RESOLUTION - ACTION REQUESTED 2019-246

MEETING: May 7, 2019

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director


RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Resolution to approve Specific Plan/Zoning Amendment (GP/SPZA) No. 2015-017, GP/SPZA No. 2017-200 and GP/SPZA No. 2019-01, and Find the Project Actions Are Exempt from Environmental Review Pursuant to CEQA §15060 (C)(2) and 15061 (B)(3). Mariposa County, Applicant.

GP/SPZA No. 2015-017 proposes:

Amendments to the Fish Camp Specific Plan (FCSP) - Appendix IV, I. Planned Development Applications, O., Development Schedule, to amend the development schedule provisions changing initial approval timeframe to 3 years and allowing for one 18 month extension.

GP/SPZA No. 2019-001 proposes:

Amendments to the Mariposa Town Planning Area Specific Plan (MTPSP) Section 3.14 Overlay Districts, A. Planned Unit Developments, 2. Planned Development Standards and Procedures, n. Development Schedule together with amendments to Zoning Ordinance Chapter 17.328.030, Procedures and Approval Standards for PUD, Development Schedule, to amend the development schedule provisions changing initial approval timeframe to 3 years and allowing for one 18 month extension.

GP/SPZA No. 2017-200 proposes:

Amendments to the Fish Camp Specific Plan (FCSP) Section VI., H. Bed and Breakfast and Vacation Rentals, increasing the allowed bedroom count from 3 to 5 bedrooms for Bed and Breakfasts and requiring 600 foot notice radius.

These three projects were scheduled for action together, as General Plan Amendments are allowed to occur only 4 times per year. The FCSP and Mariposa TPSP are contained in Volume II of the General Plan.
The Staff Report attached to this item is prepared for two MinuteTraq Items (MT Item 9281 for adoption of a resolution and MT Item 9282 for waiver of the first reading and introduction of an ordinance).

BACKGROUND AND HISTORY OF BOARD ACTIONS:
BOS initiated PD amendments (July 7, 2015: Resolution No. 2015-366)

BOS Considered PD Amendments February 2, 2016, directed staff to schedule Fish Camp Planning Advisory Council (FCPAC) review of the two minor amendments made by the PC AND initiated amendments to the Mariposa Town Plan to include the same PD provision text changes as proposed for the FCSP into the Mariposa Town Plan (including its applicable zoning).

BOS initiated B&B and Vacation Rental amendments (December 19, 2017: Resolution No. 2017-480).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not conduct the Public Hearing. The process for the amendments would not be completed.

Amend text of amendments. Depending on the amendments, this may necessitate further review by the Planning Commission and possibly the FCPAC.

ATTACHMENTS:
Staff Report (DOC)
Attachment A - Planning Commission Resolution (PDF)
Attachment B - Draft Board Resolution (DOC)
Attachment C - Notice of Exemption (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2019-246


WHEREAS, in accordance with the Mariposa County Code §2.50.100 Planning Advisory Committees, the Board established the Fish Camp Town Plan Advisory Council (FCPAC):

“to recommend actions representing the local community views about planning matters to the planning commission and board of supervisors”; and

WHEREAS, at their meeting on January 24, 2015 the FCPAC formed a subcommittee to review the “Planned Development” provisions of the Fish Camp Town Plan Area Specific Plan (FCSP); and

WHEREAS, at their meeting of April 18, 2015 the FCPAC considered the recommendations of the subcommittee and voted unanimously to recommend the Board of Supervisors initiate and approve the recommended amendments to the Planned Development provisions; and

WHEREAS, at their meeting of July 7, 2015 the Board of Supervisors adopted Resolution No. 2015-336 initiating amendments to Fish Camp Town Plan Area Specific Plan as recommended by the FCPAC (GP/SPZA No. 2015-017); 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, a duly noticed Planning Commission public hearing was scheduled for December 4, 2015; and

WHEREAS, on December 4, 2015 the Planning Commission recommended approval of the amendments to the Board of Supervisors with two text amendments; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for February 2, 2016; and

