



MARIPOSA COUNTY

Planning · 209-966-5151



ORDINANCE 2019-1143

MEETING: May 21, 2019
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Specific Plan/Zoning Amendment (GP/SPZA) No. 2019-001

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending the Mariposa County Zoning Ordinance Chapter 17.328.030, Procedures and Approval Standards for PUD, N. Development Schedule, to amend the development schedule provisions changing initial approval timeframe to 3 years and allowing for one 18 month extension.

The recommended action is based the Planning Commission's recommendation.

The project will:

1. Change the Initial PUD and PUD Use Permit approval timeframe - Amends current 1 year time frame to 3 years to begin construction.

Defines beginning of construction as building and/or grading permit issuance.

2. Time Extension - Amend current text which allows time extension for "good cause" to allow one 18- month time extension

Provides specific findings (criteria) for demonstration of "good cause" to support a time extension requests.

Time frames are patterned after the County Code, Zoning Ordinance Title 17 time frame requirements for Conditional Use Permits.

3. Amended text includes requirement for annual progress reports to the Planning Department.

Result is that the Planned Unit Development (PD) provisions will be current and consistent.

See Staff Report for MinuteTraq Item 9281 for additional information.

Ordinance 2019-1143

BACKGROUND AND HISTORY OF BOARD ACTIONS:

May 7, 2019: Ordinance introduced.

BOS initiated PD amendments (July 7, 2015: Resolution No. 2015-366)

BOS Considered FCSP PD Amendments on February 2, 2016, and directed staff to initiate amendments to include the same PD provision text changes as proposed for the FCSP into the Mariposa Town Plan (and zoning).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve and the ordinance will not take effect.

ATTACHMENTS:

190521 FINAL ORDINANCE SPZA 2019 001(DOC)

NOE - Specific Plan-Zoning Amendment (GP-SPZA) No.2015-017; 2017-200; 2019-001 (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

MARIPOSA COUNTY ORDINANCE NO. 1143

**AN ORDINANCE AMENDING MARIPOSA COUNTY CODE
ZONING SECTION 17.328.030**

WHEREAS, Specific Plan/Zoning Amendment (GP/SPZA) No. 2019-001 was initiated by the Board of Supervisors at their meeting on the 2nd day of February, 2016; and

WHEREAS, the Planning Commission held a duly noticed public hearing on GP/SPZA No. 2019-001 on the 22th day of March, 2019 in accordance with State law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on GP/SPZA No. 2019-001 on the 23th day of April, 2019, continued to the 7th day of May, 2019 in accordance with State law and County Code; and

WHEREAS, it has been found that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15060(C)(2) and 15061(B)(3) and a Notice of Exemption has been filed for the project.

NOW, THEREFORE, the Board of Supervisors of the County of Mariposa ordains as follows:

Section I:

**CHAPTER 17.328
PLANNED UNIT DEVELOPMENT OVERLAY ZONE**

...

17.328.030 Procedures and Approval Standards for PUD

...

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 three (3) years from the effective date of the approval of the PUD. 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 applicant to enter into an indemnification agreement pursuant to County Code Chapter 18.06.

2. 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 planning commission initiate proceedings to revoke the approval of the PUD development plan or PUD use permit.

3. 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 permit 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.

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Section II: If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section III: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.


PASSED AND ADOPTED on this 21st day of May, 2019, by the following vote:

AYES:	SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE




Miles Menetrey, Chair
Mariposa County Board of Supervisors

Attest:



René LaRoche,
Clerk of the Board of Supervisors

Approved as to Form:



Steven W. Dahlem
County Counsel