

DEPARTMENT: Planning

BY: Steven J. Engfer,  
PHONE: 966-5356

**RECOMMENDED ACTION AND JUSTIFICATION:**

1. Adopt a resolution adopting a Negative Declaration and Approving Specific Plan Zoning Amendment and Historic Design Review #2002-343 with the recommended findings and conditions.
2. Waive the first reading and introduce an ordinance amending the Zoning Designation on APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public.

This recommendation is based upon the Planning Commission action on the project applications.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Board action to adopt a Negative Declaration for the Purchase of the parcels occurred on March 19, 2002.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- 1) Approve the applications with modified conditions and findings; 2) Deny one or more of the applications

NEGATIVE ACTION on the Specific Plan Zoning Amendment would result in denial of both applications.

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: \$ _____		1. Staff Report <u>and Initial Study</u>
Source: _____		2. Mariposa County Planning Commission Resolution #2003-021
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
( ) General ( ) Other		_____

**CLERK'S USE ONLY:**

Res. No. 03-268 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 ( ) Approved  
 Minute Order Attached ( ) No Action Necessary

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

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CAO: RA

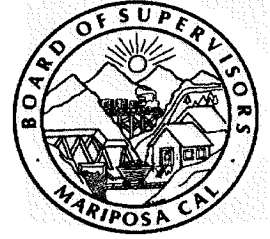


# COUNTY of MARIPOSA

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

BOB PICKARD, CHAIR  
GARRY R. PARKER, VICE-CHAIR  
LEE STETSON  
DOUG BALMAIN  
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DISTRICT V  
DISTRICT IV  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: RESOLUTION ADOPTING A NEGATIVE DECLARATION AND APPROVING SPECIFIC PLAN ZONING AMENDMENT AND HISTORIC DESIGN REVIEW #2002-343; INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING DESIGNATION ON APN 013-186-003 AND 013-186-005 FROM GENERAL COMMERCIAL TO PUBLIC QUASI PUBLIC  
Resolution No. 03-268

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 15, 2003

#### ACTION AND VOTE:

**10:22 a.m.** Eric Toll, Planning Director;

A) PUBLIC HEARING to Consider Adopting the Following Actions for the Arts Park Project: 1) Resolution Adopting a Negative Declaration and Approving Specific Plan Zoning Amendment and Historic Design Review #2002-343 with the Recommended Findings and Conditions, and 2) Waive the First Reading and Introduce an Ordinance Amending the Zoning Designation on APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public and to then Develop a Limited Scale Arts Venue and Park as a Component of the Mariposa Creek Parkway, County of Mariposa, Applicant (Clerk of the Board has Bid Documents and Project Plans for Construction of Mariposa County Arts Park for Review) **BOARD ACTION:** Steve Engfer/PWD-Solid Waste Manager and former Planner, presented the staff report. He advised that there is one Sequoia tree on the site that is dying, and it was determined that it needs to be removed. He advised of plans to use the wood for signage and perhaps a bench at the park. Staff responded to questions from the Board as to whether the location of the sun was taken into consideration when planning where the stage faces; the number of picnic tables proposed; and relative to lighting. Fred Solomon, consultant, responded to questions relative to the lighting and whether there would be noise impacts.

The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the archeological study. (M)Parker, (S)Stetson, Res. 03-268 was adopted adopting a Negative Declaration and approving Specific Plan Zoning Amendment and Historic Design Review #2002-343 with the recommended findings and conditions, and 2) the first reading was waived and an Ordinance was introduced amending the zoning designation on APN 013-186-003 and 013-186-005 from General Commercial to Public Quasi Public and to then develop a limited scale arts venue and park as a component of the Mariposa Creek Parkway/Ayes: Unanimous. The hearing was closed.

cc: Jim Petropulos, Public Works Director  
File

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution  
No. 2003-268

**A resolution adopting a Negative Declaration, and approving Specific Plan/Zoning Amendment and Historic Design Review #2002-343, Mariposa County, applicant. Assessor Parcel Numbers 013-286-003 and 013-186-005.**

