STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISION

Resolution
No. 2019-006

A resolution recommending the Board of Supervisors approve
Specific Plan/Zoning Amendment No. 2015-017, Specific
Plan/Zoning Amendment (GP/SPZA) No. 2017-200 and Specific
County, Applicant.

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 and Mariposa Town as a "Town Planning Areas"; and

WHEREAS, the Fish Camp Town Planning Area Specific Plan (FCSP) as amended to date,
was adopted by Resolution 83-170 on June 7, 1983 and amended July 12, 1988 by
Resolution No. 88-377, November 22, 1988 by Resolution No. 88-573, May 23, 1989 by
Resolution No. 89-275, October 17, 1989 by Resolution No. 89-532, July 23, 2002 by
Resolution No. 02-294, December 2, 2003 by Resolution No. 03-423, February 3, 2009
by Ordinance No. 1050, March 1, 2016 by Resolution No. 2016-102, July 11, 2017 by
Ordinance No. 2017-1125 and June 19, 2018 By Resolution No. 2018-291; and

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

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, E. Planned Unit
Development Overlay, Land Use Classification 1. establishes the intent of the Planned
Unit Development (PD):

"...to provide an alternate development procedure which would reflect the unique
characteristics of the Fish Camp Community..."; and

WHEREAS, FCSP Appendix IV I. Planned Development Applications, A. Purpose states:

"these provisions are intended to provide the administrative procedures for planned
development applications"; 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 January 24, 2015 the FCPAC formed a subcommittee with the following specific objectives to:

- Review the “Planned Development” provisions of the Fish Camp Town Plan Area Specific Plan (FCSP) with the intent to provide a recommendation to the FCPAC for amending Appendix IV, I. Planned Development Applications, O. Development Schedule 1, 2, 3, and

- Establish objective limit to extensions of time for a Planned Development in Subsection O., Development Schedule; and

WHEREAS, the FCPAC subcommittee met to consider and write draft amendments on January 28, February 11 and February 18, 2015 and continued communication through March 6, 2015 at which time the amendments were ready to forward to the FCPAC for consideration; and

WHEREAS, at their meeting of April 18, 2015 the FCPAC considered the amendment recommendations of the subcommittee with the intent to remedy the PD Application provisions to more clearly define the initial approval time limits and allowance for time extension requests; and

WHEREAS, at their meeting of April 18, 2015 the FCPAC voted unanimously to recommend the Board initiate the amendments and request the Planning Commission and Board approve the amendments; and

WHEREAS, at their meeting of July 7, 2015 the Mariposa County Board of Supervisors voted unanimously to adopt Resolution 2015-336 initiating amendments to Fish Camp Town Plan Specific Plan – Appendix IV, I. Planned Development Applications, O., Development Schedule, 1. 2. and 3 as recommended by the FCPAC; and

WHEREAS, this amendment is known as Specific Plan/Zoning Amendment No. 2015-017; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the December 4, 2015; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, the proposed environmental determination, the recommendation of the Fish Camp Planning Advisory Council and testimony presented by the public; and

WHEREAS, the Planning Commission of the County of Mariposa did recommend to the Mariposa County Board of Supervisors that the Board of Supervisors approve Specific Plan/Zoning Amendment No. 2015-017; and
WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for February 2, 2016 and this hearing was continued to the February 9, 2016; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public; and

WHEREAS, On February 2, 2016 the Board of Supervisors directed staff to conduct FCPAC review of the two minor amendments made by the Planning Commission AND initiate amendments to the Mariposa Town Plan Specific Plan to include the same Planned Development provision text changes as proposed for the Fish Camp Specific Plan into the Mariposa Town Plan (including its applicable zoning §17.328.030); and

WHEREAS, FCPAC reviewed the edits and made recommendation of approval to the Board of Supervisors including of the minor edits to the language as proposed by the Planning Commission at their meeting on April 9, 2016; and

WHEREAS, FCPAC recommended the Board of Supervisors initiate additional Specific Plan Amendments for Bed and Breakfast (B and B) and Vacation Rental Provisions at their meeting on May 13, 2017; and

WHEREAS, Board of Supervisors initiated B and B and Vacation Rental amendments at their meeting of December 19, 2017 (Resolution No. 2017-480); and

WHEREAS, the FCPAC recommendation to the Planning Commission and Board of Supervisors for B and B and Vacation Rental provisions at their meeting of January 20, 2018; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for March 22, 2019; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, the proposed environmental determination, the recommendation of the Fish Camp Planning Advisory Council and testimony presented by the public.

