

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2007-17

A Resolution Recommending Approval of Specific Plan/Zoning Text Amendment No. 2002-345, an Amendment to the Wawona Town Planning Area Specific Plan; Central California Conference of Seventh-day Adventists, Project Applicants

WHEREAS, in 1991, following an unsuccessful attempt by the Central California Conference of Seventh Day Adventists (CCCSDA) Camp Wawona staff to obtain a building permit to renovate a demolished camp building on Assessors Parcel Number 010-280-009, a 30.45 acre parcel in the Mountain Residential land use in the community of Wawona, the Mariposa County Planning Director determined that the "church" provision listed under the "conditional uses" section of the Mountain Residential land use section of the Wawona Town Planning Area Specific Plan did not apply to a "church camp". This determination meant that the existing Camp Wawona facility was a non-conforming use; and

WHEREAS, in 1991, following the Planning Director's determination, the CCCSDA met with the National Park Service (NPS) Wawona District Ranger to discuss an amendment to the Specific Plan. The CCCSDA was pursuing an amendment to the Specific Plan to make their existing camp facilities a conforming use. The meeting with the National Park Service was necessary to obtain NPS support for the amendment based upon NPS and Mariposa County concurrent jurisdiction in Wawona; and

WHEREAS, in 1991, following the meeting with the Wawona District Ranger, the CCCSDA met with Yosemite National Park Superintendent Mike Finley to discuss an amendment to the Wawona TPA Specific Plan and the proposed re-development of Camp Wawona. Superintendent Finley required a land exchange in exchange for NPS support of the Specific Plan text amendment and redevelopment of Camp Wawona; and

WHEREAS, between 1992 and 1994, CCCSDA consultants developed project specific technical studies and site plan alternatives. CCCSDA consultants obtained authorization from NPS to proceed with the land exchange; and

WHEREAS, in the fall of 1994, a Memorandum of Agreement was signed between NPS and CCCSDA for the land exchange; and

WHEREAS, in the spring 1995, the NPS Regional Office formally initiated the "land exchange" process; and

WHEREAS, there were many delays with the processing of the land exchange with NPS as a result of the following circumstances:

- Desire to link SDA land exchange with an unrelated El Portal land exchange
- The 1997 Yosemite Flood
- Lawsuits arising from Merced River Plan and Yosemite Valley Plan
- Development of Implementation plans for the Merced River Plan and the Yosemite Valley Plan
- Change in NPS personnel; and

WHEREAS, on August 27, 2002 a formal application for Specific Plan/Zoning Amendment No. 2002-345 was submitted by the Central California Conference of Seventh Day Adventists (CCCSDA) to the County of Mariposa in accordance with the policies of Mariposa County together with Conditional Use Permit No. 2002-346 and Lot Line Adjustment No. 2002-318; and

WHEREAS, this project was known as the Camp Wawona Redevelopment Project and Proposed Land Exchange; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) implementing Guidelines, the County determined that an Environmental Impact Report (EIR) was required. Because the project involved the Federal land exchange, the project was also subject to the National Environmental Protection Act (NEPA). The County caused a joint EIR/EA to be prepared for the Project; and

WHEREAS, on the 8th day of December 2003, the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EA) was released for the Camp Wawona Redevelopment Project and Proposed Land Exchange; and

WHEREAS, on the 11th day of January 2004 and the 13th day of March 2004, public meetings were conducted on the Draft EIR/EA with the Wawona Town Planning Advisory Committee; and

WHEREAS, on the 23rd day of January and the 25th day of January 2004, public hearings were conducted on the Draft EIR/EA with the Planning Commission; and

WHEREAS, on the 9th day of February 2004, the public comment period on the Draft EIR/EA closed; and

WHEREAS, in May 2004, the current Yosemite National Park Superintendent determined that the Land Exchange would not be required in order for NPS to support the project. CCCSDA decided to revise the Master Plan to accommodate development on their existing property. The Land Exchange with the National Park Service and the Lot Line Adjustment application were abandoned; and

