RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item: Yes ____ No X )

Adopt a resolution, approving an 18-month time extension for CIM Plan No. 98-1 with findings:

1) The extension is necessary for the project applicants;
2) The extension is not detrimental to the public health, safety and welfare; and
3) The remaining un-constructed portions of the approved project are minor in scale, and will not have a significant change on the existing land use and extent of development on-site.

If granted, CIM Plan No. 98-1 will expire on June 1, 2005. This is the final and only time extension which may be granted to this project.

The recommended action is based upon the applicable county code regulations for time extensions. Mariposa County Code, Zoning §17.08.180 allows an applicant to apply for a time extension of up to 18 months. The review criteria for granting or denying the request requires the approval authority to determine that the extension is necessary, and that it is not detrimental to the public health safety and welfare. Historically, requests for time extensions pursuant to this section of code have been routinely granted. The applicants requested a 3-year time extension, however the code only allows consideration of an 18-month extension.

The applicants state that the events of September 11, 2001 have affected their business this past year, and they expect to continue to feel the effects in the near future. Additionally, they are concerned about the possible effects of the General Plan Update process. The development entitlements they've already obtained are important for their business development plans, and they do not want to risk losing this final unit.

Staff is cognizant that the project applicants have approximately 14 months remaining for project completion without the time extension. Nonetheless, staff supports the request based upon the minor level of project improvements remaining to be constructed.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors approved CIM Plan No. 98-1 on December 1, 1998. The Plan expires in December of 2003. The Plan approved the development and operation of a 7 unit lodging facility, 6 of which are already developed. The applicants request the extension for completion of the final unit of their project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Approve a different length of time, less than 18 months.

NEGATIVE ACTION: Negative action or denying the request for time extension would result in no change to the current project deadline. If the applicants do not complete their 7th unit by the deadline, the unit may not be constructed without a new permit from the county. The applicants could always resubmit an application for time extension as the deadline for project completion gets closer.
**COSTS:**

A. Budgeted current FY $________
B. Total anticipated Costs $________
C. Required additional funding $________
D. Internal transfers $________

**COSTS:**

( ) 4/5th Vote Required

A. Unanticipated revenues $________
B. Reserve for contingencies $________
C. Source description: ____________________________

Balance in Reserve Contingencies, If Approved: $________

**SPECIAL INSTRUCTIONS:**

List the attachments and number the pages consecutively:

1. Request for Time Extension
2. Vicinity Map
3. Approved Project & Conditions
4. Mariposa County Code, Zoning §17.08.180

**CLERK'S USE ONLY**

Res. No.: 22- R67  
Ord. No.: __________
Vote - Ayes: _______  
Noes: _______  
Absent: _______  
Abstained: _______

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

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: ___________________
July 5, 2002

Mariposa County Board of Supervisors

RE: CIM 98-1

Dear Mariposa County Board of Supervisors,

We are writing to ask for an extension to our CIM Plan, which is due to expire December 2003.

There is one additional lodging unit to build before plan completion.

It has been difficult being affected with unknown conditions in the tourism industry, since the events in September and the ongoing government alerts on security. We have concerns about making another capital investment at this time.

We request an extension until December 2006.

Thank you for any considerations you may give to this request.

Sincerely,

Kay & Robert Barber
Little Valley Inn
3483 Brooks Road
Mariposa, Ca. 95338
742-6204
VICINITY MAP
TIME EXTENSION #2002-342 FOR
CIM PLAN #98-1

Applicants: Robert & Kay Barber
APN: 014-430-042
Project: 7 Rental Units Approved
Location: 3483 Brooks Rd; at intersection
with State Hwy 49 S.;
- Mariposa County
December 15, 1998

Kay Barber
3483 Brooks Rd.
Mariposa, CA 95338

RE: Board of Supervisors Action on GP/ZA No. 98-1 and CIM Plan No. 98-1

Dear Applicant:

On December 1, 1998 the Mariposa County Board of Supervisors acted to adopt Resolution No. 98-438 and Ordinance No. 940 (attached) approving General Plan/Zoning Amendment No. 98-1 and Commercial, Industrial, Manufacturing Plan No. 98-1 subject to the following conditions.

Conditions of Approval For CIM Plan

1. The Commercial, Industrial, Manufacturing Plan is approved for the development and operation of a 7 unit lodging facility with 1 single family residence for use by a caretaker or manager. It includes the development of one (approximately 1,600 sq.ft.) new four unit structure, in addition to the one existing three unit structure, the development of a commercial kitchen facility to serve overnight guests, and the expansion of the guest dining area by approximately 500 sq.ft. Expansions of up to 10% of square footage may be approved by the Planning Director, no expansion in the number of lodging units is permitted through this 10% expansion. 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. The access driveway shall be improved to minimum of 12' wide and graveled. A minimum of 4 additional parking spaces (9' by 19') shall be provided. Adequate area shall be provided for backing and turning of parked vehicles. Prior to issuance of a Building Permit a detailed driveway and parking plan shall be submitted to the Planning Director for review and approval. All driveways and parking areas shall be maintained in their required form at all times.