WHEREAS, on February 2, 2016 the Board of Supervisors directed staff to schedule FCPAC review of the two minor amendments made by the Planning Commission and
initiated amendments to the Mariposa Town Plan Specific Plan to include the same
Planned Development text changes as proposed for the Fish Camp Specific Plan
(GP/SPZA No. 2019-001); and

WHEREAS, on April 19, 2016 and May 13, 2017, the FCPAC recommended the Board of
Supervisors approve the Planning Commission's edits and initiate additional Fish
Camp Specific Plan Amendments for Bed and Breakfast (B and B) and Vacation
Rentals; and

WHEREAS, on December 19, 2017 the Board of Supervisors adopted Resolution No. 2017-
480 initiating Bed and Breakfast and Vacation Rental provision amendments
(GP/SPZA No. 2017-200); and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for March
22, 2019; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and
considered all of the information in the public record, including the Staff Report
packet, the proposed environmental determination, the recommendations of the
FCPAC and testimony presented by the public; and

WHEREAS, the Planning Commission adopted Resolution No. 2019-006 recommending the
Board of Supervisors approve the applications, find the projects are exempt from
environmental review pursuant to CEQA and file a Notice of Exemption; and

WHEREAS, a duly noticed Board of Supervisors public hearing for the project was
scheduled for April 23, 2019; and

WHEREAS, at their meeting on April 23, 2019 the Board of Supervisors continued the
public hearing on GP/SPZA No. 2019-001 to May 7, 2019, in accordance with State law
and County Code; and

WHEREAS, the Board of Supervisors did hold a public hearing at their meeting on May 7,
2019 and considered all of the information in the public record, including the Staff
Report, testimony presented by the public concerning the application, and the
Planning Commission's recommendations.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County
of Mariposa does hereby: 1) find the projects are exempt from environmental review
and 2) direct staff to file a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT, the Board of Supervisors of the
County of Mariposa does hereby approve GP/SPZA No. 2015-017, GP/SPZA No. 2017-
200 and GP/SPZA No. 2019-01.

BE IT THEREFORE FURTHER RESOLVED THAT, the recommendation is based
upon the findings set forth in Exhibit 1.
Resolution 2019-246

GP/SPZA No. 2015-017, GP/SPZA No. 2017-200 and GP/SPZA No. 2019-01, Mariposa County applicant. May 7, 2019 · page 3 of 12

BE IT THEREFORE FURTHER RESOLVED THAT, the amendments to the Fish Camp Specific Plan (Planned Developments) are shown in Exhibit 2.

BE IT THEREFORE FURTHER RESOLVED THAT, the amendments to the Mariposa Town Planning Area Specific Plan and Zoning Ordinance §17.328.030 Planned Unit Developments are shown in Exhibit 3.

BE IT THEREFORE FURTHER RESOLVED THAT, the amendments to the Fish Camp Specific Plan (Bed and Breakfast and Vacation Rental Provisions) are shown in Exhibit 4.

BE IT THEREFORE FINALLY RESOLVED THAT, all other text in the Fish Camp Specific Plan, Mariposa Specific Plan and Zoning Ordinance §17.328.030 shall remain unchanged.

ON MOTION BY Supervisor Jones, seconded by Supervisor Long, this resolution is duly passed and adopted on May 7, 2019 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

[Signature]
Miles Menetrey, Chair
Mariposa County Board of Supervisors

Attest:

[Signature]
René LaRoche
Clerk of the Board of Supervisors

Approved as to Form:

[Signature]
Steven W. Dahlem
County Counsel
Recommended Findings for Approval
Specific Plan/Zoning Amendment (GP/SPZA) No. 2015-017 (Fish Camp Specific Plan Planned Development (P-D) Text Amendments), Specific Plan/Zoning Amendment (GP/SPZA) No. 2017-200 (Fish Camp Specific Plan Bed and Breakfast and Vacation Rental Provisions)

Pursuant to the Fish Camp Specific Plan VIII. Specific Plan Implementation B, Plan Amendment Standards, 2. Specific Findings, the following findings are made:

a. **Finding:** The amendments will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan

**Evidence:** The proposed amendments amend the P-D application provisions to more clearly define the initial approval time limits and allowance for time extension requests. The result would be for the community, developer/applicant and County to have clearly defined plan language for consideration of future P-Ds and P-D use permits, as well as future time extension request for a project in an existing P-D.

