RECOMMENDED ACTION AND JUSTIFICATION:
Public Hearing on the following: Actions include Adopting a Resolution Approving the Projects, Adopting Notices of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text, and Waiving the Second Reading and Adopting an Ordinance Amending Zoning Ordinance Text.

1. **Code Amendment 2011-021**: Amendment to Title 16, Subdivisions, to Add Section 66434.2 of the California Subdivision Map Act Allowing for Additional Information to be Filed or Recorded Simultaneously with a Final or Parcel Map.

2. **Code Amendment 2011-022**: Amendment to Title 16, Subdivisions, to Add Provisions for a Certificate of Correction Process Pursuant to Sections 66469 Through 66472.1 of the California Subdivision Map Act Allowing for the Correction and Amendment of Maps.

3. **Code Amendment 2011-023**: Amendment to Title 16, Subdivisions, to Add Section 66499.33 of the California Subdivision Map Act Allowing for Additional Enforcement Provisions Available to the County of Mariposa As It Pertains to Illegal Subdivision Matters.

4. **Code Amendment 2011-041**: Amendments to Title 17, Zoning, Adding Additional Permitted and Conditional Uses to the Neighborhood Commercial (Zone-1, (Indoor) (CN-1) Zoning District and Adding a Definition For “Animal Hospitals and Veterinary Services” to the Definitions Section of the Zoning Ordinance.

5. **Code Amendment 2010-168**: Amendment to Title 17, Zoning, to Amend the Agriculture Exclusive (AE) Zone and the Supplementary Standards to Allow Bed and Breakfasts and Transient Rentals with an On-Site Manager as a Permitted Use in the AE Zone.

6. **General Plan/Zoning Amendment 2011-024**: Amendments to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding Additional Permitted Uses to the Multi-Family Residential (MFR) and General Commercial (GC) Zoning Districts and Adding Definitions For “Daycare” Type Uses, “Residential Care Facilities,” and “Fitness or Exercise Studio and Health Club” to the Zoning Ordinance.

7. **General Plan/Zoning Amendment 2011-025**: Amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding an Additional Permitted Use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and Adding a Definition for “Wellness Center” to the Definitions Section of the Zoning Ordinance.

8. **General Plan/Zoning Amendment 2011-026**: Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and to Title 17, Zoning, Adding “Fitness or Exercise Studio and Health Club” As Either a Permitted Use or Administrative Use to the Professional Office (PO) Zoning District.

BACKGROUND AND HISTORY OF BOARD ACTIONS
The Planning Commission adopted individual Resolutions of Intention to initiate amendments 1-4 and 6-8 in 2010; the Board of Supervisors adopted a Resolution to Initiate amendment 5 in 2010. The Planning Commission adopted Resolutions recommending approval of these amendments on August 5, 2011.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Modify text, findings, or conditions in Resolutions. A negative action would mean County Code and the Mariposa Town Plan would not be amended.
Financial Impact? ( ) Yes (X) No  Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ 
Additional Funding Needed: $ 
Source: 
Internal Transfer
Unanticipated Revenue ______ 4/5’s vote
Transfer Between Funds ______ 4/5’s vote
Contingency ______ 4/5’s vote
( ) General ( ) Other

List Attachments, number pages consecutively
1. Staff Report
2. Planning Commission Minutes
3. Draft Board of Supervisors' Resolutions & Ordinances;
4. Notices of Exemption

Clerk's Use Only:
Res. No.: 11-514  Ord. No._____
Vote – Ayes: ______  Noes: ______
Absent: ______  Abstained: ______ 
( ) Approved
( ) Minute Order Attached  ( ) No Action Necessary
The foregoing instrument is a correct copy of
the original on file in this office.
Date: _______________________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________
__________________________________________________________
CAO: ________________________

Revised August 2011
TO: KRIS SCHENK, Planning Director  
FROM: MARGIE WILLIAMS, Clerk of the Board 

SUBJECT: PUBLIC HEARING on the Following, Actions Include Adopting a Resolution Approving the Projects, Adopting Notices of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text: (portion of title only, see below for full title)

RES. 11-504

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 11, 2011 

ACTION AND VOTE:

15

Planning

PUBLIC HEARING on the Following, Actions Include Adopting a Resolution Approving the Projects, Adopting Notices of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text:

1. **Code Amendment 2011-021**: Amendment to Title 16, Subdivisions, to Add Section 66434.2 of the California Subdivision Map Act Allowing for Additional Information to be Filed or Recorded Simultaneously with a Final or Parcel Map

2. **Code Amendment 2011-022**: Amendment to Title 16, Subdivisions, to Add Provisions for a Certificate of Correction Process Pursuant to Sections 66469 through 66472.1 of the California Subdivision Map Act Allowing for the Correction and Amendment of Maps

3. **Code Amendment 2011-023**: Amendment to Title 16, Subdivisions, to Add Section 66499.33 of the California Subdivision Map Act Allowing for Additional Enforcement Provisions Available to the County of Mariposa As it Pertains to Illegal Subdivision Matters

4. **Code Amendment 2011-041**: Amendments to Title 17, Zoning, Adding Additional Permitted and Conditional Uses to the Neighborhood Commercial Zone-1, (Indoor) (CN-1) Zoning District and Adding a Definition for “Animal Hospitals and Veterinary Services” to the Definitions Section of the Zoning Ordinance

5. **Code Amendment 2010-169**: Amendment to Title 17, Zoning, to Amend the Agriculture Exclusive (AE) Zone and the Supplementary Standards to Allow Bed and Breakfasts and Transient Rentals with an On-Site Manager as a Permitted Use in the AE Zone
6. General Plan/Zoning Amendment 2011-024: Amendments to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding Additional Permitted Uses to the Multi-Family Residential (MFR) and General Commercial (GC) Zoning Districts and Adding Definitions For “Daycare” Type Uses, “Residential Care Facilities,” and “Fitness or Exercise Studio and Health Club” to the Zoning Ordinance
7. General Plan/Zoning Amendment 2011-025: Amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding an Additional Permitted Use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and Adding a Definition for “Wellness Center” to the Definitions Section of the Zoning Ordinance
8. General Plan/Zoning Amendment 2011-026: Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and to Title 17, Zoning, Adding “Fitness or Exercise Studio and Health Club” as Either a Permitted Use or Administrative Use to the Professional Office (PO) Zoning District

**BOARD ACTION:** Karen Peneschi/Assistant Planner, presented the staff report, reviewing each of the eight amendments; advised of a typographical correction to the first amendment in the staff report to reflect Section 66434.2 of the California Subdivision Map Act; requested that a separate resolution be adopted for each of the amendments, that an ordinance be introduced for the Title 16 amendments, and that an ordinance be introduced for the Title 17 amendments – she read the title of each of the ordinances into the record. Sarah Williams, Deputy Planning Director, responded to a question from the Board relative to correspondence that was received previously relative to renting a building in the town planning area for a church and whether that issue has been resolved; and she advised that a written determination was issued that a church would be a similar use to the permitted uses in the General Commercial zone and that action on these amendments codify that and other written determinations. Supervisor Cann asked that staff respond to the issues raised in the letter from Rick Lobaugh after the public input is received. Staff responded to questions from the Board and advised that these amendments were reviewed by the Agricultural Advisory Committee and by the Planning Commission; and that a drive-in restaurant is different that a drive-thru restaurant.

The public portion of the hearing was opened and input was provided by the following:

Rick Lobaugh, Inter-County Title Company, referred to his letter and asked that the following issues be addressed: 1) clarification of filing additional information simultaneously with a map; 2) clarification of what is appropriate additional information; and 3) relative to the record title interest being affected. He presented a couple of map examples with open space easements for vernal pools and for Elderberry bushes. He stated he does not want to see the title reports become cluttered and noted that it is more costly to record additional documents. He responded to questions from the Board relative to adding notations versus attaching additional information to the maps. He noted that a map could be recorded with additional information or with a notation of an Elderberry bush or for a tree that is habitied by an owl and protected, and the bush could die or the tree could fall down – he does not feel that it is appropriate to show these types of things on the map – he feels that these are the types of issues that are reviewed when a permit is applied for.

Ken Melton, following up on the input provided by Rick Lobaugh, stated he feels that it is unlawful for those things to be put on the map; and he noted that there is no follow-though if the vernal pool is filled or if the trees are removed. He requested that a workshop be held to further discuss these amendments before they are approved. He referred to Code Amendment No. 2011-021 and presented information on Section 66434.2 of the California Subdivision Map Act. He gave an example of recording information on water wells that would meet this code section. He noted that the language in the draft resolution is modified from the subject code section and he expressed concern that would allow departments to implement things that are not law. He feels that outside agencies are already included in the CEQA process and by the Government Code. He referred to an example of a property split
with Fish and Game recommendations for protecting owl trees as a concern about incorporating outside agencies comments on a map, and stated global warming would be another example.

The public portion of the hearing was closed and the Board commenced with deliberations. Sarah Williams responded to the public input that was received – she referred to Rick Lobaugh’s concerns and advised that she does not feel that the amendment changes what has been occurring; she agrees with addressing, perhaps on a case-by-case basis, the recommendations that come from agencies to be included on the maps and she feels that discussion needs to occur when reviewing the subdivisions. She feels the ability to add additional information is a part of the CEQA process; i.e., vernal pools or drainage that a development could have an impact on; and she advised of a recent change to using setbacks versus easements to address mitigations for significant impacts. She advised of discussions relative to coming up with a threshold of significant impacts. She referred to Ken Melton’s concerns relative to the modification of the language and advised that is what they have been doing procedurally. She responded to questions from the Board relative to “clouding parcels” when they are split versus when development is proposed; relative to the recommended actions and what is in affect today; and relative to the issues raised about the additional information. County Counsel responded to a question from the Board relative to clarifying section 66434.2 of the Subdivision Map Act. Further discussion was held. Supervisor Cann asked how owner affidavits would be dealt with to determine what is really needed; and Sarah Williams responded that staff could prepare a report on how they intend to process this for the Board. County Counsel responded to a question from the Board relative to combining actions on the amendments.

Sarah Williams advised of a change requested by the Interim Public Works Director on circle page 20 – section 16.37.020 Form and Contents to delete “registered civil engineer” and advised that a licensed land surveyor could prepare amendments to a map or certificates of correction. Based on a request from the public, the public portion of the hearing was reopened for input on this change only.

Ken Melton asked about commenting on the amendments. Chair Allen advised that the input is limited to the change to section 16.37.020.

The public portion of the hearing was closed.

Motion by Cann to approve amendment numbers 3 through 8 and to introduce ordinances for the amendments to Title 16 and to Title 17, died for lack of a second.

Motion by Bibby to approve amendment numbers 1 through 8, with the change in section 16.37.020 to delete “registered civil engineer” and with the deletion of “based on additional information from the County”; and to introduce ordinances for the amendments to Title 16 and to Title 17, died for lack of a second.

Staff responded to a question from the Board as to what could not be done that they are doing today if amendment numbers 1 and 2 are not approved. Sarah Williams responded and advised that they have a corrected map that is waiting for amendment number 2 to be adopted before it can be finalized.

(M)Cann, (S)Bibby, the following resolutions were adopted adopting Notices of Exemption and of intent to initiate amendments:

Res. 11-504 for Code Amendment No. 2011-022, with the modification to delete “registered civil engineer”;
Res. 11-505 for Code Amendment No. 2011-023;
Res. 11-506 for Code Amendment No. 2011-041;
Res. 11-507 for Code Amendment No. 2010-168;
Res. 11-508 for Code Amendment No. 2011-024;
Res. 11-509 for Code Amendment No. 2011-025; and
Res. 11-510 for Code Amendment No. 2011-026;

and the first reading was waived and an Ordinance was introduced amending the Zoning Ordinance text for the amendments to Title 16 (amendment numbers 2 and 3);
and the first reading was waived and an Ordinance was introduced amending the Zoning Ordinance text for the amendments to Title 17 (amendment numbers 4 through 8)/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

