

**MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 98-438**

**A RESOLUTION APPROVING GENERAL PLAN/ZONING AMENDMENT NO. 98-1 AND
COMMERCIAL, INDUSTRIAL, MANUFACTURING PLAN NO. 98-1,
BARBER, APPLICANT.**

WHEREAS, an application to amend the Mariposa County General Plan Land Use and Zoning Map has been submitted to the County; and

WHEREAS, in conjunction with the General Plan/Zoning Amendment application a Commercial, Industrial, Manufacturing Plan application was submitted; and

WHEREAS, General Plan/Zoning Amendment application proposes to modify the specific plan land use and zoning designation on APN 014-430-024 from Mountain Home to Resort Commercial; and

WHEREAS, Commercial, Industrial, Manufacturing Plan application proposes to allow for the conversion of an existing 3 bedroom transient rental to a to 7 unit motel facility, for construction of a commercial kitchen, and to allow for expansion of the guest dining area; and

WHEREAS, the Planning Commission has conducted a duly noticed public hearing on the project 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 has held a duly noticed public hearing on the matter in accordance with State Law and County Code.

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors hereby adopts a Negative Declaration for the project and approves the amendment to the Mariposa County General Plan Land Use and Zoning Map as shown in Exhibit A and approves the Commercial, Industrial, Manufacturing Plan subject to the Conditions of Approval shown in Exhibit B of this resolution.

BE IT FINALLY RESOLVED, this action is based on the findings mandated by Section 2.504 of the Mariposa County General Plan and 17.88.070 of the County Zoning Ordinance as stated and discussed in Exhibits C and D.

PASSED AND ADOPTED on this 1st day of December, 1998 by the following vote:

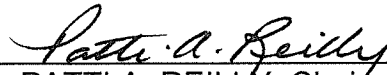
AYES: Pickard, Balmain, Stewart, Parker

NOES: Reilly

ABSTAINED: None

EXCUSED: None

NOT VOTING: None



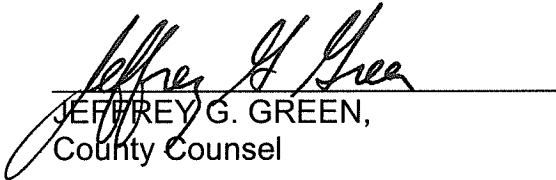
PATTI A. REILLY, Chair
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN,
County Counsel