The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals from 3 to 5 bedrooms brings the Fish Camp Plan into conformance with the countywide 5 bedroom allowance for bed and breakfasts thereby meeting the specific plan goal to promote recreation and tourist industry in the community on a limited basis.

b. **Finding:** All environmental impacts of the amendment can satisfactorily be mitigated

**Evidence:** These amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15066(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines. (1) The proposed text changes are to administrative procedures and timeframes that would govern any future application for a P-D or P-D use permit for lands in the Fish Camp Town Planning Area. Any future application for a P-D or P-D use permit would undergo environmental review at the time of application. (2) The proposed text changes to the Bed and Breakfast and Vacation Rental procedures in the Fish Camp Town Planning Area for Bed and Breakfasts increase bedroom count to five (5) and increase noticing from 300 to 600 feet. Any future application for Bed and Breakfasts and Vacation Rentals would be reviewed at that time.

c. **Finding:** The amendments will not result in the degradation of the community as a residential and commercial center.

**Evidence:** No physical improvements are proposed or authorized by the proposed text amendments and therefore no degradation of the community as a residential and commercial center would result. The proposed amendments are to clarify open ended language in the Planned Development (P-D) application administrative procedures; and to have clearly defined plan language for consideration of future P-Ds and P-D use permits, as well as future time extension requests for a project in an existing P-D. This will benefit the community, developer/applicant and County decision making process for potential future residential and commercial center type
applications that may be submitted. The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms would occur within residential structures and therefore the residential nature of the community would be maintained.

d. **Finding:** The proposed amendment is needed to promote orderly growth within the Fish Camp Community.

**Evidence:** FCSP Appendix IV I. Planned Development Applications, A. Purpose states: “these provisions are intended to provide the administrative procedures for planned development applications”. The proposed amendments provide more clearly define procedures for the processing of future applications for P-D and P-D use permits to assist in the implementation of the Fish Camp Specific Plan land use policies and development standards that govern orderly growth within the Fish Camp Community. The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms would occur within residential structures. Application requirements would ensure that the use is conducted in an orderly fashion through adherence to required building, fire, health and zoning codes and standards.

e. **Finding:** That the area proposed for the amendment is uniquely suited to the proposed use or density and that other areas are not presently available or useable for such use or density.

**Evidence:** No physical improvements, use or density changes are proposed by these amendments and therefore no available or useable areas are impacted by the proposed amendments.

f. **Finding:** The amendment will not result in damage to or have an adverse effect on the value of adjacent properties.

**Evidence:** No physical improvements are proposed or authorized by the proposed text amendments and therefore no adverse effect on the value of adjacent properties would result. The proposed amendments are to clarify open ended language in the Planned Development (P-D) application administrative procedures; and to have clearly defined plan language for consideration of future P-Ds and P-D use permits, as well as future time extension requests for a project in an existing P-D. The proposed text changes to the Bed and Breakfast and Vacation Rentals procedures in the Fish Camp Town Planning Area for Bed and Breakfasts increase bedroom count to five (5) and increase noticing from 300 to 600 feet. Any future application for Bed and Breakfasts and Vacation Rentals would be reviewed at that time.

g. **Finding:** The proposed amendment is needed to promote orderly growth within the Fish Camp Community.

