCEDURES
FOR CONSIDERING THE FORMAL INITIATION OF GENERAL PLAN/
ZONING AMENDMENT APPLICATIONS FOR ESTABLISHED COMMERCIAL USES

WHEREAS, the Board of Supervisors wishes to
encourage the submittal of general plan/zoning amendment
applications for commercial uses which do not conform to the
Mariposa County General Plan and County Zoning Ordinance by
waiving application fees and incurring other necessary costs; and

WHEREAS, the Board of Supervisors, by its own
policy, may grant waivers to application fees in situations
which it considers equitable and in the public interest; and

WHEREAS, it is in the public interest to establish
commercial zoning districts for existing commercial uses in
the rural parts of the County in order to encourage the
continuation and future expansion of those uses which provide
basic services to tourists and residents of Mariposa County; and

WHEREAS, the Board of Supervisors may initiate
amendments to the Mariposa County General Plan and Mariposa
County Zoning Ordinance (Title 17 County Code) under the
authority of Section 17.128.020 of the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, the Board of
Supervisors hereby establishes the following policy and
procedures for considering the formal initiation of general
plan/zoning amendment applications for the CN (Commercial,
Neighborhood), CR (Commercial, Resort), and CG (Commercial,
County Resolution No. 24-232

General) land use classifications and Neighborhood Commercial-1 (CN-1), Neighborhood Commercial-2 (CN-2), General Commercial-1 (CG-1), General Commercial-2 (CG-2), and Resort Commercial (CR) zoning districts:

1) This policy establishes an open window filing period in which property owners of established commercial businesses and structures may submit general plan/zoning amendment applications for commercial land use classifications and zoning districts and request consideration of formal initiation by the Board of Supervisors. Said initiation by the Board of Supervisors, if approved, shall result in the waiver of County application processing fees and the incurring of additional costs by the County, as determined by the Board of Supervisors.

2) Applications shall contain all required information for a general plan/zoning amendment application, any information necessary to consider the application relative to the criteria contained in Exhibit "A" attached hereto and incorporated herein, and signature by one or more of the property owners. Applications which do not contain the required information shall not be accepted for processing.

3) Applications shall be accepted for a period of 120 days from the date of official publication of this policy.

4) Following acceptance of the applications and the closing of the filing period, the applications shall be referred to the Board of Supervisors for consideration of formal initiation.
DEPARTMENT: Planning  BY: Duane Hall  PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes__  No__)

Resolution establishing policy and procedures for considering the formal initiation of general plan/zoning amendment applications for established commercial uses.

The recommended action is based on previous direction from the Board on this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 17th the Board discussed an open window period program for industrial site rezonings. As part of that discussion, the Board directed staff to prepare an open window period program for commercial rezonings of properties with non-conforming commercial uses and to bring the matter back to the Board for formal action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue matter; (2) Modify the policies and procedures of the resolution; (3) Take no action.

NEGATIVE ACTION would result in no action being taken and an open window period for receiving amendment applications would not be established.

COSTS:

A. Budgeted current FY  $  
B. Total anticipated costs  
C. Required additional funding  
D. Internal transfers  

SOURCE:

A. Unanticipated revenues  
B. Reserve for contingencies  
C. Source description:  
D. Balance in Reserve for Contingencies, if approved:  

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

1. Memo to Board
2. Draft Resolution

CLERK'S USE ONLY:

Res. No.: 232  Ord. No. 
Vote - Ayes:  
Absent:  
Abstained:  
Approved:  
Denied:  
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
County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

✓ Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment: 

A.O. Initials: __

Action Form Revised 5/92
5) Formal initiation of the applications shall be considered relative to the criteria contained in Exhibit "A". The Board may establish additional policy and criteria in considering applications for formal initiation.

6) This policy is limited to the acceptance of applications and their consideration for possible initiation by the Board of Supervisors. Acceptance of an application does not bind the County or the Board of Supervisors in any future action to initiate or approve the amendment application.

7) This policy does not preclude or limit a property owner from requesting a general plan/zoning amendment by the submittal of an application, including application fees, in accordance with Chapter 17.128 of the Zoning Ordinance.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 14th day of June, 1994 by the following votes:

AYES: Baggett, Balmain, Erickson, Parker

NOES: None

ABSTAINED: None

EXCUSED: Taber

ARThUR G. BAGGETT, JR. Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS,
Clerk of the Board

JEFFREY G. GREEN,
County Counsel
1. The project site shall not be located in town planning areas with adopted specific plans. An established commercial business(es) or an existing commercial structure(s) which can readily be utilized for commercial uses shall be located on the project site.

2. The project site shall include only that parcel on which the commercial business or structure is located. Additional lands, under the same or separate ownership, may be included in the application only to the extent necessary to satisfy minimum site area requirements for the requested land use classification and zoning district. Exceptions below the minimum site area requirements may be allowed if there are exceptional or extraordinary circumstances applicable to the property and the site has suitable area for the existing development.

3. The requested land use classification and zone shall be the least intensive land use classification and zone which permits the commercial business or structure.
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: EDWARD JOHNSON, Planning & Building Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Policy and Procedures for the Initiation of General Plan/Zoning Amendment Applications for Established Commercial Uses
Resolution Number 94-232

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 14, 1994

ACTION AND VOTE:

11:03 a.m. Edward Johnson, Planning and Building Director

C) Resolution Establishing Policy and Procedures for the Initiation of General Plan/Zoning Amendment Applications for Established Commercial Uses

BOARD ACTION: Discussion was held with Ed Johnson/Planning Director, and Duane Hall/Associate Planner. Supervisor Taber was excused at 12:23 p.m. (M) Erickson, (S) Parker, Res. 94-232 adopted, with direction that applications not be prohibited due to substandard parcel size/Ayes: Baggett, Balmain, Erickson, Parker; Excused: Taber. Discussion was held concerning Rural Home Industry and Rural Home Enterprise. Ed Johnson advised that he will bring options to the Board for consideration.

cc: Jim Evans, Housing and Community Development Agency Director
File