

DEPARTMENT: Planning

BY: Ed Johnson

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Ordinances*

Waive second reading and adopt the following Ordinances relative to Permit Streamlining:

1. Ordinance amending Chapter 2.50 entitled "Mariposa County Planning Agency" and Chapter 2.52 entitled "Planning Commission" of the Mariposa County Code.
2. Ordinance amending Chapter 16.12 entitled "Minor Subdivisions", Chapter 16.16 entitled "Major Subdivisions" and Chapter 16.32 entitled "Enforcement and Penalties".
3. Ordinance amending Title 17 of the Mariposa County Code.
4. Ordinance amending the Mariposa County Environmental Review Policies and Procedures

Resolutions*

Pass and adopt the following Resolutions relative to Permit Streamlining:

1. Resolution approving amendments to the Appeal Procedures.
2. Resolution approving amendments to the General Plan.
3. Resolution approving amendments to Mariposa Town Planning Area (TPA) Specific Plan.

* Amendments are noted as follows: Additions with double underline and italics and deletions with strikethrough.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

During the public hearing held November 12 to November 15, 1996, the Board waived the first reading and introduced the above-listed Ordinances and requested staff to prepare the Ordinances in final form for a second reading and adoption. The Board also directed staff to return with Resolutions to adopt amendments to the Appeal Procedures, General Plan, and Mariposa TPA Specific Plan.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A. The Board has previously directed staff to return with this action.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Ordinances. _____

Resolutions. _____

CLERK'S USE ONLY:
Res. No.: 97-3, 97-4, 97-5 Ord. No. 910, 911, 912, 913
Vote - Ayes: _____ Noes: _____

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Absent: _____ Retained: _____
() Approved () Denied
() 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

Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action

Comment: _____

A.O. Initials:

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PERMIT STREAMLINING

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 7, 1997

ACTION AND VOTE:

Ed Johnson, Planning and Building Director;

C) Continued PUBLIC HEARINGS (Deliberation Phase) for the Permit Streamlining Program and Mariposa Town Planning Area (TPA) Specific Plan/Zoning Amendment: Waive Second Reading and Adopt Ordinances Amending Title 2, Title 16, Title 17 and the Environmental Review Policies and Procedures Relative to Permit Streamlining; and Adopt Resolutions Approving Appeal Procedures, General Plan Amendments, and Amendments to the Mariposa Town Planning Area Specific Plan Relative to Permit Streamlining(Continued from November 14, 1996)

BOARD ACTION: In response to a question relative to receiving public input, Jeff Green/County Counsel, advised that the public portion of the hearings has been closed and the Board is in the deliberation phase; and the only way to accept public input, would be to start the hearing process all over again. Ed Johnson responded to questions from the Board relative to changes in the ordinances between the first reading and second reading; and relative to the numbering of the sections where a section was deleted. Ed advised that the only changes in the documents reflect changes approved by the Board during the hearing process in November, 1996; and staff will correct the numbering of the items to reflect changes. (M)Balmain, (S)Pickard, first reading was waived and the following ordinances were adopted:

Ord. 910 - amending Title 2;

Ord. 911 - amending Title 16;

Ord. 912 - amending Title 17

Ord. 913 - amending Environmental Review Policies and Procedures Relative to Permit Streamlining;

and the following resolutions were adopted:

Res. 97-3 - Appeal Procedures

Res. 97-4 - General Plan Amendments

Res. 97-5 - Amendments to the Mariposa Town Planning Area Specific Plan Relative to Permit Streamlining

Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Hearings were closed.

cc: File

MARIPOSA COUNTY RESOLUTION NO. 97-5

**A RESOLUTION APPROVING AMENDMENTS TO
THE MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN**

WHEREAS, a comprehensive Permit Streamlining has been initiated by the County, including the public review and hearing process to amend Mariposa County Code and other county policy documents; and

WHEREAS, these include amendments to the Mariposa Town Planning Area (TPA) Specific Plan; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments in accordance with State Law and County Code, and have considered all input, written and verbal; and

WHEREAS, the Planning Commission and the Board of Supervisors made many modifications to the amendments in response to concerns expressed through the public process; and

WHEREAS, these amendments are not intended to change the public's referendum rights with respect to the projects which will be acted upon in accordance with this resolution.

