DEPARTMENT: Planning/Building  BY: Sarah Williams  PHONE: 966-5151

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

The Planning Commission recommends that the Board of Supervisors adopt a resolution abandoning proceedings to enact the Scenic Highway Overlay District along Highway 49 South at this time, but review the appropriateness of protecting the scenic resources of highways throughout the County in a comprehensive manner as part of the upcoming General Plan update, especially with respect to how these resources may contribute to preservation of the rural mountain lifestyle of the County and the County’s commitment to the tourist and recreation industries. If determined appropriate based upon the General Plan update, the County should consider inclusion of State Highway 49 South into the Scenic Highway Overlay District.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Resolution No. 92-553 on October 20, 1992 initiating the Scenic Highway Program. The Board adopted Resolution No. 92-606 on November 17, 1992 initiating Zoning Amendment 92-3 to establish the Scenic Highway Overlay District along Highway 49 South and finding that the project is categorically exempt from CEQA (Section 15305, CEQA Guidelines).

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES:
1. Deny the amendment. Scenic Highway 49 South would not be established.
2. Approve the amendment with originally proposed boundaries.
3. Approve the amendment with modified boundaries. A reduction in the boundaries could be considered as part of this hearing.

COSTS: ( ) Not Applicable
   A. Budgeted current FY $__________
   B. Total anticipated costs $__________
   C. Required additional funding $__________
   D. Internal transfers $__________

SOURCE: ( ) 4/5ths Vote Required
   A. Unanticipated revenues $__________
   B. Reserve for contingencies $__________
   C. Source description:
      Balance in Reserve for Contingencies, if approved: $__________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1) Memo to Board of Supervisors
2) Draft Resolution
3) Corres. from public (after 1/8/93 hearing)
4) Planning Commission Resolution #93-1
5) Planning Commission Minutes
6) Staff Report
7) Corres. from public (to 1/8/93 hearing)
8) Public Participation List

 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
TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: SCENIC HIGHWAY 49 SOUTH HEARING

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 26, 1993

ACTION AND VOTE:

10:40 a.m. Tony Lashbrook, Planning Director;
PUBLIC HEARING to Consider the Approval or Abandonment
of Zoning Amendment No. 92-3, which Proposes a Scenic
Highway Overlay District Along Highway 49 South from
the Southern Portion of the Mariposa Town Planning Area
to the Mariposa/Madera County Line
BOARD ACTION: Chairman advised that public input would
be limited to three minutes per speaker, and advised of
the hearing procedures. Sarah Williams, Assistant
Planner, provided staff report. The following persons
provided input in support of the project: Mary Harris,
Miriam Warren, Nancy Jones, and Ray Tarpley. The
following persons provided input in opposition to the
project: Frank Moody, Edward Shaw, Dan Miller, Leonard
Brazzi, Ray Jeske, Ken Young, Linn Seeley, Betty Moody,
Gene Mickel, Myrtle Allen, and Judith Eagle. The
following persons provided input in opposition and
comments of a general nature: Bud Puckett, Hal Breish,
and Joanne Rasmussen. The following person provided
comments of a general nature: Shirley Schmelzer.
Additional written input was received and entered into
the record. Motion by Baggett to adopt Planning
Commission's recommendation - abandon proceedings and
review matter with the upcoming General Plan update,
failed for lack of a second. (M)Taber, (S)Parker, Res.
93-66 adopted abandoning the project/Ayes: Unanimous.

cc: File
MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 93-66

A RESOLUTION ABANDONING PROCEEDINGS FOR
ZONING AMENDMENT NO. 92-3;
COUNTY OF MARIPOSA, APPLICANT

WHEREAS, the Mariposa County Board of Supervisors has initiated proceedings to adopt a Scenic Highway Protection Program along State Highway 49 South from the southeastern boundary of the Mariposa Town Planning Area to the Mariposa/Madera County Line in accordance with the State's "Guidelines for the Official Designation of Scenic Highways"; and

WHEREAS, the Protection Program requires an amendment of the County Zoning Map to establish a Scenic Highway Overlay District along State Highway 49 South; and

WHEREAS, the Mariposa County Planning Commission and the Board of Supervisors have held duly noticed public hearings on the amendment in accordance with State Law and County Code; and

WHEREAS, the Mariposa County Planning Commission has recommended that the Board of Supervisors abandon proceedings to enact the Scenic Highway Overlay District along State Highway 49 South at this time but review the protection of the scenic resources of highways throughout the County as part of the upcoming General Plan Update; and

WHEREAS, the Mariposa County Board of Supervisors has considered the Planning Commission's recommendation, as well as significant public input, the majority of which is in opposition to the amendment.

///
NOW THEREFORE BE IT RESOLVED that the Mariposa County Board of Supervisors hereby adopts this Resolution abandoning proceedings to enact the Scenic Highway Overlay District along State Highway 49 South (Zoning Amendment No. 92-3).

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 26th day of January, 1993 by the following vote:

AYES: Baggett, Balmain, Erickson, Parker, Taber

NOES: None

ABSENT: None

ABSTAINED: None

NOT VOTING: None

ERIC J. ERICKSON, CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JEFREY G. GREEN, County Counsel