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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2005-20

**A resolution recommending approval of General Plan/Zoning Amendment No. 2005-23 and Commercial-Industrial-Manufacturing Plan #2005-73, John Moore & Joseph McGrath, applicants, dba Yosemite Ridge Resort. Assessor Parcel Number 004-020-010**

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WHEREAS an application for a General Plan/Zoning Amendment and Commercial-Industrial-Manufacturing (CIM) Plan was received on the 10<sup>th</sup> day of February 2005 from John Moore & Joseph McGrath, dba Yosemite Ridge Resort, for a property located at 7589 State Highway 120, also known as Assessor Parcel Number 004-020-010; and

WHEREAS the amendment to the General Plan Land Use Map and Zoning Map would change the land use classification and zoning district on approximately 4.6 acres of a 43.6 acre parcel from Mountain Home to Commercial Resort, and

WHEREAS the proposed CIM Plan would bring into conformance an existing restaurant, general store, and supporting buildings [been existing +30 years] and would allow the applicant to construct and install an aboveground 10,000-gallon gasoline storage tank, a two-pump gas island, and a swimming pool, and

WHEREAS the Planning Department accepted the application as complete for processing and circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS an Initial Study and Draft Mitigated Negative Declaration was prepared and submitted to the State Clearinghouse, Office of Planning and Research, State of California, for a 30-day review period from April 14 to May 13, 2005, and

WHEREAS comments received as a result of this review period were not of significant and substantial effect and did not affect the conclusion of the Initial Study and Draft Mitigated Negative Declaration in that the project, with mitigation, would not have a significant impact on the environment, and

WHEREAS the project can be found to be eligible for a De Minimis finding pursuant to California Fish and Game CEQA Implementation Regulations, Section 711.2 of the Fish and Game Code, because 1) the project site is already developed, 2) The site of the proposed gas station is paved and has been paved for decades, 3) There are no endangered species on or nearby the project site; and due to this de minimis finding the project is not subject to the California Department of Fish and Game CEQA environmental filing fees, and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 3rd day of June 2005; and

WHEREAS a Staff Report and Mitigated Negative Declaration was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the Initial Study and Mitigated Negative Declaration, and testimony presented by the public concerning the application, and the comments of the applicants; and

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan/Zoning Amendment No. 2005-23 and Commercial-Industrial-Manufacturing Plan No. 2005-73, John Moore & Joseph McGrath, applicants, dba Yosemite Ridge Resort.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1 and conditions of approval set forth in Exhibit 2.

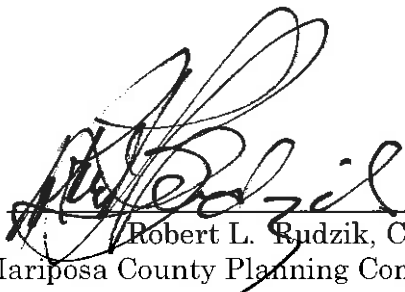
ON MOTION BY Commissioner S. Skyrud, seconded by Commissioner D. Ludington, this resolution is duly passed and adopted this 3rd day of June, 2005 by the following vote:

AYES: S. Skyrud, D. Ludington, R. Rudzik


NOES:

EXCUSED: P. DeSantos, N. Ross

ABSTAIN:

  
Robert L. Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

  
Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

## EXHIBIT 1

### FINDINGS for APPROVAL of GENERAL PLAN/ZONING AMENDMENT No. 2005-23

Pursuant to Mariposa County General Plan Section 2.504, Mariposa County General Plan Section 6.502, and the Mariposa County Zoning Ordinance, Section 17.128.050, General Plan/Zoning Amendment Application No. 2005-23 is approved based upon the following findings:

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

The General Plan/Zoning Amendment is in the general public interest as it will result in bringing into compliance with the General Plan and Zoning Ordinance an existing use. The site is not in an area identified for future residential growth, pursuant to the Mariposa County General Plan land use map. Consequently, the site is not a needed development area for meeting the County Regional Housing Needs Allocation (REHNA), pursuant to the Mariposa County General Plan Housing Element.

