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MARIPOSA COUNTY RESOLUTION NO. 88-378

A RESOLUTION APPROVING AN AMENDMENT TO THE MARIPOSA PLANNING AREA SPECIFIC PLAN.

WHEREAS, the Board of Supervisors initiated this amendment to the Land Use Element of the Specific Plan; and

WHEREAS, environmental review has been conducted on the amendment in accordance with the California Environmental Quality Act and the Mariposa County Environmental Review Policies and Procedures adopted pursuant thereto; and

WHEREAS, The Mariposa County Planning Commission has recommended approval of the Specific Plan Amendment; and

WHEREAS, the Board of Supervisors has held a public hearing on the Specific Plan Amendment as required by State law.

NOW THEREFORE BE IT RESOLVED, that Specific Plan Amendment Application No. 88-2, County of Mariposa, Applicant, as shown in Attachment A is hereby approved.

BE IT FURTHER RESOLVED, that this action of the Board is based upon the findings contained in Planning Commission Resolution No. 88-011 which is incorporated herein by reference.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 12th day of July , 1988 by the following vote:

- AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH, TABER
- NOES: NONE

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ABSTAINED: NONE

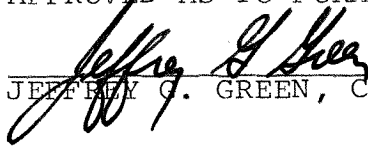
EXCUSED: NONE



ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


JEFFREY G. GREEN, COUNTY COUNSEL

EXHIBIT A

MARIPOSA COUNTY PLANNING COMMISSION

STATE OF CALIFORNIA

RESOLUTION NO. 88-11

A RESOLUTION RECOMMENDING APPROVAL OF SPECIFIC PLAN AMENDMENT
NO. 88-2, COUNTY OF MARIPOSA, APPLICANT

WHEREAS, an amendment to the Mariposa Town Planning
Area Specific Plan has been initiated by the Board of
Supervisors; and

WHEREAS, the Planning Commission is responsible for
reviewing said application and formulating a recommendation to
the Board of Supervisors regarding the approval or denial of the
Specific Plan Amendment; and

WHEREAS, The Planning Commission reviewed the Staff
Report on the project and considered all comments at a public
hearing noticed in conformance with the requirements of the
State law.

NOW THEREFORE BE IT RESOLVED, that the Mariposa
County Planning Commission hereby recommends approval of
Specific Plan Amendment No. 88-2 resulting in a modification to
the Mariposa Town Planning Area Specific Plan, as shown in
Attachment A of this resolution, based upon the following
mandatory findings established by the Specific Plan.

FINDINGS

1. The amendment will further the goals and
objectives of the Mariposa Town Planning Area Specific Plan and
the Mariposa County General Plan by providing for the orderly
expansion of the community; by providing for planned residential

1 and commercial development; and by providing flexible site
2 standards for residential and commercial development.

3 2. Staff has determined that the amendment will not
4 have any significant impacts and a Notice of Exemption is
5 appropriate for the project. Environmental concerns can be
6 satisfactorily mitigated by current zoning, building and health
7 codes, and the amendment establishes administrative provisions
8 for land use provisions envisioned by the original plan and
9 considered by the plan's environmental impact report.

10 3. The amendment will allow mixed residential and
11 commercial development and will not result in the degradation of
12 the community as a residential and commercial center.

13 4. The amendment will allow orderly growth within
14 the community. No specific uses are proposed to be developed
15 and the amendment is intended only to establish administrative
16 provisions for future residential and commercial planned
17 developments.

18 5. The amendment is uniquely suited for the
19 Mariposa TPA Specific Plan based on the cumulative
20 characteristics of the community.

21 6. Any project proposed utilizing the amendment
22 must be compatible in design and use with the adjacent
23 properties. The amendment itself will not result in damage or
24 have an adverse effect on the value of adjacent properties.

25 7. The amendment itself will not result in
26 increased traffic congestion or create a traffic hazard.

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Mandatory traffic review will address the specific needs of any specific development proposed in the future.

PASSED AND ADOPTED by the Mariposa County Planning Commission this 24th day of June , 1988 by the following vote:

AYES: Hotchkin, Fall, Eskra, Kroon, Bagwell

NOES: None

EXCUSED: Sam Chernoff

ABSTAINED: None

Charles R. Fall
CHARLES R. FALL, Chairman
Mariposa County Planning Commission

ATTEST:

Nancy D. Hubert
NANCY D. HUBERT, Secretary
Mariposa County Planning Commission

EXHIBIT A

APPENDIX F

I. PLANNED DEVELOPMENT APPLICATIONS

A. Purpose. These provisions are intended to provide the administrative procedures for planned development applications, and are not intended to alter the original content or purpose of the Specific Plan. A planned development is intended to provide a process which can permit and encourage logical or desirable development and carry out the objectives of the specific plan by:

1. Permitting the flexibility development of commercial districts in close proximity to residential areas while protecting the character and quality of adjacent residential uses;

