

DEPARTMENT: Planning

By: Skip Strathearn  
Associate Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes \_\_\_ No X

1) Adopt Mitigated Negative Declaration for General Plan/Zoning Amendment 2000-6. 2) Adopt Resolution amending General Plan pursuant to GP/ZA 2000-6. 3) Waive first reading and introduce an ordinance amending zoning ordinance pursuant to GP/ZA 2000-6 with the recommended findings. The amendment, as recommended by the Planning Commission, would allow additional uses to be considered within the Greeley Hill Business District Overlay (BDO) subject to the conditional use permit process. 4) Adopt a mitigated negative declaration for Conditional Use Permit No. 269. 5) Adopt a Resolution approving CUP No. 269 (30,000-gallon bulk propane tank) with recommended findings and conditions. The Planning Commission recommends approval of the GP/ZA and conditional use permit.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- The Business District Overlay was approved by the Board on March 14, 2000 as GP/ZA 99-3.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- ALTERNATIVES:
- 1) Revise text amendment language and require the additional uses to be allowed within the BDO subject to the use permit determination process, not conditional use permit process.
  - 2) Amend conditions for CUP
  - 3) Deny the text amendment and leave the BDO unchanged.
  - 4) Deny conditional use permit for bulk propane project

NEGATIVE ACTION: If amendment is not approved, zoning in the BDO would remain unchanged. The proposed uses would continue to be prohibited in the Greeley Hill BDO.

<p>COSTS: ( X ) Not Applicable</p> <p>A. Budgeted Current FY \$ _____</p> <p>B. Total anticipated Costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p>		<p><b>SPECIAL INSTRUCTIONS</b></p> <p>List the attachments and number the pages consecutively:</p> <p>Memorandum to Board with Attachments</p> <p>Attachment 1 PC Resolution, Staff Report to Planning Commission, Initial Study for GP/ZA 2000-6</p> <p>Attachment 2 PC Resolution, Staff Report to Commission, Initial Study for Conditional Use Permit No. 269</p> <p>Attachment 3 Draft Ordinance approving Zoning Amendment; Draft Resolution approving General Plan amendment</p> <p>Attachment 4 Draft Resolution approving Conditional Use Permit No. 269</p> <p>Attachment 5 Planning Commission minutes</p>
<p>COSTS: ( ) 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for Contingencies \$ _____</p> <p>C. Source Description \$ _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>		

CLERK'S USE ONLY  
Res. No.: 00-422 Ord. No.: \_\_\_\_\_  
00-423 CUP

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

Vote - Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstained: \_\_\_\_\_

Approved

Denied

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

- \_\_\_\_\_ Recommended
- \_\_\_\_\_ Not Recommended
- \_\_\_\_\_ For Policy Determination
- \_\_\_\_\_ Submitted for Comment
- \_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: MPA



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

GARRY R. PARKER, CHAIRMAN  
DOUG BALMAIN, VICE-CHAIRMAN  
PATTI A. REILLY  
ROBERT C. STEWART  
BOB PICKARD

DISTRICT IV  
DISTRICT II  
DISTRICT I  
DISTRICT III  
DISTRICT V




## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board 

SUBJECT: **PUBLIC HEARING** on General Plan/Zoning Amendment #2000-6; Use Permit Determination 004-580-018 (Conditional Use Permit No. 269); Deutsch, Applicant Resolution 00-422 and 00-423

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 5, 2000

#### ACTION AND VOTE:

**PUBLIC HEARING** on General Plan/Zoning Amendment #2000-6; Use Permit Determination 004-580-018 (Conditional Use Permit No. 269); Deutsch, Applicant

**BOARD ACTION:** Eric Toll and Skip Strathearn/Planner, presented the staff report. Staff responded to questions from the Board relative to permitted uses; original staff recommendation for this amendment to apply countywide and the subsequent action by the Planning Commission to have it apply only to Greeley Hill; approval of development standards on a case-by-case basis; fire safe measure requirements and alternatives; landscaping requirements and alternatives; and as to whether emergency notification could be placed on the propane tank.

Public portion of the hearing was opened and input was provided by the following:

Tom Deutsch, applicant, expressed concern with the landscaping requirements – he advised that the land has been sterilized to prevent vegetation. He advised that he did leave two large oak trees in one corner of the parcel. Tom Deutsch responded to questions from the Board relative to the spray products and whether this issue was raised at the Planning Commission's hearing; relative to the location of the two remaining oak trees; and location of the business and storage on the parcel.

