MEMORANDUM

Date: August 21, 2019

To: Catheys Valley Planning Advisory Committee

From: Sarah Williams, Director

Topic: Agenda Item No. 4; August 29, 2019 meeting

INTRODUCTION:

The information in this memo is provided as a basis for the discussion on this agenda item. The information was prepared by Planning staff at the request of Supervisor Long for consideration by the Catheys Valley Planning Advisory Committee (CVPAC) and community regarding potential amendments to the Catheys Valley Community Plan (CVCP), including its boundary.

Planning prepared three maps (Attachment 1) depicting alternative scenarios for the reduction in size of the boundary of the existing CVCP area. They are not presented in any order of preference or priority; they are merely designed to show a progression from the smallest amount of land that could potentially be removed from the boundary (Potential Scenario 1) to the largest (Potential Scenario 3). The maps show the existing CVCP boundary in order to clearly illustrate the relationship between the existing boundary and how the boundary could change under the three potential scenarios.

For the committee’s reference, staff has also included in Attachment 1 the Land Use Diagram shown in the adopted CVCP. Staff has also prepared a written narrative generally describing the effect of each of the three map scenarios. That narrative is included as Attachment 2. Potential amendments to the CVCP text are presented in Attachment 3.

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
BACKGROUND:

The CVCP was adopted by the Mariposa County Board of Supervisors (Resolution 2012-593) on December 4, 2012. This action by the Board followed an extensive preparation and review process conducted by the then CVPAC from 2000 through 2004.

As noted in Section 1.4 – Evolution of the Catheys Valley Community Plan, initially, the CVPAC prepared the CVCP boundary, which included more than 32 square miles. The PAC selected this boundary in October 2002 by connecting the gateway points to “Catheys Valley.” The boundary was drawn to surround potential residential development areas with unsubdividable agricultural lands.

The PAC recommended the Preliminary CVCP to the county Planning Commission and Board of Supervisors in 2004. No action was taken on the Preliminary CVCP at that time; discussion on the CVCP was placed on hold temporarily in 2005 pending completion of the Mariposa County General Plan (adopted in December of 2006).

In 2007, after adoption of the General Plan in December of 2006, the PAC resumed discussions on the CVCP. The PAC, Planning Commission, and Board of Supervisors held multiple meetings from 2007 through 2012 to discuss and revise the content of the CVCP, including goals, policies, implementation measures and the CVCP boundary.

The final CVCP boundary, as adopted by the Board, is 26 square miles in size. Perhaps the most significant change the Board made to the CVCP version recommended to them for approval by the PAC and Planning Commission, involved policies related to agriculture activities within the CVCP boundary. The recommended Plan contained a number of policies governing agricultural land in the CVCP boundary that were in addition to those contained in the General Plan. The CVCP, as adopted by the Board, removed those policies, and Section 5.1.02(D) – Agriculture/Working Landscape in the Land Use Classifications section of the CVCP simply states:

*The CV Plan applies the General Plan Agriculture/Working Landscape land use classification, General Plan Section 5.3.04.*

The Plan, including the boundary and text, as adopted by the Board in December of 2012, governs land use within the Plan area boundary today. There have been no amendments to the CVCP since the Board acted to approve the document.
RECOMMENDED ACTION

Planning staff recommends that the Catheys Valley Planning Advisory Committee (CVPAC):

1) Review and discuss the potential amendments to the boundary and text of the Catheys Valley Community Plan (CVCP);
2) Receive public input on the potential amendments; and
3) Direct staff to prepare formal amendments to the CVCP for public review and for consideration by the CVPAC at a future meeting.

Action taken by the CVPAC to recommend adoption of any amendments to the CVCP will be considered by the Planning Commission and Board of Supervisor at duly noticed public hearings.

The Board of Supervisors will take final action on amendments to the CVCP.

Attachments

Attachment 1  Adopted CVCP Land Use Diagram and maps of potential scenarios for amending the CVCP boundary
Attachment 2  Narrative regarding effects of potential boundary amendments
Attachment 3  Potential amendments to CVCP text

LINK TO FULL TEXT OF CVCP:

Attachment 1

Land Use Diagram and potential boundary change maps
Map from the adopted CVCP showing boundary and land use classifications for the CVCP area.
Attachment 2

Effects of potential boundary amendments
Effects of the Three Potential Scenarios for Amending the Catheys Valley Community Plan Boundary

