

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-14

A resolution recommending approval of General Plan Zoning Amendment No. 2005-213 and conditional approval of Commercial Industrial Multifamily Development Plan No. 2005-214; Caroline McGrath LLC, applicant. Assessor Parcel Number 008-310-001 (modified).

WHEREAS an application for a general plan zoning amendment and commercial industrial multifamily development plan was received on October 28, 2005 from Caroline McGrath LLC for a property located at 6979A Highway 140 in Midpines, also known as 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 for the 7th of April, 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 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, testimony presented by the public concerning the application, and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan Zoning Amendment No. 2005-213 based upon the findings set forth in Exhibit 1; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve Commercial Industrial Multifamily Development Plan No. 2005-214, which

incorporates the provisions of the Scenic Highway Overlay, based upon the findings set forth in Exhibit 1 and based upon the conditions and mitigation measures set forth in Exhibit 2, as modified at the public hearing.

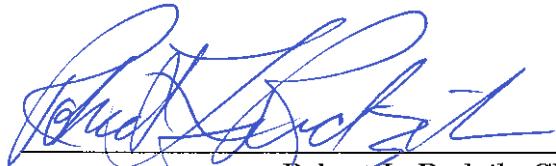
ON MOTION BY Commissioner Ludington, seconded by Commissioner Ross, this resolution is duly passed and adopted this April 7, 2006 by the following vote:

AYES: Commissioners DeSantis, Ludington, Ross, Rudzik, and Skyrud

NOES: None

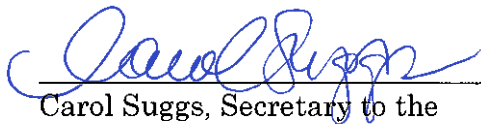
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Approval

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 2—Conditions of Approval and Mitigation Measures

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.

Mitigation Measure 4.e.1

Prior to the issuance of a Certificate of Occupancy for any structure on the project site, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus *Quercus* located onsite in the area of construction activity that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as *Quercus* that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are removed for purposes of road construction, the applicant may waive this requirement.

Monitoring for Mitigation Measure 4.e.1:

The applicant shall hire a qualified professional to prepare the Oak Tree Plan as described above, including only the trees in the area of construction; that plan shall be submitted to and approved by Mariposa Planning prior to the issuance of a final Certificate of Occupancy to any structure on the project site. Planning shall review and approve the Plan, and shall write a letter to the Building Department confirming that the Plan has been approved, prior to issuance of a final Certificate of Occupancy to any building on the project site.