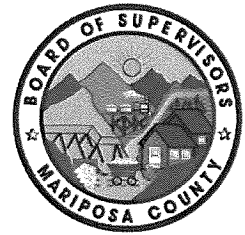


MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2021-499

MEETING: August 24, 2021

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Initiate Special Use Provisions for Historic Structures Countywide

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution of Intention Initiating a County Code Amendment to add Section 17.108.220 to Mariposa County Code to Establish Special Use Provisions for Historic Structures Countywide.

This requested action is based on Planning's Annual Work Plan (direction from Board given in April 2021).

The resolution directs and authorizes staff to spend time processing amendments to county code, which includes scheduling and conducting noticed public meetings and hearings. Future review will be by the Historic Sites and Records Preservation Commission, the Planning Commission and the Board of Supervisors. This action by the Board of Supervisors does not approve the amendments or commit the Board to approving the amendments in the future.

The proposed amendment:

1. Establishes flexibility to allow for any use to be considered for structures or buildings included on the Mariposa County List of Buildings and Structures with Special Historical or Architectural Significance (or eligible to on such list, as determined by the Historic Sites and Records Preservation Commission, which may require documentation) through the conditional use permit process.
2. A conditional use permit application is a project specific/parcel specific discretionary review. The Planning Commission is the approval authority, and review is at a noticed public hearing. An application may be approved, approved with conditions or denied. California Environmental Quality Act (CEQA) review is required for a conditional use permit.
3. The project would have to be of benefit to the county by requiring the restoration and preservation of the historic structure to reflect its original state.
4. Exterior modifications, alterations, or reconstruction to take place on the structure would be described as part of the conditional use permit application, and if approved by the Planning Commission, would be made part of the conditions granting the permit.
5. Uses which could be a nuisance or have detrimental effects on adjacent properties may not be approved.

The amendment mirrors current code provisions for historic structures or buildings in the town of Mariposa, so that the flexibility is provided in rural areas of the county as well.

The amendment will create incentive for restoring and preserving historic structures, which is a significant benefit to Mariposa County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Section 17.334.050 establishing special use provisions for historic structures in the town of Mariposa was established by Ordinance 922 in 1992, as part of the Mariposa Town Plan Update.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: Change text in draft ordinance amendments

Negative action: Not adopting resolution of intention will mean that no amendments are processed.

FINANCIAL IMPACT:

None other than staff time to process amendments

ATTACHMENTS:

210915 Draft BOS Reso Initiating Amendments for Special Use Provisions for Historic Structures (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Miles Menetrey, District V Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

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

Resolution
No 2021-499

**A Resolution Initiating a County Code Amendment to Add Section 17.108.220
to Mariposa County Code to Establish Special Use Provisions for Historic
Structures Countywide**

WHEREAS, the Mariposa County Board of Supervisors adopted Ordinance No. 822 on the 21st day of January 1992 adding Sub-Title 17.300 to Title 17 for the Mariposa Town Planning Area Specific Plan Zoning Regulations; and

WHEREAS, Ordinance No. 822 included Section 17.334.050 establishing Special Use Provisions for Historic Structures; and

WHEREAS, these provisions establish flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state; and

WHEREAS, these provisions, which are implemented through the conditional use permit process, are only applicable in the town of Mariposa; and

WHEREAS, these provisions have been successfully used to restore and preserve historic structures; and

WHEREAS, there is an interest in establishing similar provisions for historic structures countywide, in the rural areas of Mariposa County.

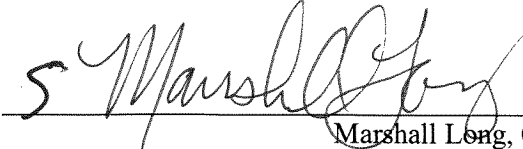
NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors does hereby adopt this resolution to initiate amendments to County Code, Title 17 Zoning, to add a new Section 17.108.220 as shown in Exhibit 1.

BE IT FURTHER RESOLVED THAT, the amendments are not limited to those shown in Exhibit 1 (including code numbering) if other changes or amendments are found to be needed through the processing of the amendment or the public hearing process.

BE IT FINALLY RESOLVED THAT, the Board of Supervisors does hereby direct and authorize staff to spend time processing these amendments to county code, which includes scheduling, noticing and conducting public hearings.

ON MOTION BY Supervisor Menetrey, seconded by Supervisor Forsythe, this resolution is duly passed and adopted this 24th day of August 2021 by the following vote:

AYES:	SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY
NOES:	NONE
EXCUSED:	NONE
ABSTAIN:	NONE



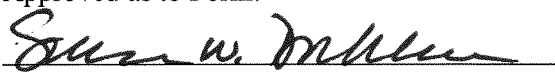
Marshall Long, Chair
Mariposa County Board of Supervisors

Attest:



René LaRoche, Clerk of the Board of Supervisors

Approved as to Form:



Steven W. Dahlem, County Counsel

Exhibit 1

(Section 17.108.220 is an entirely new subsection to add to County Code, Section 17.108 Supplementary Standards)

17.108.220 Special Use Provisions For Historic Structures

All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa (or eligible to be on the List of Historical Resources in Mariposa as determined by the Historic Sites and Records Preservation Commission, which may require documentation), with the exception of permitted uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

- A. The planning commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;
- B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the conditional use permit application, and if approved by the planning commission, are to be made part of the conditions granting the permit;
- C. The planning commission shall follow standard conditional use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the commission must consider the advantages of preserving a historic structure to the benefit of the county versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures;
- D. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance.