

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No 2011-17

A resolution recommending an environmental determination and an amendment to Title 17, Zoning, adding an additional permitted use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and adding a definition for "wellness center" to the definitions section of the zoning ordinance

WHEREAS, the Mariposa County Planning Commission initiated Code Amendment Application No. 2011-025 based upon the recommendation of the Planning Department staff; and

WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 17, Chapter 17.312 establishes Single Family Residential (9,000 square feet)(SFR-9K) zoning standards; and

WHEREAS, Section 17.312.020 establishes Development Standards for the Single Family Residential (9,000 square feet)(SFR-9K); and

WHEREAS, Section 17.148 establishes Definitions used throughout the zoning ordinance; and

WHEREAS, Section 17.148.010 establishes Definition of terms and phrases; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-1a(2) states that "land development regulations should respect the diversity of rural lifestyles allowing the right to use one's property." Adding an additional permitted use to the SFR-9K zone will expand on what one can do with one's property thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-4b(1) states that "zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy." What this means is that the County's zoning ordinance needs to evolve and change given the changing world and local economic needs and demands. Proven new technology and societal evolution should be incorporated into the County's zoning ordinance resulting in positive and progressive change to all Mariposa County residents.

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendments to Sections 17.312.020 and 17.148.010 of Mariposa County Code on the 10th day of September 2010 with Resolution No. 2010-21; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 and testimony presented by the public concerning the application.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2011-025.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to Sections 17.312.020 and 17.148.010 would incorporate additional definitions and bring an additional permitted use classification to the SFR-9K zoning district in keeping with previous Planning Director determinations and the goals, policies and implementation measures contained in the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.148.010 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

17.148.010 Definitions of terms and phrases.

The following terms and phrases shall be used in this title and are listed alphabetically:

Wellness center:

An educational training business with most activities conducted in a residential structure which assists individuals in teaching nutritional cooking, menu planning, hygiene and grooming, basic housekeeping tasks, improving socialization skills, basic computing, job search, gardening and yard maintenance, and personal finance and budgeting.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.312.020.A(1)e of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

17.312.020 Development standards for SFR-9K.

Development standards for the SFR-9K zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. One (1) single family residence per parcel;
- b. Residential accessory structures;
- c. Residential care and day care facilities within a residence and serving six (6) or less residents in accordance with the standards contained in Section 17.334.030;
- d. Home occupations in accordance with the standards contained in Section 17.334.010.
- e. Wellness center

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FINALLY RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

Evidence: The public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse affect on the general public health, safety, peace, and welfare.

2. **Finding:** The 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: This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

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

Evidence: According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and

county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

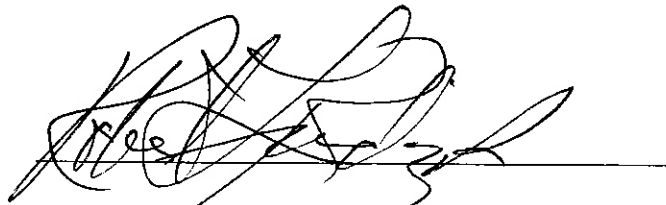
ON MOTION BY Commissioner Tucker, seconded by Commissioner Marsden, this resolution duly passed and adopted this 5th day of August , 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE


ABSENT: NONE

ABSTAIN: NONE



Robert L. Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Planning Commission