**Evidence:** The proposed amendments provide more clearly defined procedures for the processing of future applications for P-Ds and P-D use permits to assist in the implementation of the Fish Camp Specific Plan land use policies and development standards that govern orderly growth within the Fish Camp Community. The proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms would occur within residential structures. Application requirements would ensure that the use is conducted in an orderly fashion through adherence to required building, fire, health and zoning codes and standards.

h. **Finding:** 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 in a town planning area, Fish Camp, and a basis for decision making for Planned Developments in Fish
Camp Town Planning Area. (Proposed amendments implement the General Plan as the Fish Camp Specific Plan is included in the General Plan as an appendix).

Evidence: These amendments will improve the Mariposa County General Plan by ensuring that Fish Camp Specific Plan reflects clearly defined plan language for consideration of future P-Ds and P-D use permits, as well as future time extension request for a project in an existing P-D. Additionally, the proposed changes to Section VI. H. Bed and Breakfast and Vacation Rentals increasing from 3 to 5 bedrooms brings the Fish Camp Plan into conformance with the countywide 5 bedroom allowance for bed and breakfasts thereby meeting the plan goals to promote recreation and tourist industry in the community on a limited basis.

**Recommended Findings for Approval**

**Specific Plan/Zoning Amendment (GP/SPZA) No. 2019-001** (Mariposa Town Planning Area Specific Plan Planned Unit Development Provisions and corresponding Zoning Ordinance Amendments.)

Pursuant to the Mariposa County Zoning Ordinance §17.128.050 the following findings are made:

1. **Finding:** That such an 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: No physical improvements are proposed or authorized by the proposed text amendments and therefore no significant adverse effect on the general public health, safety, peace or welfare would result. The proposed amendments are to clarify open ended language in the Planned Unit Development (PUD) application administrative procedures; and to have clearly defined plan language for consideration of future PUDs and PUD conditional use permits, as well as future time extension requests for a project in an existing PUD. This will benefit the community, developer/applicant and County decision making process for potential future residential and commercial center type applications that may be submitted.

2. **Finding:** That such an amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

   Evidence: The project amends the PUD application provisions to more clearly define the initial approval time limits and allowance for time extension requests. The result would be for the community, developer/applicant and County to have clearly defined plan language for consideration of future PUDs and PUD conditional use permits, as well as future time extension request for a project in an existing PUD. This will provide guidance for day-to-day decision-making required for PUD applications.

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

   Evidence: The proposed amendments have been processed in accordance with county policy including public notice and hearings as required for amendments. The amendments are in compliance with state law. The amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or
reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3)
there is no possibility the activity in questions may have a significant effect on the environment),
CEQA Guidelines. The proposed text changes are to administrative procedures and timeframes
that would govern any future application for a PUD or PUD conditional use permit for lands in
the Mariposa Town Planning area. Any future application for a PUD or PUD conditional use
permit would undergo environmental review at the time of application.

4. **Finding:** That such an amendment is consistent with other guiding policies, goals, policies, and
standards of the Mariposa County general plan.

**Evidence:** These amendments will improve the Mariposa County General Plan by ensuring that
Mariposa Town Plan Specific Plan and Zoning in Ordinance reflect clearly defined language for
consideration of future PUDs and PUD conditional use permits, as well as future time extension
requests for a project in an existing PUD.

5. **Finding:** In the case of an amendment to the zoning classification on an individual parcel or
General Plan Land Use Map, a. the subject parcel is 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 designation and the anticipated
land use development; and b. the proposed zoning is logical and desirable to provide expanded
employment opportunities, or basic services to the immediate residential population or touring
public.

**Evidence:** No zoning classification amendment or General Plan Land Use Map amendment on an
individual parcel is involved.

