

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

Resolution

No. 2007-004

A Resolution Recommending an Environmental Determination and Zoning Amendment Application No. 2006-223, County of Mariposa, Project Proponent

WHEREAS the Mariposa County Planning Commission initiated Zoning Amendment Application No. 2006-223 on July 7, 2006 based upon the recommendation of the Planning Department staff; and

WHEREAS Zoning Amendment Application No. 2006-223 proposes to amend the Supplemental Standards by adding Temporary Camping as a permitted use in the Town Planning Area, Rural Residential, Mountain Home, Mountain Transition, Mountain General, General Forest, Mountain Preserve, and Agricultural Exclusive zoning designations; and

WHEREAS Zoning Amendment Application No. 2006-223 proposes to add the definitions for Temporary Camping, and to modify the definition for Non-Commercial Recreation to include Temporary Camping; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 20th day of October, 2006; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

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

WHEREAS 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 on the 20th day of October 2006, the Planning Commission referred the matter back to the Planning Department Staff and requested that Staff consider the Planning Commission and public input and make recommendations for revisions to the proposal based upon the Planning Commission and public input; and

WHEREAS on the 20th day of October 2006, the Planning Commission continued the public hearing on Zoning Amendment Application No. 2006-223 to the 1st day of December 2006 at 9:00 a.m. or as soon thereafter as possible; and

WHEREAS on the 1st day of December 2006, the Planning Commission continued the public hearing on Zoning Amendment Application No. 2006-223 to the 19th day of January 2007 at 9:00 a.m. or as soon thereafter as possible; and

WHEREAS amended Staff Report documents were prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a continued public hearing on the 19th day of January 2007, and considered all of the information in the public record, including the amended Staff Report documents, and testimony presented by the public concerning the application.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution 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 Zoning Amendment No. 2006-223.

BE IT FURTHER RESOLVED THAT it is NOT the intent of this ordinance to restrict the occasional use of a tent by children in the yard of an existing residence.

BE IT FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt an ordinance approving the proposed text amendment to the zoning ordinance, Mariposa County Code Zoning Title.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa Zoning Ordinance are described in Exhibit A.

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

Finding No. 1: 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. (Section 17.128.050, Zoning Ordinance)

The amendment is in the general public interest because it defines and clarifies the use of property for non-commercial recreational uses, and in particular temporary camping. It will prohibit the use of property for residential use that is not in compliance with the Uniform Building Code. The amendment will not have any adverse effect on the general public health, safety, peace and welfare.

Finding No. 2: 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. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The amendment will improve the Mariposa County General Plan, as the amendment addresses potential impacts associated with the use of property for residential use that do not have proper permits, or meet the requirements of the Uniform Building Code. This amendment will enable Mariposa County to properly review and evaluate how a property is used for non-commercial recreation uses and temporary camping, thus enabling better day-to-day decision making. The amendment will minimize negative impacts of temporary camping on residential properties.

Finding No. 3: The amendment conforms to the requirements of state law and county policy. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The application has been processed in accordance with all applicable requirements of state law and county policy.

Finding No. 4: The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)

The amendment will insure that the residential use of property is consistent with the General Plan. The amendment will establish standards that provide for clean, safe and sanitary building sites and the proper use of the County's recreational resources (Section 3.300, General Plan). The amendment will permit a balanced and functional mix of land uses consistent with community values (Section 3.300, General Plan).

Finding No. 5: The subject parcels are physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designated and the anticipated land use development. (Section 17.128.050, Zoning Ordinance.)

This finding is not applicable to Zoning Amendment No. 2006-223.

Finding No. 6: The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Section 17.128.050, Zoning Ordinance.)

This finding is not applicable to Zoning Amendment No. 2006-223.

ON MOTION BY Commissioner DeSantis, seconded by Commissioner Hagan, this resolution is duly passed and adopted this 19th day of January, 2007 by the following vote:

AYES: Ross, Rudzik, Hagan, DeSantis

NOES: None

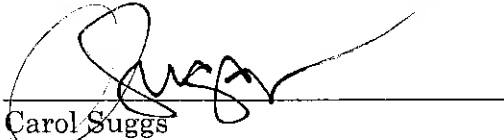
EXCUSED: None

ABSTAIN: Skyrud



Robert Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs
Secretary to the
Mariposa County Planning Commission

EXHIBIT A

Proposed Text of Zoning Ordinance Amendment

Changes shown in: *italicized, underlined type* for new text

~~strikethrough type~~ for deleted text

Chapter 17.108

Supplementary Standards

Sections:

17.108.060 General Use Standards, to be added,

J. Temporary Camping, as defined by Chapter 17.148, shall be a permitted use in the MH, MT, MG, GF, MP and AE zones, as long as the temporary use is not detrimental to adjoining residential areas and uses by reason of traffic, noise, dust, smoke, increased wildland fire hazards, odor, or other emissions.

K. Temporary Camping, as defined by Chapter 17.148, shall be a permitted use in the TPA or RR zones, unless otherwise restricted or prohibited by a community, special, specific or area plan, and if in accordance with the following. The temporary camping shall be in conjunction with an existing on-site residential use on the same parcel, or shall be temporarily connected to an approved public or private on-site permitted septic disposal system. The temporary camping use shall not be detrimental to adjoining residential areas and uses by reason of traffic, noise, dust, smoke, increased wildland fire hazards, odor, or other emissions.

(all other sections of Supplementary Standards to remain unchanged)

Chapter 17.148

Definitions

Sections:

17.148.010 Definitions, to be added,

Camping, Temporary:

Occupying or maintaining for occupancy any place for temporary living, sleeping, or other human occupancy purpose, when not in an appropriately licensed or authorized area for campgrounds or recreational parks or facilities, or zoned for camping activities, for no longer than 14 cumulative nights in any 90 day period. If such occupancy is for more than 14 cumulative nights in any 90 day period, it may be considered a residential occupancy or residential use. Temporary camping shall not be for commercial purposes. Temporary camping does not include the parking or storage of an unoccupied and otherwise unused recreational vehicle, travel trailer, trailer coach, tent trailer, or any other similar vehicle on a privately owned parcel, when parked and stored as an accessory use to a residential use. Temporary camping does not include a recreational vehicle, travel trailer, trailer coach, tent trailer, or any other similar vehicle which is established and used in accordance with all provisions of Mariposa County Resolution No. 88-380.

17.148.010 Definitions, to be amended,

Recreation, non-commercial:

Non-commercial recreation shall mean all recreation activities which are conducted on lands regulated by this title for which no charge is required, including temporary camping as defined herein.

(all other sections of Definitions to remain unchanged)