

DEPARTMENT: Planning

By: Sarah Williams, Planning Manager

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

Staff recommends that the Board of Supervisors approve the property owners' request to allow the temporary use for one (1) year, with the potential for renewal upon review by the Planning Commission.

Detailed justification for the recommended action is contained in the project staff report.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On 7/9/98, the Board established the Yosemite West Community Planning Advisory Committee, based upon a recommendation from the Planning Commission. The purpose of the committee is to develop recommendations for a specific plan for the community of Yosemite West.

On September 1, 1998, the Board of Supervisors appointed the 9 members of the committee. The committee has held their first meeting.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES:

- 1) Approve the temporary use as proposed, or with modified conditions, and allow the temporary use to remain pending completion of the specific plan process.
- 2) Deny action on the request and require the property owner to revise his business operations such that parking is not required at this location.

NEGATIVE ACTION (denying the request) would mean that parking for the Yosemite's Four Season's check-in facility could not remain/be further developed on this parcel.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated Costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve Contingencies, If Approved: \$ _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Memorandum to the Board with Attachments:

- 1. Correspondence from Applicant
- 2. Maps

CLERK'S USE ONLY

Res. No.: 98-450 Ord. No.: _____

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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_____ Recommended

_____ Not Recommended

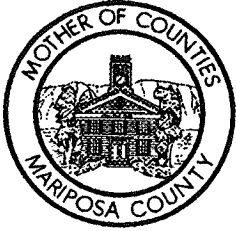
_____ For Policy Determination

_____ Submitted for Comment

_____ Returned for Further Action

Comment: _____

A.O. Initials: JL



COUNTY of MARIPOSA

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

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Temporary Off-Site Parking Lot Use in Yosemite West for Richard and Marcia Long,
Property Owners; Res. 98-450

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 8, 1998

ACTION AND VOTE:

2:15 p.m. Ed Johnson, Planning and Building Director; and
Mike Edwards, Public Works Director;

PUBLIC HEARING to Consider the Following for Richard and Marcia Long, Property Owners:

- Request for Temporary Off-Site Parking Lot Use in Yosemite West; APN 006-130-006 (7459 Henness Circle, Lot 36, Yosemite West Subdivision)
- Request to Allow Placement of Fuel Storage Tanks at the Yosemite West Maintenance District Yard

BOARD ACTION: Chair Reilly reviewed the hearing process and advised that both issues would be considered together. Ed Johnson advised that his staff would provide the staff report for the temporary off-site parking lot use and Public Works would provide the report for the placement of fuel storage tanks at the Yosemite West Maintenance District yard; and he presented additional written material that was just received.

Sarah Williams, Planning Manager, presented the staff report on the off-site parking lot use, and responded to questions from the Board relative to the number of existing parking spaces on Lot 35; and status of a transient rental permit. Sarah Williams advised that they received a number of phone calls in the last twenty-four hours that question the legality of the home enterprise operation, and she advised that staff still needs to research those issues before a determination can be made. Staff responded to additional questions from the Board relative to residency requirements; on-site parking facility requirements for a home enterprise; proceeding with the hearing without having information in regard to the legality of the home enterprise operation; location of existing parking use; and whether there is parking available on Lot 36.

Mike Edwards presented the staff report on the request for placement of fuel storage tanks at the Yosemite West Maintenance District yard.

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

Mara Solomon, consultant for the applicant, reviewed her written material relative to the applications; advised that the Longs have been operating since the early 1980s on Lot 35; stated the number of parking spaces could be reduced on Lot 36; their intent is to use gravel and fill, with no permanent parking lot surface and they are agreeable with including landscaping; and she reviewed the existing parking uses. Mara Solomon continued with review of the request for placing fuel storage tanks at the Yosemite West Maintenance District yard; advised of her discussions with Blaine Schulz, County Fire Chief, relative to an emergency response team for Yosemite West and stated the fuel could be used for emergencies; as an alternative, they could have the tanks registered with the State agencies to have them permitted as mobile, or perhaps the tanks could remain on Lot 36 with regular inspections, or allow replacement with permanent tanks.

Staff responded to questions from the Board relative to existing fuel facilities in the area; existing zoning on Lot 36; parking uses and locations; length of the transient rental operation at this site; and status of existing fuel tanks. Richard Long, applicant, advised that the existing tanks are on unlicensed trailers.

3:12 p.m. Recess

3:24 p.m. Input was provided by the following in opposition to the applications:

Pete Ulyatt, Yosemite West resident, stated he feels the request for parking supports a prohibited business activity that is a commercial operation in Yosemite West; stated he believes the applicant lives at 7455 Yosemite Parkway – a half-mile away from the rental operation and he does not feel that he meets the home enterprise criteria; and stated he feels that approval of the parking lot use will not solve the problem. He stated that currently there is a graded area and people prefer to park on the street where it is convenient, and the parking area is filling with employee parking and operational vehicles related to the business operation – there are four to five vehicles parked at all times. He feels this is illegal and is not permitted under the existing code regulations. He expressed concern that a temporary use would become permanent and it may take longer than a year for the Specific Plan to be adopted. With adoption of the Specific Plan, if the use does not become permitted, he feels that a plea will be made to make it a grandfathered use, and he encouraged the Board to deny the request. He expressed similar concerns with the fuel tank request – stated he feels the tanks are needed because of the commercial operation. He expressed concern with having the fuel storage in a community due to the explosive and fire issues. He noted that his son has provided assistance in emergencies and the County has said they would be willing to supply the fuel.

