

DEPARTMENT: Planning

BY: Eric Jay Toll, Planning Director
PHONE: 966-0302

RECOMMENDED ACTION & JUSTIFICATION:

11/4 Adopt a Resolution approving Specific Plan/Zoning Amendment No. 2002-371 as amended with the recommended findings, including a finding that the project is exempt from Environmental Review. This action amends the specific plan professional office land use designation text, and amends the specific plan land use map.

11/4 Waive the first reading and introduce an Ordinance approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map.

11/18 Waive 2nd Reading and Adopt Ordinance.
The map amendment portion of the project affects just those properties included in the amendment. The text amendment portion of the project potentially affects all properties in the Mariposa Town Planning Area which are in the Professional Office land use and zoning designation.

This is the Planning Commission's recommendation for project action.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- 9/3/02 - The Board of Supervisors initiated this amendment.
- 4/8/03 - The Board conducted public hearing, adopted resolution, and waived first reading and introduced ordinance. The Board also initiated amendment to process two additional parcels.
- 4/22/03 - The Board waived second reading and approved ordinance.
- 5/6/03 - The Board rescinded their actions to approve project based upon need to legally change their meeting location.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives include deleting properties to which the map amendment would apply, making minor changes to the language of the text amendment, or denying all of the amendment.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Staff Report to Board with Attachments:
Source:		1. Vicinity Map 2. Proposed Amendment Map
Internal Transfer		3. SFR Zone 4. POP Zone 5. Proposed Professional
Unanticipated Revenue	4/5's vote	Office Zone 6. Proposed Notice of Exemption
Transfer Between Funds	4/5's vote	7. PC Resolution 8. Draft Resolution
Contingency	4/5's vote	9. Draft Ordinance 10. Correspondence
() General () Other		

CLERK'S USE ONLY:

11/4 Res. No. 03-395 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____
() Approved
(X) Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO:

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2003-395

A Resolution Adopting an Environmental Determination and Approving Specific Plan/Zoning Amendment Application No. 2002-371 as amended, County of Mariposa, Project Proponent; Assessors Parcel Numbers: 013-100-012, 013-100-013, 013-115-002, 013-115-003, 013-117-003, 013-117-004, 013-117-005, 013-117-007, 013-117-008, 013-123-003, 013-127-010, 013-127-011, 013-127-013, 013-151-001, 013-151-004, 013-154-002 (portion)

WHEREAS the Mariposa County Board of Supervisors initiated Specific Plan/Zoning Amendment Application No. 2002-371 on September 3, 2002; and

WHEREAS the Mariposa County Planning Commission amended the project based upon significant public input and the recommendations of the Mariposa County Historic Sites and Records Preservation Commission; and

WHEREAS Specific Plan/Zoning Amendment Application No. 2002-371, as amended by the Planning Commission, proposed to amend the land use and zoning designation on certain parcels in portions of the blocks along Jones Street, Bullion Street and the Old Highway, between 7th and 12th Streets in the Mariposa Town Planning Area to the Professional Office land use and zoning designation; and

WHEREAS Specific Plan/Zoning Amendment Application No. 2002-371, as amended by the Planning Commission, also proposed a text amendment to the Mariposa Town Planning Area Specific Plan, Section 3.12.A and Mariposa County Code, Zoning, Title 17, Chapter 17.318 to add Art Studios to the list of Conditionally Permitted Uses in the Professional Office Land Use and Zoning Designation; and

WHEREAS the Planning Department circulated the application to the Mariposa County Historic Sites and Records Preservation Commission, and others as appropriate; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 24th day of January, 2003; and

WHEREAS the Planning Commission public hearing was continued to the 7th day of February, 2003; and

WHEREAS, based upon the amendments made to the project by the Planning Commission at these public hearings, another duly noticed public hearing was scheduled for the 7th day of March, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report to the Planning Commission, an Amended Staff Report to the Planning Commission, and a Second Amended Staff Report to the Planning Commission were prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold public hearings on the noticed dates and considered all of the information in the public record, including all of the Staff Reports, testimony presented by the public concerning the application, and comments and recommendations from the Historic Sites and Records Preservation Commission; and

WHEREAS the Planning Commission adopted Resolution No. 2003-003 recommending 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 Specific Plan/Zoning Amendment No. 2002-371; and

WHEREAS Resolution No. 2003-003 also recommended that the Board of Supervisors adopt an ordinance approving the proposed Amendment to the zoning designation of the project site parcels, and approving the proposed text amendments to Mariposa County Code Zoning Title; and

WHEREAS Resolution No. 2003-003 contained findings supporting the Planning Commission's action; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 8th day of April, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report to the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and comments and recommendations from the Historic Sites and Records Preservation Commission and the Planning Commission.

