MARIPOSA COUNTY RESOLUTION NO. 81-54

A RESOLUTION ADOPTING THE MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN AND CERTIFYING THE SPECIFIC PLAN EIR.

The Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby resolves as follows:

WHEREAS Mariposa, an unincorporated community within the County of Mariposa, is identified within the Mariposa County General Plan as a Town Planning Area (TPA); and,

WHEREAS it has been determined by the Mariposa County Planning Commission and this Board that for the purpose of implementing said General Plan, it is necessary and convenient to cause a Specific Plan for the community to be prepared in accordance with the provisions of Government Code, Article 8, Section 65450 et seq; and

WHEREAS such a Specific Plan and Environmental Impact Report has been prepared through procedures as set forth in Government Code and the Public Resources Code, and

WHEREAS said plan has been reviewed and, following public hearing, approved by the Mariposa County Planning Commission with specific recommendations for changes as described in Planning Commission Resolution 80-20,

NOW THEREFORE, this Board determines and orders that the Mariposa Town Planning Area Specific Plan, attached hereto (Exhibit "A"), is hereby adopted and the Environmental Impact Report of said plan certified in accordance with the following:

I. Specific Plan Text Amendments

A. Such amendments within the text of the Specific Plan/EIR as described in Planning Commission Resolution
No. 80-29 (Exhibit "B") attached hereto and made part hereof as though set out in full, are approved as set forth and shall be deemed a portion of the Specific Plan/EIR text. Furthermore, future copies of the Specific Plan/EIR shall be reproduced in such a manner as to reflect such amending language.

B. Such additional amendments and/or changes hereinafter described, shall be incorporated into future published copies of the Mariposa Specific Plan/EIR.

1. The land use map shall be revised to reflect the following:

   a. The multi-family boundary shall be the same as the MPUD Boundary (as it presently exists), running north and south behind the History Center where that boundary abuts APN 13-070-20 and 13-070-21, the multi-family boundary shall follow that property line in a south-westerly direction to a point near Mariposa Creek where it intersects the original multi-family land use designation. That area formerly classified as multi-family but excluded from such designation by the above cited adjustment shall be reclassified as "Light Commercial".

   b. The "General Commercial" boundary in the vicinity of the Mariposa County Fairgrounds shall be adjusted north to a line shown as the boundary line between Parcel "C" and
2. The Specific Plan text shall be revised to reflect the following:

a. Section "e" is to be added following Section E 3 Subsection "d" commencing on page 37 and is to read as follows:

"e. Special Use Provisions of Historic Structures.

All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa with the exception of permitted uses, subject to special use provisions regardless of the primary land use within which they are located as follows:

i. The Planning Commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special conditional use will be of benefit to the Community by requiring the restoration and preservation of a historic structure to reflect its original state.

ii. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the special use permit application and if approved by the Planning Commission are to be made part of the conditions granting the permit.
iii. The Planning Commission shall follow standard use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the Commission must consider the advantages of preserving a historic structure to the benefit of the community versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lessor negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures.

iv. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance."
b. The fourth paragraph of Section "C" on page 35 is amended to read as follows:

Any material may be substituted for the materials specified above, provided that it can be made to appear like the specified materials. Remodeling and other modifications to an existing residential structure, within the Historical District, shall not be subject to architectural review provided that such remodeling or other modifications are generally consistent with the existing structure's architectural style or design and utilizes materials of a similar type to the materials used in the construction of the original dwelling. This exception shall not apply to architectural modifications or remodeling of a residential structure used or intended to be used for other than residential purposes.

II. Final Environmental Impact Report

Such comments and responses as contained in Exhibit "C" shall be included in the Specific Plan Environmental Impact Report in accordance with Public Resources Code Section 21080 et seq, otherwise known as the "California Environmental Quality Act (CEQA), CEQA Guidelines and County policies adopted pursuant to same. With this action, the Specific Plan Environmental Impact Report is deemed certified and directs that a Notice of
Determination be prepared and filed in accordance with
Section 15085 of the CEQA Guidelines.

Be it further determined and ordered that development
permits, subdivisions, construction permits and other actions of
the County of Mariposa, are not subject to CEQA review proceedings
in accordance with provisions of Government Code Section 65453 (b)
provided that such development permits, subdivisions, construction
permits and other actions of the County of Mariposa are found to be
consistant with the provisions of the Mariposa Town Planning Area
Specific Plan and the Environmental Impact Report mitigating
measures.

In support of the above, it is found that:

A. The Specific Plan was developed and adopted in
   accordance with the procedures established by Article
   9 (commencing with Section 65500 of Chapter 3 of
   Title 7) of the Government Code.

B. That the above finding shall be effective for five
   years from the date of this action.

C. The Specific Plan Environmental Impact Report is
   sufficiently detailed so that significant adverse
   effects of a project on the environment and measures
   necessary to mitigate or avoid any such effects can
   be determined, including significant physical effects
   on existing structures and neighborhoods of histori-
   cal or aesthetic significance and measures necessary
   to mitigate such effects.

