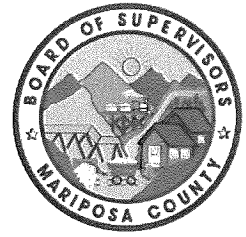


MARIPOSA COUNTY

Planning · 209-966-5151



ORDINANCE 2022-1171

MEETING: January 25, 2022
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: County Code Amendment No. 2021-162 Ordinance (Use of Historic Structures)

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending Title 17, Zoning, to Add Section 17.108.230 to Chapter 17.108 (Supplementary Standards) to Establish Special Use Provisions for Historic Structures Countywide, in Rural Areas of the County.

Action is recommended by the Planning Commission and Historic Sites and Records Preservation Commission.

See attached staff report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

1/11/2022: The Ordinance was Introduced.

1/21/1992: Ordinance 822 adopted, adding similar provisions for historic structures in Town of Mariposa.

8/24/2021: Resolution 2021-499 adopted, initiating County Code Amendment No. 2021-162 for processing.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board can only approve or disapprove the Ordinance adoption.

ATTACHMENTS:

- 1 220111 BOS Staff Report (PDF)
- 2 220111 BOS Draft Ordinance for CCA No. 2021-162 (PDF)
- 4 220128 Summary Ordinance After BOS Action (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Wayne Forsythe, District IV Supervisor

SECONDER: Tom Sweeney, District II Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1171

AN ORDINANCE ADDING SECTION 17.108.230 SPECIAL USE PROVISIONS FOR HISTORIC
STRUCTURES TO MARIPOSA COUNTY CODE, ZONING

WHEREAS, the Mariposa County Board of Supervisors adopted Resolution No 2021-499 on the 24th day of August 2021 initiating County Code Amendment No. 2021-162; and

WHEREAS, County Code Amendment No. 2021-162 amends Title 17, Zoning to add a new Section 17.108.230 establishing Special Use Provisions for Historic Structures countywide; and

WHEREAS, the Board of Supervisors considered these amendments at a duly noticed public meeting on the 11th day of January 2022 in accordance with State law and County Code; and

WHEREAS, the amendment was found to be is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3), the Common Sense Exemption, as there is no possibility the activity in question may have a significant effect on the environment.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA, STATE OF CALIFORNIA
ORDAINS AS FOLLOWS:**

Section I: A new Section 17.108.230 Special Use Provisions for Historic Structures is added to Title 17, Zoning, Mariposa County Code as follows:

17.108.230 Special Use Provisions For Historic Structures

All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa (or eligible to be on the List of Historical Resources in Mariposa as determined by the Historic Sites and Records Preservation Commission, which may require documentation), with the exception of permitted uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

- A. The planning commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;
- B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the conditional use permit application, and if approved by the planning commission, are to be made part of the conditions granting the permit;
- C. The planning commission shall follow standard conditional use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating

a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the commission must consider the advantages of preserving a historic structure to the benefit of the county versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures;

- D. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance.

Section II: If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

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 January 2022 by the following vote:

AYES: SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAINED: NONE

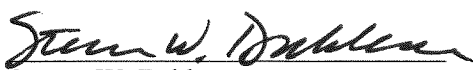


Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Attest:


René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:


Steven W. Dahlem
County Counsel