2. Permitting clustering of multiple-family developments or single-family dwellings on lots smaller than county minimum in appropriate locations within single-family land use classifications with suitable controls imposed;

3. Providing for the location, under suitable safeguards, of desirable types of commercial uses adjacent to and within residential areas;

4. Providing for the location, under suitable safeguards of desirable types of research and manufacturing adjacent to and within commercial or residential areas;

5. Permitting planned developments on a large scale in accordance with the provisions of the Specific Plan which would include a combination of any two or all of the developments mentioned in subsections 1, 2, and 3;

6. Permitting the redevelopment of parcels for residential, commercial, or industrial purposes or any combination thereof, in areas already built upon, but which now have marginal development;

7. Permitting commercial development on lots smaller than county minimums in appropriate locations within commercial land use classifications with suitable

controls imposed.

B. Approval of the Plan. Applications shall be initiated by the owner or owners of the land. Applications for the establishment of a P-D must include a development plan as described herein. The P-D approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the planning department prior to submission for review by the planning commission. The planning department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the planned development proposal and environmental review consistent with adopted county policy. The planning commission may approve, disapprove, modify, or attach conditions to a development plan.

C. Findings required for approval of a Planned Development. The planning commission, after a public hearing, may recommend the approval of a planned development; and the board of supervisors, after a public hearing, may by resolution approve a planned development provided they find that the facts submitted with the application and presented at the public hearings establish that:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development;

2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect;

3. Any deviation from the subdivision title requirements is warranted by the design and additional amenities incorporated in the development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and

4. The principles incorporated in the proposed development plan indicate certain unique or unusual

features which could not otherwise be achieved under standard subdivision provisions.

D. Principal Permitted Uses. In a planned development, any use may be permitted provided such uses are generally consistent with the underlying land use classification of the specific plan, or the uses are shown on the development plan for the particular P-D and is approved by the planning commission and board of supervisors. An approved development plan shall be considered an addition to or augmentation of the specific plan.

E. Use Permits. 1. A use permit shall be required for all uses in a P-D with the exception of a single-family residence on an approved building site and buildings accessory thereto which serve the domestic needs of single-family dwellings.

2. A use permit may be issued by the planning commission at the option of the planning commission without a public hearing if the structure or structures comply with the adopted development plan and conditions thereof.

F. Development Plan--Design and Location. A planned development shall be designed and located so as to minimize traffic congestion on public highways and streets in its vicinity and to best fit the land use pattern and topography of the area in which it is located.

G. Filing Fees. There shall be a fee prescribed by resolution of the board of supervisors to provide for the costs for processing the application and the development plans.

H. Application--Items Required. Planned development application shall be accompanied by:

1. A completed application on a form provided by the planning department.
2. The required fee.
3. A plan proposal prepared according to the

specifications as described for the development plan in Section I.

4. A legal description by metes and bounds of the area to be affected by the planned development; and

5. A list of names and addresses of property owners with property located within six hundred feet of the proposed planned development.

I. Development Plan--Components. 1. The development plan shall include all of the following:

a. A site plan map which shows;

(1) Existing and proposed private and public streets and sidewalk improvements,

(2) Lot design,

(3) Areas proposed to be dedicated or reserved for any public use including but not limited to public utility easements, public buildings, and public land uses,

(4) Parking and interior traffic flow, including parking rations,

(5) Land uses adjacent to the external boundary of the P-D site;

b. Site development details, including:

(1) Preliminary building plans, including generalized elevations,

(2) Maximum building heights,

(3) Maximum lot or area coverages,

(4) Minimum distance between structures,

(5) Minimum setbacks from interior lot lines,

(6) Minimum setbacks from street rights-

of-way,

(7) Landscaping, screening, and lighting.

(8) Population densities within the planned development;

c. Signing standards, including generalized locations, maximum sizes, maximum height, and lighting arrangements. For purposes of this section, "neighborhood shopping center" shall be defined as a shopping center in which the major tenant is a supermarket. "Major tenant" shall be defined as the tenant occupying the greatest amount of floor space;

d. Land uses proposed to be located within the development;

e. Development schedule, including date of commencement of construction, annual accomplishment, and completion of planned development;

f. Any other reasonably related information necessary for the planning commission to act.

2. The planning department shall accept only such plans that contain the information specified or reasonably determined necessary.

J. Standards. Setbacks, building heights, distances between buildings, lot coverage, parking requirements, and landscaping requirements shall be established by the planning commission for each planned development in a manner which assures the suitable integration of the planned development into the neighborhood or area in which it is located.

K. Density Control. The number of dwelling units shall be determined by dividing the net development area by the minimum lot area of the land use classification for the site proposed for the P-D. Net development area shall be determined by subtracting the area set aside for churches, schools, or commercial use from the gross development area and deducting fifteen percent of the remainder for streets. Open spaces for recreational uses shall be included in determining the number of

dwelling units permitted.

