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MARIPOSA COUNTY RESOLUTION NO. 94-232

**A RESOLUTION ESTABLISHING POLICY AND PROCEDURES
FOR CONSIDERING THE FORMAL INITIATION OF GENERAL PLAN/
ZONING AMENDMENT APPLICATIONS FOR ESTABLISHED COMMERCIAL USES**

WHEREAS, the Board of Supervisors wishes to encourage the submittal of general plan/zoning amendment applications for commercial uses which do not conform to the Mariposa County General Plan and County Zoning Ordinance by waiving application fees and incurring other necessary costs; and

WHEREAS, the Board of Supervisors, by its own policy, may grant waivers to application fees in situations which it considers equitable and in the public interest; and

WHEREAS, it is in the public interest to establish commercial zoning districts for existing commercial uses in the rural parts of the County in order to encourage the continuation and future expansion of those uses which provide basic services to tourists and residents of Mariposa County; and

WHEREAS, the Board of Supervisors may initiate amendments to the Mariposa County General Plan and Mariposa County Zoning Ordinance (Title 17 County Code) under the authority of Section 17.128.020 of the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby establishes the following policy and procedures for considering the formal initiation of general plan/zoning amendment applications for the CN (Commercial, Neighborhood), CR (Commercial, Resort), and CG (Commercial,

1 General) land use classifications and Neighborhood Commercial-
2 1 (CN-1), Neighborhood Commercial-2 (CN-2), General
3 Commercial-1 (CG-1), General Commercial-2 (CG-2), and Resort
4 Commercial (CR) zoning districts:

5 1) This policy establishes an open window filing
6 period in which property owners of established commercial
7 businesses and structures may submit general plan/zoning
8 amendment applications for commercial land use classifications
9 and zoning districts and request consideration of formal
10 initiation by the Board of Supervisors. Said initiation by
11 the Board of Supervisors, if approved, shall result in the
12 waiver of County application processing fees and the incurring
13 of additional costs by the County, as determined by the Board
14 of Supervisors.

15 2) Applications shall contain all required
16 information for a general plan/zoning amendment application,
17 any information necessary to consider the application relative
18 to the criteria contained in Exhibit "A" attached hereto and
19 incorporated herein, and signature by one or more of the
20 property owners. Applications which do not contain the
21 required information shall not be accepted for processing.

22 3) Applications shall be accepted for a period of
23 120 days from the date of official publication of this policy.

24 4) Following acceptance of the applications and
25 the closing of the filing period, the applications shall be
26 referred to the Board of Supervisors for consideration of
27 formal initiation.

28

DEPARTMENT: Planning

BY: Duane Hall

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Resolution establishing policy and procedures for considering the formal initiation of general plan/zoning amendment applications for established commercial uses.

The recommended action is based on previous direction from the Board on this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 17th the Board discussed an open window period program for industrial site rezonings. As part of that discussion, the Board directed staff to prepare an open window period program for commercial rezonings of properties with non-conforming commercial uses and to bring the matter back to the Board for formal action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue matter; (2) Modify the policies and procedures of the resolution; (3) Take no action.

NEGATIVE ACTION would result in no action being taken and an open window period for receiving amendment applications would not be established.

COSTS: () 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:

1. Memo to Board _____

2. Draft Resolution _____

CLERK'S USE ONLY:

Res. No.: 94-232 Ord. No. _____

Vote - Ayes: 4 Noes: _____

Absent: None Abstained: _____

Approved: _____ () Denied _____

(X) 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

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

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: WH

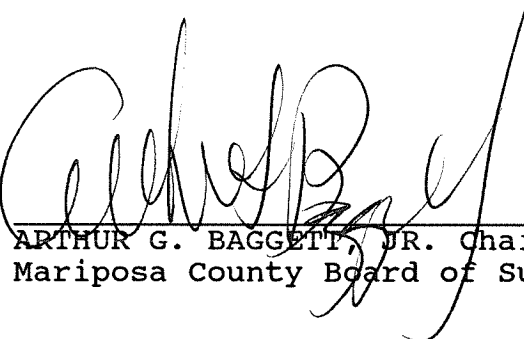
1 5) Formal initiation of the applications shall be
2 considered relative to the criteria contained in Exhibit "A".
3 The Board may establish additional policy and criteria in
4 considering applications for formal initiation.

5 6) This policy is limited to the acceptance of
6 applications and their consideration for possible initiation
7 by the Board of Supervisors. Acceptance of an application
8 does not bind the County or the Board of Supervisors in any
9 future action to initiate or approve the amendment
10 application.

11 7) This policy does not preclude or limit a
12 property owner from requesting a general plan/zoning amendment
13 by the submittal of an application, including application
14 fees, in accordance with Chapter 17.128 of the Zoning
15 Ordinance.

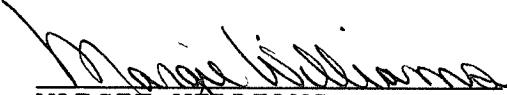
16 **PASSED AND ADOPTED** by the Mariposa County Board of
17 Supervisors on this 14th day of June, 1994 by the
18 following votes:

- 19 **AYES:** Baggett, Balmain, Erickson, Parker
- 20 **NOES:** None
- 21 **ABSTAINED:** None
- 22 **EXCUSED:** Taber

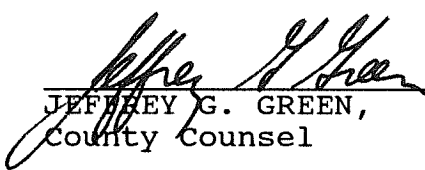


 ARTHUR G. BAGGETT, JR. Chairman
 Mariposa County Board of Supervisors

24 ATTEST:



 MARGIE WILLIAMS,
 Clerk of the Board



 JEFFREY G. GREEN,
 County Counsel

EXHIBIT "A"

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1. The project site shall not be located in town planning areas with adopted specific plans. An established commercial business(es) or an existing commercial structure(s) which can readily be utilized for commercial uses shall be located on the project site.
2. The project site shall include only that parcel on which the commercial business or structure is located. Additional lands, under the same or separate ownership, may be included in the application only to the extent necessary to satisfy minimum site area requirements for the requested land use classification and zoning district. Exceptions below the minimum site area requirements may be allowed if there are exceptional or extraordinary circumstances applicable to the property and the site has suitable area for the existing development.
3. The requested land use classification and zone shall be the least intensive land use classification and zone which permits the commercial business or structure.

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: EDWARD JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *mw*
SUBJECT: Policy and Procedures for the Initiation of
General Plan/Zoning Amendment Applications for
Established Commercial Uses
Resolution Number 94-232

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 14, 1994

ACTION AND VOTE:

11:03 a.m. Edward Johnson, Planning and Building Director

C) Resolution Establishing Policy and Procedures for
the Initiation of General Plan/Zoning Amendment Applications
for Established Commercial Uses

BOARD ACTION: Discussion was held with Ed Johnson/Planning
Director, and Duane Hall/Associate Planner. Supervisor
Taber was excused at 12:23 p.m. (M) Erickson, (S) Parker,
Res. 94-232 adopted, with direction that applications not be
prohibited due to substandard parcel size/Ayes: Baggett,
Balmain, Erickson, Parker; Excused: Taber. Discussion was
held concerning Rural Home Industry and Rural Home
Enterprise. Ed Johnson advised that he will bring options
to the Board for consideration.

cc: Jim Evans, Housing and Community
Development Agency Director
File