WHEREAS, in August 2005, the CCCSDA submitted revised application materials to the Planning Department for redevelopment of the Camp Wawona facilities including an updated Master Plan, Master Plan Design Guidelines and other materials. Redevelopment of the camp was to be entirely on property owned by the SDA. This

revised project was the “no land exchange” alternative described in the Draft EIR/EA. The project no longer included the proposed land exchange; and

WHEREAS, the County reviewed the revised application materials and determined that it would not result in any new or substantially greater significant environmental effects not previously discussed in the Draft EIR/EA. Based upon the revised application materials and the fact that revised project was a specifically identified, described and reviewed alternative in the Draft EIR/EA, the County determined that recirculation of the Draft EIR was not necessary. The County in consultation with the National Park Service also determined that, without the land exchange, the Federal Government was no longer a lead agency and that further processing of the project was only subject to CEQA; and

WHEREAS, between August 2005 and July 2006, additional technical information was submitted to the County of Mariposa by CCCSDA; and

WHEREAS, on the 26th day of October 2006, the Final EIR was published and made available to the public; and

WHEREAS, on the 1st day of November, 2006, Errata 1 to the EIR was issued by the Planning Department to correct an administrative proofing error, as outdated language from a previous “staff administrative review copy” had been retained in portions of the printed Final EIR distributed to the public; and

WHEREAS, on the 9th day of November 2006, a Staff Report to the Wawona Town Planning Advisory Committee was issued; and

WHEREAS, on the 19th day of November 2006 and the 12th day of January 2007, noticed public meetings were conducted for the Wawona Town Planning Advisory Committee (WTPAC). WTPAC took action to recommend approval of the projects with modifications:

- 1) Add a provision that if there is damage to Forest Drive by construction activities associated with the project, the owner is to repair Forest Drive (Condition No. 58).
- 2) Staff is to develop language to ensure that any and all man made noise be restricted to the property itself (Condition No. 89).
- 3) Condition No. 2 for the 1.76 acre parcel would add language to specify that there be no overnight usage; require toilets for day use; and no use of speakers or megaphones is allowed.
- 4) Construction time is limited, so that there will be no construction on Saturdays or Sundays (Condition No. 41); and

WHEREAS, on the 16th day of March 2007, a noticed public “workshop tour” of the project site was conducted with the Planning Commission; and

WHEREAS, on the 16th day of March 2007, the project Staff Report to the Planning Commission was issued and made available to the public; and

WHEREAS, in accordance with CEQA, the Planning Commission has reviewed the EIR and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, the Planning Commission has reviewed the project Staff Report; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on the 30th day of March 2007 after providing all proper notice as required by State Law and the Mariposa County Code at which time all members of the public were allowed to comment on Specific Plan/Zoning Amendment 2002-345 and the EIR; and

WHEREAS, Errata 2 to the EIR was described by the EIR consultant at the Planning Commission public hearing on the 30th day of March 2007 to correct another administrative proofing error, as outdated language from a previous “staff administrative review copy” had been retained in portions of the printed Final EIR distributed to the public; and

WHEREAS, at the conclusion of the meeting on the 30th day of March 2007, the Planning Commission closed the public input portion of the public hearing and continued the public hearing until the 18th day of May 2007 at 9:00 a.m. or as soon thereafter as possible to the Board Chambers of the Mariposa County Government Center, Mariposa, California. The purpose of the continuance was to give staff time to bring information back to the Commission as directed. The purpose of the continuance was also to allow the Planning Commission adequate time for deliberation; and

WHEREAS, Errata 3 to the EIR was described in the Supplement to Staff Report dated May 11, 2007 and approved by the Planning Commission on the 18th day of May 2007 to correct another administrative error, as the EIR Consultant misunderstood the scope of activities occurring on the 1.768 acre parcel and neglected to describe the overnight camping activities which have historically occurred on the parcel.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution approving Specific Plan/Zoning Amendment No. 2002-345 with amendments, as set forth in Attachment A, subject to the findings set forth in Attachment B.