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**Recommended Finding for Categorical Exemption**

These projects are exempt from the California Environmental Quality Act (CEQA) pursuant to Section
15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in
the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a
significant effect on the environment), CEQA Guidelines. (1) The proposed text changes are to
administrative procedures and timeframes that would govern any future application for a PD or PD use
permit for lands in the Fish Camp Town Planning Area and PUD or PUD conditional use permit for lands
in the Mariposa Town Planning Area. Any future application for a Planned or Planned Unit Development
would undergo environmental review at the time of application. (2) The proposed text changes to the Bed
and Breakfast and Vacation Rentals procedures in the Fish Camp Town Planning Area for Bed and
Breakfasts bedroom count to (5) and increased noticing from 300 to 600 feet. Any future application for
Bed and Breakfasts and Vacation Rentals would be reviewed at that time.
EXHIBIT 2
Amendments to Fish Camp Specific Plan Appendix IV., I. Planned Development Applications, O. Development Schedule

New text is shown in *italics* underlined font and the deletions in strikethrough font.

Appendix IV. I. Planned Development Applications

O. Development Schedule and Time Extension of a P-D and/or Use Permit within a P-D

1. An application for a P-D 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 three years from the effective date of the approval of the P-D. The anticipated rate of development and completion date shall mean building and/or grading permit issuance, which shall be within three years from the effective date of the approval of the P-D. The development schedule shall also include the anticipated rate of development and completion date. The development schedule, if approved by the board of supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the P-D and his successors in interest. *These requirements shall apply to any P-D Use Permit approved concurrently with the P-D.* 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 P-D. The bond is to be in the amount of five thousand dollars. *The county shall require the applicant to enter into an indemnification agreement pursuant to County Code Chapter 18.06.*

2. Periodically the planning department shall compare the actual development in the various Planned Developments with the approved development schedules. *The applicant shall be required to submit annual progress reports to the planning department by December 15th of each calendar year, including the year during which the approval date is established, until the project is completed. Completed shall mean the issuance of a building permit final, certificate of completion or certificate of occupancy. The planning department shall compare the annual progress reports and actual development in the planned development with the approved development schedule.*

   *If the planning department finds the owner or owners are failing or have failed to meet the approved schedule and make progress toward obtaining a grading and/or building permit to begin construction, and/or have failed to submit the required progress reports, the department may recommend the planning commission initiate proceedings to revoke the approval of the P-D development plan or P-D use permit.*

3. If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon recommendation of the planning commission and for good cause shown by the property owner, the planning commission may also extend the limits imposed by the development schedule.
One 18-month time extension of the initial time frame between the effective date of the approval of the P-D and/or P-D use permits and the start of construction may be requested through application to the planning commission. The application must be made at least 90 calendar days prior to the initial approval expiration date.

Demonstration of good cause shall be shown by the applicant for the time extension request based on the following findings:

a) That the proposed use and development plan remain consistent with the policies and standards of the general plan and any applicable specific plan at the time of the approval of the time extension;

b) That the time extension and the project development will not result in any new or modified environmental impacts not reviewed by the original environmental determination;

c) That with the time extension: the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county;

d) That reasonable progress on the project has been made; reasonable progress shall be substantiated by supporting documentation; and

e) That reasons for the additional time request are provided and documentation justifying the reasons are included in the request.

The planning commission may impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this section.

Any tolling provisions provided for by conditions of approval for a P-D or P-D use permit shall remain in full effect. Time extension request provisions of this section do not change any approved tolling provisions.
EXHIBIT 3
Amendments to The Mariposa Town Planning Area Specific Plan Section 3.14 Overlay Districts, A. Planned Unit Developments

New text is shown in *italics underlined font* and the deletions in *strike-through font*:

Mariposa Town Plan Specific Plan Section 3.14 Overlay Districts, A. Planned Unit Development Overlay District, 2. Planned Development Standards and Procedures:

N. Development Schedule *and Time Extension of a PUD and/or Conditional Use Permit within a PUD*:

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 three (3) years from the effective date of the approval of the PUD, the anticipated rate of development, and completion date. Construction beginning shall mean building and/or grading permit issuance, which shall be within three (3) years from the effective date of the approval of the PUD. The development schedule shall also include the anticipated rate of development and completion date. The development schedule, if approved by the 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. *These requirements shall apply to any PUD conditional use permit approved concurrently with the PUD.* 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 ($5,000). *The county shall require the applicant to enter into an indemnification agreement pursuant to County Code Chapter 18.06.*