NOW THEREFORE, the Board of Supervisors of Mariposa County hereby resolves that the Mariposa TPA Specific Plan is amended in accordance with "Exhibit A" (Amendments are noted as follows: Additions in double underline and italics, and deletions in strikethrough).

NOW THEREFORE, the Board of Supervisors further resolves that approval of these amendments to the Mariposa TPA Specific Plan is based upon the following findings:

1. The Amendments to the Mariposa TPA Specific Plan are exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Sections 15061 and 15305 of the CEQA Guidelines. A portion of the amendments to the Mariposa TPA Specific Plan are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. There is no possibility that portions of the amendments to the Mariposa TPA Specific Plan may have a significant effect on the environment. Remaining portions of the amendments to the Mariposa TPA Specific Plan include minor alterations in land use limitations.

2. The amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendments clarify the existing language in the Mariposa TPA Specific Plan, and eliminate or modify text which conflicts with that contained within other County ordinances. The amendments do not make any changes in current practices which would result in any impact on the environment.
3. The amendments change review and approval authority for certain development applications. Zoning Ordinance Amendments being processed in conjunction with these Specific Plan Amendments retain requirements for notice, findings and appeals, and therefore maintain discretionary procedures for all affected applications. Additional findings and notice are also provided in the associated Zoning Ordinance Amendments to increase the opportunity for, and the level of public participation in these applications.
4. The amendments do not change any application procedure from discretionary to ministerial.
5. The amendments promote fairness in implementation of the Mariposa TPA Specific Plan by clarifying conflicting policy and ordinance language.
6. The amendments standardize notice, hearing and appeal time frames but do not result in any impact to the environment.
7. The amendments add findings and notice for development applications which increases guarantees that there will be no adverse impacts on the environment.
8. The amendments are desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and short term basis for day-to-day decision making. The amendments rectify contradictory and conflicting language within the Mariposa TPA Specific Plan text and County Code, and add findings for development applications to aid in the day-to-day operations and processing of applications.
9. The amendments conform with the requirements of State law and county policy and are consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. One purpose of the amendments is to provide consistency with County ordinances and policies. The amendments also add findings and notice for development applications. This action is supported by the General Plan Governing Policy Section 2.202. This section establishes policy regarding the administration of the Mariposa County General Plan as follows: "To provide a practical and legally adequate

framework to include...implementation programs and measures which can effectively guide the development and growth of Mariposa, yet reserve adequate flexibility in the day-to-day decision process to be responsive to changing needs and circumstances.”

NOW THEREFORE, the Board of Supervisors finally resolves that these amendments shall become effective thirty (30) days after final passage.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County on this 7th day of January, 1997 by the following vote:

AYES: Reilly, Balmain, Stewart, and Pickard
NOES: None
ABSTAINED: None
EXCUSED: Parker



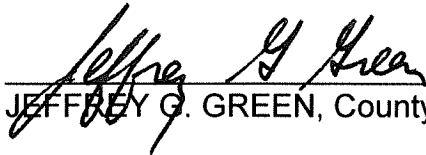
ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



JEFFREY G. GREEN, County Counsel

SPECIFIC PLAN

Sections 3.11.A.3, 3.11.B.3, 3.11.C.3, 3.12.A.3, 3.12.B.3, 3.12.C.3, 3.13.A.3 Change to read:

3. Prohibited Uses:

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

Sections 3.13.B.3 and 3.13.C.3 Change to read:

3. Prohibited Uses:

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

Section 3.14.A.2.a Change to read:

2. Planned Development Standards and Procedures

a. Approval of the Plan.

Applications shall be initiated by the owner or owners of the land. Applications for the establishment of a PUD must include a development plan as described herein. Applications for a subdivision or use permit may be submitted with a PUD application and may be processed, considered, and approved in conjunction with a PUD application. Subdivision and use permit applications considered in conjunction with a PUD application shall be approved by the Board of Supervisors following review and recommendation by the Planning Commission. The PUD approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the Planning Department prior to submission for review by the Planning Commission. The Planning Department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the planned development proposal and environmental review consistent with adopted county policy. The Planning Commission may approve, disapprove, modify, or attach conditions to a development plan.

