

DEPARTMENT: Planning

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

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a Resolution approving Specific Plan Amendment No. 2002-419 with the recommended findings, including a finding that the project is exempt from Environmental Review. The amendment potentially affects all properties in the Mariposa and Coulterville Town Planning Areas.

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

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- The Board approved a similar amendment to the Fish Camp Town Planning Area Specific Plan on July 16, 2002

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives include amending the language of the amendment, or denying the amendment. Denying the amendment would result in the inability of property owners to submit applications for variances to development standards established by the Specific Plans.

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. Government Code Section 65905-65909.5
Internal Transfer _____		2. Mariposa County Code Chapter 17.120, Variances
Unanticipated Revenue _____ 4/5's vote		3. Draft Notice of Exemption
Transfer Between Funds _____ 4/5's vote		4. Planning Commission Resolution & Draft Minutes
Contingency _____ 4/5's vote		5. Draft Board Resolution
() General () Other		

CLERK'S USE ONLY:

Res. No.: 03-97 Ord. No. _____
 Vote - Ayes: 4 Noes: _____
 Absent: Richard
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

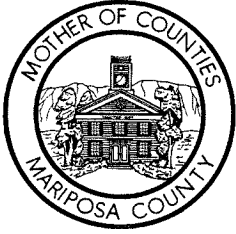
Requested Action Recommended
 No Opinion
 Comments:

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

CAO: [Signature]



COUNTY of MARIPOSA

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

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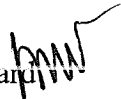
DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board 

SUBJECT: SPA NO. 2002-419 TO PERMIT PROCESSING OF VARIANCES
Resolution No. 03-97

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 1, 2003

ACTION AND VOTE:

2:11 p.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Eric Toll, Planning Director; PUBLIC HEARING to Consider Specific Plan Amendment No. 2002-419, a Text Amendment to the Mariposa and Coulterville Town Planning Area Specific Plans to Permit Processing of Variances to the Specific Plans; County of Mariposa, Project Proponent

BOARD ACTION: Sarah Williams presented the staff report, and she responded to questions from the Board relative to allowances for exemption from the CEQA process for projects that will not have any significant effect on the environment; whether there are any pending projects; whether consideration was given to including the Fish Camp Specific Plan; and relative to the Planning Commission's recommendation to allow a higher height for the SilverTip Resort project and how that would work. Sarah clarified that language only allows for variances to be processed and does not guarantee approval. Jeff Green, County Counsel, advised that the Fish Camp community wanted the language that was approved for their Plan, and he clarified that the Planning Commission recommended an exemption versus a variance for the height limit for the SilverTip Resort project.

The public portion of the hearing was opened. There was no input. The public portion was closed and the Board commenced with deliberations. (M)Balmain, (S)Stetson, Res. 03-97 was adopted approving the recommended text amendment/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. The hearing was closed.

cc: File

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No. 2003-97

**A Resolution Approving Specific Plan Amendment No.
2002-419, a Text Amendment to the Mariposa and Coulterville
Town Planning Area Specific Plans to Allow the County to
Process Variances to the Development Standards of the
Specific Plans.**

WHEREAS on the 20th day of September, 2002, the Planning Commission initiated an amendment to the Mariposa and Coulterville Town Planning Area Specific Plans to allow the county to process a variance application from the development standards of the specific plans pursuant to the requirements of Section 65906 of the California Government Code and Mariposa County Code, Zoning, Chapter 17.120, Variances; and

WHEREAS the Planning Department circulated the application and received support for the amendment from the Coulterville Town Planning Area Planning Advisory Committee; and

WHEREAS there is no Planning Advisory Committee established for the Mariposa Town Planning Area; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 21st day of February, 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 was prepared pursuant to the California Government Code, Mariposa County Code, 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

WHEREAS the Planning Commission adopted Resolution No. 2003-001 on the 21st day of February, 2003 recommending that the Board of Supervisors approve the project; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 1st day of April, 2003; and

WHEREAS a Staff Report to the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, 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, public testimony and the recommendation of the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve the filing of a Notice of Exemption for Specific Plan Amendment No. 2002-419.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve Specific Plan Amendment No. 2002-419 to allow processing of variances pursuant to applicable State Law, Section 65906 of the California Government Code and Mariposa County Code, Zoning, Chapter 17.120, Variances.

BE IT THEREFORE FURTHER RESOLVED THAT the approved text amendments for Specific Plan Amendment No. 2002-419 are contained in Exhibit A of this resolution.