D. Specific projects undertaken and approved by the
   County, when found to be consistant with the Mariposa
Town Planning Area Specific Plan and Environmental Impact Report, can be approved subject to one of the findings required under Section 21081 of the Public Resources Code.

PASSED AND ADOPTED this 17th day of March, 1981, by the following vote:

AYES: Taber, Moffitt, Clark, Erickson

NOES: None

ABSENT: Dalton

ABSTAINED: None

WILLIAM MOFFITT, Chairman
Board of Supervisors

ELLEN BRONSON, County Clerk and Ex-Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD K. DENHALTER, County Counsel

3/17/81
FOR EXHIBIT "A" REFER TO THE FILE UNDER COMMUNITY PLAN FOR MARIPOSA
MARIPOSA COUNTY PLANNING COMMISSION

STATE OF CALIFORNIA

RESOLUTION NO. 80-20

A resolution recommending the certification of the EIR for, and adoption of, the Mariposa Town Planning Area Specific Plan.

WHEREAS, Government Code Section 65450 through 65553 provides for the development, adoption and implementation of Specific Plans as a means of implementing the General Plan; and

WHEREAS, the County of Mariposa has determined that a Specific Plan for the community of Mariposa, known as the Mariposa Town Planning Area, is necessary for the orderly development of the area and implementation of the Mariposa County General Plan; and

WHEREAS, through numerous public meetings and public hearings and support and cooperation of the Mariposa Community Planning Advisory Council, the Mariposa Town Planning Area Specific Plan Environmental Impact Report has been approved by the Mariposa County Planning Commission with the following changes and or amendments:

1. Multi-Family Conditional Use. Page 27 of the proposed plan (Multi-Family Residential) is amended as follows:

"Permitted Uses":

a) One single-family residence per parcel.

b) Multi-family residences subject to lot area standards.

c) Public parks and playgrounds.

"Conditional Uses": Provision deleted.

2. General Standards. Commencing on Page 42, Item 6 is added as follows:

"6. Other Miscellaneous Standards:

a) **Height Standards:** No building or structure shall be erected
or otherwise constructed or altered in a manner so that the
building or structure exceeds its present height or 2 stories
(35 feet) which ever being the greatest height.

b) Street Naming Policy: Any new road or street constructed
within the Mariposa Community Planning Area shall be named
in a manner consistent with Mariposa County Street Naming
Policy. Names proposed shall be of historical, geological or
other significance to the community or area of Mariposa.

c) Storm Water Drainage: All streets, roads or parking areas
constructed or improved with the Community Planning Area of
Mariposa shall be so designed and constructed as to conform
with the County Storm Water Drainage Standards and other
applicable improvement Standards."

to read as follows:

"Circulation/transportation and pedestrian access study and plan".

4. Multi-Family Density Standards. Page 28, Item 6 "minimum lot
area" is amended to read as follows:

"Minimum Lot Area: 4,000 square feet for the first single
family residence and 1,500 square feet for each additional
multiple family unit added there to or 9,000 square feet for
exclusive single family residential uses".

5. Public Quasi Public Interim Uses. Page 28, Item C is amended
to add the following:

"Interim Uses: For those areas designated as public/quasi public
on the land-use map but are presently in private ownership, the
Planning Commission shall establish zoning which is compatible
with existing or surrounding land use until such time as the

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area is acquired for public use".

6. Grand Fathered Uses. Page 42 Item E is amended by adding Section 7 as follows:

"7. Existing Uses Permitted to Continue. All uses existing at the time of adoption and implementation of the Plan, that are in non-conformance with the standards of this Plan with respect to use, density height or bulk, shall be permitted to continue as "Grand Fathered" uses. However, no substantial expansion of said "Grand Fathered" use shall be permitted as determined by the Planning Commission".

7. Medium Density in Commercial Use-Clarification. "Medium Density" as described in Section VII A. Commercial land use shall have the same meaning as "multi-family" and such standards as described in the "multi-family" land use description shall apply where applicable.

8. Land-Use Map revisions. The following land-uses, as described on Exhibit "A" are changed as follows:

a) That property known as the "Cotton" property, including the PG&E office and a portion of the "Scott" property, along and fronting on Jones Street, near Highway 49 North and 140 changed from Neighborhood Commercial to Light Commercial.

b) That property, of approximately 20.5 acres belonging to Mariposa Sand and Gravel and located in the extremest southwestern portion of the Town Planning Area near Mariposa Creek changed from Rural Residential to General Commercial.

The Land-Use Map, Exhibit "A", to be revised to reflect the changes indicated.

NOW THEREFORE BE IT RESOLVED, that the Mariposa County Planning
Commission recommends that the Mariposa Town Planning Area Environmental Impact Report be certified and the Specific Plan be adopted with the changes and/or amendments described above.

PASSED AND ADOPTED THIS 31ST DAY OF JULY, 1980, by the following vote:

AYES: Grammer, Martini, Brouillette, Sharp, Kendrick.

NOES: Jacobs.

NOT VOTING: None.

ABSENT: Simpson, Stovall

BARRON BROUILLETTE, Chairman
Mariposa County Planning Commission

ATTEST:

KATHY WORLEY, Secretary
Mariposa County Planning Commission