Section 3.14.A.2.b Change to read:

b. Findings required for approval of a Planned Development

The Planning Commission, after a public hearing, may recommend the approval of a planned development, and the Board of Supervisors, after a public hearing, may by resolution approve a planned development provided they find that the facts submitted with the application and presented at the public hearings establish that:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development;
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect;
3. Any deviation from Title 16 (Subdivision Ordinance) requirements is warranted by the design and additional amenities incorporated in the development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and
4. The principles incorporated in the proposed development plan indicate certain unique or unusual features which could not otherwise be achieved under standard subdivision provisions.

Section 3.14.A.2.c Change to read:

c. Principal Permitted Uses:

In a planned development, any use may be permitted provided such uses are generally consistent with the underlying land use classification of the specific plan, or the uses are shown on the development plan for the particular PUD and is approved by the Planning Commission and Board of Supervisors. An approved development plan shall be considered an addition to or augmentation of the specific plan.

Section 3.14.A.2.g Change to read:

- g. Application--Items Required. Planned development application shall be accompanied by:
 - 3. A plan proposal prepared according to the specifications as described for the development plan in Section ~~†~~ 3.14.A.2.h.
 - 5. A list of names and addresses of property owners with property located within six three hundred feet of the proposed planned development.

Section 3.14.A.2.h Change to read:

- h. Development Plan--Components.
 - 1. The development plan shall include all of the following:
 - a. A site plan map which shows; ~~;~~
 - v. Land uses adjacent to the external boundary of the ~~P-D~~ PUD site; ...

Section 3.14.A.2.j Change to read:

- j. Density Control.

... The 15% street set-aside may be waived based on a finding that the project represents ~~g~~ exemplary design characteristics relative to the overall intent of the planned development standards.

Section 3.14.A.2.k Change to read:

- k. Revision of plan--Use Permit

~~A public hearing by the Planning Commission and Board of Supervisors shall be required prior to issuance of a use permit for revisions of the plan which involve changes in land use, expansion or intensification of development, or a revision in the standards of development. All other revisions may be allowed after a use permit is approved by the Planning Commission. A public hearing may be called regarding such changes if deemed necessary by the Planning Commission.~~

The Planning Director may approve one or more revisions to an approved PUD provided such revision:

- i. does not result in a cumulative expansion of more than 10% of the original allowed development or development area;
- ii. does not involve changes in land use;
- iii. does not allow a revision in the standards of development;
- iv. is found to be necessary and desirable for the best utilization of a site;
- v. will not result in or create a potential public nuisance or health and safety problem;
- vi. will not create impacts which were not addressed by the original environmental determination for the project. and;
- vii. does not change the original intent of the PUD.

Section 3.14.A.2.n.1 Change to read:

n. Development Schedule

1. An application for a PUD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one year from the effective date of the approval of the PUD, the anticipated rate of development, and completion date. The development schedule, if approved by the ~~Board of Supervisors~~ Planning Commission, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the PUD and his successors in interest. The county shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney's fees of any civil action brought to enforce any provisions of a PUD. The bond is to be in the amount of five thousand dollars.

Section 3.14.A.2.p.2 Change to read:

p. Compliance with provisions--Interpretation

2. A planned development may be accepted with applications for minor or major subdivisions and may be processed simultaneously, including staff review, environmental review, and public hearings at the Planning Commission and ~~Board of Supervisors~~.

Section 3.14.A.2.r Change to read:

- r. Report of Planning Commission--Findings and recommendations action

Following the hearing required by Section ~~r~~ B.14.A.2.g, the Planning Commission shall make a report of its findings and recommendations actions with respect to the proposed planned development and shall file with the Board of Supervisors a copy of such report. Such report shall include a statement as to whether the proposed planned development is in conformance with the latest adopted specific plan. If the Planning Commission deems it advisable appropriate, it may recommend require that the area under consideration for a planned development be enlarged or diminished.

Section 3.14.A.2.s Omit all:

- ~~s. Action by the Board of Supervisors~~

~~Upon receipt of such report from the Planning Commission, the Board of Supervisors shall schedule the matter for public hearing and publish notice thereof as required in Section r. The Board of Supervisors shall render its decision after consideration of the report and recommendation of the Planning Commission, public testimony and comments by the applicant, and such decision shall be to deny, conditionally approve, or approve all or part of the proposed planned unit development.~~

Section 3.14.A.2.t Change lettering to read:

- ~~t. s.~~ Abandonment after proceedings have begun: Upon consent ...

Section 3.14.A.2.u Change lettering to read:

- ~~u. t.~~ Site restoration: Security to the satisfaction of county counsel ...

Section 3.14.B.2 Change to read:

2. Special Development Standards for the DRO.

Development in the DRO District shall conform to architectural theme and development guidelines established by the Board of Supervisors pursuant to Subsection 7 of Section 3.14 B of this chapter. In reviewing and approving the application for design review, the Planning Director shall

find that the application complies with the architectural theme and development guidelines established by the Board of Supervisors. ~~with respect to the following:~~

- ~~a. Height, bulk, and area of buildings;~~
- ~~b. Yards and setbacks;~~
- ~~c. Colors and materials of the exterior of any buildings or signs;~~
- ~~d. Type and pitch of roofs;~~
- ~~e. Size and spacing of windows, doors, and other openings;~~
- ~~f. Size, type and location of signs;~~
- ~~g. Landscaping and site grading;~~
- ~~h. Location and design of parking areas;~~
- ~~i. Exterior lighting;~~
- ~~j. Location and design of exterior mechanical equipment and other appurtenances such as trash enclosures and propane tanks;~~
- ~~k. Design and location of any outside storage areas;~~
- ~~l. Any other aspects of building construction or site development that may relate to maintaining an overall theme within the area in which the proposed development is located.~~

In the instance that a Special Development standard established by this section conflicts with a Development Standard of the Principal Zone, the Special Development Standard established by this section shall apply.

Section 3.14.B.4.b Change to read:

B. Design Review Overlay District

4. DRO Plan--Application Requirements.

- b. A plot plan drawn to the scale specified by the Planning Director which contains the information specified in Section 17.03.150 of this Title the Zoning Ordinance.

Section 3.14.C.2 Change to read:

2. Special Development Standards for the HDRO.

Development in the HDRO District shall conform to architectural theme and development guidelines established by the Board of Supervisors pursuant to Subsection 3.26 of this chapter. In reviewing and approving the application for design review, the Planning Commission shall find that the application complies with the architectural theme and development guidelines established by the Board of Supervisors. ~~with respect to the following:~~

- a. Height, bulk, and area of buildings;
- b. Yards and setbacks;
- c. Colors and materials of the exterior of any buildings or signs;
- d. Type and pitch of roofs;
- e. Size and spacing of windows, doors, and other openings;
- f. Size, type and location of signs;
- g. Landscaping and site grading;
- h. Location and design of parking areas;
- i. Exterior lighting;
- j. Location and design of exterior mechanical equipment and other appurtenances such as trash enclosures and propane tanks;
- k. Design and location of any outside storage areas;
- l. Any other aspects of building construction or site development that may relate to maintaining an overall theme within the area in which the proposed development is located.

In the instance that a Special Development standard established by this section conflicts with a Development Standard of the Principal Zone, the Special Development Standard established by this section shall apply.

Section 3.16 Add to read:

SECTION 3.16 SIMILAR USE STANDARDS

- A. Where a proposed land use is not specifically listed as permitted or conditional, the Planning Director shall review the proposed use when requested to do so in writing and, based upon the characteristics of the use, determine if the use proposed is similar to those permitted or conditionally permitted.
- B. Prior to making a similar use determination, the Planning Director shall find that such use is similar to the listed use in areas including, but not limited to, intensity, density, traffic, noise and other environmental factors as specified in the County Initial Study checklist items.
- C. Upon a written determination by the Planning Director that a proposed unlisted use is similar in its nature and intensity to a permitted or conditionally permitted use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment.
- D. All Planning Director determinations shall be noticed in a newspaper of general circulation within the county at least once prior to the end of the appeal period and posted in not less than 3 public places within 24 hours after determination is made and shall remain posted during the length of the appeal period. The Planning Department shall maintain a list of sites where notice in neighborhoods or communities will be posted.