Gary Penrod stated the chemical spray used to sterilize the soil has a ten-year life, and he responded to a question from the Board as to the location the spray was used on the parcel.

Tom Deutsch further stated the spray is a controlled chemical.

Staff responded to questions relative to the use of herbicides; options for landscape/screening; consideration by the Planning Commission of these issues; and whether the tank could be seen from various locations.

Tom Deutsch commented on the power lines that run across the back of the property.

Glenn Reiben, Manager of Kamps Propane of Jamestown, provided input relative to the landscaping issue, and stated they would prefer to have a fence close to the tank or at the property edge.

Staff responded to additional questions from the Board relative to current policy for this zone for landscaping; relative to mitigated negative declaration requirements for landscaping; how future uses would be regulated; and how these types of projects will be dealt with during the General Plan update process.

Gary Penrod stated he has three propane tanks at his home and he had them painted to camouflage them. He suggested that might be an option for this tank.

Staff responded to further questions from the Board relative to the landscaping plan and changing the requirement to reflect screening plan; and relative to allowing another effective method of fire protection versus the water tank requirement.

Public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Stewart, Board adopted a Mitigated Negative Declaration for General Plan/Zoning Amendment No. 2000-6; Res. 00-422 adopted amending the General Plan pursuant to GP/ZA 2000-6; first reading was waived and an ordinance introduced amending the Zoning Ordinance pursuant to GP/ZA 2000-6 with the recommended findings; adopt a Mitigated Negative Declaration for Conditional Use Permit No. 269; Res. 00-423 adopted approving Conditional Use Permit No. 269 with recommended findings and conditions, and as amended to reflect allowance for alternative fire protection and landscape/screening as discussed. Supervisor Reilly expressed concern with future implications of this action. Ayes: Balmain, Stewart, Pickard; Abstained: Reilly; Excused: Parker. Hearing was closed.

Eric Toll, Planning Director, advised that relative to the proposed change in enforcement and following discussion with Board members, he plans to bring this matter to the Board before scheduling a hearing with the Planning Commission. He further advised of the receipt of the Paul Zucker report for the General Plan Update and he is working with the Planning Manager on the fifty recommendations listed in the report, and will get information to the Board. In addition, at County Counsel's request, he is preparing information relative to the General Plan Update cost for the public and he will forward that information to the Board. In January, the Department is moving to a program whereby applicants will know specific dates for hearing their applications in advance – this will also provide advance notice to the public.

cc: File

**MARIPOSA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 2000- 422**

**A RESOLUTION APPROVING GENERAL PLAN AMENDMENT PURSUANT TO  
GENERAL PLAN/ZONING AMENDMENT 2000-6**

**WHEREAS**, an application to amend text of the Mariposa County General Plan and Mariposa County Zoning Ordinance has been submitted to the County; and

**WHEREAS**, this amendment modifies the Business District Overlay designation, Section 3.520 of the County General Plan; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing in accordance with State Law and County Code, and recommends approval of the project to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing regarding the amendment in accordance with County and State requirements.

**NOW, THEREFORE BE IT RESOLVED**, the Board of Supervisors hereby modifies the Mariposa County General Plan as shown in Exhibit A of this Resolution.

**BE IT FURTHER RESOLVED**, this approval is based on the findings mandated by Section 2.504 of the Mariposa County General Plan as stated and discussed in Exhibit B.

**BE IT FINALLY RESOLVED**, the Board of Supervisors adopts a Mitigated Negative Declaration for General Plan/Zoning Amendment 2000-6 in accordance with the California Environmental Quality Act as shown in Exhibit C.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 5<sup>th</sup> day of December, 2000 by the following vote:


AYES: Balmain, Stewart, Pickard

NOES: None


ABSTAINED: Reilly

EXCUSED: Parker

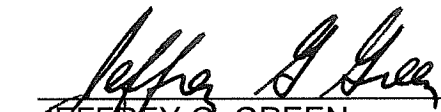
NOT VOTING: None

  
\_\_\_\_\_  
Doug Balmain, Vice Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN  
County Counsel

## RESOLUTION EXHIBIT A

### GENERAL PLAN LAND USE ELEMENT AMENDMENT

*(Additions shown in italicized and double underlined text; deletions in strikethrough)*

3.520 "BDO" Business District Overlay

A. Intent

The "BDO" classification is an overlay land use as designated on the Mariposa County Land Use Map, is applied to commercial core areas within Town Planning Areas.

B. Development Policy

1. Overlay Land Use

The "BDO" classification is an overlay land use classification to be used in conjunction with another, or "primary", land use classification.

2. Specific Zoning and Site Standards

The "BDO" classification adds commercial and/or industrial ~~Self-service Storage Facility~~ uses and development standards to the "primary" land use classification.

## RESOLUTION EXHIBIT B

### FINDINGS FOR GENERAL PLAN/ZONING AMENDMENT 2000-6

1. ***“That such an 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 county has undertaken the task of updating its general plan which will allow for considerable public input as to how the county in general and specific areas should be developed. This general plan/zoning amendment could be viewed as a piecemeal approach to planning in lieu of the comprehensive and systematic update of the general plan. Piecemeal amendments at this point have the potential to undermine the ability to implement the updated general plan. On the other hand, this amendment, as recommended by staff, will allow an expansion of uses that can be considered within the BDO under a conditional use permit. The BDO comprises the commercial core of the Greeley Hill TPA and, in this sense, allowing the potential for these uses in this area advances the general public interest by providing additional services to the members of this community. The confining of these uses to the business core, and processing individual projects under a conditional use permit, can limit the potential for land use conflicts with residential uses thereby promoting public health, safety, peace and welfare.

2. ***“That such an 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 proposed text change would allow development and uses that have the potential to impact the aesthetics of a community and be inappropriate to the scale and design of the community. In the absence of a public consensus on how the county should develop, which will be an outcome of the general plan update process, it is difficult to determine if the type of uses proposed for the BDO under this amendment are desired by the public. However, the current Mariposa County General Plan identifies town planning areas as centers of commercial and industrial development and population density. This amendment will allow additional uses to be considered for the commercial core of the BDO within the Greeley Hill TPA which could improve the general plan by reducing the pressure for commercial development outside of the TPAs. This would support the plan as a long term guide for county development. This project supports short term day-to-day decision making by allowing additional commercial uses to be considered within the BDO.

3. ***“That such an amendment conforms to the requirements of state and county policy”***

The amendment was processed in accordance with state law and county code with respect to noticing, hearings, and findings.



**4. *“That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan”***

The project is consistent with the Town Planning Area designation of the Mariposa County General Plan. Additionally, the project is consistent with Land Use Goals D and I of the general plan.

RESOLUTION EXHIBIT C

FILED

MARIPOSA COUNTY  
NEGATIVE DECLARATION

DEC 08 2000  
Don Z. Phillips  
COUNTY CLERK  
BY DEPUTY CLERK  
*Cindy A. Dale*

(Pursuant to California Administrative Code, Section 15070)

APPLICANT/APPLICATION: General Plan/Zoning Amendment 2000-6  
Thomas & Alice Deutsch, applicants

Cindy A. Dale

PROJECT DESCRIPTION: Amend the Mariposa County General Plan and Zoning Ordinance to allow car washes, service stations, auto repair shops and bulk propane storage facilities for satellite delivery to be considered in the Business District Overlay.

No significant effect is based on the following findings:

- (1) No unique or significant natural features including but not limited to animal life, fish life, or plant life, or its habitat or movement are to adversely affected;
- (2) No known archeological, cultural, historical, recreational, or scenic sites are to be adversely affected;
- (3) The project will not result in a significant dislocation of people;
- (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels;
- (5) The project will not breach any published national, state or local standards relating to solid waste or litter control;
- (6) The project will not have a substantial and demonstrable negative aesthetic effect;
- (7) The project will not create hazards including but not limited to flooding, erosion, or siltation;
- (8) The project is not subject to major known geologic hazards;
- (9) The project will not result in the need for public services beyond those presently available or proposed in the near future;
- (10) The project will not have a significant growth-inducing impact;
- (11) The project does not appear to generate major environmental controversy.

No significant effect is based on review procedures of the following County Departments or Divisions:

- |                                     |                     |                                     |                          |
|-------------------------------------|---------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/>            | Building Division   | <input checked="" type="checkbox"/> | County Health Department |
| <input checked="" type="checkbox"/> | Planning Commission | <input checked="" type="checkbox"/> | Public Works Department  |

Other: County Fire

No significant effect is based on additional condition as follows:

See attached Mitigation Measure

Initial Study was prepared by Skip Strathearn, Associate Planner and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

*Sarah Williams*  
SARAH WILLIAMS, Planning Manager  
Mariposa County Planning Department

12/7/00  
Date

**GENERAL PLAN/ZONING AMENDMENT 2000-6  
MITIGATION MEASURE**

1. Service stations, which may include car washes and auto repair, and bulk propane storage facilities for satellite delivery shall be considered for the Greeley Hill Business District Overlay subject to the Conditional Use Permit process.