



# MARIPOSA PLANNING

## COUNTY OF MARIPOSA

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## **2010 ANNUAL REPORT ON THE MARIPOSA COUNTY GENERAL PLAN**

### *Introduction and Background*

California State laws and the adopted Mariposa County General Plan require that a report be prepared each year regarding the General Plan. The annual report is reviewed by the Planning Commission and approved by the Board of Supervisors at a public hearing. Following consideration by the Planning Commission and action by the Board of Supervisors, the General Plan Annual Report is submitted to the Office of Planning and Research and the Department of Housing and Community Development.

This 2010 Annual Report contains a review of the General Plan policies, programs and implementation measures that were addressed during the 2009 calendar year. It also describes planning activities that are in process or anticipated in 2010 through 2014 (the short-term planning horizon) and subsequent years to achieve full consistency between General Plan policies and County development regulations. Included with the annual report is a proposed schedule for the consideration of General Plan Amendments during the remainder of 2010 (Attachment 7, Exhibit A).

The Mariposa County General Plan was adopted by the Board of Supervisors on December 18, 2006. The underlying goals and policies of the General Plan were developed during a six-year-long public planning process featuring community workshops, preliminary drafts of policy documents, planning fairs, focused working sessions, public outreach efforts, revised drafts, and a final round of public hearings. An accompanying programmatic Environmental Impact Report (EIR) for the General Plan was prepared, revised and circulated twice. Certification of the Final EIR was never challenged, and the adopted General Plan and EIR mitigation measures have been in effect since the beginning of 2007. Printed, electronic and on-line access to the adopted General Plan has been available to the public since January, 2007.

The General Plan replaced a previous General Plan that had been in effect for the preceding 25 years. That document, along with four Town Specific Plans adopted during the 1980's, established a prescriptive, zoning-based framework for land use and development decisions in Mariposa County between 1981 and 2006. The 2006 General Plan is a broadly-based policy document consisting of sixteen elements, with goals,

standards and implementation measures designed to shape the future growth and development of Mariposa County, while preserving and enhancing the rural character of the County's natural resources and small communities. The General Plan, like any strategic or policy guidance document, may be reviewed and updated on a regular basis. It is not intended to remain static over a 20-year planning period. Rather, it should evolve over time as a seamless, internally consistent structure of goals and objectives, with portions of the plan always being implemented, others being updated, and older portions being amended or replaced as appropriate. Changes to the mandated General Plan elements may be made as many as four times each year. A major assessment and accompanying revisions to the General Plan should occur every five years.

The General Plan consists of four volumes, as follows:

- Volume I --- The 16 Chapters of the General Plan, containing basic County information, issue statements and guiding principles, along with land use, natural resources and service delivery policies and provisions. There are also Appendices, with a Glossary of planning terms and a list of matters for future consideration. Volume I includes a Countywide generalized map, referred to as the Land Use Diagram.
- Volume II --- The location for the adopted Area Plans that provide specific guidelines and requirements that apply to Mariposa County's towns, small communities and special planning areas. Eventually this section will contain 16 completed geographic area plans and maps, each prepared by an advisory committee of local residents appointed for that purpose, reviewed by the Planning Commission, and subsequently adopted by the Board of Supervisors.
- Volume III --- Known as Technical Background Reports, this section contains detailed descriptions and underlying data about the County, its communities, local history, public services, and natural resources and characteristics. This database of background information was used to document and support the preparation of the General Plan.
- Volume IV --- The programmatic Environmental Impact Report (EIR) prepared simultaneously with the goals and policies of the General Plan. This volume serves as the environmental foundation for land use planning and development decisions and findings during the lifetime of the General Plan. A number of implementation measures were incorporated into the General Plan in order to comply with the analysis and CEQA findings of the General Plan EIR. These measures are cited in the Mitigation Monitoring Plan (MMP) of the final EIR.

#### *Amendments to the General Plan Made in 2009*

Mariposa County established a schedule of dates in 2009 at which amendments to the General Plan could be considered. However the only two public hearings at which

changes were made to the General Plan or to the Land Use Diagram occurred in September of 2009 and December of 2009, as discussed below. No other significant amendments to the General Plan took place in 2009.

One of the General Plan Amendments approved in 2009 was the amendment of the land use classification on an approximately 7.75-acre parcel in the Midpines area. The property's land use classification was Rural Economic, but was amended to Residential. This amendment was made along with a Conditional Use Permit application, in order to construct a church, along with parking lots and a parsonage. The Board of Supervisors adopted the implementing ordinance on October 6, 2009.

In December 2009, Mariposa County adopted the 2009-2014 Housing Element Update of the General Plan as General Plan Amendment No. 2009-055. The Housing Element Update was prepared to comply with the State mandated legislative changes, and to satisfy the Housing Element Guidelines prepared by the State Department of Housing and Community Development. This General Plan Amendment is discussed in greater detail in "Other General Plan Accomplishments by County Agencies in 2009."

### ***General Plan Implementation***

A fundamental purpose of the General Plan Annual Report is to assess progress that has been made, as well as steps that are being taken, to accomplish the goals and objectives of the General Plan. Implementation of the General Plan may occur through any of the following categories of actions:

- Addressing and completing specific Implementation Measures as listed in the various Chapters of the General Plan;
- Preparing and adopting new County programs, regulations and ordinances that carry out the policies and provisions of the General Plan;
- Amending pre-existing County regulations, resolutions and ordinances that are not consistent with the current General Plan. Title 16 (the subdivision regulations) and Title 17 (the zoning code) are two sections of the County Code frequently recognized as requiring changes and updates to achieve consistency with the General Plan;
- Preparing and adopting new Area Plans (or expanding existing town planning areas) to better serve the Mariposa County communities listed in Table 5-1 of the General Plan. (See the Area Plan Status table in Attachment 2 of this report);
- Considering public and private amendments to the General Plan on a regularly scheduled, publicly noticed basis.

Mariposa County, like other California local jurisdictions, must be able to demonstrate that it is making reasonable progress toward bringing its regulations, ordinances, plans and programs into compliance with the provisions of its adopted General Plan. Discretionary land use decisions must also be based upon findings of conformance with

the General Plan.

Complete consistency of land use regulations with the General Plan necessarily occurs over a period of many years. Progress in any year depends upon County priorities, resources allocated, the availability of experienced staff, extent of community interest and involvement, and the complexity of the implementation tasks.

The General Plan itself identifies a multiple-year timeline for accomplishing completion and full implementation of the measures in the General Plan. The plan's original 20-year planning horizon is segregated into three general time frames: the short-term planning period (years 1 to 5); the intermediate-term planning period (years 6 to 10); and the long-term planning period (years 11 to 20.) Depending on their relative priorities, implementation measures proceed along an orderly path, from longer term to nearer term to completion. The Board of Supervisors, in its adoption of the General Plan on December 18, 2006, approved a Mitigation Monitoring and Reporting Program (MMP) which establishes a temporal framework for addressing the County's responsibilities under California law for implementation of the General Plan. Within this broad, 20-year time frame for dealing with all mitigation measures and programs, it is the immediate or short-term planning priorities with which the Annual Report is most concerned.

#### ***General Plan Implementation Priorities in Progress (2008 and 2009)***

The following implementation programs are major planning priorities which the Mariposa County Board of Supervisors directed staff to pursue during 2009. Accomplishment of these priorities will result in the implementation of significant, long-standing policies required by the General Plan:

##### **1) COMPREHENSIVE ROAD STANDARDS LEADING TO THE CREATION OF DEVELOPMENT IMPACT FEES**

Mariposa County road standards changed with the adoption of the current General Plan. Policies in Chapter 9 now require that County "Roads shall have adequate capacity to serve respective road needs" and that "The County shall define the capacity of all roads." The definition of "adequate capacity" explicitly includes width, and it requires the calculation of existing traffic and proposed project traffic increases.

In August, 2007, the Board of Supervisors approved a consulting contract with Hauge Brueck Associates to develop comprehensive road standards for Mariposa County. Work on this continued through 2008 and 2009, and public consideration of a draft of the proposed comprehensive road standards is expected to occur late in 2010, following a comprehensive review of County roads data by the Department of Public Works. Several studies have been conducted so as to facilitate the creation of development impact fees. A Road Pavement Management study has been completed and traffic counts have been updated and completed. This

information is essential to completing comprehensive road standards and an impact fee program.

The importance of adopting reasonable and defensible road standards for all County roads is underscored by: 1) the long-standing problem of what standards (road width, road surfaces, grades, and other roadway improvements) are necessary to safely accommodate future development and higher volumes of traffic; and 2) the need to finalize the nexus and fair share calculations for the Capital Improvements Program (CIP) and Impact Fees Study, under contract to Dan Smith and Associates, which will provide a mechanism for the financing and construction of local and collector roads as the County approves new development in the future. The completion and adoption of this study is a critically important implementation program of the General Plan. The CIP/Impact Fees Study could be completed in late 2010 or early 2011.

## 2) AGRICULTURE AND NATURE TOURISM

Agriculture is a sufficiently important component of the economy and rural character of Mariposa County that it was given its own element, Chapter 10, of the General Plan. Implementation measure 10-5a(1) states: "Accommodate agritourism uses through changes in Agricultural zones." Strategies for encouraging agritourism and other adaptive uses of agricultural properties are likewise incorporated within the County's adopted Economic Vitality Strategy and Chapter 6 (Economic Development) of the General Plan.

In October and November, 2007, the Board of Supervisors embarked upon a major effort to define agritourism uses and the criteria that will be used to approve agricultural and "ecotourism" activities in appropriate locations throughout Mariposa County. In 2009, the Board of Supervisors directed the formation of an Agritourism Advisory Committee, along with a contract for services and a work plan for a consultant to help the Committee in the development of an agritourism ordinance for amendments to Title 17, Zoning.

At their January 27, 2009 meeting, the Board of Supervisors approved the preparation of an agricultural and nature tourism ordinance to reflect different intensity levels within the AE Zone. A resolution was adopted approving the membership and operation of the Agriculture and Nature Tourism Advisory Committee. The Board also approved a contract for services to prepare the Ordinance.

Discussions at the public workshops and meetings by the Board of Supervisors, resulted in a determination that the current Agricultural Exclusive Zone (AEZ) provisions for agritourism did not contain sufficient standards or regulations. As a result, it was not possible to make a clear distinction on what agritourism uses were

permitted or conditionally permitted. On January 27, 2009 the Board initiated an urgency amendment to the AEZ (i.e. a moratorium) to temporarily prohibit agritourism uses until the new agriculture and nature tourism ordinance is adopted.

The final committee members for this Advisory Committee were appointed March 10, 2009 and the first meeting was held on March 20, 2009. At the conclusion of six meetings, the committee had developed suggested changes to the following Chapters of the Zoning Ordinance: the Agriculture Exclusive Zone, Chapter 17.40; Definitions, Chapter 17.148 and Supplementary Standards, Chapter 17.108. The committee also recommended a new Chapter 17.114, which establishes an Administrative Use Permit process. On June 16, 2009, the Board of Supervisors adopted a Resolution of Intention to initiate an amendment of the AE and related zone districts (Resolution No. 2009-296) initiating the amendments for processing and staff was directed to forward materials to the Agricultural Advisory Committee and Planning Commission for consideration and recommendation prior to final action by the Mariposa County Board of Supervisors.

Three meetings were subsequently held by the Agricultural Advisory Committee regarding these amendments. On July 9, 2009 and August 20, 2009 the AAC discussed changes to the amendments proposed by the Agriculture and Nature Tourism Advisory Committee. On September 9, 2009 the AAC made final changes to the amendments and made a recommendation to the Planning Commission. Final recommendation by the Planning Commission to the Board of Supervisors and final adoption by the Board of Supervisors is expected later in 2010 after the Williamson Act Contract Revisions have been completed.

### 3) WILLIAMSON ACT CONTRACT REVISIONS

During the preparation and adoption of the General Plan, considerable attention was given to the status of Mariposa County's policies and practices associated with its Land Conservation Act (LCA) contracted properties, commonly known as Williamson Act lands. Implementation Measure 10-2a(3) states: "Standards shall be developed for issuance of development permits for substandard sized parcels under Williamson Act contract." Contracts in place prior to 1997 contain the language that "multiple parcels should be merged" to create conforming parcels, although merging parcels has been considered optional and never required. Since 1997, newer contracts do not allow the recognition of substandard parcels during the 20-year tenure of the contracts. Williamson Act contracts entered into before 1997 do not have this provision. The adopted General Plan places "a great emphasis on ensuring that substandard agricultural parcels are not recognized through the certificate of compliance process during the tenure of the new contract and that the sale of substandard contract parcels does not create premature expectations of residential development" (pp. 10-4,5 of Chapter 10).

In November, 2005, the Board of Supervisors adopted a resolution initiating an amendment to the policies that implement the Williamson Act, to establish uniform standards throughout the County, and to improve the reporting and enforcement of contract provisions. An updated database of existing Williamson Act contracts and contracted parcels was compiled by the Planning Department and the Assessor's Office in 2006 and 2007.

In the fall of 2008, work began on revising the LCA rules and procedures. On January 22, 2009, the Agricultural Advisory Committee began public review of the draft procedural changes for the implementation of the land conservation act. After the Agricultural Advisory Committee made its recommendation to the Planning Commission, public hearings were held on October 22, 2009 and January 22, 2010, where the Planning Commission considered further recommendations. On February 5, 2010 the Planning Commission adopted Resolution No. 2010-001 recommending that the Board of Supervisors repeal previous resolutions and replace them with the recommended amended policies. The Board of Supervisors is expected to schedule and hold a public hearing regarding the recommended amendments beginning in March 2010. The Williamson Act Contract Revisions are expected to be completed over the next 2 to 3 months.

#### 4) OTHER TITLE 17 ZONING REVISIONS

Numerous other provisions of Title 17, the Zoning Ordinance of the Mariposa County Code, need revisions and amendments in order to incorporate the standards and criteria called for in the General Plan. Although revisions for the zoning standards dealing with roads and agriculture have been given the highest priority for the last several years and are expected to be adopted within the next calendar year, additional zoning amendments will be addressed in 2010 and 2011, as soon as resources and staff workloads allow more opportunity for these projects to proceed.

During the 2009 calendar year the definition of bed and breakfast inn in Title 17 was amended to become consistent with that which is located in the General Plan. Bed and breakfast's in county areas without Specific Plans are now allowed to have a total of 5 bedrooms available for transient occupancy. In March 2010, sub-Title 17.300, which regulates development within the Mariposa Town Planning Area was also amended to include the same definition of bed and breakfast inn and to increase the number of allowed bedroom rentals in bed and breakfast's from 3 to 5.

#### *5 Year Schedule (2010 – 2014)*

There are an impressive number of other implementing programs that will need to be addressed in the near term planning period (the next five years) in order to improve compliance between the County's development regulations and the General Plan. A complete listing of the short-term catalog of anticipated implementation tasks has been created from the adopted Mitigation Monitoring and

Reporting Program and appears in Attachment 3 of this Annual Report. This Implementation Schedule has been updated to reflect past activities, anticipated activities given the direction provided by the Board of Supervisors, and the limitations of staff and resources available for working on the program.

The implementation and consistency matters discussed here and identified in the Implementation Schedule, are matters that have been classified as “short-term”, for completion within the first five years following adoption of the General Plan. All implementation measures are important when viewed as part of the overall implementation of the General Plan Policies and its internal and external consistency.

Staff will continue to update this five-year listing in future annual reports as zoning and development consistency actions are accomplished and further consistency projects become feasible.

### *Area Plans in Preparation (2009 and 2010)*

Progress toward implementation of the General Plan occurs whenever a new Area Plan is prepared and adopted, when an existing Area Plan is amended, or when the planning for a Planning Study Area is initiated. At full implementation of the General Plan, sixteen geographically-distinct Area Plans are envisioned for Mariposa County's local communities; and the Yosemite National Park's General Management Plan represents a separate federal planning area of its own. The overall status and timing of the planning programs for each of the Area Plans is established in Attachment 2, Table S-1 of the General Plan.

The Mariposa County Area Plans fall within the following descriptions, depending upon the scope and intensity of the land uses represented within any given planning area:

- **Town Planning Area:** All residential, commercial, industrial, job-center, recreation, and public uses, as defined in the General Plan, are consistent with the purpose of a town planning area. In the case of pre-existing adopted town plans, the planning documents may be known as a Town Specific Plan (such as Fish Camp.)
- **Community Planning Area:** Single-family residential, rural commercial, recreation/resort-oriented, small business and public are the land uses consistent with the purpose of a community planning area. Multi-family residential uses with more than two attached dwelling units per structure and industrial uses are not consistent land uses within community planning areas; live-work commercial/residential uses are acceptable. Greeley Hill and Bootjack are examples of Community planning areas.
- **Special Planning Area:** Some small locales (including Foresta and Buck Meadows) in the County do not face the full scope of issues and land uses warranting a full-scale town plan or community plan. The purpose of a



special plan is to address the specific issues of local importance for the planning area. Consistent uses will be defined within the special plan.

The following draft Area Plans have been involved in a recent or forthcoming public review process during 2008 and 2009:

#### 1) CATHEYS VALLEY COMMUNITY PLAN

Preparation of the current version of the Catheys Valley Community Plan (CVCP) began in 2000. This Area Plan, which meets the definition of a community plan, was delayed for several years due to a need for completion of the General Plan. A planning consultant, Hauge Brueck Associates, was engaged by the County in 2007 to revise the prior documents for consistency with the General Plan and to prepare the final draft CVCP and CEQA environmental documents.

During 2008, direction was given by the Board of Supervisors to prepare the public review draft and prepare environmental documentation. On January 15, 2009 a recommendation for approval of the revised CVCP was made by the Catheys Valley Planning Advisory Committee. The Planning Commission subsequently held hearings regarding the adoption of the CVCP and forwarded a recommendation for approval to the Board of Supervisors.

The Board of Supervisors held a hearing on the CVCP on June 9, 2009 and continued it to July 14, 2009. At that public hearing it was decided that a Supplemental Environmental Impact Report (EIR) should be prepared for the CVCP, which would address the issue of Greenhouse Gases and Climate Change impacts. Currently, the Draft EIR is available for public review. The CVCP is expected to return to the Board of Supervisors in April 2010 and to potentially be adopted by mid 2010.

#### 2) WAWONA TOWN SPECIFIC PLAN

The Wawona Town Planning Advisory Committee (WTPAC) has been preparing drafts of a major amendment to their adopted Town Specific Plan since the late 1990's. During 2007, planning staff helped WTPAC assemble the earlier draft chapters into a revised and updated draft plan. At their November, 2007 meeting, WTPAC recommended approval of a revised Wawona Town Specific Plan and requested that it be forwarded to the Yosemite National Park planning staff for their comments. Preliminary environmental analysis was performed for the proposed plan.

Adoption of a plan, such as the Specific Plan for the Wawona community, is a more complex process than in some other County areas because it is done under

joint jurisdiction with the Yosemite National Park. The Specific Plan was forwarded to the National Park Service for comment in October 2008.

In June of 2009, the Yosemite National Park (YNP) Planning Division staff provided written responses to the Wawona Specific Plan updates, and met with County Planning staff to discuss the Specific Plan. In the same month, County Planning Staff provided responses and notes, based upon the meeting, for further review and discussion by the YNP Planning Division staff.

In September 2009, YNP Planning Division staff met with the County Planning staff to discuss the Wawona Town Planning Area Specific Plan and the Merced Wild and Scenic River Comprehensive Management Plan (MR CMP). A lawsuit filed in 2000 (*Friends of Yosemite v. Salazar*) resulted in a decision that invalidated the 2000 and 2005 MR CMP. In September 2009, a Settlement Agreement was reached and the NPS was given three-years to complete a new MRC MP for the Merced River. The South Fork of the Merced River traverses the Wawona Town Planning Area.

The YNP Planning Division staff are now working under the recently completed Settlement Agreement, and are developing the scope of the Federal Environmental Impact Statement (EIS) for the MR CMP. The YNP staff held a scoping meeting in the Wawona area in December 2009. It is anticipated that this scoping process will be completed in 2010. The YNP staff is continuing to evaluate the comments and responses to Wawona Specific Plan. Given the priorities of the current scoping process for the MR CMP, and given that a new Park Superintendent (Don Neubacher) is taking over the helm of Yosemite National Park next month, no definite time line has been established for completion of the Wawona Town Specific Plan, but it is anticipated that the YNP staff will provide their final comments to the Wawona Community later in 2010.

### 3) OTHER AREA PLANS

Three other Area Plans are identified in Table 5-1 of the General Plan as "pending for approval in (the) short term." These are the communities of El Portal, Midpines and Lake Don Pedro.

El Portal is also an area planning program which will be done in cooperation with the Park Service staff. The original schedule for preparation of the El Portal Town Plan has slipped due to issues associated with the Merced River Plan. When planning for the El Portal Town area does begin, Yosemite National Park will be the lead planning agency and Mariposa County will participate actively in the joint planning process. It is now anticipated that this area planning process will not occur until 2012.

The Midpines community is getting ready to undertake the official local planning process for their Community Plan. The Midpines Community Planning Advisory Committee (MCPAC), appointed several years ago by the Board of Supervisors, has been meeting frequently to review planning boundary maps, to adopt meeting by-laws and to discuss planning issues and interests for the Midpines area. Following the completion of the Catheys Valley Community Plan, which has been delayed pending the completion of a Supplemental EIR and adoption by the Board, work on a Community Plan for Midpines is expected to begin in late spring of 2010.

The Lake Don Pedro Town Planning Area is the final short-term priority for Area Plans. No County planning process has begun for this area, although the Lake Don Pedro Community Services District (LDPCSD) had begun in 2004 to update its Sphere of Influence(SOI) planning boundaries and its Municipal Services Review (MSR) for adoption by LAFCo. Planning for that portion of the Lake Don Pedro subdivision in Tuolumne County is done by Tuolumne County. Mariposa County LAFCo, however, has jurisdiction for LAFCo services and planning decisions in both Mariposa and Tuolumne County. The November, 2008 election brought significant changes to the District Board, and to the CSD's staff. Future planning decisions that will best serve the Lake Don Pedro community will be made by the new CSD Board of Directors.

#### ***Other General Plan Accomplishments by County Agencies in 2009***

The General Plan includes 16 Chapters or Elements. Chapter 5 (Land Use), Chapter 9 (Circulation, Infrastructure and Services), and Chapter 10 (Agriculture) are the elements which contain most of the implementation measures and programs that have been mentioned so far in this Annual Report. However, Chapters 4 through 16 each contain policies and implementation measures that are being addressed by various County departments and agencies. A few of the implementing activities and accomplishments of the past year include:

- **5. Land Use**

Development project are reviewed and conditions approved based on the General Plan on an ongoing basis. New land division projects are reviewed in order to ensure that they are "Ready to Build" as required by General Plan Implementation Measure 5-10a(1). This helps ensure that parcels are in fact developable. New subdivisions are also reviewed to ensure that they comply with General Plan Policy 5-3a which requires that "New subdivisions and lands created for commercial and industrial purposes shall have direct access to maintained roads."

Policy 5-3b states that "All subdivision roads shall be maintained roads." The Planning Commission requires as a condition of approval to all subdivision that are proposing to create a road, that it be maintained either through a Road Maintenance Association or through a Zone of Benefit, if it qualifies.

Section 5.3.02.E(4), “Potable Water Supply”, of the General Plan, requires that “New subdivision lots will be served by an approved potable water supply. Prior to recordation of a final or parcel map, the subdivider shall prove to the satisfaction of the Health Department each new parcel has a supply of water meeting requirements for quantity and quality.” The Section goes on to identify possible methods of proof to satisfy this requirement.

On October 1, 2008 the Health Department adopted Policy #08-02 regarding the ‘Proof of Water on Land Divisions and Subdivisions’. This policy establishes standards that require a subdivider to provide evidence to the Health Department that a well or wells of proven capacity have been installed on the project site. The policy specifically uses the capacity standards established in Section 5.3.02.E(4).d of the General Plan for establishing the proven capacity of the well or wells. This policy has continued to be applied to all new land divisions and subdivisions approved during 2009.

During the 2010 calendar year the Health Department is expected to review the Air Pollution Rules and on-site sewage disposal rules. While reviewing these, they plan to identify and address any issues having to do with the implementation of the General Plan.

## • 6. Economic Development

In 2007, the Economic Vitality Strategy and Implementation Plan (EVS) was completed and approved by the Board of Supervisors, which fulfilled policy 6-1b of the General Plan. While serving as a long range plan, the EVS identified two goals which were to the Strengthen the Tourism Industry by making Mariposa County a year-round destination, and diversify Mariposa County’s economy with suitable business development opportunities. Further, it underscores the importance of establishing public-private partnerships in achieving the strategy’s goals. To that end, on December 9, 2008, the County Board of Supervisors approved a Memorandum of Understanding (MOU) between the Economic Development Corporation of Mariposa County (EDC) and the County of Mariposa to establish a Public/Private Partnership (GP Policy 6.1.06). The MOU identified numerous tasks to be accomplished, among them the creation of a business registrar; a survey of businesses deemed desirable by visitors and local residents; participate in the update of Title 17; collect demographic and other data pertinent to business attraction; a “Doing Business Guide” on how to start a business; a planning process to establish a “Yosemite Management Campus (or office)” for NPS and concessionaire staff, serve as a liaison among EDC, County and UC Merced (GP Policy 6-3a), to name a few. In keeping with the Public/Private Partnership, on July 28, 2009 the Board approved an MOU to establish a Public/Private Partnership between the Economic Development Corporation (EDC) and the County to enter into a grant subscription service.

On July 14, 2009, the Board of Supervisors approved a grant application in the amount of

\$300,000, to the California Community Economic Enterprise Fund, to continue a Microenterprise Assistance Program for new business start ups and expansions (GP Policy 6-3b(1)). Staff will continue to seek grants as part of its economic development function.

Continued efforts were made to implement grant-funded projects awarded by the Department of Housing and Community Development relative to a Drainage Study for the town of Mariposa (3<sup>rd</sup> – 5<sup>th</sup> Street) and Environmental Studies for the town of Coulterville and Mariposa (GP Policy 6-3b(1)). In January of 2009 the Board of Supervisors approved and agreement to conduct a drainage study for the Town of Mariposa (3<sup>rd</sup> to 5<sup>th</sup> Street). In May of 2009 the Board of Supervisors approved an agreement to conduct technical studies and National Environmental Protection Act (NEPA) documentation for storm water facility improvements in Coulterville and Mariposa (3<sup>rd</sup> to 5<sup>th</sup> Street). On December 15, 2009 the Board of Supervisors adopted Negative Declarations for the Mariposa and Coulterville drainage improvements and directed the Department of Public Works to file a Notice of Determination.

In February of 2009 a grant from PG&E was accepted to be used for improvements to the Mariposa Creek Parkway. Additional grants were applied for during March of 2009 to extend an ADA compliant trail along the Mariposa Creek Parkway (GP Policy 6-3b(1)).

In June of 2009 the Board of Supervisors supported a grant application to the USDA by to provide high speed internet to the Greeley Hill community. The Board of Supervisors also approved an agreement with the Yosemite/Mariposa County Tourism Bureau to provide marketing services for the County in the amount of \$400,000.

## • 8. Housing

Through most of 2009, the County's Housing Element prepared in 2003 and adopted in 2004 was in effect. Although it was published concurrently with the other elements of the 2006 General Plan, Chapter 8 predated the other portions of the current General Plan. A Housing Element is unique in terms of its policy and reporting requirements under California statutes, and with regard to the state-supervised schedule by which it is updated and adopted. The Housing Element describes housing programs that are managed by the Mariposa County Housing and Community Development Agency (HCDA) in the Human Services Department. The HCDA continues to implement the housing programs and measures identified in Housing Element in the course of fulfilling its ongoing housing responsibilities.

In March of 2009, Mariposa County contracted with J.B. Anderson, Land Use Planners, to prepare an update to the Housing Element. The 2009-2014 Housing Element Update, General Plan Amendment No. 2009-055, was in response to a State mandate that a new Housing Element be prepared by August 31, 2009 that would comply with legislative mandates and the Housing Element Guidelines of the State Housing and Community Development Department (HCD).

In early July 2009, the "Draft 2009-2014 Housing Element Update" was released for public review and a 60 day review by HCD. In August 2009, the Mariposa County Planning Commission held a public hearing on the Housing Element Update and recommended adoption of a Negative Declaration and approval of the Housing Element Update to the Mariposa County Board of Supervisors. In December of 2009, following additional public review of a "Revised Draft 2009-2014 Housing Element Update", the Board of Supervisors acted to adopt a Negative Declaration and adopt the 2009-2014 Housing Element Update.

On December 23, 2009, the adopted Housing Element Update was forwarded to HCD for a 90-day certification review. It is anticipated that comments from HCD will be received by late March as part of the Certification process. As part of the final adoption process, the Housing Element Update will be presented to the Planning Commission for review and final action by the Board of Supervisors during spring, 2010.

The Housing Element includes policies, programs, standards and regulations that identify properties or new programs that can accommodate the County's assigned "fair share", or Regional Housing Needs Allocation (RHNA). For extremely-low to low income households, 12.2% are expected for extremely low income households (<\$16,980 annual income), 12.2% are expected to be for very low income households (< \$28,300 annual income) and 16% allocated for low income households (\$28,866 - \$45,280 annual income).

The adopted 2009-2014 Housing Element Update demonstrated that the County can accommodate the assigned RHNA. The actual creation of new housing is the responsibility of the private housing sector. The policies in the Housing Element generally call for local agencies to encourage the production of affordable housing, and to avoid and eliminate constraints to the approval of construction of new and affordable housing units. The Housing Element also identified several new programs that are necessary to meet legislative requirements for the homeless, transitional/supportive housing, single room occupancy and the disabled. These programs will require review and amendments to Title 17 Zoning Ordinance of the County.

This past year, the Building Department issued 69 permits for new dwelling units and one permit for conversion to a permanent dwelling unit. One new multiple-unit structure, a duplex, was built. Of the 69 new housing unit permits issued during 2008, 17 were for mobile homes. The yearly total is substantially less than the desired RHNA units for extremely-low to low income households.

The 2009 building statistics reported above suggest that a) a drastic slowdown in the local production of new housing is now occurring; b) the high cost of "stick built" homes may be affecting the overall proportion of mobile homes in the County's housing stock; and c) the ability of Mariposa County, and California local governments generally, to create enough housing to reach the unrealistic RHNA goal, established during the earlier "boom" years of this decade, is thwarted by prevailing conditions of the housing and financial markets.

- **9. Circulation, Infrastructure, And Services**

The Regional Transportation Plan (RTP) is a plan that is prepared by the Local Transportation Commission to identify, and plan for road construction and improvement projects. This plan must be consistent with the General Plan. The Local Transportation Commission reviewed and accepted comments on the Draft Mariposa County 2008 Regional Transportation Plan on January 20, 2009. On August 4, 2009 the Local Transportation Commission approved the Mariposa County 2008 Regional Transportation Plan.

On June 23, 2009, the Board of Supervisors was presented information regarding the completion of the County Road Pavement Management by Nichols Consulting Engineers, Chtd.

On October 27, 2009 the Board of Supervisors gave direction to the Public Works department about establishing a committee to develop a business plan for the Mariposa-Yosemite Airport. Later that year on December 15, 2009, a resolution was adopted approving Public Works releasing a Request for Proposals for a Fixed Based Operator (FBO) for the Mariposa-Yosemite Airport.

- **11. Conservation and Open Space**

The Planning Commission and staff have continued reviewing environmental site surveys and conditioning discretionary development applications to ensure compliance with the policies in Chapter 11 of the General Plan, including Implementation Measures 11-4a(6) and (7). Data is being assembled, on a project-by-project basis, through the required site surveys, that will eventually create a comprehensive map of sensitive vegetation communities and wildlife habitats throughout Mariposa County. These surveys also assist in the identification of jurisdictional wetlands or waters of the U.S., sensitive plant communities, rare wildlife and their habitats, riparian habitats, and streams. To protect these resources, setbacks are placed around them as conditions of approval, which prohibit the disturbance, construction, and grading within these setbacks and therefore protect the resource, and ensure compliance with Chapter 11 of the General Plan, including Implementation Measures 11-2d(1) and 11-4(a)2.

The Planning Commission and staff have also continued to require that oak tree surveys be submitted with discretionary development applications in keeping with Implementation Measure 11-4(a)2. Avoidance of mature trees is encouraged during project implementation. Mitigation measures are adopted to help reduce impacts of loss of mature oak trees, typically by protecting other trees from disturbance with setback areas. These setback areas usually protect 3 to 4 trees for every mature oak tree that is removed, for example by road construction during a land division project.

Surveys for nesting birds and raptors are also required of projects expected to remove trees. These surveys are required to occur during the nesting season of birds and raptors, 30 days prior to any tree removal occurring. This ensures that breeding and nesting birds are protected as required by State and Federal law, as required by Implementation Measure 11-4a(8).

On March 3, 2009 the Mariposa County Water Agency approved a \$10,000 grant to prepare a proposal for the Department of Water Resources' first round in the Regional acceptance process so that the County may participate in the development of an Integrated Regional Water Management Plan (IRWMP). The Integrated Regional Water Management (IRWM) Program is intended to promote and practice integrated regional water management to ensure sustainable water uses, reliable water supplies, better water quality, environmental stewardship, efficient urban development, protection of agriculture, and a strong economy, purpose which are consistent with the General Plan's Chapter 11, Goal 11-2, which is to "Protect and manage the use of Mariposa County's limited water resources." On April 4, 2009 the Board of Supervisors approved the joining of Mariposa County with Madera and Merced counties in the State Department of Water Resources recommended management district for purposes of the IRWMP. On July 28, 2009 the Mariposa County Water Agency approved a \$50,000 loan to the Mariposa County Resource Conservation District to develop a planning grant proposal for an IRWMP.

- **16. Safety**

Among the many programs and implementation measures identified in the Safety Element, progress continues in several areas. Mariposa County Fire and the Mariposa County Fire Safe Council continue their close association to plan and complete fuel reduction projects. Work has begun on phase II of the Stumplefield/Watt fuel breaks, which will help protect areas of Ponderosa Basin, Usona, and Bootjack. This project is expected to be completed in April of 2010. The Board of Supervisors in 2008 held elections, the voters approved, and the Board created County Service Area No. 3, providing increased structural fire protection through the purchase of fire fighting equipment and capital improvements to fire stations. Delivery of the newly purchased fire fighting vehicles began in 2009.

The County was awarded a Federal American Recovery and Reinvestment Act grant in the amount of \$2,184,586 to build three fire stations in three Mariposa County communities. The communities include Fish Camp, Midpines, and Don Pedro. It is anticipated that the fire stations will be complete by September 2011. Additionally, the Board set aside \$750,000 from the Master Tobacco Settlement fund to continue the fire station replacement and rehabilitation effort. The effects of building new, and replacing and rehabilitating older fire stations will enhance the County's public safety, emergency and public safety responsibilities and facilities, which are objectives



consistent with policies of Chapters 9 and 16 of the General Plan.

Work continued on the Community Wildfire Protection Plan (CWPP) during the 2009 calendar year. During 2008 the Foresta and Yosemite West communities gained Board approval of their portions of the plan. On July 14, 2009 the Board of Supervisors approved and signed the Mariposa Countywide Community Wildfire Protection Plan.

A draft of the updated Airport Master Plan for the Mariposa-Yosemite Airport was completed and reviewed by the Board of Supervisors at their January 20, 2009 meeting. The Draft Plan was referred to the Airport Advisory Committee for additional review, and it returned to the Board of Supervisors for action on March 24, 2009 when the Board approved the updated Airport Master Plan.

Ongoing daily activities of many other County departments and agency personnel (although not cited in this Annual Report for reasons of brevity) are continually assisting in the work of addressing and implementing the goals and objectives of the General Plan.

### ***Future Amendments to Implement the General Plan***

During the final public workshops and hearings to adopt the General Plan in 2006, a number of recommendations and policies were discussed but not included in the final language of the plan. A number of these suggestions were instead placed in a General Plan appendix section titled: Appendix C, Future Considerations. The list of these considerations is found in Attachment 4 of this Annual Report. Review of the Annual Report is an appropriate time for Board members, Planning Commissioners, and members of the public to review items in the Appendix, to see whether any of these deferred items might warrant consideration in 2010 as policies or implementation measures in the General Plan.

At this time Mariposa Planning staff has not identified new policy or planning tasks, from this list or elsewhere, which it wishes to add to its present implementation workload. The addition of new General Plan implementation responsibilities would require the completion or deletion of existing on-going work assignments.

### ***Proposed Schedule of 2010 General Plan Amendments***

Each year a county may amend its mandated General Plan on four separate occasions. There is no limit to the number of changes that it may adopt at any one of these times, nor is there a requirement that a county must amend its General Plan. One such occasion is reserved exclusively for changes that are proposed or sponsored on behalf of the general public by the Planning Commission and/or the Board of Supervisors. At the other three times of the year, requests from private individuals may also be considered. The recommended schedule of dates to consider General Plan amendments in 2010 is found in Attachment 7, Exhibit A of this Annual Report.

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**Attachments:**

- Attachment 1 Board of Supervisors Resolution Approving Midpines Bible Church and Housing Element GP Amendment in 2009
- Attachment 2 Planning Area Planning Status
- Attachment 3 Updated Implementation Schedule for 2009
- Attachment 4 Appendix C from the General Plan ("Future Considerations")
- Attachment 5 Government Code Sections on the General Plan and Housing Element
- Attachment 6 Public and County Department Comments
- Attachment 7 Resolution adopting the 2009 Schedule of General Plan Amendments