Harry Hagen, neighboring resident in Yosemite West, stated the neighbors want to see the fuel tanks out of the neighborhood and they do not feel they should be allowed in a neighborhood-type zone as they are a safety and fire hazard. He urged the Board to deny the request. He stated he agrees with Mr. Ulyatt in regard to the parking issues, and he stated the proposed parking is not large enough to solve the problem – there are always cars parked in the street. He urged the Board to deny this request, and he stated that if it is approved he would like to see the no parking regulations for the street enforced.

Don Pitts, Yosemite West resident and owner-operator of Yosemite Peregrine Bed and Breakfast and owner of a transient rental facility, stated he feels the parking request should be denied. With his experience, he feels people are going to park in the street and not in a parking lot across the street. He asked why parking on the street has become an issue. He presented photographs of parking uses in the area and suggested a fee for vehicles that park overnight. He stated he feels if the request is allowed, there will be no motivation to change, and he asked about liability. He noted that a combination for a lock to a box could be given to the guests for them to obtain keys and an office would not be necessary. He does not feel that all of the traffic to Four Seasons is necessary. Relative to the fuel storage, he noted that the Chevron station in Wawona has gas and diesel available twenty-four hours a day. He stated if the applicant is purchasing the diesel in bulk to save on the tax for off-road use, he could purchase it at the Chevron and apply to IRS for a refund. He stated he feels it is unlawful to have fuel storage in Yosemite West. He also stated that Odgers Petroleum would be willing to deliver 50 to 100 gallons of fuel to Yosemite West.

Mr. Ulyatt encouraged the Board members to read the entire staff report on this matter.

Rebuttal was provided by the following:

Mara Solomon reiterated that the transient operation has existed since 1983-84 and is a grandfathered use; stated she feels that any fuel storage tanks in the area have the potential to be hazardous and any inspection requirements should pertain to everyone. She stated she understands that there are other fuel storage tanks in the area as well. She also stated the applicant is willing to consider other options and suggestions for the parking problem; however, any restriction for home business operations (transient rental and for the applicant's lot) should be considered in light of other businesses in Yosemite West and should be consistent.

Richard Long, applicant, stated the fuel storage is a matter of convenience and he could use 55-gallon drums for fuel and withdraw his request for placement of the tanks. If he is unable to store fuel, then he feels the tanks should also be removed in Wawona, and he noted there is another 500-gallon underground storage tank in Yosemite West that he feels is a "time bomb." He commented on the number of tanks serviced by Odgers and Chase Petroleum in the county. He also provided information relative to the history of their business operations in Yosemite West and he stated he feels the rentals should not be stopped, but have a code of conduct for operation. Mr. Long responded to questions from the Board relative to withdrawal of his request for the fuel storage tanks, and advised that he formally withdraws this request. He also responded to questions from the Board relative to the location of his transient rental office and temporary parking; original use of the residence and status of his current residence; when the facility became a transient check-in office; and relative to other rental facilities he has in Yosemite West.

Staff responded to a question from the Board relative to the change in requirements for a owner to live on-site for a home business operation.

Mr. Long responded to a questions from County Counsel and staff as to when he first started doing business on Lot 35 as a check-in business for off-site rentals, and he advised that it was 1990-91.

Mr. Hagan asked if the existing operation was grandfathered and if the owner moved out, whether the non-conforming use could be reestablished by moving back in.

Mr. Long continued with his rebuttal and commented on problems in Yosemite West with people trying to stop his business, and he presented information on the number of homes, rentals, and condos/rentals in the area. He stated if a plan is going to work, he feels it needs to be flexible.

Mara Solomon asked about the 1994 regulations and whether written notification was given to property owners by the County that permanent residence was necessary for home businesses.

Don Pitts provided information on the number of homes and rentals that he feels exists in the area, and he stated the future of Yosemite West depends on the National Park Service and the day-use reservation system. If enough commercial use develops, the area will not remain residential.

Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to questions from the Board relative to the status of violations by the applicant and requests for investigations; and whether the hearing should be continued to obtain additional information and whether that would change the recommendation presented by staff. Jeff Green, County Counsel, responded to a question from the Board relative to the process for continuing the hearing for additional information. Staff responded to additional questions from the Board relative to the location of the deck and the retaining wall in relation to each other and to the right-of-way; whether the parking regulations affect the right-of-way; reason for recommendation to deny the request for parking in the right-of-way and whether allowance could be made

for other parking patterns. Jeff Green responded to additional questions from the Board relative to use of the site based on the applicant's testimony that he is living off-site.

(M)Pickard, (S)Stewart, Res. 98-450 adopted denying the request for temporary off-site parking lot use on Lot 36 (request for placement of fuel storage tanks was formally withdrawn by the applicant during the hearing)/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain. Hearing was closed.

cc: Mike Edwards, Public Works Director
File