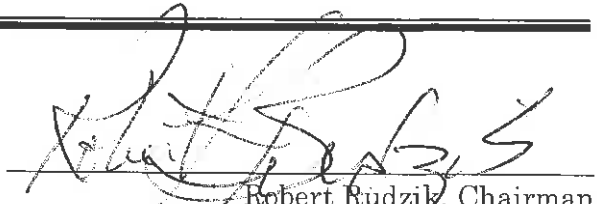
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ross; this resolution is duly passed and adopted this 18th day of May, 2007 by the following vote:

AYES: Ross, Rudzik, Skyrud, and DeSantis

NOES: Hagan

EXCUSED: None

ABSTAIN: None



Robert Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs
Secretary to the
Mariposa County Planning Commission

EXHIBIT A – Amendments to Specific Plan/Zoning Text

Recommended changes to current text of adopted policy and code shown in *italicized, underlined type* for new text and ~~strike through type~~ for deleted text

Change to Section IV Definitions as follows:

IV. DEFINITIONS

....

K. *Organizational Recreation Camps*: *An area containing one or more permanent buildings and or developed campsites that are used for recreational purposes, for the transitory accommodation of members and invitees of private organizations or groups, and is not open to the general public. The recreational activities and camping are provided as part of an organized program that is owned, managed, controlled and maintained by the private not-for-profit organization or group.*

(existing definitions following this new definition to be reassigned corresponding “letter”)

....

Change to Section V Mountain Residential District as follows:

V. MOUNTAIN RESIDENTIAL DISTRICT

....

D. Conditional Uses: The following shall be conditional uses in the MRD:

1. Utility substations and similar utility and public/quasi-public facilities designed and necessary for the provision of service to adjacent residential areas.
2. Churches.
3. *Organizational Recreation Camps*

....

H. Lot Coverage: The maximum coverage of principal and accessory uses *on residential lots* shall be forty percent (40%) of the total square footage of the lot or four thousand (4,000) square feet, whichever is smaller. *The maximum coverage of conditional uses on parcels undergoing review through the conditional use permit process shall be established through the conditional use permit process, however under no circumstance shall coverage exceed forty percent (40%) of the total square footage of the lot.*

(all other sections of the Wawona Specific Plan to remain unchanged)

EXHIBIT B – Findings

BE IT FURTHER RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

***Finding No. 1:** 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.* (Section 17.128.050, Zoning Ordinance.)

The amendment is in the general public interest because it establishes a procedure for an existing facility, which has been in the community of Wawona for over 70 years, to become a conforming use. The amendment will make organizational recreation camps a conditional use in the Mountain Residential Zone. The facility, based upon text in the current Specific Plan and a 1991 Planning Director interpretation of the text, is a non-conforming use. As a non-conforming use, there are no identified written limits to the camp use today, nor are there identified mitigations to address potential impacts the camp may have on surrounding properties. The current Specific Plan has an amortization period for non-conforming uses, which means that the camp would theoretically become an illegal use in the year 2036. The current Specific Plan also has provisions which limit the ability of the camp to rebuild their facilities. It is in the public's interest to enable a facility, which has historically existed in a community, becoming a conforming use with defined limits of growth and operation.

The amendment will provide the camp, which primarily serves children, families, and handicapped persons throughout the Central California area served by the CCCSDA, a procedure to rebuild their facility to comply with current Uniform Building, Electrical, Fire and Plumbing Codes, and to comply with current ADA (Americans with Disabilities Act) standards. The redevelopment project will also enable the camp to better serve the users of the camp, as many of the facilities are old, small, without adequate insulation, without adequate indoor plumbing, etc. It is in the public's interest to enable this facility to become conforming to current codes designed to protect the public.

