

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No 2021-19

**A Resolution Recommending that the Board of Supervisors  
approve County Code Amendment No. 2021-162 to Add Section  
17.108.230 to Title 17 to Establish Provisions for Flexibility in the  
Use of Historic Structures Countywide**

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**WHEREAS**, the Mariposa County Board of Supervisors adopted Ordinance No. 822 on the 21<sup>st</sup> day of January 1992 adding Sub-Title 17.300 to Title 17 for the Mariposa Town Planning Area Specific Plan Zoning Regulations; and

**WHEREAS**, Ordinance No. 822 included Section 17.334.050 establishing Special Use Provisions for Historic Structures; and

**WHEREAS**, these provisions establish flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state; and

**WHEREAS**, these provisions, which are implemented through the conditional use permit process, are only applicable in the town of Mariposa; and

**WHEREAS**, these provisions have been successfully used to restore and preserve historic structures; and

**WHEREAS**, there is an interest in establishing similar provisions for historic structures countywide, in the rural areas of Mariposa County; and

**WHEREAS**, the Board of Supervisors adopted Resolution No. 2021-499 initiating the processing of the amendment to add Section 17.108.230 to Chapter 17.108 (Supplementary Standards), of Title 17, Mariposa County Zoning Ordinance, which will allow flexibility in the use of historic structures or buildings countywide, in rural areas; and

**WHEREAS**, this project is known as County Code Amendment No. 2021-162; and

**WHEREAS**, the Historic Sites and Records Preservation Commission considered this project at a duly noticed public meeting on the 18<sup>th</sup> day of October 2021 and recommended approval of the amendment; and

**WHEREAS**, a duly noticed Planning Commission public hearing on the project was scheduled for the 19<sup>th</sup> day of October 2021; 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 and testimony presented by the public, and the recommendation of the Historic Sites and Records Preservation Commission.

**NOW BE IT THEREFORE RESOLVED THAT**, the Planning Commission does hereby recommend that the Board of Supervisors adopt a resolution approving an amendment to County Code Title 17 pursuant to Zoning Amendment No. 2021-162; with the recommended findings, including a finding the project is exempt from environmental review; and adopt an ordinance amending County Code pursuant to County Code Amendment No. 2021-162; action includes findings. The recommended amendment text is as shown in Exhibit 1.

**BE IT THEREFORE FINALLY RESOLVED THAT** the recommendation for project approval is based on the following recommended findings supported by substantial evidence in the public record:

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

**Evidence:** The amendment promotes the general public health, safety, peace, and welfare. Restoring and preserving historic structures and buildings is a significant benefit in Mariposa County given the county's rich historic past. The amendment helps obtain the goal of restoring and preserving historic structures and buildings by providing flexibility in how the structure may be used, regardless of the primary land use or zone in which the structure is located, where it can be demonstrated that the special use will be of benefit to the community through the requirement that the restoration and preservation of a historic structure reflects its original state. The amendment mirrors language in the existing zoning standards for the community of Mariposa, which have been successful in restoring and preserving historic structures and buildings. The special use provisions for historic structures and buildings can only be granted through the approval of a conditional use permit, a process that requires a noticed public hearing. The amendment text clearly states that the Planning Commission shall follow standard conditional 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 and/or be incompatible in an area.

2. **Finding:** The 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 Mariposa County General Plan contains a Historic and Cultural Resources Element. This element specifically addresses the issue of the deterioration of historic and cultural resources. The element states that historic

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buildings of the County are considered part of the economy, helping to define the County's character. Goal 14-3 in the Historic and Cultural Resources Element states the following: *"Use financial incentives and partnership opportunities to preserve historic and cultural resources."* This goal is followed by Policy 14-3a which states: *"Attempt to increase the number of historic resources in Mariposa County that are preserved, protected and/or rehabilitated."* In the context of this amendment, owners of historic structures or buildings are incentivized to restore and rehabilitate the structure or building to its original state providing they have flexibility on how the structure or building may be used. Goal 14-6 in the Historic and Cultural Resources Element states: *"Avoid demolition of destruction of historic and cultural resources."* This amendment helps to implement that goal. The amendment helps to implement the provisions of the General Plan by providing a long term guide for the restoration and rehabilitation of historic structures and buildings and provides a short term basis for day-to-day decision making on individual properties through the conditional use permit process. Section 14.1.04(A) (Zoning, Use, and Design Review) in the Historic and Cultural Resources Element states in part: *"Zoning and design codes implement General Plan policies."* This amendment to the zoning ordinance implement General Plan policies.

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

**Evidence:** This project has been processed in accordance with State law and county policy, including consultation with local agencies, and public noticing.

4. **Finding:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

**Evidence:** A general plan is required to be internally consistent throughout its varied elements. The Historic and Cultural Resources Element is consistent with the all other elements of the General Plan. Section 14.3 (Related General Plan Elements) in the Historic and Cultural Resources Element specifically addresses the connection between that element and the Economic Development and Regional Tourism elements. This section states that the County's historic and cultural heritage is important in the ability to achieve its economic goals, as set forth in the Economic Development Element. It further states that the County's historic and cultural resources is one of the aspect that the Regional Tourism Element identifies as the basis for programs to encourage visitors to make extended trips within the County. The amendment assists in implementing the Historic and Cultural Resources Element and therefore the General Plan.

5. **Finding:** County Code Amendment No. 2021-162 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes

zoning provisions to allow flexibility in the use of historic structures or buildings under prescribed conditions. The amendment does not propose a specific development project.

**ON MOTION BY** Commissioner Smith, seconded by Commissioner Wilmeth, this resolution is duly passed and adopted this 19<sup>th</sup> day of November 2021 by the following vote:

AYES: Wilmeth, Herman, Smith

NOES: None

EXCUSED: Walls, McCamman

ABSTAIN: None

  
Mick Herman, Vice-Chair  
Mariposa County Planning Commission

Attest:

  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

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## Exhibit 1

Add a new Section 17.108.230 to Chapter 17.108 [Supplementary Standards] of County Code as follows:

### 17.108.230 Special Use Provisions For Historic Structures

All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa (or eligible to be on the List of Historical Resources in Mariposa as determined by the Historic Sites and Records Preservation Commission, which may require documentation), with the exception of permitted uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

- A. The planning commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;
- B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the conditional use permit application, and if approved by the planning commission, are to be made part of the conditions granting the permit;
- C. The planning commission shall follow standard conditional 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 county 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 lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures;
- D. 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.