(M)Bibby, (S)Stetson, Res. 11-511 was adopted adopting a Notice of Exemption and of intent to initiate amendments to Code Amendment No. 2011-021; and the first reading was waived and an Ordinance was introduced amending the Zoning Ordinance text for the amendment to Title 16 (amendment number 1); with the condition that if there is a situation where an individual does not want something included on a map, it can be dealt with during the public hearing process before the Planning Commission or the Board of Supervisors. Staff responded to additional questions from the Board as to what would happen if initiation of this amendment is not approved today; and relative to the concerns that have been expressed. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

Cc: Steven W. Dahlem, County Counsel
File
WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 16 establishes procedures for processing the subdivision of property in the County of Mariposa; and

WHEREAS, Title 16 incorporates most of the general provisions, requirements, procedures, and specifics related to final and parcel maps, development rights, improvement security, reversions and exclusions, and enforcement and judicial review of the California Subdivision Map Act; and

WHEREAS, the current version of Title 16 does not have a “Certificate of Correction” process affording an applicant a way to make minor amendments to final or parcel maps under certain defined circumstances; and

WHEREAS, a Certificate of Correction is defined by Sections 66469 through 66472.1 of the Government Code, the Subdivision Map Act; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-1a(2) states that “land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property;” and

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendment to Title 16 to add Chapter 16.37 of Mariposa County Code on the 10th day of September 2010 with Resolution No. 2010-17; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, the Planning Commission adopted Resolution 2011-14, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and
WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2011-022.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendment to Title 16 adding Chapter 16.37 of Mariposa County Code carries out Implementation Measure 5·1a(2) which states that “land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property” as required by the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the addition of Chapter 16.37 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

\[\text{CHAPTER 16.37}\
\text{CORRECTION AND AMENDMENT OF MAPS}\
\text{Sections:}\
16.37.010 Requirements,\
16.37.020 Form and contents,\
16.37.030 Submittal to and approval by the County Surveyor,\
16.37.040 Filing with the County Recorder,\
16.37.050 Fees.\
16.37.010 Requirements.\
After a final or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map for any of the following reasons:
A. To correct an error in any course or distance shown thereon.\
B. To show any course or distance that was omitted there from.
C. To correct an error in the description of the real property shown on the map.
D. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
E. To show the proper location of any monument which has been changed in location or character, or which was originally shown at the wrong location or incorrectly characterized.
F. To correct any additional information filed or recorded pursuant to Government Code Section 66434.2 (Subdivision Map Act) if the correction does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map.
G. To correct any other error or omission as approved by the County Surveyor, which does not affect any property right, as specified in Section 66469 of the Subdivision Map Act.

16.37.020 Form and contents.
The amending map or certificate of correction shall be prepared by a licensed land surveyor or a registered civil engineer registered prior to January 1, 1982. The form and contents of the amending map shall conform to the requirements of Section 16.20.010 if a final map, or Section 16.12.090 if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

16.37.030 Submittal to and approval by the County Surveyor.
The amending map or certificate of correction, complete as to final form, shall be submitted to the County Surveyor for his or her review and approval.
The County Surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 16.37.010 above, he or she shall certify to this fact on the amending map or certificate of correction.

16.37.040 Filing with the County Recorder.
The amending map or certificate of correction certified by the County Surveyor shall be filed in the office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder will index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.
16.37.050 Amending of final maps.
In addition to amendments authorized by Section 16.37.010, after a final map or parcel map is filed in the office of the County Recorder, the recorded final map may be modified by a certificate of correction or an amending map if it is found that:

A. There are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary; and
B. That the modifications do not impose any additional burden on the fee owners of the real property, and if the modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
C. The County of Mariposa finds that the map as modified conforms to the provisions of Government Code § 66474 (Subdivision Map Act).

Any such modification shall be set for public hearing as provided for in Government Code § 66451.3 of the Subdivision Map Act. The legislative body shall confine the hearing to consideration of and action on the proposed modification.

16.37.060 Fees.
A fee for checking, processing and recording the amended map or certificate of correction shall be paid to the County of Mariposa in accordance with the adopted fee schedule, at the time the amended map or certificate of correction is submitted to the County Surveyor for review.

BE IT THEREFORE FURTHER RESOLVED THAT the addition of Section 16.08.022 of the Mariposa County Code defining what a Certificate of Correction is to the "Definitions" section will read as follows (new text shown in italicized underlined type and deleted text shown in strike-through type):

16.08.022 Certificate of Correction.
"Certificate of Correction" means a process by which a recorded final or parcel map may be amended to correct technical errors or omissions as set forth in Government Code § 66469.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

Evidence: According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

AYES: STETSON, CANN, ALLEN, BIBBY

NOES: NONE

EXCUSED: TURPIN

ABSTAIN: NONE

Jim Allen, Chair
Board of Supervisors

Attest:

Margie Williams
Clerk of the Board of Supervisors
APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 16, Chapter 16.32 establishes rules and procedures for Enforcement and Penalties associated with illegal subdivisions; and

WHEREAS, Section 16.32.080 establishes penalties for violations of the County’s Subdivision Ordinance; and

WHEREAS, the current language in Title 16 only allows for those individuals found guilty of violating the County’s Subdivision Ordinance to be guilty of a misdemeanor and punishable under Chapter 1.20, the general penalty provisions of the Mariposa County Code; and

WHEREAS, the adopted Mariposa County General Plan speaks to “flexibility” and the fact that “Mariposa governance is not suited to the strict application of a rigid set of planning and development rules,” however, there is also an expectation that the rules are followed otherwise enforcement of the County’s flexible rules will be carried out; and

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendment to Title 16, Chapter 16.32 adding Section 16.32.090 of the Mariposa County Code on the 10th day of September, 2010 with Resolution No. 2010-18; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, the Planning Commission adopted Resolution 2011-15, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and
WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2011-023.