Making the use a conditional use, which is a discretionary review process, will enable an opportunity for public health, safety, peace and welfare issues to be reviewed and addressed through a public process. The conditional use permit process will enable limits and standards to be established for seasonal and weekly occupancy, hours of operation, hours and days for construction activities, noise, traffic, vegetation removal, outdoor uses, architectural standards, permeable surfaces, etc. The conditional use permit process is subject to the California Environmental Quality Act (CEQA), which will ensure that potentially significant impacts are mitigated, as provided for by CEQA. These established procedures will ensure that the amendment will not have any adverse effect on the general public health, safety, peace and welfare.

The amendment also clarifies applicability of existing standards for lot coverage to larger parcels, developed for uses other than residential, and subject to a discretionary

process. It is in the public's interest to clarify this matter, so that there is no confusion about how the standard would apply to larger parcels. The amendment ensures that lot coverage for projects other than residential will not exceed the maximum specified by the current standards, while still specifying authority to require a lesser lot coverage. The amendment would only apply to discretionary projects, which ensures that all future projects will undergo proper environmental review for potential impacts of lot coverage issues. These provisions will ensure that modifying the lot coverage standards of the Specific Plan will not have any significant adverse effects.

Finding No. 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 basis for day-to-day decision making. (Section 17.128.050, Zoning Ordinance.)

The amendment is desirable for the stated purposes in that it clarifies the land use status of an existing historic facility in the community of Wawona. By making organizational recreation camps a conditional use, and by processing a conditional use permit for the camp facility, there are clear standards and clear conditions upon which to review the future redevelopment activities at the camp and future use and occupancy of the camp. This is an improvement over the current status of the facility as a non-conforming use. As a non-conforming use, the ability of Mariposa County to review and process permits is limited by the Specific Plan. The ability of Mariposa County to monitor regular use of the camp is limited, as there are currently no established or defined use limits, occupancy limits, noise limits, activity limits, lighting limits, etc.

This project, to make an organized recreational camp use a conditional use, ensures that growth of the existing SDA Camp Wawona may be limited, controlled and orderly, a stated goal of the Wawona Specific Plan, through the discretionary Conditional Use Permit process. The Conditional Use Permit process also enables review to ensure that the camp's impacts on historic sites and structures are minimized, impacts on the circulation system within the community are minimized, impacts on the fragile ecology of the community are minimized, and impacts on the residential environment of the community are addressed. These are also stated goals of the Specific Plan.

Based upon the number and type of public comments regarding applicability of lot coverage standards to the Camp Wawona Redevelopment project, there is confusion about how the lot coverage standards should apply to larger parcels. Development standards should theoretically be clearly worded, such that they may be interpreted similarly by any party. It is desirable to clarify the applicability of these standards to larger parcels, developed for uses other than residential, and subject to a discretionary process. This represents an improved situation for implementation of the General Plan and for decision making on a short term basis.

Finding No. 3: The amendment conforms to the requirements of state law and county policy. (Section 17.128.050, Zoning Ordinance.)

The amendments to the text of the Wawona Specific Plan are allowed by the Mariposa County General Plan, the Mariposa County Zoning Ordinance, as well as by Section XV of the Wawona Specific Plan. The amendment was processed in accordance with state law and County Code with respect to notice, hearings and findings.

Finding No. 4: The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan. (Section 17.128.050, Zoning Ordinance.)

The amendment will ensure that development occurs where services are located, and that the redevelopment of the camp may be allowed more than 4,000 square feet of lot coverage on their 30.45 acre parcel. The amendment will establish a land use mechanism, the conditional use permit, to allow for the redevelopment of an existing historic camp facility in the community of Wawona. The community of Wawona has established and maintained community sewer and water services. There are paved and maintained roads in the community of Wawona. There are established emergency services in the community of Wawona. There are school, library and post office facilities in the community of Wawona. There are limited retail and service facilities in the community of Wawona (Policy 5-2A, General Plan).

The current Specific Plan text would require that the existing camp business cease operation by the year 2036 (at the end of the 50 year amortization period established for non-conforming uses in the Wawona Specific Plan). This amendment will establish a process to enable the existing non-conforming recreation business to become conforming. A conforming use may continue to operate and is not mandated to close down. This is consistent with the General Plan policy which specifies that businesses and services need properly classified sites on which to grow (Policy 5-4B, General Plan). This is also consistent with the General Plan policy which specifies that no implementation of the General Plan shall be enacted to force the amortization, closure, and relocation of any legally existing nonconformity-except signs and/or billboards and major transient rental management activities in the rural portions of Yosemite West [Implementation Measure 5-11A(1)].