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.*

The project does improve the Mariposa County General Plan with respect to providing a long and/or short-term guide or basis for decision-making. The site meets the standards of the General Plan for commercial resort uses, the commercial resort uses on site provide tax dollars to Mariposa County, the site is in the Buck Meadows special planning area for the proposed new General Plan, the site is close to existing commercial resort uses, and the site has adequate infrastructure for the existing and proposed uses on it.

3. *The processing of this application conforms to the requirements of state law and county policy.*

The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

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

The amendment is consistent with policies and goals of the Mariposa County General Plan.

The Land Use Element is established to designate the proposed general distribution and general location and extent of the uses of land for housing, business, industry, open space, and other categories of public and private uses of land. Goals of the Land Use Element include planning development in a manner and style that will promote the availability of sufficient County revenues to provide cost effective public services, to establish site standards that provide for commercial and industrial development based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses, and to establish clear policies that will encourage the private sector economy. Based on the project's historical use, its location, its proposed use, and adjacent uses, this project does further these land use goals and the purpose of the Land Use Element.

The Circulation Element has as one of its policies "Increase the attraction for tourism through adequate access to existing and potential recreation areas." Enabling the existing use to become into conformance and thus allow for the construction of a gas station on a State Highway leading to Yosemite National Park meets the intent of this policy.

5. ***The subject parcel is 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 designation and the anticipated land use development.***

As stated, the requested land use designation will make an existing use have the appropriate land use designation. The project site and uses as it exists today and as it is planned to be does have suitable access pursuant to the State Fire Safe Standards and the California Department of Transportation. The site does have power and telephone utilities to support the use that has been existing for over 30 years and the proposed use of a two-pump island gas station. The project is compatible with adjoining uses, such as existing residential and commercial recreation uses.

6. ***The proposed zoning is logical or desirable and does provide expanded employment opportunities, or basic services to the immediate residential population or touring public.***

The proposed zoning is logical and desirable because with the change in zoning the existing use will have the appropriate zoning for its use. The proposal will provide expanded employment opportunities because with conformity the use can expand. Basic services to either the immediate residential population or touring public will be provided by this proposal, which includes the operation of a two-pump gas island at a site where historically there has been a gas station.

**EXHIBIT 1**  
**FINDINGS for APPROVAL of**  
**COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN NO. 2005-73**

Pursuant to Mariposa County General Plan Section 3.612 and Mariposa County Zoning Ordinance, Section 17.84.030, before a Commercial-Industrial-Manufacturing Plan may be approved findings must be made that the Plan is consistent with the General Plan.

1. *The CIM Plan is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.*

The CIM Plan is in the general public interest as it will result in bringing into compliance with the General Plan and Zoning Ordinance an existing use. The site is not in an area identified for future residential growth, pursuant to the Mariposa County General Plan land use map. Consequently, the site is not a needed development area for meeting the County Regional Housing Needs Allocation (REHNA), pursuant to the Mariposa County General Plan Housing Element.

2. *The CIM Plan 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.*

The project does improve the Mariposa County General Plan with respect to providing a long and/or short-term guide or basis for decision-making. The site meets the standards of the General Plan for commercial resort uses, the commercial resort uses on site provide tax dollars to Mariposa County, the site is in the Buck Meadows special planning area for the proposed new General Plan, the site is close to existing commercial resort uses, and the site has adequate infrastructure for the existing and proposed uses on it.

3. *The processing of this application conforms to the requirements of state law and county policy.*

The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

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

The CIM Plan is consistent with policies and goals of the Mariposa County General Plan.

The Land Use Element is established to designate the proposed general distribution and general location and extent of the uses of land for housing, business, industry, open space, and other categories of public and private uses of land. Goals of the Land Use Element include planning development in a manner and style that will promote the availability of sufficient County revenues to provide cost effective public services, to establish site standards that provide for commercial and industrial development

based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses, and to establish clear policies that will encourage the private sector economy. Based on the project's historical use, its location, its proposed use, and adjacent uses, the CIM Plan does further these land use goals and the purpose of the Land Use Element.