BE IT THEREFORE FURTHER RESOLVED THAT the addition of Section 16.32.090 incorporates additional language creating stronger enforcement powers as it pertains to illegal subdivisions in the County of Mariposa.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 16.32.090 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike thru type):

16.32.090 Other Legal Action

This title does not bar any legal, equitable or summary remedy to which the County or other public agency, or any person may otherwise be entitled. The County or other public agency, or such person may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act or this title.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.
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**: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

**Evidence**: According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

**BE IT FINALLY RESOLVED THAT** the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

**ON MOTION BY** Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

**AYES**: STETSON, CANN, ALLEN, BIBBY

**NOES**: NONE

**EXCUSED**: TURPIN

**ABSTAIN**: NONE

\[Signature\]

Jim Allen, Chair
Board of Supervisors

Attest:

\[Signature\]

Margie Williams
Clerk of the Board of Supervisors

**APPROVED AS TO FORM**:

\[Signature\]

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 17, Chapter 17.76 establishes Neighborhood Commercial Zone-1 (Indoor)(CN-1) zoning standards; and

WHEREAS, County Code Section 17.76.020 establishes Development Standards for the Neighborhood Commercial Zone-1, (Indoor); and

WHEREAS, County Code Section 17.148.010 establishes Definition of terms and phrases; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-1a(2) states that "land development regulations should respect the diversity of rural lifestyles allowing the right to use one's property." Adding an additional permitted use to the CN-1 zone will expand on what one can do with one's property as it pertains to evolving home enterprise businesses thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-4b(1) states that "zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy." Evolution of the County's zoning ordinance needs to occur in order to keep up with changing world and local economic needs and demands. Proven new technology and other societal factors should be incorporated into the County's zoning ordinance resulting in positive and progressive change for all Mariposa County residents; and

WHEREAS, the Planning Commission of the County of Mariposa initiated amendments to Sections 17.76.020 and 17.148.010 of Mariposa County Code on the 10th day of September 2010 with Resolution No. 2010-20; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, the Planning Commission adopted Resolution 2011-19, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2011-041.

BE IT THEREFORE FURTHER RESOLVED THAT amendments to Sections 17.76.020 and 17.148.010 would incorporate additional definitions and bring additional permitted and conditional use classifications to the CN-1 zoning district in keeping with previous Planning Director determinations and the goals, policies and implementation measures contained in the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.148.010 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.148.010 Definitions of terms and phrases.
The following terms and phrases shall be used in this title and are listed alphabetically:

Animal hospitals and veterinary services:
Establishments where animals receive medical treatment, surgical treatment, shelter and care on a commercial basis. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming
and boarding of animals is included if accessory to the hospital use; no exterior boarding of animals is allowed.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.76.020.A.1.c of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru-type):

17.76.020 Development standards for CN-1.
Development standards for the CN-1 shall be as follows:
A. Uses:
   1. Permitted Uses: The following indoor uses shall be permitted within any CN-1 zone:
      a. Office and Professional Uses:
         (1) Administrative, doctors, dental, stockbrokers, attorneys, accountants, real estate, and other similar professional offices;
         (2) Libraries and reading rooms;
         (3) Photographers’ studios and supplies;
         (4) Urgent care facilities.
      b. Retail Sales:
         (1) Antique and gift shops;
         (2) Auto parts—new or reconditioned;
         (3) Art galleries and studios;
         (4) Clothing, drug, food, beverage, hardware, paint, nursery stock, feed, radio, television, furniture, appliance, sporting goods, camping supplies, and variety stores.
      c. Services:
         (1) Barber and beauty shops;
         (2) Banks and similar financial institutions;
         (3) Shoe repair shops;
         (4) Travel agencies, tourist information centers and other related services;
         (5) Locksmiths, gunsmiths, and other similar uses;
         (6) Convenience printing and duplicating services;
         (7) Animal hospitals and veterinary services.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

Evidence: According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

AYES: STETSON, CANN, ALLEN, BIBBY

NOES: NONE

EXCUSED: TURPIN

ABSTAIN: NONE

[Signature]
Jim Allen, Chair
Board of Supervisors

Attest:
Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 17, Chapter 17.40 establishes the Agriculture Exclusive (AE) zone; and

WHEREAS, pursuant to Zoning Amendment No. 09-87, Section 17.40.010.A.1.c was amended to include “Bed and Breakfast and Transient Rentals in accordance with the standards of Section 17.108.180” as a conditional use in the AE Zone; and

WHEREAS, prior to Zoning Amendment No. 09-87, the requirement for a conditional use permit for a bed and breakfast or a transient rental in the AE zone was established by Section 17.108.180, Mariposa County Code; and

WHEREAS, Section 17.108.180 defines bed and breakfast establishments as a “single family structure in which there is a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department;” and

WHEREAS, Section 17.108.180 defines residential transient rental establishments as “a single family structure which is available for rental to a family or group on a transient basis;” and

WHEREAS, Section 17.108.180.A limits the number of bedrooms available for occupancy by transients to five in a bed and breakfast establishment; and

WHEREAS, Section 17.108.180.A limits the number of bedrooms available for occupancy by transients to three in a transient rental establishment; and

WHEREAS, as a result of public input received from the owners of the Indian Peak Ranch at a public hearing for Zoning Amendment No. 09-87, the Board of Supervisors directed that the request from Indian Peak Ranch be forwarded to the Mariposa County Agricultural Advisory Committee for review and recommendation; this input had not been part of the public review and hearing process at either the Agricultural Advisory Committee meetings or the Planning Commission public hearings for Zoning Amendment No. 09-87; and

WHEREAS, at their meeting on the 30th day of September, 2010, the Agricultural Advisory Committee considered the written proposal from Indian Peak Ranch as
submitted to the Board of Supervisors for the public hearing on Zoning Amendment No. 09-87; and

WHEREAS, the Agricultural Advisory Committee also considered the memorandum from staff dated the 24th day of September 2010; and

WHEREAS, as a result of the review and discussion, the Agricultural Advisory Committee recommended the Board of Supervisors initiate an amendment to the Zoning Ordinance to make bed and breakfasts and transient rentals with a permanent on-site manager a permitted use in the AE zone; and

WHEREAS, the Board of Supervisors of the County of Mariposa initiated an amendment to Chapter 17.40 of Mariposa County Code on the 23rd day of November 2010 with Resolution No. 2010-538; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, the Planning Commission adopted Resolution 2011-20, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project
pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2010-168.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Chapter 17.40 will allow bed and breakfast and transient rental establishments with a permanent on-site manager to be permitted uses in the AE zone.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Chapter 17.40 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike thru type) (only amended portions of Chapter 17.40 are shown):

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. Development standards for the AEZ. Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this code, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. Uses:

a. Permitted uses: Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside
stands or produce stands, permanent facilities for sale of and/or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Bed and Breakfasts and Transient Rentals which are managed by permanent on-site managers in accordance with the standards of Section 17.108.180; Collaborative AgriNature Tourism Events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted when conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 15 persons per day with a maximum of less than 106 in any given week (not counting employees). If averages are used, they must be on a per week basis.

b. Administrative Use Permit uses: Larger and more frequent agritourism and agri-nature tourism uses and activities pursuant to the definitions, and including but not limited to Collaborative AgriNature Tourism Events, petting zoos of resident animals, and hunting dog trials when no fire arms are discharged. All of the uses shall be conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 35 persons per day with a maximum of 250 in any given week (not counting employees). If averages are used, they must be on a per week basis.

ii. The use or activity is conducted in accordance with the development standards established by Section 17.40.010.A.4.

iii. Submittal of a agritourism facility compliance form to the Mariposa County Planning Department is required annually for reporting of agritourism activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.

Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to an administrative use permit.
Prior to issuance of an administrative use permit, the use or activity is subject to submittal of proposed use or activity and site plans for review by County departments and State agencies as to compliance with applicable laws, policies, codes and regulations.

Said County department review may determine that proposed activity or use is required to obtain a conditional use permit as defined below in this section.

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(D); churches; and recreational camps or religious organization camps; Bed-and-Breakfasts and Transient Rentals with no on-site manager in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

d. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

**BE IT THEREFORE FURTHER RESOLVED THAT** all other text in this Section of County Code shall remain unchanged.

**BE IT THEREFORE FURTHER RESOLVED THAT** project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented
by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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:** This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

   **Evidence:** According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

**BE IT FINALLY RESOLVED THAT** the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

**ON MOTION BY** Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

- **AYES:** STETSON, CANN, ALLEN, BIBBY
- **NOES:** NONE
- **EXCUSED:** TURPIN
- **ABSTAIN:** NONE

![](signature)

Jim Allen, Chair
Board of Supervisors

Attest:

![](signature)

Margie Williams
Clerk of the Board of Supervisors

**APPROVED AS TO FORM:**

![](signature)

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance and the Mariposa Town Planning Area Specific Plan (Town Plan) is adopted by resolution; and

WHEREAS, Section 3.11.C of the Town Plan and Title 17, Chapter 17.316 establishes Multi-Family Residential (MFR) zoning standards; and

WHEREAS, Section 3.12.B of the Town Plan and Title 17, Chapter 17.320 establishes General Commercial (GC) zoning standards; and

WHEREAS, Section 3.11.C.1 of the Town Plan and Title 17, Section 17.316.020 establishes Multi-Family Residential Development Standards; and

WHEREAS, Section 3.12.B.1 of the Town Plan and Title 17, Section 17.320.020 establishes General Commercial Development Standards; and

WHEREAS, Appendix F of the Town Plan and Title 17, Chapter 17.148 establishes Definitions used throughout the Town Plan and zoning ordinance; and

WHEREAS, Appendix F of the Town Plan and Title 17, Section 17.148.010 establishes Definitions of terms and phrases; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5·1a(2) states that “land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property.” Adding additional permitted uses to the MFR and GC zones will expand on what one can do with one’s property thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5·4b(1) states that “zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy.” What this means is that the County’s zoning ordinance needs to evolve and change given changing world and local economic needs and demands. Proven new technology and societal evolution should be incorporated into the County’s zoning ordinance resulting in positive and progressive change for all Mariposa County residents; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 8.6 states that the zoning ordinance shall be amended “to allow 24-hour
community care facilities (group homes) for seven or more persons with disabilities; and

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendment to County Code Sections 17.316.020, 17.320.020 and 17.148.010 of Mariposa County Code on the 10th day of September, 2010 with Resolution No. 2010-19; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, Planning Commission adopted Resolution 2011-16, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 10th day of October, 2011; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving General Plan / Zoning Amendment No. 2011-024.

BE IT THEREFORE FURTHER RESOLVED THAT amendments to County Code Sections 17.148.010, 17.316.020, and 17.320.020, and Mariposa Town Plan
Sections 3.11 and 3.12 and Appendix F would incorporate additional definitions and bring additional permitted uses to the MFR and GC land use classifications and zoning districts in keeping with previous Planning Director determinations and the goals, policies and implementation measures contained in the Mariposa County General Plan.

**BE IT THEREFORE FURTHER RESOLVED THAT** the adoption of General Plan / Zoning Amendment No. 2011-024 implements Housing Element Program 8.6 of the Mariposa County General Plan to provide affordable housing for persons with disabilities as required by State law.

**BE IT THEREFORE FURTHER RESOLVED THAT** the amendment to Section 17.148.010 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in strike-thru type):

17.148.010 Definitions of terms and phrases.
The following terms and phrases shall be used in this title and are listed alphabetically:

**Day care centers:**
A home or commercial facility that provides non-medical care and supervision for more than 14 children in a group setting on a less than 24-hour basis. This classification includes nursery school, preschools, and day care centers for adults and children.

**Churches and religious assembly:**
A facility for religious worship and incidental religious education, but not including a private school.

**Fitness or exercise studios and health clubs:**
A place of business with equipment and facilities for exercising and improving physical fitness. This classification includes health clubs, gymnasiums (that are not public), private clubs (athletic, health or recreational), reducing salons, and weight control establishments.

**Large family day care homes:**
A home that provides non-medical care and supervision of no more than 14 children in the caregiver’s home on a less than 24-hour basis.

**Large residential care facility:**
A facility which provides 24-hour care for 7 or more persons in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, of for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.

**Small family day care homes:**
A home that provides non-medical care and supervision of no more than 8 children in the caregiver's home on a less than 24-hour basis.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Specific Plan Appendix F will read as follows (new text shown in italicized underlined type and deleted text shown in strikethru-type):

APPENDIX F

DEFINITIONS

Day care centers:
A home or commercial facility that provides non-medical care and supervision for more than 14 children in a group setting on a less than 24-hour basis. This classification includes nursery school, preschools, and day care centers for adults and children.