3. Weed abatement along driveways and brush clearance around structures shall be completed annually to CDF standards.
4. All new construction on the project site, including the kitchen facility, shall satisfy commercial building code requirements. The project shall meet all standards of PRC 4290 and any requirements of County Fire regarding commercial structures.

5. All buildings shall be located a minimum of 25 feet from the north, west, and east property lines, a minimum of 50' from the south property line, and a minimum of 55 feet from the centerline of Highway 140 and Brooks Road.

6. Prior to issuance of a Building Permit, the wastewater disposal system shall be designed in accordance with the County Health Department's and Regional Water Quality Control Board specifications and requirements. Prior to issuance of a Certificate of Occupancy the wastewater disposal system shall be installed and approved by the County Health Department and/or Regional Water Quality Control Board.

7. Prior to issuance of a Certificate of Occupancy to the project, the applicant shall apply for and receive a domestic water supply permit from the State Department of Health Services/Drinking Water Field Operations Branch. Verification of the domestic water supply permit shall be submitted to the Planning Director.

8. The applicant shall obtain a Food Facilities Handlers Permit from the County Health Department for all kitchen and cooking facilities.

9. The applicant shall provide adequate facilities for solid waste disposal.

10. All new utilities shall be located underground. All propane storage tanks and garbage areas shall be screened from view from Highway 49, Brooks Road, and adjoining properties.

11. All on-site external lighting fixtures 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 or Grading Permit.

12. A maximum of 64 sq.ft. of signage shall be located on the subject property. All signage shall be of a monument type and shall not exceed 6 feet in height. No reference to a restaurant shall be contained within the signage.

13. Should the Zoning Ordinance regulations related to CIM Plans be amended or deleted, any amendments to this CIM Plan shall be processed in accordance with the new Zoning Ordinance requirements.

14. All new construction shall be sided, roofed, and painted to be compatible with the existing structures on the property.

15. The project shall be completed within 5 years of the date of approval.
16. Prior to issuance of a Building Permit all fees associated with the processing of this application shall be paid.

17. The applicant shall control the access of motel guests to adjacent parcels.

You have until December 1, 2003 to complete the project as approved by the Board of Supervisors.

If you have any questions or need any additional information please contact Jay Pawlek at (209) 966-5151.

Sincerely,
Ed Johnson, Director

[Signature]

Jay Pawlek
Senior Planner

CRRR
17.08.160 Site plan processing procedures.
This section applies to new construction or modifications of existing structures requiring a building permit:
A. The applicant shall apply to the Mariposa County building division for site plan review and approval. The building official shall forward the application to the planning department.
B. The planning commission or planning department, as appropriate, shall:
   1. Approve the application;
   2. Disapprove the application if it does not comply with this Title;
   3. Conditionally approve the application stating conditions necessary to satisfy requirements of this Title;
   4. Return the application to the building official for the necessary action due to inadequate, illegible or otherwise insufficient information as required in Sections 17.08.140 and 17.08.150 above or other required information pursuant to this Title. (Ord. 704 Sec.1, 1988).

17.08.170 Permit time limits.
An approved site plan shall be null and void if the project is not completed within three (3) years from date of approval thereof, unless the approval authority finds and stipulates in its original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or, unless an extension of time has been approved. Notwithstanding anything to the contrary contained in this Title, and notwithstanding the length of time for which permits may be issued pursuant to this Title, nothing contained herein shall in any way affect the length of time for which permits are issued pursuant to the Mariposa County Building and Construction Code (Title 15). (Ord. 912 Sec.II, 1997; Ord 704 Sec.1, 1988).

17.08.180 Extension of time.
The approval authority may approve one extension of time on a permit approved pursuant to this Title, for up to eighteen (18) additional months after notice is given in the same manner as the original approval, if it finds that such extension is necessary and not detrimental to the public health, safety and welfare. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

17.08.190 Project completion.
Project completion is the point at which active county review of project progress is terminated. A development project is considered completed when:
A. A certificate of occupancy has been issued by the building official verifying that all structures, site improvements and/or off-site work has been completed; and any bonds or monies guaranteeing site improvements have been released.
B. The planning director verifies that a use or activity not involving a building or grading permit is occurring on the