BE IT THEREFORE FINALLY RESOLVED THAT the Board of Supervisors project approval is based on the following findings supported by substantial evidence in the public record:

1. The amendment will not have a significant adverse effect on the general public health, safety, peace, and welfare. It will provide the public the ability to submit an application for a variance, and it will provide the county with the ability to process variances to the development standards established by the Mariposa and Coulterville Town Planning Area Specific Plans, as is intended by state law. The purpose of the variance is to allow flexibility to the implementation of development standards, where special circumstances are applicable to the property. All existing review requirements and findings for processing a variance application will be unaffected by this amendment.
2. The Specific Plan for Mariposa and Coulterville is both a policy document and a regulatory document, functioning both as the general plan for the communities and the zoning ordinance. The proposed amendment sets a policy that expressly allows a variance to the development standards in the specific plans, if the proposal meets statutory requirements for variances. The amendment will improve the Mariposa County General Plan with respect to providing a long-term guide for county development and a guide for day-to-day decision-making, because it gives the county the ability to legally accomplish what is intended by state law. The amendment is a short-term solution, which will be rectified with the update of the County General Plan and area, community and special plans.
3. The amendment was processed in accordance with state law and county code with respect to notice, hearings, and findings.

- 4. The amendment is consistent with the guiding policies, goals, policies, and standards of the Mariposa County General Plan. Section 2.601 requires the county, within the framework of California State Law, “to review...zoning ordinances...and determine the consistency of the(se) matters with the General Plan.” Amending the specific plans as proposed by this amendment will ensure that the intent of State Law, to allow variances to development standards established by zoning where there are special circumstances applicable to the property involved, is implemented.

- 5. This project, to include provisions to allow *processing* of variances in the Mariposa and Coulterville Town Planning Areas, is exempt from environmental review under Section 15061(b)(3) which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.

The amendment was reviewed for potential environmental impacts and it was determined that the amendment does not have the potential to impact the environment. This amendment only allows for *processing* of variances, as is intended by State Law. This amendment is necessary because Mariposa and Coulterville’s Specific Plans, as the General Plan for the communities, functions like the Zoning Ordinance.

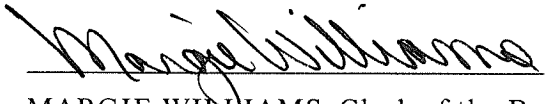
A variance application is a discretionary application, and CEQA addresses variances specifically, in the list of Categorical Exemptions. Setback variances are categorically exempt from CEQA if in an area with an average slope of less than 20%. All future variance applications will be reviewed pursuant to CEQA at the time of project submittal.

ON MOTION BY Supervisor Balmain, seconded by Supervisor Stetson, this resolution duly passed and adopted this 1st day of April, 2003 by the following vote:

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


 Garry Parker, Vice-Chairman
 Mariposa County Board of Supervisors

ATTEST:

A handwritten signature in cursive script, appearing to read "Margie Williams", written over a horizontal line.

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

A handwritten signature in cursive script, appearing to read "Jeffrey G. Green", written over a horizontal line.

JEFFREY G. GREEN
Mariposa County Counsel

Exhibit A

Text Amendments for Specific Plan Amendment No. 2002-419

Mariposa Town Planning Area Specific Plan

SECTION 3.5 ADMINISTRATION AND ENFORCEMENT

A. Non-Conforming Uses and Structures *(no changes necessary to this section)*

B. Variances *(new section to be added by this amendment)*

All development within the Mariposa Town Plan Area shall comply with the development standards contained within the plan, unless the proposed project substantiates that it is eligible for a variance approved with findings required by California law and Title 17, Mariposa County Code, Zoning.

Coulterville Town Planning Area Specific Plan

SECTION VI GOALS, OBJECTIVES AND POLICIES

A. Land Use Classifications *(no changes necessary to this section)*

B. Coulterville Land Use Policies-Area Applications *(no changes necessary to this section)*

C. Special Land Use Area Policies *(no changes necessary to this section)*

D. Community Design *(no changes necessary to this section)*

E. General Policies on the Keeping of Small Animals *(no changes necessary to this section)*

F. Variances *(new section to be added by this amendment)*

All development within the Coulterville Town Plan Area shall comply with the development standards contained within the plan, unless the proposed project substantiates that it is eligible for a variance approved with findings required by California law and Title 17, Mariposa County Code, Zoning.