_Potential Scenario One – this scenario:_

- Keeps all land currently in the Residential Land Use Classification (LUC) in the CVCP boundary.
- Does not split-classify additional parcels where a portion would be in one CVCP LUC and the remaining portion in another LUC. It also does not create a situation where a portion of a parcel would be located in the CVCP boundary and another portion outside of it.
- Removes much of the land currently classified “Agriculture/Working Landscape” (Ag/WL) and places it back under the governance of the countywide General Plan. This removal would be consistent with Section 5.2.02 – Agriculture Goals and Policies in the CVCP text which states “The CV Plan implements the General Plan Agriculture Element Goals and Policies in General Plan Section 10.2.” Removing a significant amount of the current Ag/WL land from the CVCP boundaries would seem to be a correction making the CVCP boundary consistent with the Plan’s text.
- Ag/WL land that would remain in the CVCP boundary would be considered in-fill between portions of the Residential LUC and between the Residential LUC and the Community Residential and Community Commercial LUCs. Leaving those portions of the Ag/WL within the CVCP boundaries provides a symmetry to the CVCP boundaries and avoids the “spot” classifying of land.
- Removes large parcels of Ag/WL land heading west towards Merced along Highway 140, but the remainder of land adjacent to the highway would remain in the CVCP boundary.
- Does not impact the Community Residential/Community Commercial core; in essence the old Town Planning Area (TPA) boundary.

_Potential Scenario Two – this scenario:_

- Removes a large portion of Residential LUC land, much of which has already been developed, from the CVCP boundary. It retains some of the current Residential LUC land.
- Removes even more Ag/WL land from the CVCP boundary.
• Does not split-classify additional parcels. In fact, it removes parcels within the CVCP boundary that are currently split-classified.
• Removes more parcels in the Ag/WL LUC heading west to Merced along Highway 140.
• Brings the western and southern line of the CVCP boundary up to the Community Residential/Community Commercial core.
• Maintains some symmetry in the CVCP boundary with some Ag/WL in-fill.
• Removes land currently in the CVCP along Highway 140 east and north of the Community Residential/Community Commercial core.

**Potential Scenario Three – this scenario:**

• Shrinks the CVCP boundary down to the old TPA boundary, essentially the area identified in the adopted CVCP as containing the Community Residential, Community Commercial and Public Facilities and Services LUCs.
• The Ag/WL and Residential LUCs would not exist within the CVCP area. The Community Residential, Community Commercial and Public Facilities and Services would the only remaining LUCs in the CVCP.

**General Statements**

• Under all three scenarios, land currently in the CVCP boundary that would be removed from the boundary would fall under the governance of the countywide General Plan.
• In addition to amending the CVCP boundary, General Plan mapping would necessarily have to be amended. The LUCs could be the same whether the land is in the CVCP boundary or outside of it. Ag/WL and Residential LUCs carry the same title whether they’re in the countywide General Plan mapping or within the CVCP boundary. (Note: Ag/WL LUC policies in the CVCP are the same as in the countywide General Plan. Although the CVCP includes a Residential LUC as does the General Plan, policies and standards vary somewhat.)
• Current CVCP text would necessarily have to be amended to reflect change in the CVCP boundary. It appears the volume of potential changes to the text would be commensurate with the reduction in the CVCP boundary. For instance, if the boundary is drawn back to the original TPA line, text references to the purpose, goals, policies and standards of the Ag/WL and Residential LUCs as well as guiding principles and issues of importance would be completely eliminated.
Attachment 3

Potential amendments to CVCP text
Potential CVCP Text Amendments:

Supervisor Long requested that staff prepare potential text amendments to the CVCP to revisit the issue of the restriction on the types of businesses that can be located in the Community Commercial land use classification as shown in the adopted CVCP.

The committee may recall that the adopted CVCP contains language that generally states that businesses that are conducive to the Catheys Valley area are those that meet local needs, and that businesses requiring tourist or drive-by traffic to be financially successful are not appropriate in Catheys Valley. The following sections of CVCP text are examples of how this issue is addressed in the CVCP. The first section of text is located in the Guiding Principles section in the adopted CVCP (underlined text is for emphasis):

**ENSURE MANAGED GROWTH**

The CV Plan manages growth through two mechanisms. One is to maintain residential land uses along the major road systems: Hornitos Road, Highway 140, and Schoolhouse Road. The residential land uses are surrounded by agriculture and ranch lands that may not be converted to non-agricultural uses without meeting General Plan policies for conversion of agriculture lands to non-agricultural uses.

The second tool is focusing commercial development off of and south of Highway 140 in a cluster on or off the Hornitos Road extension. The designated Community Commercial area is of adequate size to provide for a group of stores offering goods and services to meet the local Catheys Valley community’s needs. Locating the commercial off the highway reduces the attractiveness of the site to businesses needing to serve highway traffic or direct tourism-related business.

The following is how the adopted CVCP describes the purpose of the Community Commercial LUC.