This amendment is the first step to implement Policy 5-4C of the General Plan, which requires the establishment of siting criteria to provide areas for visitor recreation opportunities (Policy 5-4C, General Plan). The amendment will make organizational recreation camps a conditional use in the Mountain Residential land use of the Wawona Specific Plan, thus enabling the camp facility to apply for a conditional use permit which is a site review process.

This amendment implements the General Plan goal to preserve, protect and enhance recreational opportunities and resources, by ensuring that the existing non-conforming camp facility has a mechanism by which they can become a conforming use, and that the redevelopment of the camp may be allowed more than 4,000 square feet of lot coverage on their 30.45 acre parcel. Organizational recreation camps will become a conditional use by this amendment, which enables the camp to apply for a conditional use permit for the use and redevelopment of the facility (Goal 13-1, General Plan).

The existing camp is a visitor-serving resource and providing a land use mechanism to make the camp a conforming use is direct action to protect and preserve this recreational resource (Goal 13-1, General Plan).

This amendment implements the General Plan policy to maximize public access to public lands consistent with the protection of sensitive natural resources and habitats. This amendment implements the General Plan Implementation Measures (to implement the policy), which specifies that the Board of Supervisors should support programs to maintain and increase multi-use on public land to increase regional tourism opportunities. This existing camp facility provides opportunities for as many as 338 campers per week (during the summer months) to stay in a world-renowned National Park, and to experience and access the park in a way which would not be possible from a remote hotel or motel setting. Yet because the camp is on private property, and not Park Service property, the facilities are not directly impacting sensitive park resources [Policy 13-1B and Implementation Measure 13-1B(1), General Plan].

This amendment implements the General Plan goal of providing job growth and sustaining County revenues by enhancing and expanding the visitor-serving sectors of the economy. The amendment, by providing a land use mechanism to enable the existing recreational camp to become a conforming use, will ensure that the camp can be redeveloped and used in the future. There will be jobs created by the construction activities associated with the redevelopment project. There will be continued jobs created by the operation and management functions of the camp. Finally, the camp, as a transient occupancy facility, pays transient occupancy taxes to Mariposa County, which is revenue generating (Goal 13-5, General Plan).

Finding No. 5: The subject parcels are physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designated and the anticipated land use development. (Section 17.128.050, Zoning Ordinance.)

This finding is not applicable to Specific Plan/Zoning Amendment No. 2002-345 as the application is not requesting a parcel specific change in land use or zoning designation.

Finding No. 6: The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Section 17.128.050, Zoning Ordinance.)

This finding is not applicable to Specific Plan/Zoning Amendment No. 2002-345 as the application is not requesting a parcel specific change in land use or zoning designation.

Finding No. 7: The National Park Service has been involved in the process of amending the text of the Wawona Specific Plan as required by Section XV of the Wawona Town Planning Area Specific Plan, and the Yosemite National

Park Superintendent supports the amended text of the specific plan as contained in this resolution.

National Park Service staff, including Wawona District Ranger staff, Yosemite National Park Service Chief Planner staff, Yosemite National Park Planning and Environmental Compliance staff, and Yosemite National Park Service Superintendents, have all been involved in the SDA Camp Wawona Redevelopment project since 1991. National Park Service staff became aware of this project in the fall of 1991. Multiple meetings with National Park Service staff have occurred and have included both SDA Camp Wawona staff, administration and consultant, and Mariposa County Planning Department staff since this time. Written correspondence to Mariposa County from the National Park Service includes at least three (3) formal letters dated the 29th day of March 2004, the 12th day of October 2004, and the 12th day of June 2006. All of these letters, as well as pertinent e-mail correspondence, are incorporated into the public record for this project.