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WHEREAS a complete application for Specific Plan Zoning Amendment and Historic Design Review were received to amend the land use and zoning designation of APNs 013-186-003 and 013-186-005 from General Commercial to Public Quasi-Public and to develop a limited scale arts venue and park as a component of the Mariposa Creek Parkway from the County of Mariposa, applicant; and

WHEREAS the Planning Department circulated the applications among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS additional information was required for the Environmental Review for the project; and

WHEREAS a Cultural Resource Study and Natural Environment Study were required for the project, conducted and submitted; and

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

WHEREAS a duly noticed public hearing was scheduled for the 20<sup>th</sup> day of June 2003 for the Mariposa County Planning Commission; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS on June 20, 2003 the Planning Commission held a public hearing on the applications in accordance with County Code and State law; and

WHEREAS the Planning Commission adopted resolution #2003-021 recommending to the Board of Supervisors the adoption of a Negative Declaration and approval of Specific Plan/Zoning Amendment and Historic Design Review #2002-343, with the recommended findings conditions and adoption of an ordinance with findings; and

WHEREAS a duly noticed public hearing was scheduled for the Mariposa County Board of Supervisors; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed data and considered all information in the public record, including the Staff Report and Initial Study, testimony presented by the public concerning the application, comments from affected agencies, the comments of the applicant and the recommendation of the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Negative Declaration for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve Specific Plan Zoning Amendment and Historic Design Review #2002-343 to be effective on the effective date of the ordinance with the following conditions.

***HISTORIC DESIGN REVIEW CONDITIONS***

1. The project shall be constructed in accordance with the approved plans, except as modified by the conditions of approval.
2. The Department of Fish and Game filing fee (\$1,250) shall be paid within five (5) working days of the approval of the application, and the building or grading permit shall not be issued until the fee is paid.
3. Prior to the issuance of the building or grading permit, the final lighting fixtures shall be approved by the Planning Director. The fixtures shall be full cutoff fixtures to minimize off-site impacts and night sky lighting. The fixtures style shall be of an appropriate style for the historic district (the style of the freestanding structure shown in the project plans is approved).
4. Prior to the issuance of the building or grading permit, a proposal shall be submitted for screening of all exterior mechanical equipment, including the backflow prevention devices. The screening shall meet the criteria of the historic design review district.
5. The project proposes to restore portions of the rock wall and wire fencing. The project plans and/or specifications shall require that the rock used be of a similar type and size to that which exists in portions of the existing wall. The replacement wire fencing shall match the existing fencing.
- ~~6. Roof overhangs shall be a minimum of 12 inches on all structures.~~
7. The finished color of the structures shall be natural (stained), or if painted, a light color in a warm tone. Trim may be brighter or darker to compliment architectural features. Final colors for structures shall be approved by the Planning Director.
8. Wisteria or a similar vine shall be planted along the stage structure support posts, *this condition shall not apply to the stage lighting posts.*
9. All utilities shall be underground within the project site.
10. No signs are proposed or approved by this design review action. A separate review shall be required for the Arts Park sign, prior to its construction and installation on-site.
11. A sediment control plan prepared and approved in accordance with Section 15.28.120(c) of County Code shall be required, if project construction will occur between November 1 and April 1.

BE IT FINALLY RESOLVED that the action to approve the projects is based upon following findings supported by substantial evidence in the public record:

Section 17.128.050 of the Mariposa County Zoning Code establishes five (5) mandatory findings that must be made prior to approval of a Specific Plan/Zoning Amendment application.

1. The Specific Plan zoning change provides for a more streamlined process for development applications on the subject parcels. The subject parcels are at the lower end of the Historic Downtown Mariposa District and the project site links the Creek Parkway and the Art Park. The property lies within the vicinity of other commercial and mixed use developments within the Mariposa TPA. The peace and welfare of the general public will not be adversely impacted by the development of the limited scale park as proposed with the zone change application. Design Review procedures and requirements contained in the Mariposa Specific Plan ensure adequate oversight of the development applications.

The project site is within an established community with community water and sewer available, a fire station, and with good quality, maintained roads.

2. The Zoning amendment provides for the opportunity to develop a public park consistent with the plans set forth in the Specific Plan for the Mariposa Creek Parkway. Also, the project helps to meet both the General Plan goals and Specific Plan Goal to provide recreational opportunities for the citizens of Mariposa County and visiting tourist populations. The General Plan has identified the Mariposa TPA as an area for mixed use development of which this zoning amendment does not detract.
3. The Specific Plan/Zoning Amendment application has been processed in accordance with the requirements of State law and County regulations and established policy. An Initial Study with a recommendation for a Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) and must be adopted prior to approval of the amendment.
4. The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan.

The Land Use Element states TPAs are for the purposes of providing basic services and being centers of population concentration. As such, TPAs are considered centers of service, commerce, industry, and population. The amendment to Public Quasi Public will allow the purposes of the Land Use Element to be met in that the development of a park will provide recreational opportunities for the populations living in the TPA and as well tourists visiting the TPA.

The amendment is consistent with, or will have no negative effect on the other goals, policies, and standards of the Mariposa County General Plan. The project is found to support, accomplish or have no effect on the goals, policies, and standards of the Specific Plan as a whole and will not obstruct the achievement of the Specific Plan's purpose. This finding is made in accordance with Section 2.600 et seq.

5. A. Access to the project site is gained by way of the existing pedestrian encroachments and the adjacent Creek parkway. The project site is within the Mariposa Public Utility District.

The amendment does not affect the requirements set forth by the Historic Design Review Overlay Zone. The project as proposed is required to meet all applicable development standards and requirements of the HDRO whether the zone is General Commercial or Public Quasi Public. The subject parcels' location was determined to be suitable for a park use per the Mariposa Town Planning Area Specific Plan Land Use and Development Standards and Regulations.

- B. The proposed zoning of Public Quasi Public and the proposed use as public park will provide a service through recreational opportunities for the Mariposa residents and the tourist populations.


**FINDINGS FOR HISTORIC DESIGN REVIEW**

Mariposa County Zoning Ordinance Section 17.332 establishes the requirements for the Historic Design Review Overlay Zone including the Architectural Theme and Development Guidelines for the Mariposa TPA HDRO Zone section 17.332.030. The development standards contained within establish criteria for which all development in the HDRO must comply.

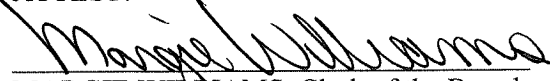
1. The construction as proposed complies with the historical Mariposa architecture defined as generally utilized in the region between 1850 and 1920. The project does not detract from this standard as the board and batten siding proposed restoration and utilization of the historic rock walls on the site and the inclusion of some existing vegetation meet standard.
2. The materials proposed are wood and rock and brushed concrete for the ground level stage. The materials comply with 17.336.070 A. 2 which requires wood brick adobe or stone as construction materials.
3. The establishment of the project restores a historic site through incorporation of the remaining deteriorated rock walls into the design of a new public park venue. The utilization of the historic elements in the design of the project site meet the requirements and goals set forth in the Mariposa Specific Plan and zoning ordinance that establishes the criteria for demolition of historic features, modification of historic features or buildings and new construction within the HDRO.
4. This project as proposed is consistent with the goals and standards of the Mariposa Town Planning Area Specific Plan and is compatible with the adjacent uses. The development of the site as an Arts Park will not detract from the uses in the vicinity nor create an eyesore to the tourist public

ON MOTION BY Supervisor Parker, seconded by Supervisor Stetson, this resolution is duly passed and adopted this 15<sup>th</sup> day of July 2003 by the following vote:

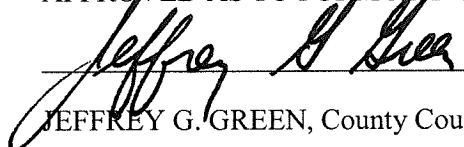
AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD  
NOES: NONE  
EXCUSED: NONE  
ABSTAIN: NONE

  
\_\_\_\_\_  
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, County Counsel