L. Revision of plan--Use permit. A public hearing by the planning commission and board of supervisors shall be required prior to issuance of a use permit for revisions of the plan which involve changes in land use, expansion or intensification of development, or a revision in the standards of development. All other revisions may be allowed after a use permit is approved by the planning commission. A public hearing may be called regarding such changes if deemed necessary by the planning commission.

M. Area Requirements. Minimum parcel size for the consideration of a planned development shall be two and one-half acres exclusive of easements.

N. Public Improvements. Improvement to full county standards of all public rights-of-way abutting and within the development shall be required. In addition, if determined necessary for proper traffic circulation, the applicant may be required to provide proper methods of ingress and egress to the development including acceleration and deceleration lanes, and traffic devices including channelization.

O. Development Schedule. 1. An application for a P-D 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 one year from the effective date of the approval of the P-D, the anticipated rate of development, and completion date. The development schedule, if approved by the board of supervisors, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the P-D and his successors in interest. The county shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney's fees of any civil action brought to enforce any provisions of a P-D. The bond is to be in the amount of five thousand dollars.

2. Periodically the planning department shall compare the actual development in the various Planned Developments with the approved development schedules.

3. If, in the opinion of the planning department, the owner or owners are failing or have failed to meet the approved schedule, the department may recommend the commission initiate proceedings to revoke the approval of the development plan. Upon the recommendation of the planning commission and for good cause shown by the property owner, the planning commission may also extend the limits imposed by the development schedule.

P. Identification of Planned Developments. Each P-D shall be numbered, the first adopted being shown on the specific plan map as P-D 1 and each planned development subsequently approved being numbered consecutively.

Q. Compliance with provisions--Interpretation. 1. Compliance with any requirement shall not be construed to relieve applicant from compliance with subdivision regulations, building code requirements, or any other applicable regulations of the county.

2. A planned development may be accepted with applications for minor or major subdivisions and may be processed simultaneously, including staff review, environmental review, public hearings at the planning commission and board of supervisors.

R. Public hearings. The planning commission shall hold at least one public hearing on the proposed planned development. Notice of the time and place of such hearing and the area affected by the proposed amendment shall be published at least one time in a newspaper of general countywide circulation at least 14 days prior to the hearing. In addition, property owners with property located within six hundred feet of the proposed planned development shall receive notice by mail of such hearing.

S. Report of planning commission--Findings and recommendations. Following the hearing required by Section R., the planning commission shall make a report of its findings and recommendations with respect to the proposed planned development and shall file with the board of supervisors a copy of such report. Such report shall include a statement as to whether the proposed planned development is in conformance with the latest

adopted specific plan. If the planning commission deems it advisable, it may recommend that the area under consideration for a planned development be enlarged or diminished.

T. Action by the board of supervisors. Upon receipt of such report from the planning commission, the board of supervisors shall schedule the matter for public hearing and publish notice thereof as required in Section R. The board of supervisors shall render its decision after consideration of the report and recommendation of the planning commission, public testimony and comments by the applicant, and such decision shall be to deny, conditionally approve, or approve all or part of the proposed planned unit development.

U. Abandonment after proceedings have begun. Upon consent of the planning commission, any application for a planned unit development may be withdrawn by written request of a majority of all persons who signed such application. The planning commission or board of supervisors may by resolution abandon any proceedings for a planned development initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided, that any hearing of which public notice has been given shall be held.

V. Site Restoration. Security to the satisfaction of County Counsel is required to restore the property to nearly its natural and original state in the event of abandonment after construction has begun. The amount is to be based on 10% percent of the total construction cost of the project, or an engineer's estimate of the cost of site preparation and grading. This amount is to be confirmed by the Department of Public Works, covered by a 50% contingency, and guaranteed by an appropriate agreement with the County. Upon completion of the project and final approval by the County, the required security shall be returned to the developer.

NOTICE OF EXEMPTION

To: Office of Planning and Research From:
1400 Tenth Street, Room 121
Sacramento, California 95814

County Clerk
County of MARIPOSA

Project Title
Amendment of the Mariposa Town Specific Plan

Project Location - Specific
Mariposa

Project Location - City Project Location - County
Mariposa

Description of Nature, Purpose, and Beneficiaries of Project
An amendment of the plan to establish the Planned Development Zone provisions as an appendix. These were deleted from County Code, but were to provide for flexible residential and commercial development, and were referenced in the original specific plan.

Name of Public Agency Approving Project
Mariposa County

Name of Person or Agency Carrying Out Project
Larry J. Red, Planning Director

Exempt Status: (Check One)
 Ministerial (Sec. 15073)
 Declared Emergency (Sec 15071 (a))
 Emergency Project (Sec 15071 (b) and (c))
 Categorical Exemption. State type and section number:

Reasons why project is exempt:
This activity is not a project as defined by Section 15378 of the California Administrative Code. The amendment re-established the administrative provisions of the Planned Development Zone envisioned by the original specific plan and considered by the plan's FIR.

Contact Person Area Code Telephone Extension
Tony Lashbrook, Senior Planner (209) 966-5151

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes _____ No. _____

Date Received for Filing

Signature

Title