

RESOLUTION NUMBER 2006-57

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF MARIPOSA RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT THE NOVEMBER 2006 GENERAL PLAN UPDATE (VOLUMES I, II, AND III) AND THAT THE BOARD CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (VOLUME IV)

WHEREAS, the laws of the State of California require every County to adopt a General Plan to guide the long-term development of the County, pursuant to Government Code Section 65300 et Seq; and

WHEREAS, the previous major update to the Mariposa County General occurred in December, 1981; and

WHEREAS, the goals, policies, implementation measures, and land use designations of the 1981 General Plan were originally intended to provide guidance for the County until the year 2000; and

WHEREAS, the Mariposa County Planning Commission has a statutory responsibility to participate in the development of a General Plan and to recommend its adoption to the Board of Supervisors; and

WHEREAS, the Planning Commission, with the assistance of a planning consultant retained for this purpose and planning staff, did in January, 2001, begin the process to update the General Plan; and

WHEREAS, early in 2001 the Planning Commission and Board of Supervisors hosted six planning fairs in locations throughout Mariposa County; and

WHEREAS, during 2001, 2002 and 2003 the Planning Commission held more than sixty (60) public workshops reviewing, debating, considering and developing the content of the draft General Plan; and

WHEREAS, in April, 2003 the Planning Commission forwarded its recommendation for a draft General and EIR to the Board of Supervisors; and

WHEREAS, the Board of Supervisors, subsequent to receiving the draft General Plan from the Planning Commission, held numerous public workshop to solicit and consider additional public testimony and to direct further changes to General Plan policies, and text and land diagrams; and

WHEREAS, the Board of Supervisors, in January, 2004 with the recommendation for approval from the Planning Commission, did adopt a final Housing Element (Chapter 8) of the General Plan; and

WHEREAS, the Board of Supervisors did require the draft EIR to be recirculated in 2005; and

WHEREAS, the Board of Supervisors did complete extensive public workshops on the General Plan on October 17, 2006 by directing the preparation of a final draft General Plan and EIR; and

WHEREAS, the November, 2006 draft General Plan has now been prepared, consisting of 16 mandatory and optional elements comprising Volume I, a series of land use diagrams depicting Planning Areas and Planning Study Areas (Volume II), a Technical Background Report (Volume III), and a draft final Environmental Impact Report analyzing and disclosing the impacts of adopting the November, 2006 General Plan in accordance with the requirements of the California Environmental Quality Act; and

WHEREAS, a public hearing noticed and properly advertised to consider the November, 2006 General Plan and EIR has been scheduled and held by the Planning Commission; and

WHEREAS, the Planning Commission has considered the November, 2006 General Plan and EIR, and the public comments submitted on these final draft documents, and has formulated its recommendation to the Board of Supervisors.

THEREFORE BE IT RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt the updated November 2006 General Plan, further amended as noted in Exhibit A attached to this resolution; and

THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors certify the Final Environmental Impact Report for the General Plan as complying in full with the requirements of California law; and

THEREFORE BE IT FINALLY RESOLVED that the Planning Commission does hereby recommend that the Board of Supervisors repeal the 1981 General Plan upon enactment of this updated General Plan.

ON MOTION BY COMMISSIONER Skyrud, second by Commissioner Hagan, this resolution is duly passed and adopted on November 17, 2006 by the following vote:

AYES: Commissioners Hagan, Ross, Rudzik, Skyrud, De Santis

NOES: None


EXCUSED: None

ABSTAIN: None



Robert Rudzik, Chairperson
Mariposa County Planning Commission

ATTEST:



Carol Suggs, Secretary

**Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006**

The following modifications to the Draft General Plan dated November 17, 2006 were recommended by the Planning Commission at their public hearing on November 17, 2006 and recommendations for edits made by the staff at the direction of the Board of Supervisors at their October 17, 2006 public hearing.

General Plan Implementation Measures

Make the following global change: Ongoing review standard

Cover pages

Former Planning Commission

Gary W. Colliver, District One (1997-2003)
Denise Ludington, District One (2003-2006)
Don Pucilowski, District Two (1997-2001)
Lyle E. Turpin, District Two (2002-2004)
Leroy Radanovich, District Four (1996-20054)
Susan Taber Crain, District Five (2001-2005)

Elected Officials

Robert Lowrimore, Assessor/Recorder
Christopher Ebie, Auditor
Bob Brown, District Attorney
James H. Allen, Sheriff / Corner / Public Administrator
Wayne R. Parrish, Superior Court Judge
F. Dana Walton, Superior County Judge
Marjorie Wass, Treasurer / Tax Collector / Clerk and ~~Public Administrator~~

Page 5-6

Mariposa County complies with State law regarding the ability to construct an additional dwelling unit on a parcel zoned for single-family or multi-family residential. California Government Code 65852 provides for the creation of second units on a parcel zoned for single-family or multi-family residences. The Code establishes size, occupancy, and other limits on the second unit. The Code states “No changes in zoning ordinances or other ordinances or any changes in the General Plan shall be required to implement this subdivision.” and states “A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designations for the lot.”

**Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006**

Page 5-10

Implementation Measure 5-2a(3): The County shall prevent premature urbanization of the planning study areas ~~of the Mariposa Town Planning Area until the Mariposa Town Plan is updated.~~

Timing:	Review standard
Responsibility:	Mariposa County Planning Department.
Fiscal Impact:	Ongoing
Consequences:	Orderly growth

Page 5-12

Implementation Measure 5-4a(3): All community plans ~~should~~ **shall** include land area to accommodate local rural home industries that out-grow their home-based location.

Timing:	Review standard
Responsibility:	Mariposa County Planning Department
Fiscal Impact:	None
Consequences:	Each Community Planning Area (except as stated in the footnote) ¹ must include land area capable of accommodating the growth of local rural home industries. This ensures that a "homegrown" business remains close-to-home. It is a balance between the requirements of the General Plan to limit rural home industries to five employees and the desire to nurture local businesses for economic diversification. The County would need to monitor business development and business relocation to ensure an adequate inventory.

Page 5-15

Goal 5-11: Facilitate the transition of the 1981 General Plan and permit legally existing nonconformities to continue use and operation.

Policy 5-11a: Legally existing nonconformities may continue.

Implementation Measure 5-11a(1): No implementation of the General Plan shall be enacted to force the amortization, closure, and relocation of any legally existing nonconformity except signs and/or billboards and as otherwise provided in community and special planning areas major transient rental management activities in the rural residential portions of Yosemite West.

Timing:	Short-term
Responsibility:	Mariposa County Planning Department
Fiscal Impact:	None
Consequences:	This policy prohibits the County from enacting amortization provisions for grandfathered uses and structures. While it extends current 'unofficial' official policy, this raises the bar to create a thoughtful and public process if the Board of Supervisors wants to change the policy. In effect, this makes it an official policy.

¹ It is recognized that Fish Camp and Wawona are town planning areas in which the local industry is tourism. No industrial land is required in the Fish Camp Town or Wawona Town Specific Plans. This footnote is a part of *Implementation Measure 5-4a(3)*.

Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006

Policy 5-11b: Accommodate the ability to subdivide parcels of land based on existing zoning within the Natural Resource and Agriculture/Working Landscape land use designations.

Implementation Measure 5-11b(1): The Land Use Element shall identify lands and allow their subdivision in compliance with the zoning as of December 1, 2006 within the Natural Resource and Agriculture/Working Landscape land use designations.

Timing:	Short-term
Responsibility:	Mariposa County Planning Department
Fiscal Impact:	None.
Consequences:	This Measure recognizes the 1981 General Plan zoning subdivision potential and implements Section 5.2.02 N of this General Plan.

Page 5-18

- Parcels less than 40 acres shall be designated on the Land Use Diagram with one General Plan land use classification, the classification with the greatest area. Classification boundaries are ~~intended to coincide with zoning boundaries wherever possible and~~ shall follow legally defined boundaries.

Page 5-23

Land Use Diagram

The Planning Commission recommended changing the figure size to 11" X 17". Staff suggests a larger fold out map, approximately 24" X 24", be included as a stand-alone insert in the adopted General Plan.

Page 5-37

F(2) TRAFFIC GENERATION

Any proposed development or use tripling the baseline average daily traffic of 7.5 trips per day from a parcel within the Residential land use classification will be required to obtain a conditional use permit. This is only applicable to all home-based businesses. Accessory dwelling unit traffic generation will not be counted when calculating average daily traffic.

Page 5-46

The Board of Supervisors has determined that for parcels within the Agriculture/Working Landscape land use designation on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Agriculture/Working Landscape land use classification.

Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006

Page 5-48

Land may be considered for reclassification to a Rural Economic land use designation if the land is not restricted by a Williamson Act contract, or is not within an Agricultural Exclusive zone, if the land is not within a Timber Preserve zone. The reclassification shall meet the criteria for Rural Economic land use classification as provided in Section 5.4.03.