WHEREAS the Board of Supervisors took action on April 8, 2003 and adopted Resolution No. 03-109 to approve the project. The Board waived the first reading and introduced an ordinance to approve the project. They also initiated an amendment to modify the land use and zoning designation on two other parcels within the project amendment area; and

WHEREAS the Board of Supervisors took action on April 22, 2003 to waive the second reading and adopt an ordinance; and

WHEREAS the Board of Supervisors took action on May 6, 2003 to rescind their previous actions on the project based upon questions raised regarding the legal meeting location for the Board of Supervisors; and

WHEREAS a duly noticed Planning Commission public hearing was again scheduled for the Specific Plan/Zoning Amendment project as further amended by the Board of Supervisors, including the two parcels added by the Board of Supervisors on April 8, 2003. The Planning Commission hearing was scheduled for the 17th day of October, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Fourth Amended 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 again considered all of the information in the public record, including the latest Staff Report, and testimony presented by the public concerning the application; and

WHEREAS the Planning Commission adopted Resolution No. 2003-042 recommending that the Board of Supervisors adopt a resolution directing staff to file a Notice of Exemption for the amended project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Specific Plan/Zoning Amendment No. 2002-371 as amended; and

WHEREAS Resolution No. 2003-042 also recommended that the Board of Supervisors adopt an ordinance approving the proposed Amendment to the zoning designation of the project site parcels, and approving the proposed text amendments to Mariposa County Code Zoning Title; and

WHEREAS Resolution No. 2003-042 contained findings supporting the Planning Commission's action; and

WHEREAS another duly noticed Board of Supervisors public hearing was scheduled for the 4th day of November, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report to the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the latest Staff Report, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors hereby directs staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approves Specific Plan/Zoning Amendment No. 2002-371 as amended.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa Town Planning Area Specific Plan land use and zoning designation of the project site parcels are described in Exhibit A, and the recommended text amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning to add art studios to the list of conditionally permitted uses in the Professional Office Land Use Designation is described in Exhibit B.

BE IT FINALLY RESOLVED THAT this action is based on the following findings supported by substantial evidence in the public record:

Finding No. 1: The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

The amendment is in the general public interest because it allows for continued and expanded use of the properties surrounding the Mariposa County Courthouse for professional office uses. Office uses are compatible with and support the existing historic and functional significance of the Courthouse. Office uses are compatible with surrounding residential uses. The area is already planned for professional office development, and the amendment does not represent a change in the existing land use of the area.

The amendment includes provisions to conditionally allow art studios in the Professional Office zone. As a conditional use, a proposed art studio development would be subject to a discretionary review process ensuring all environmental and public interest issues are addressed.

All future development within the project site area will be subject to the site development and design review standards of the specific plan, which will ensure that the aesthetics of the new development and changes in existing development are compatible with the historic character of the area.

The project will have no impact on public health, safety, peace, and welfare. This project has been reviewed for potential impacts on the environment and it has been determined that the project will not result in significant impacts.

Finding No. 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 amendment is a minor change to the area of existing professional office uses surrounding the Courthouse. The area is planned for professional and government office uses, in accordance with the Mariposa Town Planning Area Specific Plan.

The General Plan identifies Town Planning Areas as appropriate for professional office development, and infrastructure exists in the area of the amendment to support the

proposed uses. The amendment eliminates some non-conforming development, and has no impact on existing offices and residential uses in the project area. There is a potential need for the amendment, as is evidenced by the private development projects proposed in the amendment area.

The amendment to add art studios as a conditional use ensures that county decision-making process includes a public process and ability to address potentially significant environmental impacts of a project.

Finding No. 3: The amendment conforms to the requirements of state law and county policy.

The application has been processed in accordance with all applicable requirements of state law and county policy.

Finding No. 4: The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan.

The town of Mariposa is the center of government for the County, and the largest community within the County. This project results in a minor expansion of an existing professional office zoned area.

The project will increase the area allowed for professional office projects, which supports the ability of the community to provide for the general service needs of residents of the community, the regional area, and the touring public.

Finding No. 5: The subject parcels are physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designated and the anticipated land use development.

The subject parcels are suitable for the proposed land use and zoning designations. They are all served by public utilities, including power, sewer, water and fire protection. The parcels are all served by paved, county-maintained roads. The development standards of the Mariposa Town Planning Area Design Review and Historic Design Review Districts will ensure that future development, and changes in existing development are compatible with the historic character of the neighborhood.

Finding No. 6: The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

The proposed project is logical, because it is a minor expansion of an already zoned professional office. The area is appropriate for professional office development based upon existing terrain, access and availability of community services. The project will provide expanded employment opportunities, and basic services to the immediate residential population.

