

DEPARTMENT: Planning

BY: Kris Schenk
PHONE: 742-1216

RECOMMENDED ACTION AND JUSTIFICATION: Waive the second reading and adopt the Ordinance amending Section 17.108.180 of the Zoning Ordinance.

The Planning Commission recommended approval of this amendment to the zoning ordinance following a public hearing, review of the staff report, and testimony by the public concerning the application.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On August 11, 2009, at a public hearing, the ordinance was introduced and the Board voted to waive the first reading.

The Board took action on the amendment by way of both a resolution and waiving the first reading of the ordinance. The ordinance is effective thirty (30) days after the second reading. Once the zoning amendment becomes effective, the process is final.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Final Ordinance _____
Source:		_____
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.: _____ Ord. No. 1059
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 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]

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1059

AN ORDINANCE AMENDING SECTION 17.108.180 OF THE MARIPOSA COUNTY
CODE

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

WHEREAS, Application No. 2009-070 proposes to increase the number of bedrooms that can be rented in bed and breakfast establishments from the existing three allowed bedrooms to five bedrooms, and add that breakfast is prepared each day in a bed and breakfast inn in a kitchen appropriately permitted by the Health Department; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment 2009-070 on the 10th day of July, 2009, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment 2009-070 on the 11th day of August, 2009, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment 2009-070 in accordance with the California Environmental Quality Act, a Notice of Exemption has been adopted, and a Notice of Exemption will be filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors of the County of Mariposa does hereby amend the definition of bed and breakfast establishments in Section 17.108.180 to add that breakfast is prepared each day in a bed and breakfast inn in a kitchen appropriately permitted by the Health Department, and Section 17.108.180.A to 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. Amendments are made as follows:

Section I:

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 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.

Section II:

Section 17.108.180

- 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.

Section III: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

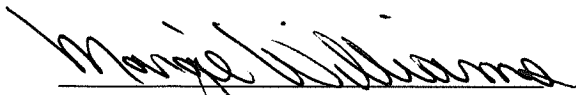
PASSED AND ADOPTED on this 25th day of August, 2009, by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE
NOT VOTING: NONE



Brad Aborn, Chair
Mariposa County Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel