RECOMMENDATION AND JUSTIFICATION:


Adopt a Resolution Approving General Plan/Area Plan Amendment No. 2019-184, Amendments to the Catheys Valley Community Plan, with Findings. This action was recommended by the Mariposa County Planning Commission on 2/28/2020.

See Staff Report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Resolution 2019-682: 11/26/2019 Board initiated text amendments to the Catheys Valley Community Plan and amendments to the Catheys Valley Community Planning Advisory Committee (CVCPAC) By-Laws

Resolution 2019-721: 12/17/2019 Board approved amendments to the CVCPAC By-Laws to eliminate CVCPAC authority to review projects on lands within the Agriculture/Working Landscape (AWL) Land Use Classification within the boundaries of the Catheys Valley Community Plan.

5/26/20: The Board of Supervisors continued a noticed public hearing for this project to July 21, 2020 at 2 p.m. or as soon thereafter as possible.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: Modify text in amendments. Project may need to be returned to Planning Commission and CVCPAC for review.

Negative Action: Do not approve amendments.

FINANCIAL IMPACT:
Resolution - Action Requested 2020-433

None

ATTACHMENTS:
200721 Board Staff Report GP-AP Amendment No. 2019-184   (DOC)
Attachment 1 CVCP Land Use Diagram   (DOCX)
Attachment 2 PC Resolution   (PDF)
Attachment 3 200526 Draft NOE   (DOCX)
Attachment 4 200721 Draft Board Resolution   (DOCX)

RESULT:  ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
WHEREAS, the Catheys Valley Community Plan (CVCP) was adopted by the Mariposa County Board of Supervisors on December 4, 2012 following review and recommendations by the Catheys Valley Community Planning Advisory Committee (CVCPAC) and Mariposa County Planning Commission; and

WHEREAS, the CVCP was inserted into Volume II (Area Plans and Interim Land Use Plans) of the Mariposa County General Plan upon adoption and any amendment to the CVCP requires approval of a general plan amendment; and

WHEREAS, the general plan and State law allow for Area Plans to be amended from time to time under prescribed general plan amendment procedures; and

WHEREAS, the CVCPAC acts within its mandate to make recommendations to county decision-makers in accordance with its by-laws approved by the Mariposa County Board of Supervisors in Resolution No. 2016-112 and amended in Resolution No. 2019-721, and Section 5.3.01(E) of the General Plan, which states, in part, "To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee."; and

WHEREAS, the CVCPAC considered amendments to text of the CVCP at duly noticed public meetings on August 29, 2019 and October 24, 2019; and

WHEREAS, the CVCPAC took action on October 24, 2019 to recommend that the Board of Supervisors initiate the process to amend the CVCP text to relax standards on the types of businesses that can locate in the Community Commercial LUC to allow businesses that may attract tourist and drive-by traffic that are of an appropriate scale consistent with the purpose and intent of the Community Commercial LUC; and

WHEREAS, the Board held a duly noticed public hearing on November 26, 2019 and adopted Resolution No. 2019-682, initiating the process to amend text in the CVCP; and
WHEREAS, this project is known as General Plan/Area Plan Amendment No. 2019-184; and

WHEREAS, a duly noticed hearing before the Planning Commission was scheduled for the 28th day of February 2020; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all information in the public record, including the Staff Report, the Draft Notice of Exemption, and public input; and

WHEREAS, the Planning Commission did recommend that the Board of Supervisors approve General Plan Amendment No. 2019-184 with findings, including a finding the project is exempt from environmental review, and direct staff to file a Notice of Exemption for the project; and

WHEREAS, a duly noticed Board of Supervisors’ public hearing was scheduled for the 26th day of May 2020; and

WHEREAS, due to the response to Covid-19, the Board of Supervisors continued the public hearing to the 21st day of July 2020 at 2 p.m. or as soon thereafter as possible; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the continued hearing date and considered all the information in the public record, including the staff report packet and testimony.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Mariposa does hereby approve General Plan/Area Plan Amendment No. 2019-184, text amendments to the Catheys Valley Community Plan as shown in Exhibit 1.

NOW BE IT THEREFORE FURTHER RESOLVED THAT, the project approval is based on the findings as shown in Exhibit 2.

BE IT THEREFORE FINALLY RESOLVED THAT, the Board of Supervisors directs staff to file a Notice of Exemption for the project.
ON MOTION BY Supervisor Long, seconded by Supervisor Jones, this resolution is duly passed and adopted this 21st day of July 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAINED: NONE

Kevin Cann, Chair
Mariposa County Board of Supervisors

Attest:
René LaRoche, Deputy
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM

Steven W. Dahlem
County Counsel
Exhibit 1
Amendments to the text of the CVCP.
Deletions are shown in double strike-through type; additions shown in double underline type.