Finding No. 7: This Specific Plan/Zoning Amendment project is exempt from environmental review pursuant to §15061, CEQA Guidelines, the General Rule Exemption. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This project is within the center of the Mariposa Town Planning Area, which is planned for and developed with office, commercial and residential uses. Office uses are compatible with residential uses, based upon the limited daytime hours of a typical professional office use. The project site area is served by community sewer and water services, and paved county-maintained roads. The majority of the project site is already developed with professional office uses. The project will bring two existing office uses into zoning conformance. The Mariposa Town Planning Area Specific Plan contains development standards which will apply to future projects, and which were developed through the environmental review process for the adoption of the specific plan itself, to minimize potential environmental impacts of new construction. Finally, this project will not result in any new construction on the ground.

ON MOTION BY Supervisor Parker, seconded by Supervisor Balmain; this resolution is duly passed and adopted this 4th day of November, 2003 by the following vote:

AYES: Stetson, Balmain, Bibby, Parker, Pickard

NOES: None

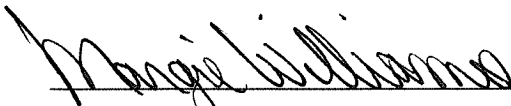
EXCUSED: None

ABSTAIN: None



BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
Mariposa County Counsel

EXHIBIT A

Approved Amendments to Land Use and Zoning Designations

APN	Existing Land Use & Zoning	Modified Land Use & Zoning	Owner
013-154-002 (portion)	Single Family Residential	Professional Office	Evans
013-127-010	Public-Quasi Public	Professional Office	Mariposa County
013-127-011	Public-Quasi Public	Professional Office	Mariposa County
013-127-013	Public-Quasi Public	Professional Office	Mariposa County
013-123-003	Public Quasi Public	Professional Office	Spear
013-117-003	Single Family Residential	Professional Office	Linn
013-117-004	Single Family Residential	Professional Office	Kortes
013-117-005	Single Family Residential	Professional Office	Ebie
013-117-007	Single Family Residential	Professional Office	Baggett
013-117-008	Single Family Residential	Professional Office	Wyland
013-115-002	Single Family Residential	Professional Office	Matlock
013-115-003	Single Family Residential	Professional Office	Challis
013-100-012	Public-Quasi Public	Professional Office	Vaughn
013-100-013	Public-Quasi Public	Professional Office	Bramlett
013-151-001	Single Family Residential	Professional Office	Uruburu
013-151-004	Single Family Residential	Professional Office	Lingenfelter

EXHIBIT B

For the **Professional Office Land Use Designation** (Section 3.12, Mariposa Town Planning Area Specific Plan) and the **Professional Office Zone** (Chapter 17.318, Mariposa County Code, Zoning)

(New Text shown in *italicized underlined type*)

(All other Text Unchanged by Amendment)

2. Conditional uses:

- a. Churches, non-profit lodges, clubs, fraternal organizations;
- b. Commercial parking lots;
- c. Multi-family residential in accordance with the density standards contained in Chapter 17.316 multi-family residential zone).
- d. Commercial Art Studios, including sales of artwork fabricated or produced on-site and including visually screened and enclosed exterior storage of materials for artwork.



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING TO CONSIDER SPECIFIC PLAN/ZONING
AMENDMENT NO. 2002-371 AS AMENDED
Resolution No. 03-395

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 4, 2003

ACTION AND VOTE:

10:52 a.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director; PUBLIC HEARING to Consider Specific Plan/Zoning Amendment No. 2002-371 as Amended to Change the Land Use and Zoning Designation of Certain Parcels in the Mariposa Courthouse Area to Professional Office, and to Add Art Studios to the List of Conditionally Permitted Uses in the Professional Office Land Use and Zoning Designation; Mariposa County, Project Proponent

BOARD ACTION: Sarah Williams presented the staff report and reviewed the history of this application, and she advised that the Matlock and Uruburu parcels were added to the amendment. Sarah responded to questions from the Board relative to clarifying that the Lingenfelter property consists of one parcel with multiple structures; existing zoning for the property where the Health Department is located; status of the Evans' parcel and relocation of a historic structure, and Sarah advised that she will remove reference to the relocation of the historic structure; and how parking and circulation will be dealt with when the land use on the affected parcels change to professional office use. Supervisor Balmain advised that he has marked typographical errors in the package that he will forward to Planning. Supervisor Parker requested that relocation of historic structures still be allowed.

The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Parker, (S)Bibby, Res. 03-395 was adopted approving Specific Plan/Zoning Amendment No. 2002-371 as amended with the recommended findings; and the first reading was waived and an Ordinance introduced approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map/Ayes: Unanimous. The hearing was closed.

cc: File