RESOLUTION - ACTION REQUESTED 2017-840

MEETING: December 19, 2017

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Resolution Initiating Amendments to the Fish Camp Town Planning Area Specific Plan

RECOMMENDATION AND JUSTIFICATION:
Adopt a resolution of intention to initiate amendments to the Fish Camp Town Plan Specific Plan (FCSP) Section VI. Land Use Policies and Standards, H. Bed and Breakfast and Vacation Rentals, 1. and 3. (a), (b) and (c).

The Fish Camp Planning Advisory Council (FCPAC):

1. Requested the Board adopt a resolution of intention, initiating the Fish Camp Specific Plan (FCSP) amendments as submitted, and

2. Recommended the Planning Commission and Board of Supervisors approve the amendments.

The intent of the amendments are to increase the bed and breakfast and vacation rental adjacent property owner mailed notices from 300 feet to 600 feet and to increase the bed and breakfast bedroom allowance from 3 bedrooms to 5 bedrooms maximum.

If initiated, the amendments will be taken through a full public review process, including review by the Planning Commission.

These amendments will be processed concurrently with amendments to the FCSP previously initiated by the Board per Resolution 2015-336 (Planned Development Provisions IV O. “Development Schedule”, 1. 2. and 3.

Please see the attached Memorandum for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors adopted the Fish Camp Specific Plan June 7, 1988 by Resolution No. 83-170.

Amendments to the plan have been made:
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- July 12, 1988 (Resolution No. 88-377)
- November 22, 1988 (Resolution No. 88-573)
- May 23, 1989 (Resolution No. 89-275)
- October 17, 1989 (Resolution No. 89-532)
- July 23, 2002 (Resolution No. 02-294)
- December 2, 2003 (Resolution No. 03-423)
- February 3, 2009 (Ordinance No. 1050)
- March 1, 2016 (resolution No. 2016-102)
- July 11, 2017 (Ordinance No. 2017-1125)

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not adopt resolution. The process to amend the Fish Camp Specific Plan would not be initiated.

Amend text of initiated amendments and forward back to FCPAC for consideration.

**ATTACHMENTS:**
BOS Memo - FCSP Amendments B&B Bedroom County and Notice   (DOC)
Attachment A - Draft FCSP Plan Amendment Resolution (DOC)
Attachment B- Excerpt FCSP Section VI. Land Use Policies and Standards, H. (PDF)

**RESULT:**    ADOPTED BY CONSENT VOTE [UNANIMOUS]
**MOVER:**    Rosemarie Smallcombe, District I Supervisor
**SECONDER:** Merlin Jones, District II Supervisor
**AYES:**Smallcombe, Jones, Long, Cann, Menetrey
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2017-840

A resolution of intention to initiate amendments to the Fish Camp Town Plan Specific Plan- Section VI. Land Use Policies and Standards, H. Bed and Breakfast and Vacation Rentals, 1. and 3. (a), (b) and (c).

WHEREAS, the Mariposa County General Plan Chapter 5.3.01 Planning Area Land Use Classifications A. Purpose, creates the “planning area” classification and states “Planning Areas are implemented by area plans adopted by the Board of Supervisors.”; and

WHEREAS, the General Plan Chapter 5.3.01 Land Use Classifications identifies Fish Camp as a “Town Planning Area”; and

WHEREAS, the Fish Camp Town Planning Area Specific Plan (FCSP) as amended to date, was adopted by Resolution 83-170 June 7, 1983 and amended July 12, 1988-Resolution No. 88-377, November 22, 1988- Resolution No. 88-573, May 23, 1989-Resolution No. 89-275, October 17, 1989-Resolution No. 89-532, July 23, 2002-Resolution No. 02-294, December 2, 2003-Resolution No. 03-423 and February 3, 2009 by Ordinance No. 1050; and

WHEREAS, the FCSP is the land use governance document for the Fish Camp Town Planning Area;

WHEREAS, the FCSP establishes in Section VI. Land Use Policies and Standards in the Fish Camp Town Planning Area; and

WHEREAS, the FCSP Section VI. Land Use Policies and Standards, H. Bed and Breakfast and Vacation Rentals establishes the standards for both Bed and Breakfasts and Vacation Rentals for lands within the Fish Camp Town Planning Area; and

WHEREAS, in accordance with the Mariposa County Code §2.50.100 Planning Advisory Committees, the Board established the Fish Camp Town Plan Advisory Council (FCPAC):

“to recommend actions representing the local community views about planning matters to the planning commission and board of supervisors”; and

WHEREAS, at their meeting on May 13, 2017 the FCPAC considered amendments to the FSCP for increase of the bedroom count allowance for bed and breakfasts from 3 bedrooms to 5 bedrooms and recommended the Board initiate the amendments and requested the Planning Commission and Board approve the amendments; and
WHEREAS, at their meeting of August 26, 2017 the FCPAC considered amendments to the FCSP to increase the bed and breakfast and vacation rental application property owner notification from 300 feet to 600 feet and recommended the Board initiate the amendments and requested the Planning Commission and Board approve the amendments.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors of the County of Mariposa does hereby initiate amendments to Fish Camp Town Plan Specific Plan – Section VI. Land Use Policies and Standards, H. Bed and Breakfast and Vacation Rentals, 1. and 3. (a), (b) and (c).

BE IT THEREFORE FURTHER RESOLVED THAT, the action to initiate the amendments only authorizes staff to process the amendments pursuant to Zoning, County Code Section 17.128.020.B. This action does not commit the Board of Supervisors to approval action as a result of processing.

BE IT THEREFORE FURTHER RESOLVED THAT, the amendments to the Fish Camp Specific Plan initiated for processing by this action will read as shown in Attachment 1 (new text shown in **bold italicized underlined** font and deleted text shown in strike-through font).

BE IT THEREFORE FINALLY RESOLVED THAT, all other text in Fish Camp Specific Plan shall remain unchanged.

ON MOTION BY Supervisor Smallcombe, seconded by Supervisor Jones, this resolution duly passed and adopted this 19th day of December 2017 by the following vote:

AYES: SMALLCOMBE
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE

[Signature]
Marshall Long, Chair
Mariposa County Board of Supervisors

ATTEST:

[Signature]
René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem
County Counsel
ATTACHMENT 1

Amendments to Fish Camp Specific Plan Section VI. Land Use Policies and Standards, H. Bed and Breakfast and Vacation Rentals, 1. and 3. (a), (b) and (c).

Fish Camp Town Plan Specific Plan (FCSP) Section VI.

H. Bed and Breakfast and Vacation Rentals.

“1. Prior to the establishment of a Bed and Breakfast or Vacation Rental use, a notice of intent to establish such a use shall be filed with the Mariposa County Planning Department on an application form and a fee paid as established in accordance with County Resolution. Thereafter, the Planning Department shall post a notice of the proposed use on the subject property in a conspicuous manner for a period of not less than fifteen (15) calendar days and copy of such notice shall be mailed to all property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity.”

The filing of a petition with the Planning Department on a County approved form signed by fifty percent (50%) of the property owners within 300 feet of the exterior property lines of a parcel containing the proposed activity protesting such application within twenty (20) calendar days after such notice has been mailed shall require the proposed activity to obtain a conditional use permit. If a property owner owns more than one (1) parcel within the 300 foot notice area, that property and property owner shall not be counted more than one time.

...“3. Use requirements:

Bed and Breakfast and vacation rental establishments are subject to all applicable standards contained in County Code, Zoning Section 17.108.180 with the following exceptions:

a. No more than three (3) bedrooms are available for occupancy by transients.

b. Signs shall comply with provisions in Section VI B 6 g 3.

e. A bed and breakfast or residential vacation rental may include other uses which comply with the home occupation section of this Specific Plan.”