

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No 2009-014

A resolution recommending an environmental determination and an amendment to Title 17, Zoning, to amend the definition of bed and breakfast establishments and allow up to five (5) bedrooms to be occupied by transients by incorporating Mariposa County General Plan's definition of bed and breakfast inn

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WHEREAS, the Mariposa County Planning Commission initiated Zoning Amendment Application No. 2009-070 based upon the recommendation of the Planning Department staff; and

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

WHEREAS, Title 17, Chapter 17.108 establishes Supplementary Standards; and

WHEREAS, Section 17.108.180 establishes provisions for Bed and Breakfast and residential transient rentals; and

WHEREAS, Section 17.108.180 defines Bed and breakfast establishments as a single family structure which is occupied by a non-transient; and

WHEREAS, Section 17.108.180.A limits the number of bedrooms available for occupancy by transients to three; and

WHEREAS, the adopted Mariposa County General Plan defines Bed and Breakfast inn as a "...single family structure in which there is a full time, permanent resident family, and a limited number of guest bedrooms not exceeding five. These are rented as transient occupancies to different guests, and breakfast is prepared each day in a kitchen appropriately permitted by the Health Department."

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 10<sup>th</sup> day of July, 2009; 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 Zoning Amendment No. 2009-070.

**BE IT FURTHER RESOLVED THAT** the proposed amendment to Section 17.108.180 for bed and breakfast establishments is worded to be similar to the definition of the bed and breakfast inns contained in the Mariposa County General Plan.

**BE IT FURTHER RESOLVED THAT** the proposed amendment to Section 17.108.180.A. will allow bed and breakfast establishments no more than five (5) bedrooms available for occupancy by transients in all parts of the county except Wawona, Fish Camp, and Mariposa Planning Areas.

**BE IT FURTHER RESOLVED THAT** the amendment to Section 17.108.180 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

SECTION 17.108.180 Bed and breakfast and residential transient rentals.

Bed and breakfast and transient rental establishments shall be considered a permitted home enterprise in all principal zones, except the AE, M-1 and M-2 zones. These provisions shall also be applicable in town planning areas with adopted area plans unless otherwise specifically regulated or prohibited. Approval of a conditional use permit shall be required for properties in the AE zone. Bed and breakfast establishments are defined as a single family structure ~~which is occupied by a non-transient~~ *in which there is a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department.*

**BE IT FURTHER RESOLVED THAT** the amendment to Section 17.108.180.A. of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

A. No more than three (3) bedrooms are available for occupancy by transients *for residential transient rentals. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments.*

**BE IT 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 with each other. The zoning 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.

3. **Finding:** That such an amendment conforms to the requirements of state law and county policy.

**Evidence:** According to state law, General Plans take precedence over zoning ordinances. The legal authority for the County to approve bed and breakfast inns will be clearly established upon adoption of this zoning amendment. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan.

4. **Finding:** That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan.

**Evidence:** Since adoption of the 2006 Mariposa County General Plan there has been a discrepancy between the General Plan and the County's Zoning Code as to the definition and requirements for a bed and breakfast inn. This amendment will align the zoning code with the general plan.

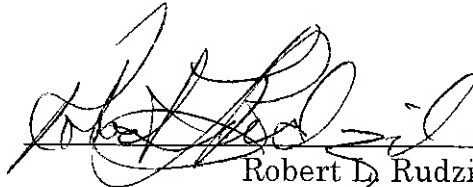
ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker, this resolution duly passed and adopted this 10<sup>th</sup> day of July 2009 by the following vote:

AYES: 5 (Ross, Tucker, Rudzik, Francisco, Marsden)

NOES: 0

ABSENT: 0

ABSTAIN: 0



Robert D. Rudzik, Chairman  
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the  
Planning Commission