**COMMUNITY COMMERCIAL**

**C(1) Purpose**

The Community Commercial land use classification identifies land for local business, service, and commerce for business with the primary purpose of serving residents of Catheys Valley. Community Commercial lands identify a community center for Catheys Valley and encourage the clustering of commercial and economic activity that can function without the direct need to attract pass-through traffic from Highway 140. The primary purpose of the community commercial area is to serve the local needs of Catheys Valley and vicinity. The Community Commercial land use classification uses serve the needs of the local population. Businesses requiring drive-by, capture, or tourist customers in order to be financially successful are not appropriate in Catheys Valley. The Community Commercial land use classification is not intended for the construction of a regional shopping or tourist service center.
There are a number of additional sections in the CVCP where this issue is addressed. For the purposes of discussion, staff has included the following text from the CVCP showing how existing text may be amended should the expansion of the types of businesses allowed in the Community Commercial LUC be pursued. Potential deletions are shown in double strikethrough type and additions are shown in double underlined type. Page numbers identifying where the existing text can be found in the CVCP are provided. The full text of each general section is not shown; only the text that could be amended.

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2.1 ISSUES OF IMPORTANCE

The issues of importance for Catheys Valley have not changed between the mid-1990s and the early 21st Century. The community defines its issues as:

- Keeping commercial development at an appropriate local neighborhood type scale and not as a regional shopping attraction;

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3.1 GUIDING PRINCIPLES

Through the planning process, the community was clear that the “rural character” of Catheys Valley be maintained. Therefore, the CV Plan is founded on the following guiding principles that implement this vision.

- Provide opportunities for locally oriented neighborhood type commercial businesses meeting primarily local needs.

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3.1.01 ENSURE MANAGED GROWTH

The second tool is focusing commercial development off of and south of Highway 140 in a cluster on or off the Hornitos Road extension. The designated Community Commercial area is of adequate size to provide for a group of stores offering goods and services to meet primarily the local Catheys Valley community’s needs. Locating the commercial off the highway reduces the attractiveness of the site to
larger scale businesses serving a regional population, while meeting primarily the needs of the Catheys Valley community needing to serve highway traffic or direct tourism-related business. Businesses that also serve highway traffic and the touring public will be of an appropriate scale consistent with the purpose and intent of the commercial area.

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3.1.05 PROVIDE OPPORTUNITIES FOR LOCALLY-ORIENTED COMMERCIAL BUSINESSES MEETING PRIMARILY LOCAL NEEDS

The community’s desire is to see an increase in businesses primarily serving the local residential and agricultural needs of the Catheys Valley area without dependence on restricting “drive-by” or “capture” shopping traffic. As rural counties have evolved in the Sierra Nevada, many of the lower elevation communities have become extensions of Valley-centered urban areas. With this expansion into the foothills comes the impacts of regional shopping and national chains. A result of the homogenized commercial and retail characteristics is a loss of local community character. The protection of rural character in Catheys Valley limits population growth, which reduces the attractiveness to chain businesses.

Providing opportunities for primarily locally-oriented neighborhood, small scale commercial, and supporting agricultural businesses is part of the County’s needs and define Catheys Valley’s character. Large commercial activities serving a regional population are detrimental to the community’s character, not only from the impact of stores or businesses that may be out-of-scale to the community, but also because of the competition or draw regional businesses would impose on the Town of Mariposa. Catheys Valley is not seen as the “Mariposa” between Planada and Mariposa; it is seen as a rural crossroads that serves primarily the local community but also highway traffic and the touring public at an appropriate site scale.

5.1.02 LAND USE CLASSIFICATIONS

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C. COMMUNITY COMMERCIAL

C(1) Purpose

The Community Commercial land use classification identifies land for primarily local business, service, and commerce for business with the primary purpose of serving residents of Catheys Valley. Community Commercial lands identify a community center for Catheys Valley and encourage the clustering of commercial and economic activity that can function without the direct need to attract pass-through traffic from Highway 140. The primary purpose of the community commercial area is to serve the local needs of Catheys Valley and vicinity while not restricting “drive-by” or “capture” shopping traffic. The Community Commercial land use classification uses serve primarily the needs of the local population. Businesses requiring that can also serve drive-by, capture, or tourist customers in order to be financially successful are not appropriate in Catheys Valley provided they are of a scale that meets the intent and purpose of this classification. The Community Commercial land use classification is not intended for the construction of a regional shopping or tourist service center.
C(2) Extent of Uses

Primary uses are retail and commercial businesses primarily supporting the needs of a small community comprised of home businesses, agricultural uses, working families, retired individuals, and commuters. Businesses with a primary market derived from a regional population are not compatible with the Community Commercial classification. Religious facilities, including those with retail sales consistent with this section and/or including sports and entertainment facilities for organization members and/or the members of the community are allowed subject to a conditional use permit.