

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA ~ PLANNING COMMISSION

Resolution  
No 2009-024

A resolution recommending an environmental determination and an amendment to Section 3 of the Mariposa Town Planning Area specific plan and 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 a bed and breakfast inn.

---

WHEREAS, the Mariposa Town Plan is adopted by resolution; and

WHEREAS, Section 3 of the Town Plan establishes Land Use Development Standards and Regulations; and

WHEREAS, Section 3.15.B of the Mariposa Town Planning Area specific plan establishes provisions for bed and breakfast inns and transient rentals; and

WHEREAS, Section 3.15.B of the Mariposa Town Planning Area specific plan defines bed and breakfast establishments as a single family residential structure which is occupied by a non-transient; and

WHEREAS, Section 3.15.B.1 of the Mariposa Town Planning Area specific plan limits the number of bedrooms available for occupancy by transients in a bed and breakfast to three; and

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

WHEREAS, Title 17, Chapter 17.334 establishes Supplementary Standards for the Mariposa Town Planning Area; and

WHEREAS, Section 17.334.020 establishes provisions for Bed and breakfast and residential transient rentals; and

WHEREAS, Section 17.334.020 defines Bed and breakfast establishments as a single family residential structure which is occupied by a non-transient; and

WHEREAS, Section 17.334.020.A limits the number of bedrooms available for occupancy by transients in a bed and breakfast to three; and

WHEREAS, the adopted Mariposa County General Plan defines a 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."

**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. 2009-101.

**BE IT FURTHER RESOLVED THAT** the amendment to Section 3.15.B of the Mariposa Town Planning Area specific plan will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

B. Bed and Breakfast and Residential Transient Rentals

Bed and Breakfast and Transient Rental Establishments shall be considered a permitted use within all single family residential structures. Bed and Breakfast Establishments are defined as a single family residential 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.* Residential Transient Establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for the purpose of this chapter. ~~Both bed and breakfast and residential transient rentals shall meet the following requirements:~~ *The following requirements shall apply:*

**BE IT FURTHER RESOLVED THAT** the amendment to Section 3.15.B.1 of the Mariposa Town Planning Area specific plan will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

1. 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 the Specific Plan shall remain unchanged.

**BE IT FURTHER RESOLVED THAT** the Planning Commission of the County of Mariposa does hereby initiate an amendment to Section 17.334.020 of Mariposa County Code.

**BE IT FURTHER RESOLVED THAT** the proposed amendment to Section 17.334.020 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 17.334.020.A. will allow bed and breakfast establishments no more than five (5) bedrooms available for occupancy by transients.

**BE IT FURTHER RESOLVED THAT** the amendment to Section 17.334.020 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

17.334.020 Bed and breakfast and residential transient rentals.

Bed and breakfast and transient rental establishments shall be considered a permitted use within all single family residential structures. Bed and breakfast establishments are defined as a single family residential 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.* Residential transient establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for the purpose of this chapter. ~~Both bed and breakfast and residential transient rentals shall meet the following requirements:~~ *The following requirements shall apply:*

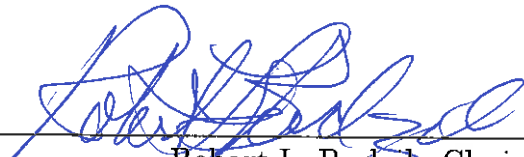
**BE IT FURTHER RESOLVED THAT** the amendment to Section 17.334.020.A of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

- 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 FINALLY RESOLVED THAT** all other text in this Section of County Code shall remain unchanged.

**ON MOTION BY** Commissioner Francisco, seconded by Commissioner Tucker, this resolution duly passed and adopted this 9<sup>th</sup> day of October, 2009 by the following vote:

AYES: Tucker, Rudzik, Francisco, Marsden  
NOES: None  
ABSENT: Ross  
ABSTAIN: None

  
\_\_\_\_\_  
Robert L. Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

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