NOW BE IT THEREFORE RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby adopt this resolution, recommending that the Board of Supervisors approve Specific Plan/Zoning Amendment (GP/SPZA) No. 2015-017, Specific Plan/Zoning Amendment (GP/SPZA) No. 2017-200 and Specific Plan/Zoning Amendment (GP/SPZA) No. 2019-01 and find that the project is exempt from environmental review pursuant to CEQA §15060 (c)(2) and 15061 (b)(3). The
amendment will not affect any other specific plans or zoning ordinances, including those that may be established for Planned Unit Developments or Planned Developments outside the boundary of the Fish Camp Town Planning area or Mariposa Town Planning Area Specific Plan area.

BE IT THEREFORE FURTHER RESOLVED THAT, the recommendation is based upon the findings set forth in Exhibit 1.

BE IT THEREFORE FURTHER RESOLVED THAT, the recommended amendments to the Fish Camp Specific Plan (Planned Development) by this action will read as shown in Exhibit 2 (new text shown in italicized underlined font and with and deleted text shown in strikethrough font).

BE IT THEREFORE FURTHER RESOLVED THAT, the recommended amendments to the Mariposa Town Planning Area Specific Plan and Zoning Ordinance §17.328.030, Procedures and Approval Standards for PUD, Development Schedule, by this action will read as shown in Exhibit 3 (new text shown in italicized underlined font and with and deleted text shown in strikethrough font).

BE IT THEREFORE FURTHER RESOLVED THAT, the recommended amendments to the Fish Camp Specific Plan (Bed and Breakfast and Vacation Rental Provisions) by this action will read as shown in Exhibit 4 (new text shown in italicized underlined font and with and deleted text shown in strikethrough font).

BE IT THEREFORE FINALLY RESOLVED THAT, all other text in Fish Camp Specific Plan and Mariposa Specific Plan and Zoning Ordinance §17.328.030 shall remain unchanged.

ON MOTION BY Commissioner Harris, seconded by Commissioner Walls, this resolution duly passed and adopted on March 22, 2019 by the following vote:

AYES: Walls, Becker, Herman, Harris and McCamman

NOES: None

EXCUSED: None

ABSTAIN: None

John McCamman, Chair
Mariposa County Planning Commission

ATTEST:
Danielle Wardle, Secretary
Mariposa County Planning Commission
EXHIBIT 1
Recommended Findings for Approval
Specific Plan/Zoning Amendment (GP/SPZA) No. 2015-017 (Fish Camp Specific Plan PD Text Amendments), Specific Plan/Zoning Amendment (GP/SPZA) No. 2017-200 (Fish Camp Specific Plan Bed and Breakfast and Vacation Rental Provisions)

The Fish Camp Specific Plan VIII, Specific Plan Implementation B, Plan Amendment Standards, 2. Specific Findings, require the following findings be made for any amendment to the plan:

a. **Finding:** The amendments will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan

   **Evidence:** The proposed amendments remedy the PD application provisions to more clearly define the initial approval time limits and allowance for time extension requests. The result would be for the community, developer/applicant and County to have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension request for a project in an existing PD.

   The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals from 3 to 5 bedrooms brings the Fish Camp Plan into conformance with the countywide 5 bedroom allowance for bed and breakfasts thereby meeting the specific plan goal to promote recreation and tourist industry in the community on a limited basis.

b. **Finding:** All environmental impacts of the amendment can satisfactorily be mitigated

   **Evidence:** These amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. (1) The proposed text changes are to administrative procedures and timeframes that would govern any future application for a PD or PD Use Permit for lands in the Fish Camp Town Planning Area and Mariposa Town Planning area. Any future application for a PD or PD use permit would undergo environmental review at the time of application. (2) The proposed text changes to the Bed and Breakfast and Vacation Rental procedures in the Fish Camp Town Planning Area for Bed and Breakfasts increase bedroom count to five (5) and increase noticing from 300 to 600 feet. Any future application for Bed and Breakfasts and Vacation Rentals would be reviewed at that time.

c. **Finding:** The amendments will not result in the degradation of the community as a residential and commercial center.