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Page 3  Guiding Principles.................................................................3-1

3.1.05  Provide Opportunities for locally-oriented Commercial Businesses Meeting primarily Local Needs.........................3-3

Page 2-2
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;

Page 3-1
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.
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

C. COMMUNITY COMMERCIAL

C(1) Purpose

The Community Commercial land use classification identifies land for primarily local business, service, and commerce 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 are 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 or tourists 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.
Exhibit 2

Findings of approval for General Plan/Area Plan Amendment No. 2019-184

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

   **Evidence:** The amendment is in the general public interest and will have not have a significant adverse effect on the general public health, safety, peace, and welfare. The Catheys Valley Community Plan (CVCP) is the Catheys Valley area’s governing document and amending it to reflect the will and desire of the residents of the area will enhance public health, safety, peace and welfare.

2. **Finding:** 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 basis for day-to-day decision making.

   **Evidence:** The Catheys Valley Community Plan is defined in the General Plan as a mini-General Plan and is part of Volume II of the General Plan. This amendment will improve the CVCP and the Mariposa County General Plan by providing a guide for the types of businesses allowable in the Community Commercial land use classification that will reflect the will and desire of the area’s residents. The amended CVCP text will provide a long term guide for commercial development in Catheys Valley and a short term basis for day-to-day decision making with respect to permit processing and approval.

3. **Finding:** That such an amendment conforms to the requirements of state law and county policy.

   **Evidence:** This project has been processed in accordance with applicable State Law and county policy relating to general plan amendments. All required public noticing has been adhered to. Mariposa County provided Native American tribes on the Mariposa County contact list as maintained by the state Native American Heritage Commission to request a consultation on the project, in accordance with the process mandated by state Government Code Section 64352.3(2).

4. **Finding:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

   **Evidence:** The amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan. The amendment process was
consistent with Section 5.3.01(E) of the General Plan, which states, in part, "To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee." Information considered by the county regarding amendments to the text of the CVCP included input from the recommendation of the Catheys Valley Community Planning Advisory Committee.

5. **Finding: Common Sense Exemption**

General Plan/Area Plan Amendment No. 2019-184 is exempt from environmental review pursuant to the Common Sense Exemption, Section 15061(b)(3), of CEQA Guidelines. It can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment. An environmental impact report was certified for the Catheys Valley Community Plan (CVCP) as part of adoption of the project in December of 2012. The amended text will not conflict with the conclusions of the EIR.
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: General Plan/Area Plan Amendment No. 2019-184

Project Location: Community Commercial land use classification, generally located at or near the intersection of Highway 140 and Hornitos Road within the Catheys Valley Community Plan area

Project Parcels: Five parcels or portions of parcels totaling 25.12 ± acres.

Description of Project: Amendments to the Catheys Valley Community Plan text relating to the types of businesses that are allowable within the Community Commercial land use classification (LUC). The amendments relax the prior standard which stated that businesses that are dependent on tourist and drive-by traffic to be financially successful are not appropriate in Catheys Valley. Businesses that attract tourist and drive-by traffic are now allowable providing they are of an appropriate scale that is consistent with the purpose and intent of the Community Commercial LUC.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Project Proponent: Mariposa County

Exempt Status: Common Sense Exemption; Section 15061(b)(3), CEQA Guidelines

Reason Why Project Is Exempt:
General Plan/Area Plan Amendment No. 2019-184 is exempt from environmental review pursuant to the Common Sense Exemption, Section 15061(b)(3), of CEQA Guidelines. It can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment. An environmental impact report was certified for the Catheys Valley Community Plan (CVCP) as part of adoption of the project in December of 2012. The amended text will not conflict with the conclusions of the EIR.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 966-5151

Mariposa County Board of Supervisors by:

Sarah Williams
Planning Director

Date: 7/21/22
## General Plan/Area Plan Amendment No.2019-184

**PROJECT APPLICANT NAME**
Mariposa County Board of Supervisors

**PROJECT APPLICANT ADDRESS**
PO Box 784
Mariposa, CA 95338

**PROJECT APPLICANT EMAIL**
swilliams@mariposacounty.org

**PHONE NUMBER**
(209) 966-3222

**CHECK APPLICABLE FEES:**

- Environmental Impact Report (EIR) $3,343.25
- Mitigated/Negative Declaration (MND)/(ND) $2,406.75
- Certified Regulatory Program (CRP) document - payment due directly to CDFW $1,136.50

**PAYMENT METHOD:**

- Cash
- Credit
- Check
- Other

**TOTAL RECEIVED** $0.00

**SIGNATURE**

Karen M Herman

**AGENCY OF FILING PRINTED NAME AND TITLE**
Karen M. Herman, Deputy County Clerk, County of Mariposa
NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars ($50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):
- Collect environmental filing fee or copy of previously issued cash receipt. (Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a No Effect Determination signed by CDFW, also:
- Attach No Effect Determination to NOD (no environmental filing fee is due).

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))
- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE (no environmental filing fee is due).

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:
- A photocopy of the monthly State of California Form No. CA25 (TC31)
- CDFW/ASB copies of all cash receipts (including all voided receipts)
- A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- A copy of all NODs filed with the county during the preceding month
- A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

# The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
# The next eight digits automatically populate when a date is entered.
# The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:
California Department of Fish and Wildlife
Accounting Services Branch
P.O. Box 944209
Sacramento, California 94244-2090