Churches and religious assembly:
A facility for religious worship and incidental religious education, but not including a private school.

Fitness or exercise studios and health clubs:
A place of business with equipment and facilities for exercising and improving physical fitness. This classification includes health clubs, gymnasiums (that are not public), privates clubs (athletic, health or recreational), reducing salons, and weight control establishments.

Large family day care homes:
A home that provides non-medical care and supervision of no more than 14 children in the caregiver’s home on a less than 24-hour basis.

Large residential care facility:
A facility which provides 24-hour care for 7 or more persons in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.

Small family day care homes:
A home that provides non-medical care and supervision of no more than 8 children in the caregiver’s home on a less than 24-hour basis.
BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.316.020.A.1 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.316.020 Development standards for MFR.
Development standards for the MFR zone shall be as follows:
A. Uses:
   1. Permitted uses:
      a. Single family residential structures in accordance with the density standards set forth in Section 17.316.020(B) and subject to the architectural theme and development guidelines for the design review overlay zone contained in Section 17.336.060;
      b. Attached residential units including duplexes, apartments, condominiums, townhouses, large residential care facilities, and similar development subject to the density standards established herein;
      c. Residential accessory structures.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 3.11.C.1 of the Mariposa Town Planning Area Specific Plan will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

C. Multi-Family Residential District

Purpose

This land use classification is designed to provide higher density housing in and around the commercial core of the community. Housing with this classification include apartments, condominiums, townhouses, zero lot line homes, mobile home parks or detached single family homes.

1. Permitted Uses:
   b. Attached residential units including duplexes, apartments, condominiums, townhouses, large residential care facilities, and similar development subject to the density standards established herein.
   c. Residential accessory structures.
BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.320.020 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.320.020 Development standards for GC.
Development standards for the GC zone shall be as follows:
A. Uses:
1. Permitted uses:
   a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;
   b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;
   c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;
   d. Hotels, motels, conference facilities and other similar tourist service facilities;
   e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;
   f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.
   g. Day care centers;
   h. Fitness or exercise studios and health clubs and similar uses;
   i. Churches and religious assembly.
2. Conditional uses:
   a. Any uses involving outside sales or storage areas;
   b. Service stations;
   c. Any use involving the bulk storage of flammable or hazardous materials;
   d. Emergency medical care facilities, fire stations and other similar uses;
   e. Single or multi-family residential uses in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).
3. Prohibited uses:
   All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.
B. Minimum lot size/density: Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. (Ord. 912 Sec. II, 1997; Ord. 822, Sec. I, 1992)

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 3.12.B of the Mariposa Town Planning Area Specific Plan will read as follows (new text shown in italicized underlined type and deleted text shown in strikethrough type):

B. General Commercial District

Purpose

This classification is designed to provide the commercial services necessary and desirable to residents within the Mariposa Town Planning Area, the surrounding region and tourists.

1. Permitted uses:
   a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;
   b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;
   c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;
   d. Hotels, motels, conference facilities and other similar tourist service facilities;
   e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;
   f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.
   g. Day care centers;
   h. Fitness or exercise studios and health clubs and similar uses;
   i. Churches and religious assembly.

2. Conditional uses:
   a. Any uses involving outside sales or storage areas;
   b. Service stations;
   c. Any use involving the bulk storage of flammable or hazardous materials;
   d. Emergency medical care facilities, fire stations and other similar uses;
e. Single or multi-family residential uses in accordance with the density standards contained in the Multi-Family Residential classification.

3. Prohibited uses:
   All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 3.16.

4. Minimum lot size/density:
   Minimum lot size shall be 9,000 sq. ft. exclusive of road easements.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in these sections of the Town Plan and County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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:** This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

   **Evidence:** According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.
BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

AYES: STETSON, CANN, ALLEN, BIBBY
NOES: NONE
EXCUSED: TURPIN
ABSTAIN: NONE

Jim Allen, Chair
Board of Supervisors

Attest:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance and the Mariposa Town Planning Area Specific Plan (Town Plan) is adopted by resolution; and

WHEREAS, Section 3.11 of the Town Plan and Title 17, Chapter 17.312 establishes Single Family Residential (9,000 square feet) (SFR-9K) zoning standards; and

WHEREAS, Section 3.11.A and Title 17, Section 17.312.020 establishes Development Standards for the Single Family Residential (9,000 square feet) (SFR-9K); and

WHEREAS, Appendix F of the Town Plan and Title 17, Chapter 17.148 establishes Definitions used throughout the Town Plan and zoning ordinance; and

WHEREAS, Appendix F of the Town Plan and Title 17, Section 17.148.010 establishes Definition of terms and phrases; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-4a(2) states that “land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property.” Adding an additional permitted use to the SFR-9K zone will expand on what one can do with one’s property thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-4b(1) states that “zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy.” What this means is that the County’s zoning ordinance needs to evolve and change given the changing world and local economic needs and demands. Proven new technology and societal evolution should be incorporated into the County’s zoning ordinance resulting in positive and progressive change to all Mariposa County residents; and

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendments to County Code Sections 17.312.020 and 17.148.010 on the 10th day of September 2010 with Resolution No. 2010-21; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and
WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, Planning Commission adopted Resolution 2011-17, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving General Plan / Zoning Amendment No. 2011-025.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to County Code Sections 17.312.020 and 17.148.010 and Town Plan Section 3.11.A would incorporate additional definitions and bring an additional permitted use to the SFR-9K land use classification and zoning district in keeping with previous Planning Director determinations and the goals, policies and implementation measures contained in the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.148.010 of Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-through type):

17.148.010 Definitions of terms and phrases.
   The following terms and phrases shall be used in this title and are listed alphabetically:
Wellness center:
An educational training business with most activities conducted in a residential structure which assists individuals in teaching nutritional cooking, menu planning, hygiene and grooming, basic housekeeping tasks, improving socialization skills, basic computing, job search, gardening and yard maintenance, and personal finance and budgeting.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Specific Plan Appendix F will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