The Circulation Element has as one of its policies "Increase the attraction for tourism through adequate access to existing and potential recreation areas." Enabling the existing use to become into conformance and thus allow for the construction of a gas station on a State Highway leading to Yosemite National Park meets the intent of this policy.

5. ***The project site is 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 CIM Plan and the anticipated land use development.***

With an approved CIM Plan the existing and proposed land use development on site will bring into conformance a use that has existed for over 30 years. The project site and uses as it exists today and as it is planned to be does have suitable access pursuant to State Fire Safe Standards and the California Department of Transportation. The site does have power and telephone utilities to support the use that has existed for over 30 years and the proposed use of a two-pump island gas station. The project is compatible with adjoining uses, such as existing residential and commercial recreation uses.

6. ***The proposed CIM Plan is logical or desirable and does provide expanded employment opportunities, or basic services to the immediate residential population or touring public.***

The proposed CIM Plan is logical and desirable because with an approved CIM Plan the existing use will become into conformance with County Zoning ordinances. The project will provide expanded employment opportunities because with conformity the use can expand. Basic services to either the immediate residential population or touring public will be provided by this proposal, which includes the operation of a two-pump gas island at a site where historically there has been a gas station.

**EXHIBIT 2**  
***CONDITIONS OF APPROVAL for***  
**COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN NO. 2005-73**

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| <p>1) The Commercial-Industrial-Manufacturing Plan is approved for the operation and development of the following: a 3100SF restaurant/general store building, a 2800SF garage/office, a 876SF river raft office, one small [490SF] residential cabin, an 830SF shower/laundry building, and the new development of a 10,000-gallon aboveground gasoline storage tank, a two-pump gas island, and a swimming pool.</p>  |
| <p>2) The project shall be developed in accordance with the approved Site Plan. Prior to any modification and/or any deviation from the approved Site Plan, said modification/deviation shall be reviewed and approved by the Planning Director in accordance with the conditions of approval. Minor modifications in the site layout, configuration, size, and materials of the project site may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility, and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval. Should any proposed modification(s) result in potential impacts which were not reviewed and conditioned by the original action and approval of this CIM Plan then an application for amended conditions of the CIM Plan may be required.</p> |
| <p>3) Prior to receiving a Certificate of Occupancy for the use[s] there shall be submitted to the County Planning Department from either the Mariposa County Fire Department or the Tuolumne County Fire Prevention Bureau a letter or other documentation that states the gas station is in compliance with all applicable standards and regulations of the California Fire Code. [PLANNING DEPARTMENT RECOMMENDATION]</p>  |
| <p>4) Prior to receiving a Certificate of Occupancy for the use[s] there shall be submitted to the County Planning Department a letter or other documentation from the California Department of Transportation [Caltrans] that all encroachments upon State Highway 120 accessing the subject property are in compliance with Caltrans standards and regulations. [CALTRANS REQUIREMENT]</p>  |
| <p>5) Prior to receiving a Certificate of Occupancy for the use[s] there shall be submitted to the County Planning Department a letter or other documentation from the County Dept. of Weights and Measures that the gas pumps have been tested for accuracy. [PLANNING DEPARTMENT RECOMMENDATION]</p>  |
| <p>6) Prior to receiving a Certificate of Occupancy for the use[s] there shall be submitted to the County Planning Department a letter or other documentation from the County Health Department that the gas station pumps are in compliance with all applicable standards under the Health's Department purview, including but not limited to vapor recovery standards. [PLANNING DEPARTMENT RECOMMENDATION]</p>   |

*CONDITIONS OF APPROVAL (CONTINUED) FOR*

**COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN #2005-73**

- 7) Prior to receiving a Certificate of Occupancy for the use[s] the existing and proposed use[s] shall comply with all applicable standards and regulations of Mariposa County, including but not limited to Zoning Ordinance Chapter 17.84 Commercial-Industrial-Manufacturing Plan; Chapter 17.96 Resort Commercial Zone, and Section 17.108.190-Signs.
- 8) All proposed overhead lighting will be designed and built so it projects its illumination downward, and all overhead lighting fixtures will be fully shielded. (Fully shielded" means outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.) Prior to receiving a Certificate of Occupancy for the use[s] the lighting shall be checked by staff of the Planning Department to ensure its conforms to the intent of the Mitigation Measure [MITIGATION MEASURE]
- 9) Prior to receiving a Certificate of Occupancy for the use[s] and pursuant to Zoning Code Section 17.88.040.C. landscaping will be required in the parking area for the restaurant/general store building. [ZONING ORDINANCE SECTION 17.88.040.C]
- 10) Prior to receiving a Certificate of Occupancy for the use[s] there shall be submitted to the County Planning Department for review and approval a Sign Plan that shows and details all existing and proposed signage for the uses on the project site. [PLANNING DEPARTMENT RECOMMENDATION]
- 11) Prior to receiving a Certificate of Occupancy for the use[s] there shall be submitted to the County Planning Department a letter from Pacific Gas and Electric there is necessary protection [such as bollards] in place for the guide supporting wire for a utility pole located adjacent to the proposed driveway that is shown to be located on the project site between existing mailboxes and said guide supporting wire. [PACIFIC GAS AND ELECTRIC RECOMMENDATION]
- 12) Prior to receiving a Certificate of Occupancy for the use[s] the project applicant/developer shall submit to the County Planning Department a signed Indemnification Agreement that states the project applicant agrees to defend, indemnify, and hold harmless the County and its agents, officers, officials, and employees (the Indemnified Parties) from any claim, action, or proceeding against the Indemnified Parties to attack, set aside, void, or annul the Requested Entitlements and/or certification of CEQA review approved by County or its officers, officials, agents or employees concerning the Requested Entitlements and other proceedings, or to impose personal liability against such officers, officials, agents or employees resulting from their involvement in any and all proceedings or actions taken by County in connection with the processing of the Requested Entitlements, specifically including but not limited to any claim for damages, attorney fees, costs of court, or expenses of litigation claimed by or awarded to any party from County in such litigation (the Indemnity Obligations). [COUNTY ORDINANCE No.1017]



12) Prior to receiving a Certificate of Occupancy for the use[s], Within twenty (20) days of the Board of Supervisors public hearing for the introduction of the ordinance approving General Plan/Zone Amendment No. 2005-23 and CIM Plan No. 2005-73 and possible waiver of the first reading of said ordinance, or prior to the Board of Supervisors public hearing of the second reading and subsequent adoption of the ordinance approving General Plan/Zone Amendment No. 2005-23 and CIM Plan No. 2005-73, the project applicant/developer shall submit to the County Planning Department a signed Indemnification Agreement that states the project applicant agrees to defend, indemnify, and hold harmless the County and its agents, officers, officials, and employees (the Indemnified Parties) from any claim, action, or proceeding against the Indemnified Parties to attack, set aside, void, or annul the Requested Entitlements and/or certification of CEQA review approved by County or its officers, officials, agents or employees concerning the Requested Entitlements and other proceedings, or to impose personal liability against such officers, officials, agents or employees resulting from their involvement in any and all proceedings or actions taken by County in connection with the processing of the Requested Entitlements, specifically including but not limited to any claim for damages, attorney fees, costs of court, or expenses of litigation claimed by or awarded to any party from County in such litigation (the Indemnity Obligations). [COUNTY ORDINANCE NO.1017]

13. Prior to the Board of Supervisors public hearing of the adoption of the ordinance approving General Plan/Zone Amendment No. 2005-23 and CIM Plan No. 2005-73, documentation from a governmental entity shall be submitted to the County Planning Department proofing: 1) removal of the underground gas tanks used for the previous gas station on the project site, and 2) soils testing and analysis related to the removal of these underground gas tanks has been conducted on the project site.