

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2011-13

A resolution recommending an environmental determination and an amendment to Title 16, Subdivisions, to add Section 66434.2 of the California Subdivision Map Act allowing for additional information to be filed or recorded simultaneously with a final or parcel map.

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WHEREAS, the Mariposa County Planning Commission initiated Code Amendment Application No. 2011-021 based upon the recommendation of the Planning Department staff; and

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

WHEREAS, Title 16, Chapter 16.12 establishes procedures for Minor Subdivisions and Title 16, Chapter 16.20 establishes requirements for Major Subdivisions; and

WHEREAS, Section 16.12.290 establishes criteria for incorporating miscellaneous data for Parcel Maps; and

WHEREAS, Section 16.20.010 through 16.20.230 establishes design requirements for Major Subdivisions; and

WHEREAS, the current language in Title 16 does not allow for additional information, conditions, or requirements from outside agencies to be incorporated into final or parcel map documents or drawings; and

WHEREAS, the adopted Mariposa County General Plan Goal 5-8 states that the County should "create collaborative planning efforts" and Policy 5-8a further elaborates that there should be efforts to "establish ongoing collaborative and cooperative planning relationships;" and

WHEREAS, the Planning Commission of the County of Mariposa initiated an amendment to Section 16.12.290 and 16.20.230 of Mariposa County Code on the 10<sup>th</sup> day of September, 2010 with Resolution No. 2010-16; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5<sup>th</sup> 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. 2011-021.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to Section 16.12.290 and 16.20.230 incorporating language allowing for additional information from outside agencies to be included on final or parcel maps is consistent with Goal 5-8 to “create collaborative planning efforts” and Policy 5-8a to “establish ongoing collaborative and cooperative planning relationships” as required by the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 16.12.290.I.1 & 2 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

I. *Additional Information on Parcel Maps*

1. *Mariposa County may require additional information to be filed or recorded simultaneously with a parcel map based on additional information from a County Department or Division or outside governmental agency that has officially commented on a subdivision application request. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.*
2. *Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and cultural resource sites.*

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 16.20.231.A & B of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

16.20.231 Additional Information on Final Maps

A. Mariposa County may require additional information to be filed or recorded simultaneously with a final map based on additional information from a County Department or Division or outside governmental agency that has officially commented on a subdivision application request. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

B. Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and cultural resource sites.

**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.

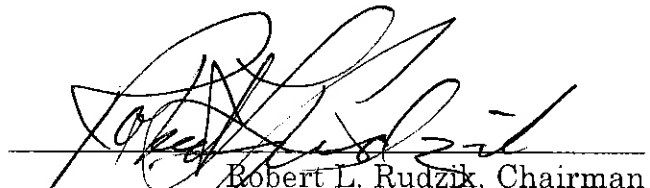
ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker, this resolution duly passed and adopted this 5<sup>th</sup> day of August 2011 by the following vote:

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