   **Evidence:** No physical improvements are proposed or authorized by the proposed text amendments and therefore no degradation of the community as a residential and commercial center would result. The proposed amendments are to ameliorate any concerns regarding open ended language in the Planned Development (PD) application administrative procedures; and to have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension requests for a project in an existing PD. This will benefit the community, developer/applicant and County decision making process for potential future residential and commercial center type applications that may be submitted. The proposed changes to Section VI.
H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms where all would occur within residential structures and therefore maintain the residential nature of the community would be maintained.

d. **Finding:** The proposed amendment is needed to promote orderly growth within the Fish Camp Community.

**Evidence:** FCSP Appendix IV I. Planned Development Applications, A. Purpose states: “these provisions are intended to provide the administrative procedures for planned development applications”. The proposed amendments provide more clearly defined procedures for the processing of future applications for PD and PD Use permits to assist in the implementation of the Fish Camp Specific Plan land use policies and development standards that govern orderly growth within the Fish Camp Community. The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms would occur within residential structures. Application requirements would ensure that the use is conducted in an orderly fashion through adherence to required building, fire, health and zoning codes and standards.

e. **Finding:** That the area proposed for the amendment is uniquely suited to the proposed use or density and that other areas are not presently available or usable for such use or density.

**Evidence:** No physical improvements, use or density changes are proposed by these amendments and therefore no available or usable areas are impacted by the proposed amendments.

f. **Finding:** The amendment will not result in damage to or have an adverse effect on the value of adjacent properties.

**Evidence:** No physical improvements are proposed or authorized by the proposed text amendments and therefore no adverse effect on the value of adjacent properties would result. The proposed amendments are to ameliorate any concerns regarding open ended language in the Planned Development (PD) application administrative procedures; and to have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension requests for a project in an existing PD. The proposed text changes to the Bed and Breakfast and Vacation Rentals procedures in the Fish Camp Town Planning Area for Bed and Breakfasts increase bedroom count to five (5) and increase noticing from 300 to 600 feet. Any future application for Bed and Breakfasts and Vacation Rentals would be reviewed at that time.

g. **Finding:** The proposed amendment is needed to promote orderly growth within the Fish Camp Community.

**Evidence:** The proposed amendments provide more clearly defined procedures for the processing of future applications for PD’s and PD Use permits to assist in the implementation of the Fish Camp Specific Plan land use policies and development standards that govern orderly growth within the Fish Camp Community. The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms would occur within residential structures. Application requirements would ensure that the use is conducted in an orderly fashion through adherence to required building, fire, health and zoning codes and standards.

h. **Finding:** The amendments are desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development in a town planning area, Fish Camp, and a basis for decision making for Planned Developments in Fish
Camp Town Planning area. (Proposed amendments implement the General Plan as the Fish Camp Specific Plan is included in the General Plan as an appendix).

**Evidence:** These amendments will improve the Mariposa County General Plan by ensuring that Fish Camp Specific Plan reflects clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension request for a project in an existing PD. Additionally, the proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms brings the Fish Camp Plan into conformance with the countywide 5 bedroom allowance for bed and breakfasts thereby meeting the plan goals to promote recreation and tourist industry in the community on a limited basis.

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**Recommended Findings for Approval**

Specific Plan/Zoning Amendment (GP/SPZA) No. 2019-01 (Mariposa Town Planning Area Specific Plan (MTPSP) Section 3.14 Overlay Districts, A. Planned Unit Developments, and Zoning Ordinance Chapter 17.328.030, Procedures and Approval Standards for PUD, Development Schedule.)

1. **Finding:** That such an amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

   **Evidence:** No physical improvements are proposed or authorized by the proposed text amendments and therefore no significant adverse effect on the general public health, safety, peace or welfare would result. The proposed amendments are to ameliorate any concerns regarding open ended language in the Planned Development (PD) application administrative procedures; and to have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension requests for a project in an existing PD. This will benefit the community, developer/applicant and County decision making process for potential future residential and commercial center type applications that may be submitted.

2. **Finding:** That such an amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

   **Evidence:** The proposed amendments remedy the PD application provisions to more clearly define the initial approval time limits and allowance for time extension requests. The result would be for the community, developer/applicant and County to have clearly defined plan language for consideration of future PDs and PD use permits, as well as future time extension request for a project in an existing PD. This will provide guidance for day-to-day decision-making required for PD applications.

