

MARIPOSA COUNTY

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ORDINANCE 2020-1153

MEETING: June 9, 2020
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Chapter 18.05 Amendments

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending Mariposa County Code Chapter 18.05 Post-Disaster Recovery, to Provide One Additional Year Recovery Time and Clarification in Definitions.

This ordinance was initiated by the Board of Supervisors at their meeting on May 5, 2020 (Resolution No. 2020-235). The Board directed staff to complete processing of the code amendments, such that they will be effective prior to July 18, 2020.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

May 26, 2020: Ordinance introduced.

Resolution No. 2020-235, May 5, 2020: Board initiated amendments to Chapter 18.05 for Post-Disaster Recovery.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No changes or amendments are possible after Introduction, consequently, the only alternative is to not adopt the ordinance.

ATTACHMENTS:

200526 Ordinance Amending Chapter 18.05 (DOC)
Chapter 18.05 (full text) (PDF)
200526 Notice of Exemption (DOC)
200526 Summary Ordinance Amending Chapter 18.05 (DOCX)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

ORDINANCE NO. 1153

AN ORDINANCE AMENDING CHAPTER 18.05 of MARIPOSA COUNTY CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I: Sections 18.05.020, 18.05.030, 18.05.040 and 18.05.070 of Chapter 18.05 of Title 18 of the Mariposa County Code are amended as follows

18.05 Post-Disaster Recovery

...

18.05.020 Declaration of Emergency; Duration

The provisions of this chapter are applicable for a period of two (2) years following the date of action by the Board of Supervisors to declare a local emergency following a disaster. These provisions shall take precedence over any conflicting ordinances in the Mariposa County Code that would apply in the absence of the emergency. By resolution of the Board of Supervisors, the provisions of this chapter may be extended for up to two (2) additional years. Extensions may be granted in six (6) month increments.

18.05.030 Definitions

...

C. "Recreational vehicle," for the purposes of this chapter, means a motor home, travel trailer, truck camper, or camping trailer which is self-contained and designed for human habitation for recreational or emergency occupancy; which is self-propelled, truck-mounted, or permanently towable on California roadways; and which is a California department of motor vehicles licensed vehicle.

...

[All other text in this section to remain unchanged]

18.05.040 Temporary Replacement Housing On-Site

...

A. Except as provided in Section 18.05.040.B, temporary replacement housing authorized pursuant to this chapter shall no longer be used in lieu of permanent housing within two (2) years of the date of the Board of Supervisors' action declaring the local emergency, unless an extension is granted by the Board of Supervisors pursuant to section 18.05.020, in which case it shall be removed by the extended deadline.

...

[All other text in this section to remain unchanged]

18.05.070 Temporary Replacement Housing Off-Site

...

B. Except as provided in Section 18.05.070.C, temporary replacement housing off-site authorized pursuant to this section shall no longer be used in lieu of permanent housing within two (2) years of the date of the Board action declaring the local emergency, unless an extension is granted by the Board of Supervisors pursuant to 18.05.020, in which case it shall be removed by the extended deadline.

...

[All other text in this section to remain unchanged]

SECTION II: Severability.


If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

SECTION III: This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to General Rule Exemption; Section 15061(b)(3) and Section 15060(c)(2) CEQA Guidelines.

SECTION IV: Effective Date. This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.


PASSED AND ADOPTED on this 9th day of June, 2020 by the following vote.

AYES:	Smallcombe, Jones, Long, Cann, Menetrey
NOES:	None
ABSTAINED:	None
EXCUSED:	None
NOT VOTING:	None



 Kevin Cann, Chair
 Mariposa County Board of Supervisors

Attest:



 René LaRoche, Clerk of the Board
 Mariposa County Board of Supervisors

Approved as to Form:



 Steven W. Dahlem, County Counsel

FILED

MAY 27 2020

KEITH M. WILLIAMS
MARIPOSA COUNTY CLERK

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

RECEIVED

MAY 27 2020

MARIPOSA COUNTY CLERK

J. Williams
Deputy County Clerk

**TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338**

**FROM: Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338**

Project Title: County Code Text Amendment No. 2020-063

Project Address: Applies countywide

Project Parcels: N/A

Description of Project: Amends Chapter 18.05 Post-Disaster Recovery in Title 18 Miscellaneous Land Use Regulations, Mariposa County Code to add one additional year of recovery time (from 3 years to 4 years) for displaced residents to occupy temporary replacement housing. The primary purpose of Post-Disaster Recovery provisions in code is the protection of public health and safety of the residents within a declared disaster area. The project also clarifies definitions.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project: Mariposa County

Exempt Status: General Rule Exemption; Section 15060(c)(2) and Section 15061(b)(3)

Reason Why Project Is Exempt: This project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines. This amendment adds one additional year to the recovery time for displaced residents, following a disaster.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 742-1215

Mariposa County Board of Supervisors

By:

Sarah Williams

Sarah Williams
Planning Director

5/26/20

Date