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**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 2010-008

**A resolution recommending approval of General Plan  
Amendment No. 2010-035, Amendments to the 2009 – 2014  
Housing Element, County of Mariposa, proponent**

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WHEREAS, State law requires cities and counties to prepare and adopt a General Plan to guide the future development of a city or county; and

WHEREAS, a General Plan must contain certain elements, including a Housing Element which sets forth goals, policies and programs to encourage the development of housing for all income groups and persons with special needs; and

WHEREAS, State law requires that cities and counties comprehensively update their General Plan Housing Elements every five years to ensure their plans can accommodate future demand for housing; and

WHEREAS, on December 8, 2009, the Mariposa County Board of Supervisors adopted the 2009-2014 Housing Element Update to the Mariposa County General Plan and forwarded the adopted Element to the State Department of Housing and Community Development (HCD) for consistency review in accordance with State housing element law; and

WHEREAS, in a letter Dated March 22, 2010 HCD provided Mariposa County with comments on the 2009-2014 Housing Element; and

WHEREAS, HCD in their comment letter stated that if the Housing Element was revised to adequately address their comments, it would comply with State housing law; and

WHEREAS, responses to the HCD comments were prepared and submitted to HCD for review as to adequacy; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 21<sup>st</sup> day of May, 2010; and

WHEREAS, the County conducted an environmental analysis on the adopted 2009-2014 Housing Element update per the requirements of the California Environmental Quality Act; and said analysis concluded that the proposal would not have significant environmental impacts; and

WHEREAS, on December 8, 2009 the Mariposa County Board of Supervisors adopted a Negative Declaration for the 2009-2014 Housing Element Update and a Notice of Determination was filed in accordance with State law; and

WHEREAS, the proposed amendments are minor and technical in character and do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment; the Negative Declaration adopted by the Board of Supervisors for the 2009-2014 Housing Element adequately addressed the potential environmental impacts of the project; no changes are necessary to the Initial Study and the adopted Negative Declaration; without evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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

WHEREAS, the Planning Commission finds that adoption of these Amendments to the adopted 2009-2014 Housing Element is consistent with the Mariposa County General Plan; said adoption occurring as part of the first amendment to the General Plan in calendar year 2010; and

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan Amendment No. 2010, Amendments 2009 -2014 Housing Element, County of Mariposa, proponent.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Ross, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 21<sup>st</sup> day of May, 2010 by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, Marsden

NOES: None

EXCUSED: None

ABSTAIN: None

  
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Bob Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Judy Mueller, Secretary to the  
Mariposa County Planning Commission

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## EXHIBIT 1 – RECOMMENDED FINDINGS OF APPROVAL

Mariposa County Zoning Ordinance, Section 17.128.050 establishes findings which must be approved in order to amend the General Plan.

The Planning Commission recommends General Plan Amendment Application No. 2010-035 be approved based upon the following findings:

1. ***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.***

These amendments to the Housing Element have been prepared to meet the legislative intent of providing for the availability of housing, expanding housing opportunities, and accommodating the housing needs of all economic segments in the County. The Housing Element is intended to identify the County's responsibilities in attaining the state housing goals, while recognizing that Mariposa County is best capable of determining what local efforts are required for the attainment of the state housing goal and regional housing needs.

In requiring the periodic update to the Housing Element of the General Plan, the legislative intent is clearly stated in Section 65581 of the Government Code regarding the County's responsibilities to prepare these amendments. The Legislature has determined that compliance with the State Housing Element laws is necessary and in the public interest to provide for housing opportunities for all economic segments in the County.

The certification of the Housing Element is necessary to continue receiving State and Federal funds for programs and activities that assist all economic segments with expanded housing opportunities and needs. These amendments will meet the requirements of HCD for certification of the 2009-2014 Housing Element. It is in the general public's health, safety, peace and welfare to continue receiving the State and Federal funds.

These amendments to the Housing Element are in the public interest and will not have a significant adverse affect on the general public health, safety, peace and welfare.

2. ***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.***

The Housing Element Update provides for a five-year planning period, and legislation requires that the Element be updated periodically. These amendments will bring the adopted 2009-2014 Housing Element into compliance with State housing law and gain Certification from the State Department of Housing and Community Development. The amendments to the Housing Element will provide long-term policies and programs that will assist in efforts to provide affordable housing for all economic segments of the community, particularly for disabled persons and those in need of supportive housing. The potential amendments to Title 17, Zoning, that are required by these amendments will provide regulations that will improve the day-to-day decision making process. The adopted 2009-2014 Housing Element five year planning horizon, combined with the periodic amendments as proposed, establishes guidelines for meeting housing needs in the immediate future, and also insures that there will be long-term guidelines as the General Plan is implemented over the next decade and beyond.

3. ***The amendment conforms to the requirements of state law and county policy.***

The processing of these amendments has been in accordance with all requirements pursuant to state law, County ordinance, and County policy. American tribes were provided an opportunity for consultation on the 2009-2014 Housing Element, in accordance with the Tribal Consultation Guidelines of the General Plan Guidelines, although no tribes requested consultation. The Native American Tribes have been notified of these proposed amendments and the public hearings conducted (Government Code Section 65092). These text amendments are not of a substantial nature and will not affect any cultural places in Mariposa County.

4. ***The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows:***

The 2009-2014 Housing Element was found to be consistent with the Mariposa County General Plan based upon identified policies and implementation measures. These amendments make minor, technical changes to the adopted 2009-2014 Housing Element in order to bring it into full compliance with State housing law. There are no policies within the adopted Housing Element or the other Elements of the General Plan in conflict with these amendments. Any proposed changes to Title 17, Zoning, as a result of these amendments must be found consistent with the Mariposa County General Plan.

5. ***Environmental Review***

Based upon the Initial Study prepared for the 2009-2014 Housing Element Update, the Board of Supervisors adopted a Negative Declaration in December, 2009, and a Notice of Determination was filed on the project in accordance with State law. These amendments represent minor, technical changes to the adopted 2009-2014 Housing Element. The proposed amendments do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Negative Declaration adopted by the Board of Supervisors adequately addressed the environmental issues of the project, and no changes are necessary to the Initial Study and the adopted Negative Declaration. Absent evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.