3. **Finding:** That such an amendment conforms to the requirements of state law and county policy.

   **Evidence:** The proposed amendments have been processed in accordance with county policy including public notice and hearings as required for amendments. The amendments are in compliance with state law including that the amendments are exempt from the California
Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines. (1) The proposed text changes are to administrative procedures and timeframes that would govern any future application for a PD or PD Use Permit for lands in the Fish Camp Town Planning Area and Mariposa Town Planning area. Any future application for a PD or PD use permit would undergo environmental review at the time of application.

4. Finding: That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan.

Evidence: These amendments will improve the Mariposa County General Plan by ensuring that Mariposa Town Plan Specific Plan and Zoning in Ordinance §17.328.030 reflect clearly defined language for consideration of future PDs and PD use permits, as well as future time extension request for a project in an existing PD.

5. Finding: In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map, a. the subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development; and
b. the proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Ord. 912 Sec. II, 1997; Ord. 704 Sec. 1, 1988).

Evidence: No zoning classification amendment or General Plan Land Use Map amendment on an individual parcel is involved.

Recommended Finding for Categorical Exemption

These projects are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines. (1) The proposed text changes are to administrative procedures and timeframes that would govern any future application for a PD or PD Use Permit for lands in the Fish Camp Town Planning Area and Mariposa Town Planning Area. Any future application for a PD or PD use permit would undergo environmental review at the time of application. (2) The proposed text changes to the Bed and Breakfast and Vacation Rentals procedures in the Fish Camp Town Planning Area for Bed and Breakfasts bedroom count to (5) and increased noticing from 300 to 600 feet. Any future application for Bed and Breakfasts and Vacation Rentals would be reviewed at that time.
EXHIBIT 2
Amendments to Fish Camp Specific Plan Appendix IV., I. Planned Development Applications, O. Development Schedule, 1. 2 and 3.

The new text is shown in *italics underlined font* and the deletions in strike-through font and Planning commission edits are shown in *bold italics font*.

Appendix IV. I. Planned Development Applications

*(The terms use *permit* and conditional use *permit* shall be synonymous. The terms PD, P-D, PUD shall be synonymous.)*

O. Development Schedule and Time extension of a PD and/or Use Permit within a PD.

1. *An application for a PD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one-three years from the effective date of the approval of the PD. Construction beginning shall mean building and/or grading permit issuance, which shall be within three years from the effective date of the approval of the PD. The development schedule shall also include the anticipated rate of development and completion date. The development schedule, if approved by the board of supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the PD and his/her/their successors in interest. These requirements shall apply to any PD Use Permit concurrently approved with the PD. The County shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney’s fees of any civil action brought to enforce any provisions of a P.D. The bond is to be in the amount of five thousand dollars. The county shall require the applicant to enter into an indemnification agreement pursuant to County Code Chapter 18.06.***

2. *Periodically the planning department shall compare the actual development in the various Planned Developments with the approved development schedules. The applicant shall be required to submit annual progress reports to the Planning Department by December 15th of each calendar year, including the year during which the approval date is established, until the project is completed. Completed shall mean the issuance of a building permit final certificate of completion or certificate of occupancy. The planning department shall compare the annual progress reports and actual development in the Planned Development with the approved development schedule.*

*If, in the opinion of the planning department finds, the owner or owners are failing or have failed to meet the approved schedule and make progress toward obtaining a grading and/or building permit to begin construction, and/or have failed to submit the required progress reports, the department may recommend the commission initiate proceedings to revoke the approval of the PD development plan or PD use permits.*

3. *If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon recommendation of the***
planning commission and for good cause shown by the property owner, the planning commission may also extend the limits imposed by the development schedule.

One 18-month time extension of the initial time frame between the effective date of the approval of the PD and/or PD Use Permits and the start of construction may be requested through application to the Planning Commission. The application must be made at least 90 calendar days prior to the initial approval expiration date.

Demonstration of good cause shall be shown by the applicant for the time extension request based on the following findings:

a) That the proposed use and development plan remains consistent with the policies and standards of the general plan and any applicable specific plan at the time of the approval of the time extension;

b) That the time extension and the project development will not result in any new or modified environmental impacts not reviewed by the original environmental determination;

c) That with the time extension: the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county;

d) That reasonable progress on the project has been made; reasonable progress shall be substantiated by supporting documentation; and

e) That reasons for the additional time request are provided and documentation justifying the reasons are included in the request.