RESOLUTION EXHIBIT A

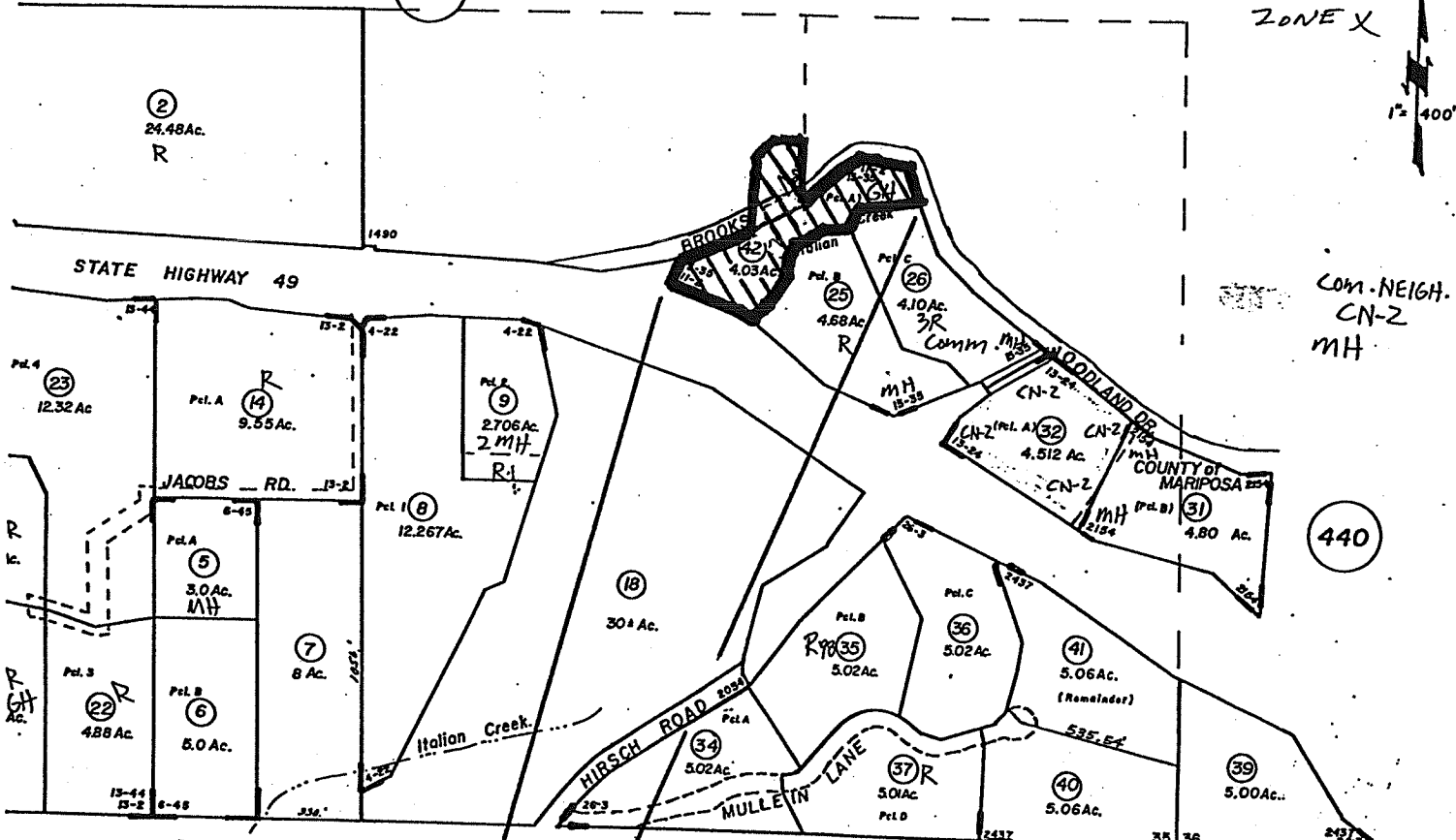
S 1/2 SECTION 35, T.5 S., R.19 E., M.D.B.&M.

Tax Area Code
51000

14-430
375B
ZONE X

380

1" = 400'



Parcel History

was	is now	
Pd.	Page	Bk.
380-30	10	
	11	440
380-31	12	
	13	
4	14	
	15	
11	16	
	17	440
	18	
12	19	
	20	

Bk.17
330

(continued)

was	is now	
Pd.	Page	Bk.
10	24	
	25	
	26	
16	27	
	28	
17	29	
	30	12-02
28	31	
30	32	10-10-13
27	33	
29	34	9-2-94
21	35	
380-6	33	12-87

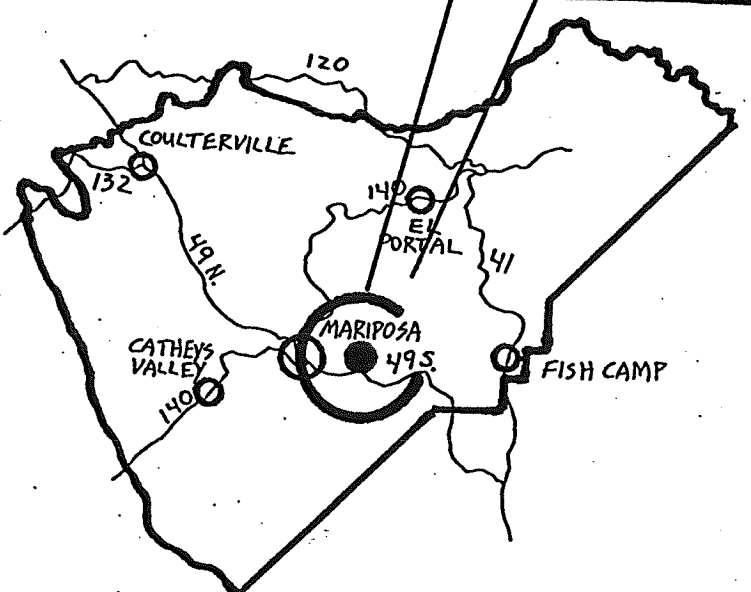
Parcel History

was	is now	
Pd.	Page	Bk.
58	39	
	40	
	41	11-4-93
24	42	2-22-94

NOTE- Assessor's Parcel Numbers Shown in Small Circles.

ASSESSOR'S PLATS ARE FOR GENERAL PROPERTY LOCATION AND TAX PURPOSES ONLY. THEY MAY NOT BE USED AS A BASIS FOR LEGAL PROPERTY DESCRIPTIONS.

Assessor's Map Bk.14-Pg.430
County of Mariposa, Calif.
1994



LOCATION MAP
GENERAL PLAN / ZONING AMEND. #98-1
APPLICANT: KAY HEWITT
APN: 014-430-042 / 3483 BROOKS ROAD
FROM: MOUNTAIN HOME
TO: RESORT COMMERCIAL
PROJECT SIZE: 4.1 ACRES +/-

56

RESOLUTION EXHIBIT B

Conditions of Approval For CIM Plan

1. The Commercial, Industrial, Manufacturing Plan is approved for the development and operation of a 7 unit lodging facility with 1 single family residence for use by a caretaker or manager. It includes the development of one (approximately 1,600 sq.ft.) new four unit structure, in addition to the one existing three unit structure, the development of a commercial kitchen facility to serve overnight guests, and the expansion of the guest dining area by approximately 500 sq.ft. Expansions of up to 10% of square footage may be approved by the Planning Director, no expansion in the number of lodging units is permitted through this 10% expansion. The project shall be developed in accordance with the approved plans; any deviation from the approved plans shall be reviewed and approved by the Planning Director, in accordance with the conditions of approval, prior to any modification being made.
2. The access driveway shall be improved to minimum of 12' wide and graveled. A minimum of 4 additional parking spaces (9' by 19') shall be provided. Adequate area shall be provided for backing and turning of parked vehicles. Prior to issuance of a Building Permit a detailed driveway and parking plan shall be submitted to the Planning Director for review and approval. All driveways and parking areas shall be maintained in their required form at all times
3. Weed abatement along driveways and brush clearance around structures shall be completed annually to CDF standards.
4. All new construction on the project site, including the kitchen facility, shall satisfy commercial building code requirements. The project shall meet all standards of PRC 4290 and any requirements of County Fire regarding commercial structures.
5. All buildings shall be located a minimum of 25 feet from the north, west, and east property lines, a minimum of 50' from the south property line, and a minimum of 55 feet from the centerline of Highway 140 and Brooks Road.
6. Prior to issuance of a Building Permit, the wastewater disposal system shall be designed in accordance with the County Health Department's and Regional Water Quality Control Board specifications and requirements. Prior to issuance of a Certificate of Occupancy the wastewater disposal system shall be installed and approved by the County Health Department and/or Regional Water Quality Control Board.
7. Prior to issuance of a Certificate of Occupancy to the project, the applicant shall apply for and receive a domestic water supply permit from the State Department of Health Services/Drinking Water Field Operations Branch. Verification of the domestic water supply permit shall be submitted to the Planning Director.
8. The applicant shall obtain a Food Facilities Handlers Permit from the County Health Department for all kitchen and cooking facilities.