APPENDIX F
DEFINITIONS

Wellness center:
An educational training business with most activities conducted in a residential structure which assists individuals in teaching nutritional cooking, menu planning, hygiene and grooming, basic housekeeping tasks, improving socialization skills, basic computing, job search, gardening and yard maintenance, and personal finance and budgeting.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.312.020.A.1 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.312.020 Development standards for SFR-9K.
Development standards for the SFR-9K zone shall be as follows:
A. Uses:
1. Permitted uses:
   a. One (1) single family residence per parcel;
   b. Residential accessory structures;
   c. Residential care and day care facilities within a residence and serving six (6) or less residents in accordance with the standards contained in Section 17.334.030;
   d. Home occupations in accordance with the standards contained in Section 17.334.010.
   e. Wellness center

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 3.11.A.1 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):
A. Single Family Residential (9,000 sq. ft) District

Purpose

The purpose of this classification is to provide single family housing on smaller parcels based upon the availability of community water and sewer systems. Development within this classification shall be limited to single family residential structures and appurtenant structures and uses and other uses and activities that will not be detrimental or obnoxious to the surrounding neighborhood.

1. Permitted Uses:
   a. One (1) single family residence per parcel;
   b. Residential accessory structures;
   c. Residential care and day care facilities within a residence and serving six (6) or less residents in accordance with the standards contained in Section 3.15(C).
   d. Home occupations in accordance with the standards contained in Section 3.15(A).
   e. Wellness center

BE IT THEREFORE FURTHER RESOLVED THAT all other text in these Sections of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

Evidence: According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

AYES: STETSON, CANN, ALLEN, BIBBY
NOES: NONE
EXCUSED: TURPIN
ABSTAIN: NONE

Jim Allen, Chair
Board of Supervisors

Attest:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance and the Mariposa Town Plan is adopted by resolution; and

WHEREAS, Section 3 of the Town Plan establishes Land Use Development Standards and Regulations and Title 17, Chapter 17.318 establishes Professional Office (PO) zoning standards; and

WHEREAS, Section 3.12.A of the Mariposa Town Planning Area specific plan and Section 17.318.020 of the zoning ordinance establishes provisions for the Professional Office land use and zoning district; and

WHEREAS, Section 3.12.A of the Mariposa Town Planning Area specific plan and Section 17.318.020 of the zoning ordinance outlines permitted uses, conditional uses, prohibited uses and minimum lot size/density; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5.1a(2) states that “land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property.” Adding additional permitted uses and administrative uses to the PO zone will expand on what one can do with one’s property thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5.4b(1) states that “zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy.” What this means is that the County’s zoning ordinance needs to evolve and change given changing world and local economic needs and demands. Proven new technology and societal evolution should be incorporated into the County’s zoning ordinance resulting in positive and progressive change for all Mariposa County residents; and

WHEREAS, the Planning Commission of the County of Mariposa initiated amendments to Section 17.318.020 of Mariposa County Code and Section 3.12.A Commercial Land Use Districts/Professional Office District of the Mariposa Town Plan on the 3rd day of December 2010 with Resolution No. 2010-28; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and
WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, Planning Commission adopted Resolution 2011-18, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving General Plan / Zoning Amendment No. 2011-026.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments would incorporate “fitness or exercise studios and health clubs” as an additional permitted use and add “fitness or exercise studios and health clubs” as an administrative use should the proposed establishment be located near or adjacent to a residentially zoned areas in keeping with a previous Planning Commission determination on this issue and the goals, policies and implementation measures contained in the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.318.020 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.318.020 Development standards for PO,
Development standards for the PO zone shall be as follows:

A. Uses:

1. Permitted uses:
   a. Law offices, title company offices, accountants offices, insurance offices, and doctors and dentists offices;
   b. Government offices;
   c. Retail uses appurtenant to permitted uses;
   d. One (1) single family residential unit per parcel;
   e. *Fitness or exercise studios and health clubs and similar uses when the proposed use does not directly abut a residentially zoned property or parcel;*
   f. Other uses determined to be similar to and compatible with the above;

2. Administrative Use Permit uses:
   a. *Fitness or exercise studios and health clubs if the proposed use directly abuts a residentially zoned property or parcel. The Planning Director, at his or her discretion, may determine that an administrative use permit be required in circumstances where a proposed fitness or exercise studio and health club is directly across the street from a residentially zoned property creating impacts to residentially zoned sites. In issuing an administrative use permit, the Planning Director shall make written findings that:*

   1) The hours of operation are no earlier than 7:00 a.m. and no later that 9:00 p.m. Monday through Friday and no earlier than 8:00 a.m. and no later than 7:00 p.m. Saturday, Sunday and holidays.

   2) All activities associated with the proposed fitness or exercise studio or health club shall be conducted indoors and at no time shall a fitness or exercise studio and health club conduct activities outside.

   3) Parking for the site shall meet the zoning requirement of one (1) parking space for each three hundred (300) sq. ft. of gross floor area pursuant to Section 17.336.030.A.2.m.

   4) All proposed lighting for any proposed fitness or exercise studio and health club shall not impact any adjacent residentially zoned site or sites. All site lighting is directed downward or away from residentially zoned properties. All proposed lighting
shall comply with the International Dark Sky (Association) outdoor/residential standards or guidelines. The Director may require that shields be installed on site lighting directing the lighting away from any residentially zoned property. These lighting provisions shall apply to fitness or exercise studios and health clubs adjacent to undeveloped and developed residentially zoned properties.

5) A proposed fitness or exercise studio and health club will not be detrimental to the health, safety and welfare of adjacent properties that may be affected by such establishments.

6) Any violation of the standards mentioned in 1 through 5 above, shall be brought to the attention of the Planning Director through written correspondence detailing the nature of the violation or violations. Corrective measures may be undertaken and prescribed by the Planning Director or the Planning Director may refer the matter to the Planning Commission for their consideration, amended conditions of approval or revocation.

3. Conditional uses:
   a. Churches, non-profit lodges clubs, fraternal organizations;
   b. Commercial parking lots;
   c. Multi-family residential in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).