The planning commission shall may impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section.

Any tolling provisions provided for by conditions of approval for a PD or PD use permit shall remain in full effect. Time extension request provisions of this Section do not change any approved applicable tolling provisions.
EXHIBIT 3

The new text is shown in *italics* underlined font and the deletions in strikethrough font and recommended edits are shown in **bold italics** font:

*(The terms use permit and conditional use permit shall be synonymous. The terms PD, P-D, PUD shall be synonymous.)*

Mariposa Town Plan Specific Plan Section 3.14 Overlay Districts, A. Planned Unit Development Overlay District, 2. Planned Development Standards and Procedures:

N. Development schedule and Time extension of a PD and/or Use Permit within a PD:

1. An application for a PUD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one (1) three (3) years from the effective date of the approval of the PUD, the anticipated rate of development, and completion date. The development schedule shall also include the anticipated rate of development and completion date. The development schedule, if approved by the board of supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the PD and his/her/their successors in interest. These requirements shall apply to any PD Use Permit concurrently approved with the PD. The county shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney’s fees of any civil action brought to enforce any provisions of a PUD. The bond is to be in the amount of five thousand dollars ($5,000). The county shall require the applicant to enter into an indemnification agreement pursuant to County Code Chapter 18.06.

2. Periodically the planning department shall compare the actual development in the various planned developments with the approved development schedules. The applicant shall be required to submit annual progress reports to the Planning Department by December 15th of each calendar year, including the year during which the approval date is established, until the project is completed. Completed shall mean the issuance of a building permit final certificate of completion or certificate of occupancy. The planning department shall compare the annual progress reports and actual development in the Planned Development with the approved development schedule.

*If the planning department the owner or owners are failing or have failed to meet the approved schedule and make progress toward obtaining a grading and/or building permit to begin construction, and/or have failed to submit the required progress reports, the*
department may recommend the commission initiate proceedings to revoke the approval of the PD development plan or PD use permits.

3. If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend that the commission initiate proceedings to revoke the approval of the development plan. Upon the recommendation of the planning commission and for good cause shown by the property owner, the planning commission may also extend the limits imposed by the development schedule.

3. One 18-month time extension of the initial timeframe between the effective date of the approval of the PD and/or PD Use Permits and the start of the construction may be requested through application to the Planning Commission. The application must be made at least 90 calendar days prior to the initial approval expiration date.

Demonstrated of good cause shall be shown by the applicant for the time extension request based on the following findings:

a) That the proposed use and development plan remains consistent with the policies and standards of the general plan and any applicable specific plan at the time of the time extension;

b) That the time extension and the project development will not result in any new or modified environmental impacts not reviewed by the original environmental determination;

c) That with the time extension: the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to the property and improvements in the neighborhood or the general welfare of the county;

d) The reasonable progress on the project has been made; reasonable progress shall be substantiated by supporting documentation; and

e) The reasons for the additional time request are provided and documentation justifying the reasons are included in the request.

The planning commission shall may impose any conditions and/or requirements it finds necessary to guarantee compliance with findings in this section.

Any tolling provisions provided for by the conditions of approval for a PD or PD use permit shall remain in full effect. Time extension request provisions of this Section do not change any approved applicable tolling provisions.
EXHIBIT 4

Amendments to The Fish Camp Specific Plan (FCSP), Section VI., H., 3. (Bed and Breakfast and Vacation Rental Provisions) Development Schedule.

The following is the recommended text shown in italics underlined font and the deletions in strikethrough font:

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 300 600 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 300 600 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 300 600 foot notice area, that property and property owner shall not be counted more than one time.

Once a Bed and Breakfast or Vacation Rental use has been established, and if the use has not ceased for a period of one (1) year or more, future property owners submitting an application to continue the use will not be required to comply with the requirements described in the first two paragraphs of this section (posting of the notice and mailing property owners within 600 feet, protest provisions, etc.).

“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. a. Signs shall comply with provisions in Section VB 6 g 3.
c. b. A bed and breakfast or residential vacation rental may include other uses which comply with the home occupation section of this Specific Plan.”