DEPARTMENT: Planning

BY: Megan Tennermann, Assoc. Planner
PHONE: 742-1219

RECOMMENDED ACTION AND JUSTIFICATION:
Adopt resolution adopting a Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act, approving General Plan Zoning Amendment No. 2005-213 with the recommended findings, and approving Commercial Industrial Manufacturing Development Plan No. 2005-214 with the recommended findings, conditions, and mitigation measures.

Waive first reading and introduce ordinance approving amendment to Mariposa County zoning map with the recommended findings, pursuant to General Plan Zoning Amendment No. 2005-213.

Action is based upon the Planning Commission’s recommendation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors approved General Plan Zoning Amendment No. 98-2 and CIM Plan 98-2 (together with Variance 98-4) for the applicants on November 24, 1998, with the effective date of action being December 1, 1998. County Ordinance 941 was adopted for this project, amending the County zoning map and land use map for this property to show a Resort Commercial designation. County Resolution 98-439 approved the GPZA, CIM Plan, and Variance, subject to findings and conditions. These actions approved the current zoning on the property and allowed the property to be used for camping, transient lodging, and restaurant purposes.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Mariposa County General Plan land use map and zoning map will remain unchanged; this parcel will retain its multiple zoning designations; the commercial use of this property will not be expanded.

Financial Impact? ( ) Yes (X) No Current FY Cost: $ Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
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.: 028 □ Ord. No. 1028 □
Vote – Ayes: □ 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: _______________________

Revised Dec. 2002
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Waive Second Reading and Adopt Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-213; Caroline McGrath LLC, Applicant. Project Site is Located at 6979A Highway 140 Midpines, APN 008-310-001

RESOLUTION 06-168

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 2, 2006

ACTION AND VOTE:

10:52 a.m. Kris Schenk, Planning Director;
PUBLIC HEARING to Adopt a Resolution Adopting a Mitigated Negative Declaration and Approving General Plan Zoning Amendment No. 2005-213 together with Commercial Industrial Multifamily Development Plan No. 2005-214; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-213; Caroline McGrath LLC, Applicant. Project Site is Located at 6979A Highway 140 in Midpines, APN 008-310-001.

BOARD ACTION: Megan Tennermann, Assistant Planner, presented the staff report. Staff responded to questions from the Board as to whether any objections or concerns were received relative to fire risks; relative to the status of building permits; whether any complaints were received relative to the operating hours; and relative to the Grading Ordinance requirements. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 06-168 was adopted adopting a mitigated Negative Declaration and approving General Plan Zoning Amendment No. 2005-213 together with Commercial Industrial Multifamily Development Plan No. 2005-214; and the first reading was waived and an Ordinance introduced approving amendment to Mariposa County Zoning Map pursuant to General Plan Zoning Amendment No. 2005-213 for Caroline McGrath LLC, Applicant. The Clerk of the Board read the Ordinance titled into the record. Ayes: Unanimous.

Cc: Tom Guarino, County Counsel
Dana Hertfelder, Public Works Director
Chris Ebie, Auditor
File
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 06-168

A resolution approving General Plan Zoning Amendment No. 2005-213
and Commercial Industrial Manufacturing Plan No. 2005-214,
Caroline McGrath LLC, applicant. Modified Assessor Parcel 008-310-
001.

WHEREAS an application for a general plan zoning amendment was received together with an
application for a commercial industrial manufacturing development plan on October 28,
2005 from Allison Sierra, Inc. for a property located at 6979A State Highway 140 in
Mipines, also known as Modified Assessor Parcel Number 008-310-001; and

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

WHEREAS a duly noticed public hearing was scheduled before the Planning Commission for
April 7, 2006; 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 and an Initial Study were 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 Initial Study and Staff
Report, and testimony presented by the applicant concerning the application,

WHEREAS the Planning Commission of the County of Mariposa, by unanimous vote of the five
commissioners present at that hearing, did recommend to the Mariposa County Board of
Supervisors that they adopt a Mitigated Negative Declaration for this project and approve
the General Plan land use map and zoning map amendment; and

WHEREAS the Planning Commission recommendation for project approval was based upon the
findings set forth in the Staff Report as presented to the Planning Commission at the public
hearing of April 7, 2006; and

WHEREAS a duly noticed public hearing was scheduled for the Board of Supervisors meeting of
May 2, 2006; 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 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, the Initial Study, the proposed Mitigated Negative Declaration, and testimony presented by the public concerning the application.

NOW THEREFORE BE IT RESOLVED THAT the Mariposa County Board of Supervisors adopts a Mitigated Negative Declaration for this project and approves General Plan Zoning Amendment No. 2005-213 together with Commercial Industrial Manufacturing Development Plan No. 2005-214; and

BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors approved this project based upon the findings set forth in Exhibit A of this resolution, with the conditions and mitigation measures set forth in Exhibit B of this resolution.

THIS RESOLUTION is duly passed and adopted this May 2, 2006 by the following vote:

AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

LEE STETSON, Chairman
Mariposa County Board of Supervisors

Attest:

MARGIE WILLIAMS
Clerk of the Board
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:

THOMAS P. GUARINO
County Counsel
EXHIBIT A--FINDINGS FOR APPROVAL
General Plan Zoning Amendment No. 2005-213 and
Commercial Industrial Manufacturing Plan No. 2005-214

In keeping with Section 2.504 of the Mariposa County General Plan and Section 17.128.050
of the Mariposa County Zoning Code, the following findings are made for General Plan
Zoning Amendment Application No. 2005-213:

1. FINDING: This amendment is in the general public interest, and will not have a
   significant adverse affect on the general public health, safety, peace, and welfare.

   EVIDENCE: The project will provide additional lodging opportunities for the touring
   public. The subject property is located within a short distance of State Highway
   140, which constitutes the main tourist route within Mariposa County. Current
   access to the property is obtained from Highway 140. The property is located within
   an area of Mariposa County which serves as a commercial pocket providing services
   to the touring public since the 1920s; Whispering Pines Hotel Complex and Muir
   Lodge are immediately adjacent to the project. The project site is well buffered from
   the highway by a ridgeline that virtually surrounds the property, and is nearly
   twenty times the minimum parcel size required for the Resort Commercial land use
   and zoning designation. Adequate provisions for water, wastewater, garbage, and
   parking facilities are provided on the project site to ensure that the area will not be
   negatively impacted.

2. FINDING: This amendment is desirable for the purpose of improving the Mariposa
   County General Plan with respect to providing a long term guide for County
   development and a short term basis for day-to-day decision making.

   EVIDENCE: The inclusion of the subject property in the Resort Commercial land
   use and zoning classification will provide a clear plan for the future development of
   the property, rather than relying on the non-conforming use provisions of the
   County Zoning Ordinance to govern the operation and expansion of the facility. The
   amendment is consistent with the existing zoning on the remainder of the project
   site, and will eliminate problems associated with multiple land use designations on a
   single property.

3. FINDING: This amendment conforms to the requirements of State law and County
   policy.

   EVIDENCE: State law governing the adoption of general plans requires that the
   adopted plan include provisions for amendments. Those provisions are included in
   the adopted Mariposa County General Plan and in the Mariposa County Zoning
   Code. This application has been processed in accordance with all requirements of
   State laws and local ordinances.

4. FINDING: This amendment is consistent with other guiding policies, goals, policies
   and standards of the Mariposa County General Plan.

   EVIDENCE: The development of tourist-serving facilities and the preservation of
   open space as proposed by this application are consistent with the Goals, Policies,
   and Standards of the Mariposa County General Plan. Section 3.200.4 provides for
   "[t]he strengthening of the economic and employment opportunities of Mariposa
County through encouragement of appropriate commercial and light industrial activity, protection and expansion of agriculture and forestry, and local processing of raw materials.” Section 3.300.D establishes the goal “to establish site standards and adopt procedures that provide for commercial and industrial development based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses.”

5. **FINDING:** The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

**EVIDENCE:** The subject parcels are found to be physically suitable for the proposed zoning classification based upon the existing development on and immediately surrounding the project site; the proposed development is consistent in scale and appearance with the existing conditions in the area. Utilities and infrastructure are available for this property, with access to the project site provided by a privately-maintained onsite easement road that connects to a State highway. There is an existing left-turn lane on the highway at the intersection of the onsite easement road. There are no physical constraints on the property that would impede or prohibit industrial development of the project site. The project site is buffered from the highway by the mixed oak woodland vegetation and provides good topography for resort commercial uses.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**EVIDENCE:** The proposed zoning is logical and desirable in that it provides the potential for expanded lodging opportunities at the time the project site is developed, which provides a basic service to the touring public of Mariposa County and the potential for expanded employment opportunities for the residents of Mariposa County.
EXHIBIT B—CONDITIONS OF APPROVAL FOR COMMERCIAL INDUSTRIAL MANUFACTURING PLAN NO. 2005-214

1. The expanded Commercial Industrial Multifamily Development Plan is approved for: the development existing on the project site at the time of application, consisting of a two-story main lodge with restaurant and seven guest rooms, fourteen duplex cabins (a total of 28 guest units), six private guest cabins, one triplex employee cabin, a guest kitchen, an office and laundry facility, an amphitheater, a multipurpose building, eighteen tent cabins (eight for employees and ten for guest use), and appurtenant infrastructure; and the development proposed by this application, consisting of a new single family residence onsite to be occupied by the property owner, eight new duplex cabins with two bedrooms and two bathrooms for guest use, four new duplex cabins with two bedrooms and one bathroom for employee housing, renovation of the lodge to include installation of a health spa facility and expansion of the existing restaurant (which will both be open to the public), renovation of the existing multipurpose building and employee triplex cabin, expansion of the water storage facilities, and installation of a new septic system. There are no residences on the project site at this time, other than seasonal employee housing. Building sizes shall be as shown on the approved plans; maximum occupancy shall be as determined by the Building and Fire Departments, but in no circumstance shall exceed 200 people. Expansions of up to 10% of square footage may be approved by the Planning Director; however, no expansion may be approved which increases the number of units available for occupancy. The project shall be developed in accordance with the approved plans; any deviation from the approved plans shall be reviewed and approved by the Planning Director, in accordance with the conditions of approval, prior to any modification being made.

2. Prior to issuance of a Certificate of Occupancy to any new structure on the project site:
   - The access road shall be improved to a Rural Class II standard as established by the County, with a paved surface matching the existing surface paving.
   - All standards for road improvement as established by the Public Works Department and the California Department of Forestry shall be met.

3. Prior to issuance of a Certificate of Occupancy for any new structure on the project site, the access road shall be named in accordance with County Resolution No. 92-541.

4. Prior to issuance of a Certificate of Occupancy for any new structure on the project site, the applicant shall submit a detailed parking plan for the new development to the Planning Director for review and approval. The plan shall provide for a minimum of 38 new parking spaces (9' by 19' each) and for adequate backing and turning areas. All driveways and parking spaces shall be maintained to minimum standards at all times.

5. This project shall meet all standards of PRC 4290 and 4291 as well as all standards established by the County Fire Department regarding commercial structures.

6. Prior to issuance of a Certificate of Occupancy for any new structure on the project site, the applicant shall consult the State Department of Health Services Drinking
Water Field Operations Branch to determine whether changes need to be made to the existing domestic water supply permit. Any necessary changes shall be implemented, and a letter from the Drinking Water Field Operations Branch shall be submitted to the Planning Director confirming that this condition has been met.

7. Prior to issuance of a Certificate of Occupancy for any onsite structure, the wastewater disposal system shall be designed in accordance with the requirements of the County Health Department, unless it is determined that a permit from the Regional Water Quality Control Board is required for this project; the wastewater disposal system shall be installed and approved by the County Health Department and/or the Regional Water Quality Control Board prior to issuance of a Certificate of Occupancy.

8. All construction, including but not limited to buildings, driveways, parking areas, and water and sewer lines, shall be located a minimum of fifty (50) feet from the south property lines.

9. All new utilities shall be located underground. All propane storage tanks and garbage areas shall be screened from view from Highway 140 and adjoining properties.

10. The applicant shall provide adequate facilities for solid waste disposal. Planning shall confirm that these facilities have been provided on the project site prior to issuance of a Certificate of Occupancy for any onsite structure.

11. All onsite lighting features shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, and shall direct light only onto the project site. The applicant shall submit an outdoor lighting plan to the Planning Director for review and approval prior to issuance of a building permit for any onsite structure.

12. All new construction shall be sided, roofed, and painted to be compatible with the existing structures on the project site and to comply with the architectural and design requirements of the Scenic Highway Overlay.

13. The project shall be completed within 3 years of the date of approval for this project. The Planning Director may grant an extension to this deadline for up to three years, provided that the Planning Director is able to find that substantial progress has been made toward satisfying the conditions of approval and that there are no new impacts associated with the project development.

14. Prior to issuance of a Certificate of Occupancy for any onsite structure, all fees associated with the processing of this application shall be paid.

15. The applicant shall continue to control the access of hostel guests to adjacent parcels.

16. The applicant shall comply with all standards of the Mariposa County Grading Ordinance. These standards shall include but not be limited to:
   - A maximum height of 10 feet for all cuts and fills; and
• Immediate re-vegetation and sediment control for all cut and fill banks; and

• All grading shall be confined to the project site; and

• A preliminary grading plan shall be prepared by the applicant and submitted to the Planning Director for review and approval prior to issuance of a grading permit for the project site; and

• Any retaining walls necessary for the project shall be engineered and shall meet the material and color standards established by the Scenic Highway Overlay; and

• If any grading is proposed on the project site within five feet of any property line, that line shall be surveyed and staked in the field.