RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes X No 

- Consider issues upon which the director determination was based and the grounds of appeal, and adopt a resolution to uphold or deny the appeal.

BACKGROUND AND HISTORY OF BOARD ACTIONS: None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Deny the appeal.

NEGATIVE ACTION: If the appeal is denied, self-storage facilities would not be considered to be a Rural Home Industry and would not be allowed to be placed on property in Mariposa County as a permitted Rural Home Industry.

COSTS: ( ) Not Applicable ( ) 4/5th Vote Required

A. Budgeted Current FY $ 
B. Total anticipated Costs $ 
C. Required additional funding $ 
D. Internal transfers $ 
E. Unanticipated revenues $ 
F. Reserve for Contingencies $ 
G. Source Description $ 

Balance in Reserve Contingencies, If Approved: $ 

SPECIAL INSTRUCTIONS

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments

Attachment 1 Appeal approval form
Attachment 2 Home Enterprise, Rural Home Industry standards, Code definition of self-storage
Attachment 3 Proposed self-storage site plan
Attachment 4 Notice and Grounds of Appeal
Attachment 5 Planning Director Determination letter

CLERK’S USE ONLY

Res. No.: 02-203 Ord. No.: _______ 
Vote - Ayes: _______ Noes: _______
Absent: _______ Abstained: _______

[ ] Approved [ ] Denied
[ ] 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

By: __________________________________________
Deputy

ADMINISTRATIVE OFFICER’S RECOMMENDATION:

This item on agenda as:

_________ Recommended
_________ Not Recommended
_________ For Policy Determination
_________ Submitted for Comment
_________ Returned for Further Action

Comment: __________________________________________

A.O. Initials: __________________________
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:        ERIC TOLL, Planning Director
FROM:      MARGIE WILLIAMS, Clerk of the Board
SUBJECT:   Appeal on Denying Rural Home Industry Use Resolution No. 02-103

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 9, 2002

ACTION AND VOTE:

11:41 a.m. Eric Toll, Planning Director;
PUBLIC HEARING: Appeal of Planning Director’s Determination Denying Rural Home Industry Use; Spacke, Appellant
BOARD ACTION: Eric Toll presented the staff report, and advised that the question is whether it is the intent of the Board that self-storage units could be constructed as a Rural Home Industry use in a residential zone. He advised that a project has not been submitted, and the appellant requested a letter for a pending buyer of the subject property stating a mini-storage would be a permitted use on five acres of property in the Mountain Home zoning district if the property owner lived onsite – he does not feel that he can provide that letter and the applicant is appealing that decision. He advised of correspondence that was received relative to this matter. He responded to a question from the Board as to whether the appellant was provided a copy of the information submitted to the Board.

The public portion of the hearing was opened. Persons speaking in favor of the appellant:
- Jim Spacke, appellant, stated he feels the staff report covered the issues. He advised that he proposes to eliminate the back ten units on the floor plan due to constraints of the property. He stated the units would be contained in one building and the use could be changed in the future. He further stated he is asking for the letter authorizing this use to sell the property. He commented on his first discussions with Planning concerning this matter, and stated he was advised that this is a permitted use and he would just need to take out permits. He referred to other self-storage projects in the County, and stated he is just asking for what he feels is currently allowed. He responded to a question from the Board and advised that he feels this is allowed pursuant to the Rural Home Industry document.
- Gene Mickel, Real Estate Broker, stated he has the property offered for sale. A condition of the sale is that the property could be used for self-storage. He stated he feels it is difficult to write a document and plan for everything in the future, but he feels the issue is whether mini-storage is going to be allowed in
Mountain Home zoning; and if so, are there any standards. He noted the use has been allowed. He stated he feels this is a good location for a Rural Home Industry that generates traffic, and he noted that this parcel has a CalTrans approved encroachment. He stated he feels the appellant has relied on the ability to do this.

- Tom Will stated he is the executor for the Les Will Estate which owns the mini-storage in Oak Park across the highway from the proposed project. He stated he was present because he would like to add to their existing storage facilities, and he supports allowing this use in the Mountain Home zone. He agrees with the requirement that the owner must reside on the property.

Persons speaking in opposition to the appellant:

- Steve Joseph, a neighboring property owner, referred to a service road and changes in its use with subsequent sales of the parcels. He stated he feels these types of units turn into junkyards, and that there is already a traffic hazard at this intersection.

- Ruth Sellers stated she has the Archie’s storage facility next to her, and that project was an issue—the neighbors opposed it, and at the time Mr. Archibald did not reside on the property. She understands the change that now requires the owner to reside on the property for a Rural Home Industry use. She referred to the Open Window Period process and Archie’s application to be considered Light Industrial, and she stated it was determined that this was a commercial operation. She stated she is providing this input because she feels these things should be put on the record, but she is not necessarily opposed.