4. Prohibited uses:
   All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

B. Minimum lot size/density:
   Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. Density shall be one single family residence per 9,000 sq. ft. except that higher densities shall be allowed subject to an approved use permit.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Specific Plan Section 3.12 will read as follows
(new text shown in italicized underlined type and deleted text shown in strikethru type):

3.12 Commercial Land Use Districts

A. Professional Office District:

Purpose

The PO classification is designed to provide areas for the development of business and professional office uses with related business and institutional uses to the exclusion of retail business in general. It is intended that PO areas, and the uses therein, will be compatible and convenient to residential areas and the general business area.

1. Permitted uses:
   
a. Law offices, title company offices, accountants offices, insurance offices, and doctors and dentists offices.
   
b. Government offices.
   
c. Retail uses appurtenant to permitted uses.
   
d. One single family residential unit per parcel.
   
e. Fitness or exercise studios and health clubs and similar uses when the proposed use does not directly abut a residentially zoned property or parcel.
   
f. Other uses determined to be similar to and compatible with the above.

2. Administrative Use Permit uses:

   a. Fitness or exercise studios and health clubs if the proposed use directly abuts a residentially zoned property or parcel. The Planning Director, at his or her discretion, may determine that an administrative use permit be required in circumstances where a proposed fitness or exercise studio and health club is directly across the street from a residentially zoned property creating impacts to residential zoned sites. In issuing an administrative use permit, the Planning Director shall make written findings that:

      1) The hours of operation are no earlier than 7:00 a.m. and no later that 9:00 p.m. Monday through Friday
and no earlier than 8:00 a.m. and no later than 7:00 p.m. Saturday, Sunday and holidays.

2) All activities associated with the proposed fitness or exercise studio or health club shall be conducted indoors and at no time shall a fitness or exercise studio and health club conduct activities outside.

3) Parking for the site shall meet the zoning requirement of one (1) parking space for each three hundred (300) sq. ft. of gross floor area pursuant to Section 17.336.030.A.2.m.

4) All proposed lighting for any proposed fitness or exercise studio and health club shall not impact any adjacent residentially zoned site or sites. All site lighting is directed downward or away from residentially zoned properties. All proposed lighting shall comply with the International Dark Sky (Association) outdoor/residential standards or guidelines. The Director may require that shields be installed on site lighting directing the lighting away from any residentially zoned property. These lighting provisions shall apply to fitness or exercise studios and health clubs adjacent to undeveloped and developed residentially zoned properties.

5) A proposed fitness or exercise studio and health club will not be detrimental to the health, safety and welfare of adjacent properties that may be affected by such establishments.

6) Any violation of the standards mentioned in 1 through 5 above, shall be brought to the attention of the Planning Director through written correspondence detailing the nature of the violation or violations. Corrective measures may be undertaken and prescribed by the Planning Director or the Planning Director may refer the matter to the Planning Commission for their consideration, amended conditions of approval or revocation. Any decision by the Planning Commission is appealable to the Board of Supervisors.

3. Conditional uses:

a. Churches, non-profit lodges clubs, fraternal organizations.
b. Commercial parking lots.

c. Multi-family residential in accordance with the density standards contained in the Multi-family Residential Land use.

d. Commercial Art Studios, including sales of artwork fabricated or produced on-site and including visually screened and enclosed exterior storage of materials for artwork.

3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 3.16.

4. Minimum lot size/density:

Minimum lot size shall be nine thousand 9,000 sq. ft. exclusive of road easements. Density shall be one single family residence per 9,000 sq. ft. except that higher densities shall be allowed subject to an approved use permit.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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**: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that
county code implements the general plan, and by ensuring that county code is consistent with state law.

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

**Evidence:** According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

**BE IT FINALLY RESOLVED THAT** the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

**ON MOTION BY** Supervisor Cann, seconded by Supervisor Bibby, this resolution duly passed and adopted this 11\(^{th}\) day of October, 2011 by the following vote:

**AYES:** STETSON, CANN, ALLEN, BIBBY

**NOES:** NONE

**EXCUSED:** TURPIN

**ABSTAIN:** NONE

Attest:

Margie Williams
Clerk of the Board of Supervisors

**APPROVED AS TO FORM:**

Steven W. Dahlem
County Counsel
WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 16, Chapter 16.12 establishes procedures for Minor Subdivisions and Title 16, Chapter 16.20 establishes requirements for Major Subdivisions; and

WHEREAS, Section 16.12.290 establishes criteria for incorporating miscellaneous data for Parcel Maps; and

WHEREAS, Sections 16.20.010 through 16.20.230 establish design requirements for Major Subdivisions; and

WHEREAS, the current language in Title 16 does not allow for additional information, conditions, or requirements from outside agencies to be incorporated into final or parcel map documents or drawings; and

WHEREAS, the adopted Mariposa County General Plan Goal 5-8 states that the County should “create collaborative planning efforts” and Policy 5-8a further elaborates that there should be efforts to “establish ongoing collaborative and cooperative planning relationships;” and

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendment to Section 16.12.290 and Chapter 16.20 of Mariposa County Code on the 10th day of September, 2010 with Resolution No. 2010-16; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application; and

WHEREAS, the Planning Commission adopted Resolution 2011-13, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and
WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of October, 2011; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; 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, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2011-021.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to Section 16.12.290 and Chapter 16.20 incorporating language allowing for additional information from outside agencies to be included on final or parcel maps is consistent with Goal 5-8 to “create collaborative planning efforts” and Policy 5-8a to “establish ongoing collaborative and cooperative planning relationships” as required by the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 16.12.290 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

I. Additional Information on Parcel Maps
   1. Mariposa County may require additional information to be filed or recorded simultaneously with a parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.
2. Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and cultural resource sites.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Chapter 16.20 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

16.20.231 Additional Information on Final Maps

A. Mariposa County may require additional information to be filed or recorded simultaneously with a final map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

B. Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and cultural resource sites.

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT project approval is based on the following 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 public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare.

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: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

Evidence: According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Bibby, seconded by Supervisor Stetson, this resolution duly passed and adopted this 11th day of October, 2011 by the following vote:

AYES: STETSON, CANN, ALLEN, BIBBY
NOES: NONE
EXCUSED: TURPIN
ABSTAIN: NONE

Jim Allen, Chair
Board of Supervisors

Attest:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel