

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-7

A resolution recommending adoption of the Yosemite West Special Plan, as amended, as a component of the Mariposa County General Plan 2005 Update, and Zoning Amendment 2005-166; Mariposa County, proponent.

WHEREAS the Mariposa County Board of Supervisors initiated the formation of the Yosemite West Planning Advisory Committee and charged this committee with the duty of preparing a land use plan for the community of Yosemite West to address the community's localized needs; and

WHEREAS the adoption of the Yosemite West Special Plan requires an amendment to the text of the Mariposa County Zoning Ordinance, Title 17, to incorporate the Special Plan land use regulations and standards into the zoning ordinance; and

WHEREAS the Planning Commission is responsible for formulating a recommendation to the Board of Supervisors relative to the Yosemite West Special Plan and Zoning Amendment 2005-166; and

WHEREAS the Planning Commission held duly noticed public hearings regarding the Yosemite West Special Plan and Zoning Amendment 2005-166; and

WHEREAS Staff Reports 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 public hearings on the noticed dates and considered all of the information in the public record, including the Initial Study, Staff Report, and testimony presented by the public concerning the project.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend approval of the Yosemite West Special Plan, as amended, as a component of the Mariposa County General Plan 2005 Update, which is incorporated herein by reference, and Zoning Amendment 2005-166, the text of which is shown in Exhibit 1 of this resolution; and

BE IT THEREFORE FURTHER RESOLVED THAT this recommendation is based on the proposed findings mandated for Zoning Ordinance Amendments by Section 17.128.050(C) of the Zoning Ordinance and the findings for the Yosemite West Special Plan that are stated in Exhibit 2; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt a Negative Declaration for the adoption of the Yosemite West Special Plan and Zoning Amendment 2005-166 as shown in Exhibit 3.

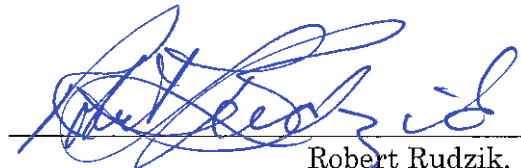
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ross, this resolution is duly passed and adopted on March 4, 2006 by the following vote:

AYES: Commissioners Ludington, Ross, Rudzik, Skyrud, De Santis

NOES: None

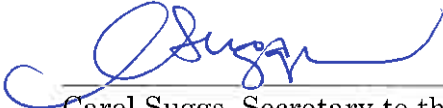
EXCUSED: None

ABSTAIN: None



Robert Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1

Zoning Amendment 2005-166 Draft Text

DRAFT TEXT

The following text shall be inserted into Chapter 17.04 of Title 17, Mariposa County Zoning Ordinance:

Chapter 17.04

PURPOSE, ADOPTION, AND COMPLIANCE WITH ORDINANCE

Sections:

17.04.010	Purpose of zoning ordinance.	(No Change)
17.04.020	Adoption of zoning ordinance.	(No Change)
17.04.030	Establishment of zoning districts.	(See Below)
17.04.035	Zoning maps.	(No Change)
17.04.040	Interpretation of land use zone boundaries.	(No Change)
17.04.050	Compliance with ordinance.	(No Change)
17.04.060	Severability.	(No Change)

17.04.030 Establishment of zoning districts.

In order to regulate the use of land, buildings, and structures and establish minimum parcel sizes, the following principal zone districts and combining zone districts are established:

- A. Principal Zone Districts (No Change)
- B. Combining Zone Districts (Also referred to as Overlay Zone Districts) (No Change)
- C. (Text) (No Change)
- D. (Text) (No Change)
- E. (Text) (No Change)

F. All land use regulations and standards contained in the adopted Yosemite West Special Plan, including those for the single family residential, Vacation Rental, and Bed and Breakfast land uses; non-conforming uses; vacation rental support businesses; site use; circulation and parking; and exterior lighting are incorporated into this zoning code by reference.

Exhibit 2

Proposed Findings for Yosemite West Special Plan

1. The Yosemite West Special Plan was prepared by the Yosemite West Planning Advisory Committee under the direction of the Mariposa County Board of Supervisors. The committee received extensive public input as the Special Plan was being prepared. Members of the public were allowed to provide input and converse with the committee regarding the contents of the Special Plan.
2. The Yosemite West Planning Advisory Committee prepared the Yosemite West Special Plan in accordance with the mandates specified in County Resolution 2003-385 adopted on October 21, 2003.
3. The Yosemite West Special Plan contains standards and regulations that ensure that the rural residential character of the Special Plan area is maintained while allowing property owners the opportunity to derive an economic benefit from their property in a manner that is consistent with the community's character.
4. Section 5.4.01.B. of the Mariposa County General Plan Update 2005 contains the following statement:

"Area Plans may be adopted for purposes of maintaining rural character, protecting agriculture land, or addressing localized issues in greater detail than is possible in the countywide General Plan."

The Yosemite West Special Plan is consistent with this statement. The two guiding principles in the Special Plan that underlie the land use regulations and standards state:

1. *To preserve the rural and rustic nature of Yosemite West.*
2. *To manage vacation rental impacts on owners and residents.*

Both of these guiding principles meet the Special Plan adoption criteria as outlined in the Mariposa County General Plan Update 2005. The Special Plan was prepared and adopted to maintain the rural, rustic nature of Yosemite West and to address the impacts of vacation rental impacts in the community.

5. The Yosemite West Special Plan is designed to address specific, localized planning needs of the Special Plan area, in accordance with the Mariposa County General Plan Update 2005. The General Plan Update 2005 states in Section 5.4.01.B(1):

"Some small locales in the County do not face the full scope of issues 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 in the Special plan. Special plans may be used within a town plan or community plan to address more focused issues."

The Special Plan addresses localized needs of the Yosemite West community and is consistent with the text of the General Plan Update 2005.

6. The Yosemite West Special Plan was reviewed by the Mariposa County Planning Commission and Mariposa County Board of Supervisors under properly noticed public hearings.
7. The initial study prepared for the adoption and implementation of the Yosemite West Special Plan found that the project would have no significant environmental effects and adoption of a Negative Declaration is warranted, in accordance with the California Environmental Quality Act.

Proposed Findings for Zoning Amendment 2005-166

1. The amendment will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendment merely codifies the land use regulations and standards contained in the adopted Yosemite West Special Plan in the Mariposa County Zoning Code, Title 17.
2. The 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 guide for day-to-day decision making. The land use regulations and standards contained in the Yosemite West Special Plan were prepared to address concerns that are of a localized nature to the Yosemite West Special Plan area, in accordance with the General Plan Update 2005. The standards and regulations provide a long term guide for site development and the operation of businesses in the community. The standards and regulations provide for greater oversight of how the community develops. They also provide a short term guide for day-to-day decision-making by providing the Planning Department with additional tools to use when reviewing building permits for the Yosemite West community. Site development must be found to be consistent with the adopted standards and regulations.
3. The amendment was processed in accordance with state law and county code with respect to noticing, hearings and findings.
4. The amendment is consistent with the guiding policies, goals, policies, standards, and implementation measures contained in the General Plan Update 2005. Section 3.2 of the General Plan provides the guiding principle that "*Development focus is area-centered.*" Section 3.2.06 states that the General Plan establishes planning areas that are managed through adoption of "area plans." Area plans include Special Plan areas. Section 5.2.03 – General Plan Implementation (Goal 5-1) states: "*Maintain the rural character of Mariposa County.*" Policy 5-1a: states: "*New development shall be in keeping with the County's rural character.*" This policy's Implementation Measure (5-1a(1) states: "*Rural character for each of the planning areas is to be defined by Area Plans.*"

The land use regulations and standards contained in the Yosemite West Special Plan are based, in part, on one of the Special Plan's guiding principles that states:

"To preserve the rural, rustic nature of Yosemite West." The standards and regulations are consistent with the guiding principles, goals, policies, and implementation measures contained in the General Plan.

5. The initial study prepared for the adoption and implementation of Zoning Amendment 2005-166 found that this action would have no significant environmental effects and adoption of a Negative Declaration is warranted in accordance with the California Environmental Quality Act.

Exhibit 3

PROPOSED

MARIPOSA COUNTY NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070)

PROPONENT/APPLICATION: *Yosemite West Special Plan/Zoning
Amendment 2005-166
Mariposa County, Proponent*

PROJECT DESCRIPTION: The Special Plan was prepared pursuant to direction by the Mariposa County Board of Supervisors to address land use concerns in the community of Yosemite West. The Plan includes guiding principles to guide development of the community, land use classifications and standards of use for the classifications, standards for legally existing non-conforming uses and vacation rental support businesses, site use regulations and standards, and standards for parking, circulation and lighting. A zoning amendment is required to codify the land use regulations and standards contained in the Special Plan into Title 17, Mariposa County Zoning Ordinance. The Yosemite West Special Plan will govern Yosemite West Units 1 and 2, the single family residential subdivision and the condominiums. The Yosemite West Special Plan area is accessed from Wawona Road within Yosemite National Park and by a roadway, Henness Ridge Road, that extends across Park property to Yosemite West from Wawona Road. The project site is located in portions of sections 23, 24, 25 and 26, T.3S., R.20E., MDB&M.

No significant effect is based on the following findings:

(Findings as shown in Staff Report)

No significant effect is based on review procedures of the following County Departments or Divisions:

<input checked="" type="checkbox"/> Building Division	<input type="checkbox"/> County Health Department
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Public Works Department

Other: *(list if applicable)*

An Initial Study was prepared by Skip Strathearn, Senior Planner and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

KRIS SCHENK, Director
Mariposa Planning

Date