- Janet Bibby stated she is a member of the Cathey’s Valley Town Planning Advisory Committee; however, she is speaking as an individual. She stated she is not necessarily opposed to this project. She stated she feels the facility on Trower Road is smaller. She noted there are concerns with safety at the intersection and visual impacts. She stated she feels that this project would subject neighboring residents to lighting impacts, a 24-hour intersection and increased traffic flow. She also noted that there are two applications for this type of use in process and this could continue to increase.

- Dick Kunstman, a resident of Midpines, stated he is not certain that he is opposed to this project, but he has concerns. He stated that with 15,000 square feet of storage, it implies there could be a large volume of material to be stored and the consequences need to be considered. He expressed concern with the lack of standards for things like landscaping for these uses, and suggested that consideration be given to developing standards.

- Debbie Peters stated she is a neighbor with two children, and she referenced her letter to the Board. She expressed concern with the increase in traffic and the hours of operation that this type of business would bring to the neighborhood. She stated she feels this will take away the free run her children have on her property, and they will need to be monitored more closely. She noted that the facility across the highway is full of weeds and has abandoned vehicles. She stated they purchased their property because it was a residential area. She feels that a mistake was made with the storage unit in the area and that no more should be allowed.

- Beverly Worden stated she is a neighboring property owner, and she referred to her letter to the Board. She stated she could not find why the first storage facility was allowed in the area. She stated she feels the road coming through the area is a pleasant road, with the exception of the existing facility. She stated she does not see why the landowner would have any problem selling the parcel for residential use.

Rebuttal by the appellant:

- Jim Spacce stated that Steve Joseph is five acres away and can not see this site. He feels the Peters would only see the top of the building, and he commented on the visual impacts from the highway. He stated he agrees with the need for landscaping. He noted that he has a buyer, with the sale contingent on approval of a mini-storage use. He advised that he closed the service road that Mr. Joseph referred to, to avoid eminent domain. Jim responded to questions from the Board relative to the individual storage units being under one roof, and relative to his request for a letter stating self-storage is a permitted use.

The public portion of the hearing was closed. Staff responded to questions from the Board relative to zoning for the existing facility across the highway and requirements for the owner to reside on the property. Jeff Green, County Counsel, responded to questions from the Board relative to conditions placed on Archie’s project, and relative to being able to place similar conditions on this project. Staff responded to questions relative to the affect the direction being requested at this time would have on future decisions; ability for discretionary determinations; and relative to the decision that would be made on a permit application at this time for this type of use, and the changes in requirements since the adoption of Title 17. The Board commenced with deliberations. Staff responded to additional questions relative to suggestions
for processing these Rural Home Industry use requests; and as to whether the property is located within the Catheys Valley town planning area. Jeff Green responded to questions from the Board and advised that the way Title 17 and Rural Home Industry/Enterprise is drafted, there is nothing required to conduct the operation of these businesses, just a building permit; and he responded as to other types of uses that could be conducted on this property. Eric Toll reviewed the options available to the Board for taking action: 1) uphold or overturn the findings of the Director; 2) direct staff to come back with another approach; or 3) have the buyer submit a project application. Jeff Green responded to a question from the Board relative to the Planning Director making a determination on these requests based on the existing code.

(M)Pickard, (S)Reilly, to deny the appeal and uphold the Planning Director’s determination, with direction for staff to come back with a process for addressing this use and other uses that may come up, continuing with the Rural Home Industry/Enterprise designation/Ayes: Reilly, Pickard; Noes: Balmain, Stewart, Parker. The motion failed. Further deliberation was held. Staff responded to additional questions relative to the ability of the buyer to submit an application for this project and whether it would be approved; and relative to the Planning Director’s determination on these matters.

(M)Balmain, (S)Parker, Res. 02-103 was adopted upholding the appeal, finding the process is not being side-stepped as the appellant still needs to comply with the County’s ordinances; and directing that staff send a letter advising that self-storage is a permitted use if it complies with our current ordinances. Staff responded to questions from the Board as to what this motion would do relative to allowing self-storage facilities anywhere in the County; and relative to imposing design standards for appearance.

1:58 p.m. Lunch

2:24 p.m. Further discussion was held relative to the proposed motion. Jeff Green stated he interprets the motion to give the Planning Director the ability to determine whether a project for this use would be detrimental for any reason under Title 17, section 080. Ayes: Balmain, Stewart, Parker; Noes: Reilly; Abstained: Pickard. Jeff Green stated he feels that with this action, the Board is saying that there needs to be a project and application before a decision is made on a project in the future. Discussion was held relative to the needs to address the issues that have been raised in the future. The hearing was closed.

cc:

File