DEPARTMENT: Planning and Building  BY: Duane Hall  PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X  No____  NOTE:
This public hearing has been previously noticed.)

Staff recommends the Board of Supervisors take the following actions:

1) Direct staff to prepare a resolution for Board consideration at the
April 20th meeting, said resolution to:

(a) Rescind Resolution No. 92-508;
(b) Find that a personal use airstrip is an accessory use to a
residence in the Mountain Transition Zone;
(c) Require the airstrip and flight paths to be located at least 500
feet from existing structures on off-site parcels;
(d) Revise the Initial Study/Negative Declaration (1) finding that the
new location of the airstrip and aircraft operations will not
create any significant aircraft hazards or result in any
significant land use impacts on surrounding properties and uses,
and (2) eliminating the previous mitigation measure;
(e) Initiate the public review and hearing process for amendments to
the General Plan and Zoning Ordinance which will make personal use
airports a conditional use in most land uses and zones.

2) Continue the public hearing to April 20th at a time certain.

Justification for the recommended action is provided in the attached memorandum
to the Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On September 22, 1992 the Board of Supervisors adopted Resolution No. 92-508
finding that a personal use airstrip for the sole use of the resident is an
accessory use to a single family residence and is therefore a permitted use in
the Mountain Transition Zone. Subsequent to that determination, County Counsel
and the Planning and Building Director brought information to the Board's
attention on potential liability risks associated with restricting aircraft
operations to one direction. The Board of Supervisors on February 16, 1993
directed staff to not issue any permits relative to the airstrip and scheduled
a public hearing to reconsider the Board’s previous action based on the new
information.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

In addition to continuing the public hearing, four options are described in
the attached memorandum.

<table>
<thead>
<tr>
<th>COSTS: (X) Not Applicable</th>
<th>SPECIAL INSTRUCTIONS:</th>
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<tbody>
<tr>
<td>A. Budgeted current FY</td>
<td>List the attachments and number</td>
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<tr>
<td>B. Total anticipated costs</td>
<td>the pages consecutively:</td>
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<tr>
<td>C. Required additional funding</td>
<td>1. Board memorandum with attachments</td>
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<tr>
<td>D. Internal transfers</td>
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<th>SOURCE:</th>
<th>SPECIAL INSTRUCTIONS:</th>
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<tr>
<td>A. Unanticipated revenues</td>
<td>List the attachments and number</td>
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<tr>
<td>B. Reserve for contingencies</td>
<td>the pages consecutively:</td>
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<tr>
<td>C. Source description:</td>
<td>1. Board memorandum with attachments</td>
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<tr>
<td>Balance in Reserve for Contingencies, if approved:</td>
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:   TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE:   PERSONAL USE AIRSTRIP

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 6, 1993

ACTION AND VOTE:

Continued PUBLIC HEARING to Reconsider Board Res. No. 92-508 Finding that a Personal Use Airstrip for the Sole use of the Resident is an Accessory use to a Single Family Residence and is Permitted in the Mountain Transition Zone; Fast Applicant BOARD ACTION: Staff report was provided by Duane Hall/Associate Planner. Input from the public was provided by: Norm Fast, applicant; Richard Doscher, and Tina Gomes. (M)Parker, (S)Baggett, Res. 93-199 adopted rescinding Resolution No. 92-508 and determining that a personal use airport/airstrip is not an accessory to a residence and is therefore not permitted in the Mountain Transition Zone/Ayes: Baggett, Erickson, Parker, Noes: Balmain, Taber. Prior to taking the next action, Supervisor Taber changed he vote to aye. (M)Taber, (S)Parker, direction was given to staff to initiate the public review and hearing process for amendments to the General Plan and Zoning Ordinance which will make personal use airstrips a conditional use in most land uses and zones/Ayes: Baggett, Erickson, Parker, Taber; Noes: Balmain.

cc: File
MARIPOSA COUNTY RESOLUTION NO. 93-99

A RESOLUTION RESCINDING COUNTY RESOLUTION NO. 92-508
AND FINDING THAT A PERSONAL USE AIRSTRIP IS NOT AN
ACCESSORY USE AND STRUCTURE TO A RESIDENCE

WHEREAS, a use not listed as a permitted use in a zoning
district may be determined to be a permitted use if it is similar
in its nature and intensity to a permitted use enumerated in that
zone pursuant to Sections 17.08.120 and 17.108.030 of Title 17 of
Mariposa County Code; and

WHEREAS, the Mariposa County Board of Supervisors adopted
County Resolution No. 92-508 on September 22, 1992 finding that a
personal use airstrip as defined by Section 3544 of the
California Airport and Heliport Regulations for the sole use of
the resident is an accessory use and structure to a residential
use and is therefore a permitted use in the Mountain Transition
Zone; and

WHEREAS, new information has been brought to the attention
of the Board of Supervisors which was not known at the time of
their decision adopting Resolution No. 92-508, said information
being the following:

1. The Federal Aviation Administration will not regulate the
flight paths of aircraft taking off or landing from the subject
airstrip except to ensure the flight paths do not encroach into
flight paths of other airports.

2. That by restricting the flight paths of take offs and
landings from the subject airstrip to the southerly direction
only, the Board of Supervisors may be assuming a risk of
liability which may result from operations of aircraft utilizing
the airstrip.
WHEREAS, the Board of Supervisors wished to reconsider their previous decision in a duly noticed public hearing and accepting testimony and evidence from all interested parties; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the matter and consider all testimony and evidence received on the matter.

NOW THEREFORE BE IT RESOLVED that the Mariposa County Board of Supervisors hereby rescinds County Resolution No. 92-508 and the determination contained therein.

BE IT FURTHER RESOLVED that the Mariposa County Board of Supervisors hereby finds that a personal use airstrip is not an accessory use and structure to a residential use and is therefore not a permitted use in the Mountain Transition Zone.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 6th day of April, 1993 by the following vote:

AYES: Baggett, Erickson, Parker, Taber

NOES: Balmain

ABSTAINED: None

EXCUSED: None

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel