

DEPARTMENT: PLANNING

BY: TONY LASHBROOK

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No)

As directed by the Board of Supervisors at the 11/26/91 meeting, staff has prepared the necessary documents, resolutions, and ordinances for the adoption of the Mariposa Town Planning Area Specific Plan Update. Pursuant to the Board's direction, staff recommends that the Board take the following actions:

- 92-37 1) Adopt a resolution certifying the Final Environmental Impact Report for the project.
- 92-38 2) Adopt a resolution amending the Mariposa County General Plan Land Use Map and rescinding and replacing the Mariposa TPA Specific Plan.
- 3) Waive the first reading and introduce an ordinance amending the Mariposa County Zoning Map.
- 4) Waive the first reading and introduce an ordinance adding Sub-Title 17.300 entitled "Mariposa TPA Specific Plan Zoning Regulations and Districts" to Title 17.
- 5) Waive the first reading and introduce an ordinance establishing regulations and standards for the division of property in the Mariposa TPA.
- 6) Authorize the Mariposa County Auditor to issue a warrant in the amount of \$850 to the California Department of Fish and Game and a warrant in the amount of \$25 to the Mariposa County Clerk. The costs for the warrants will be paid from the Planning Department budget and are necessary for the filing costs of a Notice of Determination for the EIR as required by Section 711.4 of the California Fish and Game Code.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

For the past several months the Board has considered the certification of the EIR and the adoption of the Specific Plan Update. At the November 26, 1991 meeting, the Board of Supervisors directed the Planning Department to prepare the appropriate documents for adoption of the Specific Plan Update. The documents have been prepared pursuant to Board actions on the Specific Plan Update at the 10/1, 10/15, 11/5, and 11/26 meetings.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Because several actions are necessary, there are numerous alternatives available to the Board. If any revisions are proposed by the Board, staff recommends that the public hearing be continued to allow staff to review the proposed revisions.

NEGATIVE ACTION: Negative action would result in the Specific Plan Update not being adopted and the current Specific Plan remaining in effect.

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COSTS: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required Add'l funding \$ _____

D. Source: _____

SOURCE: () 4/5ths Vote Required

A. Internal Transfers \$ _____

B. Unanticipated revenues \$ _____

C. Reserve for contingency \$ _____

D. Description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:

1. Final Environmental Impact Report (including draft resolution and Draft EIR)
2. Draft resolution amending General Plan Map and adopting Specific Plan
 - a. EIR Findings of Fact
 - b. Mitigation Monitoring Program
 - c. General Plan Findings of Consistency
 - d. General Plan Map Amendments
 - e. Mariposa TPA Specific Plan
3. Draft ordinance amending Zoning Map
4. Draft ordinance adding Sub-Title 17.300 to Title 17
 - a. Sub-Title 17.300
 - b. Mariposa TPA Specific Plan Zoning Map
5. Draft ordinance establishing regulations and standards for property divisions in TPA

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CLERK'S USE ONLY:

Res. No.: _____
 Ord. No.: _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____ Abstained: _____
 () Approved () Denied
 1/4 (X) Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.

DATE: _____
 ATTEST: MARGIE WILLIAMS
 Clerk of the Board of Supervisors
 County of Mariposa, State of CA
 By: _____
 Deputy

=====

ADMINISTRATIVE OFFICER'S RECOMMENDATION

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

Comment: _____

A.O. Initials:  _____

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: CONTINUED PUBLIC HEARING

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 14, 1992

ACTION AND VOTE:

Tony Lashbrook, Planning Director;
Continued PUBLIC HEARING (Deliberation Phase) to
Consider (1) the Planning Commission's Recommendations
Regarding the Mariposa Town Planning (TPA) Area
Specific Plan Update and Draft Environmental Impact
Report (EIR); (2) Certification of the EIR; and (3)
Adoption of the Specific Plan Update (Continued from
11/26/91)

BOARD ACTION: Tony presented updated staff report and
reviewed recommended actions. Direction was given for
Board's Committee of Supervisors Erickson and
Radanovich to investigate disposition of these parcels
which were left out of the commercial zoning, as
requested, and report back to the Board.

1) Res. 92-37 adopted certifying the Final
Environmental Impact Report for the Project\Ayes:
(M)Radanovich, (S)Erickson, Baggett, Punte; Excused:
Taber.

2) Res. 92-38 adopted amending the Mariposa
County General Plan Land Use Map and rescinding and
replacing the Mariposa TPA Specific Plan\Ayes:
(M)Baggett, (S)Erickson, Radanovich, Punte; Excused:
Taber.

3) First reading was waived and an ordinance
introduced amending the Mariposa County Zoning
Map\Ayes: (M)Radanovich, (S)Baggett, Erickson, Punte;
Excused: Taber.

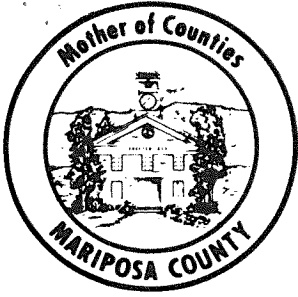
4) First reading was waived and an ordinance introduced adding Sub-Title 17.300 entitled "Mariposa TPA Specific Plan Zoning Regulations and Districts" to Title 17\Ayes: (M)Radanovich, (S)Baggett, Erickson, Punte; Excused: Taber.

5) First reading was waived and an ordinance was introduced establishing regulations and standards for the division of property in the Mariposa TPA\Ayes: (M)Radanovich, (S)Baggett, Erickson, Punte; Excused: Taber.

6) Authorization was given for the Mariposa County Auditor to issue a warrant to the California Department of Fish and Game in the amount of \$850 and a warrant to the Mariposa County Clerk in the amount of \$25 forthwith for the filing costs of a Notice of Determination for the EIR as required by Section 711.4 of the California Fish and Game Code\Ayes: (M)Erickson, (S)Radanovich, Baggett, Punte; Excused: Taber.

Tony Lashbrook advised that the resolution is not enforceable for 30 days; and thanked Duane Hall, Associate Planner, for his work on this project. Supervisor Radanovich requested letter of appreciation be sent to the members of the Mariposa Town Planning Advisory Committee. Hearing was closed.

cc: File
Auditor
County Counsel
Supv. Erickson
Supv. Radanovich



Mariposa County Planning and Building Department

TONY LASHBROOK
Planning Director

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FAX No. (209) 966-5147

January 13, 1991

TO: MARIPOSA COUNTY BOARD OF SUPERVISORS

FROM: TONY LASHBROOK, PLANNING DIRECTOR

**SUBJECT: CORRECTIONS TO 1/14/91 AGENDA PACKET FOR MARIPOSA TPA
SPECIFIC PLAN UPDATE**

The following corrections are recommended for the Board's agenda packet on the Mariposa TPA Specific Plan Update:

- 1) To correct a typographical error on Page 142 of the Specific Plan, the last word of the third sentence of Paragraph 5 should read "sixteen".
- 2) To correct a typographical error on Page 28 of draft ordinance to add Sub-Title 17.300 (Page 43 of Agenda Packet), the eighth word of the third sentence of Paragraph 5 should read "sixteen".
- 3) Pages 167-168 of the Specific Plan should be replaced with Exhibit A of this memo. County Counsel recommends several minor revisions to the non-conforming use and structure standards to clarify their intent.
- 4) Page 40 of the draft ordinance to add Sub-Title 17.300 (Page 55 of Agenda Packet) should be replaced with Exhibit B of this memo. County Counsel recommends several minor revisions to the non-conforming use and structure standards to clarify their intent.

EXHIBIT A

CORRECTIONS TO PAGES 167-168

OF SPECIFIC PLAN

SECTION 3.5 ADMINISTRATION AND ENFORCEMENT

Section 3 in its entirety is intended to be adopted by ordinance and become a portion of the Mariposa County Zoning Code. All administrative portions of the Zoning Code are to be used in implementing these standards except as specifically provided for within this section.

A. Non-Conforming Uses and Structures

All legally established uses and structures which are in existence at the time of the adoption of this plan but which are not in conformance with the standards of this plan shall be deemed non-conforming uses and/or structures and shall comply or be consistent with the following provisions:

1. Non-conforming uses shall be allowed to continue and to be maintained, but shall not be allowed to expand. The expansion of non-conforming structures shall be allowed if such expansion, including its use, complies with all standards of the Specific Plan.
2. Continuation of a non-conforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged. A non-conforming use may be changed to a non-conforming use of equal or less intensity. In no case shall a different use be allowed that would increase the level of non-conformance with any standard contained herein. Whenever a non-conforming use has been changed to a less intensive use, or to a conforming use, such use shall not thereafter be changed to a more intensive use or non-conforming use.
3. Abandonment of Non-Conforming Use

a. Residential Uses

If a non-conforming residential use is abandoned or discontinued for a period of three (3) consecutive years or more, any subsequent use of the building or premises shall conform to the use and density regulations of the zone in which it is located. For reasonable cause, the Planning Director may grant one (1) year extensions to the time period up to a maximum time extension period of two (2) years.

b. Commercial-Industrial uses

If a non-conforming commercial or industrial uses is abandoned or discontinued for a period of

twelve (12) consecutive months or more, any subsequent use of the building or premises shall conform to the regulations of the zone in which it is located. For reasonable cause, the Planning Director may grant a one (1) year extension to the time period.

4. When a building or other structure which does not conform to the provisions of this Specific Plan is damaged or destroyed, it may be restored or rebuilt to accommodate its original use. Such restoration or rebuilding shall conform to existing building code requirements and standards. If the rebuilt structure is located in such a manner that it would not comply with the standards of this Specific Plan or contains a use that is non-conforming, it shall not exceed the size of the original building.

EXHIBIT B

**CORRECTIONS TO PAGE 40
OF DRAFT ORDINANCE TO ADD SUBTITLE 17.300**

CHAPTER 17.340

NON-CONFORMING USES AND STRUCTURES

17.340.010 Definition of Non-Conforming Use or Structure.

All legally established uses and structures which are in existence at the time of the adoption of this Sub-Title but which are not in conformance with the standards of this Sub-Title shall be deemed non-conforming uses and/or structures.

17.340.020 Non-Conforming Use and Structure Provisions.

Non-conforming uses and structures shall comply or be consistent with the following provisions:

A. Non-conforming uses shall be allowed to continue and to be maintained, but shall not be allowed to expand. The expansion of non-conforming structures shall be allowed if such expansion, including its use, complies with all standards of this Sub-Title.

B. Continuation of a non-conforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged. A non-conforming use may be changed to a non-conforming use of equal or less intensity. In no case shall a different use be allowed that would increase the level of non-conformance with any standard contained herein. Whenever a non-conforming use has been changed to a less intensive use, or to a conforming use, such use shall not thereafter be changed to a more intensive use or non-conforming use.

17.340.030 Abandonment of Non-Conforming Use. A.

Residential Uses: If a non-conforming residential use is abandoned or discontinued for a period of three (3) consecutive years or more, any subsequent use of the building or premises shall conform to the use and density regulations of the zone in which it is located. For reasonable cause, the Planning Director may grant one (1) year extensions to the time period up to a maximum time extension period of two (2) years.

B. Commercial-Industrial Uses: If a non-conforming commercial or industrial use is abandoned or discontinued for a period of twelve (12) consecutive months or more, any subsequent use of the building or premises shall conform to the regulations of the zone in which it is located. For reasonable cause, the Planning Director may grant a one (1) year extension to the time period.

17.340.040 Restoration.

When a building or other structure which does not conform to the provisions of this Sub-Title is damaged or destroyed, it may be restored or rebuilt to accommodate its original use. Such restoration or rebuilding shall conform to existing building code requirements and standards. If the rebuilt structure is located in such a manner that it would not comply with the standards of this Sub-Title or contains a use that is non-conforming, it shall not exceed the size of the original building.

**A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE MARIPOSA TOWN PLANNING
AREA SPECIFIC PLAN UPDATE**

WHEREAS, the Mariposa County Board of Supervisors has initiated an update to the Specific Plan for the Mariposa Town Planning Area; and

WHEREAS, the Board, acting as the Lead Agency, has prepared an Environmental Impact Report (EIR) for the project in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the Mariposa County Environmental Review Policies and Procedures; and

WHEREAS, the Board established a public review period for the Draft EIR and held noticed public hearings to receive comments on the Draft EIR; and

WHEREAS, the Board has considered the documentary and verbal comments submitted on the Draft EIR and responded to substantial environmental points raised by those comments in accordance with CEQA.

NOW THEREFORE BE IT RESOLVED that the Mariposa County Board of Supervisors hereby determines and certifies:

1) That the modifications made to the Specific Plan and EIR by the Board of Supervisors after the public review period are not substantial and the potential impacts of these modifications are addressed within the bounds of analysis provided in the EIR.

2) That the Final Environmental Impact Report for the Mariposa Town Planning Area Specific Plan Update is adequate and has been completed in compliance with the provisions of

1 the California Environmental Quality Act (CEQA), the CEQA
2 Guidelines, and the Mariposa County Environmental Review
3 Policies and Procedures.

4 3) That the Final EIR has been presented to the Board of
5 Supervisors and the Board has reviewed and considered the
6 information contained in the Final EIR prior to adopting the
7 Specific Plan.

8 PASSED AND ADOPTED by the Mariposa County Board of
9 Supervisors on this 14th day of January, 1992 by the
10 following vote:

11 AYES: Baggett, Punte, Erickson, Radanovich


12 NOES: None

13 ABSTAINED: None


14 EXCUSED: Taber

15
16 
17 _____
18 SALLY S. PUNTE, Chairman
19 Mariposa County Board of Supervisors

20 ATTEST:

21 
22 _____
23 MARGIE WILLIAMS
24 Clerk of the Board

25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

26
27 
28 _____
29 JEFFREY G. GREEN
30 County Counsel