Page 9-10

Implementation Measure 9-1b(1): The County ~~shall~~ should define the capacity of all roads.

Timing:	Short-term
Responsibility:	Public Works Department
Fiscal Impact:	Planning costs
Consequences:	Improved planning

Page 9-10

Implementation Measure 9-2a(1): The County ~~shall~~ should implement the Transit Plan.

Timing:	Short-term
Responsibility:	Local Transportation Commission
Fiscal Impact:	Staff time
Consequences:	Ensured Plan implementation

Page 10-5

The challenge that results from the issuance of a certificate of compliance is the recognition, and subsequent sales to individual owners of individual parcels that may be incapable of meeting Williamson Act Contract requirements. The requirements of the overall Williamson Act contract still apply to the entire contracted property even when an underlying parcel is recognized or otherwise sold. To maintain overall economic viability of an agriculture preserve and ensure it remains in compliance with new Williamson Act Contracts, the General Plan places a great emphasis on ensuring that substandard agricultural parcels are not recognized through the certificate of compliance process during the tenure of the new contract and that the sale of substandard contract parcels does not create premature expectations of residential development.

**Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006**

Page 10-6

Implementation Measure 10-1b(2): The County shall coordinate with the Mariposa Unified School District to enhance the District's agricultural educational programs, including its Rural Challenge, Future Farmers of America (FFA), or other similar programs.

Timing: Ongoing
Responsibility: Agriculture Commissioner, Farm Advisor Office, Resource Conservation District, Agriculture Department of Mariposa High School, Rural Challenge Program ~~and California Foundation for Agriculture for the Classroom, implemented through the Mariposa County Farm Bureau~~
Fiscal Impact: Staff time allocation
Consequences: Supports the rural challenge program as a County policy. If the program were discontinued by the State, this Measure would be inapplicable

Page 10-7

Implementation Measure 10-2a(1): Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area, or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification unless the Board of Supervisors adopts all of the following findings :

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.
- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agricultural production.
- There are no other lands within the proposed land use classification available for the proposed or similar project.
- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities that further implement the goals and policies of the General Plan.
- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

Timing: Review standard
Responsibility: Mariposa County Planning Department ~~and Agricultural Advisory Committee~~
Fiscal Impact: Ongoing review
Consequences: This sets a very high standard of review

Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006

Page 10-8

Implementation Measure 10-2a(2): Lot line adjustments in the Agriculture/Working Landscape land use classification, including Williamson Act contracted parcels, shall result in parcels which are in compliance with the underlying land use designation, including minimum parcel size.

Timing:	Review standard
Responsibility:	Mariposa County Planning Department
Fiscal Impact:	Ongoing review
Consequences:	This sets a very high standard of review

Page 10-10

- *Implementation Measure 10-6a(2):* Review enforcement of Williamson Act provisions requiring onsite residents to be actively performing qualifying agricultural activities on all contracted property, including historic parcels, and require one Williamson Act contract for each parcel or for each group of contiguous parcels that are owned and managed as one unit.

Timing:	Short-term.
Responsibility:	Mariposa County Planning Department
Fiscal Impact:	Ongoing program
Consequences:	Review standard This will make historic parcels within Agricultural Preserves unmarketable

Page C-15

- Conduct Groundwater Studies similar to Groundwater Studies conducted in Eastern Fresno County.
- Prepare a study that evaluates the clustering of residential units on a parcel of land based on the project parcel's carrying capacity. The study findings may be applied in future updates of the General Plan and implementing ordinances.
- Define the criteria to be used in evaluating new road capacity definitions.
- *Implementation Measure 10-2a(3):* Standards shall be developed for issuance of development permits for substandard size parcels under Williamson Act contract. Development permits shall not be issued for substandard size parcels unless they are enforceably managed with other (standard) contiguous contracted parcels under common ownership.

Timing:	Short-term
Responsibility:	Mariposa County Planning Department and Assessors office
Fiscal Impact:	Ongoing review
Consequences:	This sets a higher standard of review
- *Implementation Measure 10-6a(2):* Review enforcement of Williamson Act provisions requiring onsite residents to be actively performing qualifying agricultural activities on all

**Mariposa General Plan
Planning Commission Recommendations and Staff Edits
December 5, 2006**

contracted property, including historic parcels, and require one Williamson Act contract for each parcel or for each group of contiguous parcels that are owned and managed as one unit.

Timing: Short-term.
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing program.
Consequences: Review standard. This will make historic parcels within Agricultural Preserves unmarketable.

- **Policy:** New development shall pay its fair share through development impact fees.