2. Periodically the planning department shall compare the actual development in the various planned developments with the approved development schedules. *The applicant shall be required to submit annual progress reports to the planning department by December 15th of each calendar year, including the year during which the approval date is established, until the project is completed. Completed shall mean the issuance of a building permit final certificate of completion or certificate of occupancy. The planning department shall compare the annual progress reports and actual development in the planned unit development with the approved development schedule.*

If the planning department finds the owner or owners are failing or have failed to meet the approved schedule and make progress toward obtaining a grading and/or building permit to begin construction, and/or have failed to submit the required progress reports, the department may recommend the commission initiate proceedings to revoke the approval of the PUD development plan or PUD use permit.

3. If, in the opinion of the Planning Department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon the recommendation of
the Planning Commission and for good cause shown by the property owner, the Planning Commission may also extend the limits imposed by the development schedule.

One 18-month time extension of the initial time frame between the effective date of the approval of the PUD and/or PUD conditional use permits and the start of the construction may be requested through application to the Planning Commission. The application must be made at least 90 calendar days prior to the initial approval expiration date.

Demonstration of good cause shall be shown by the applicant for the time extension request based on the following findings:

a) That the proposed use and development plan remain consistent with the policies and standards of the general plan and any applicable specific plan at the time of the time extension;

b) That the time extension and the project development will not result in any new or modified environmental impacts not reviewed by the original environmental determination;

c) That with the time extension: the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to the property and improvements in the neighborhood or the general welfare of the county;

d) That reasonable progress on the project has been made; reasonable progress shall be substantiated by supporting documentation; and

e) That reasons for the additional time request are provided and documentation justifying the reasons are included in the request.

The Planning Commission may impose any conditions and/or requirements it finds necessary to guarantee compliance with findings in this section.

Any tolling provisions provided for by the conditions of approval for a PUD or PUD conditional use permit shall remain in full effect. Time extension request provisions of this section do not change any approved tolling provisions.
EXHIBIT 4
Amendments to The Fish Camp Specific Plan (FCSP), Section VI., H., 3. (Bed and Breakfast and Vacation Rental Provisions) Development Schedule.

The following is the recommended text shown in italics underlined font and the deletions in strikethrough font:

Fish Camp Town Plan Specific Plan (FCSP) Section VI.
...

H. Bed and Breakfast and Vacation Rentals.

1. Prior to the establishment of a Bed and Breakfast or Vacation Rental use, a notice of intent to establish such a use shall be filed with the Mariposa County Planning Department on an application form and a fee paid as established in accordance with County Resolution. Thereafter, the Planning Department shall post a notice of the proposed use on the subject property in a conspicuous manner for a period of not less than fifteen (15) calendar days and copy of such notice shall be mailed to all property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity.

The filing of a petition with the Planning Department on a County approved form signed by fifty percent (50%) of the property owners within 300 feet of the exterior property lines of a parcel containing the proposed activity protesting such application within twenty (20) calendar days after such notice has been mailed shall require the proposed activity to obtain a conditional use permit. If a property owner owns more than one (1) parcel within the 300 foot notice area, that property and property owner shall not be counted more than one time.

Once a Bed and Breakfast or Vacation Rental use has been established, and if the use has not ceased for a period of one (1) year or more, future property owners submitting an application to continue the use will not be required to comply with the requirements described in the first two paragraphs of this section (posting of the notice and mailing property owners within 600 feet, protest provisions, etc.).
...

3. Use requirements:

Bed and Breakfast and vacation rental establishments are subject to all applicable standards contained in County Code, Zoning Section 17.108.180 with the following exceptions:

a. No more than three (3) bedrooms are available for occupancy by transients.
b. a. Signs shall comply with provisions in Section VB 6 g 3.
   e. b. A bed and breakfast or residential vacation rental may include other uses which comply with the home occupation section of this Specific Plan.