9. The applicant shall provide adequate facilities for solid waste disposal.
10. All new utilities shall be located underground. All propane storage tanks and garbage areas shall be screened from view from Highway 49, Brooks Road, and adjoining properties.
11. All on-site external lighting fixtures shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, and shall direct light only onto the project site. The applicant shall submit an outdoor lighting plan to the Planning Director for review and approval prior to issuance of a Building or Grading Permit.
12. A maximum of 64 sq.ft. of signage shall be located on the subject property. All signage shall be of a monument type and shall not exceed 6 feet in height. No reference to a restaurant shall be contained within the signage.
13. Should the Zoning Ordinance regulations related to CIM Plans be amended or deleted, any amendments to this CIM Plan shall be processed in accordance with the new Zoning Ordinance requirements.
14. All new construction shall be sided, roofed, and painted to be compatible with the existing structures on the property.
15. The project shall be completed within 5 years of the date of approval.
16. Prior to issuance of a Building Permit all fees associated with the processing of this application shall be paid.
17. The applicant shall control the access of motel guests to adjacent parcels.

RESOLUTION EXHIBIT C
Findings of Approval for General Plan/Zoning Amendment

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 project will provide additional lodging opportunities for the touring public. The subject property is located within the Woodland area at the intersection of Brooks Road and Highway 49 South. The property is approximately 750 feet west of the major intersection of Woodland Drive, Hirsch Road, and Highway 49 South. This intersection serves a 4.5 acre Neighborhood Commercial complex, the Woodland Elementary School, and access numerous residential properties. Also within the area, approximately 1,000 feet to the north along Highway 49, is the entrance to the Tavis industrial complex. The area surrounding the subject property currently serves as the commercial, industrial, and social center of the greater Woodland area.

Due to the sites location and access situation, the lack of residential structures which would be significantly negatively impacted by the rezoning, and the parcel size the subject property is appropriate for location within the Resort Commercial designation. Additionally the project will be provided with adequate water, wastewater, garbage, and parking facilities to insure that it will not negatively impact the area.

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 intersection of Woodland Drive, Hirsch Road, and Highway 49 South as the center of the Woodland Community. This project being adjacent to this center enhances the Woodland Community as a service provider. Additionally the project involves a rezoning of a successful transient rental business into the Resort Commercial designation to allow for the business to grow and prosper. This rezoning will allow for the existing transient rental building, which is not designed like a conventional single family residence, to become a motel structure and be joined by the addition of a second motel structure. The amendment will insure that on-site development is in accordance with commercial development standards.

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

The amendment was processed in accordance with state law and County Code with regards to notice, hearing, and findings.

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

The development of tourist serving facilities and the preservation of open space provided by this development are consistent with the Goals, Policies, and Standards of the County general plan. Section 3.200.4 provides for “The strengthening of the economic and

employment opportunities of Mariposa County through encouragement of appropriate commercial” development.

5. *“The subject parcel is physically suitable (including, but not limited to access, provision or 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”*

The project site is generally gently sloping in topography, has good access from a County Road, and is well served by existing utilities. The subject properties location provides for good buffering of adjacent uses by the location of Brooks Road, Highway 49S, and Italian Creek surrounding the property on all sides. The subject property is located adjacent to property within the Light Industrial designation and within a short distance of property within the Neighborhood Commercial designation.

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

The intersection of Woodland Drive, Hirsch Road, and Highway 49 South as the center of the Woodland Community. This project being adjacent to this center enhances the Woodland Community as a service provider. Additionally the project will allow for an existing transient rental business to grow and provide the touring public the opportunity to find lodging within a small motel. Additionally the project will expand the lodging options available to tourists between Mariposa and Oakhurst.

RESOLUTION EXHIBIT D
Findings of Approval for Commercial, Industrial, Manufacturing Plan

1. *“That the site is physically suited for the proposed development”*

The project site is generally gently sloping in topography, has good access from a County Road, and is well served by existing utilities. The subject properties location provides for good buffering of adjacent uses by the location of Brooks Road, Highway 49S, and Italian Creek surrounding the property on all sides.

2. *“That adequate provisions have been made for sewage disposal and handling of solid waste”*

The enforcement of County Health Department standards and the proposed conditions of approval will insure that sewage and solid waste disposal are handled adequately.

3. *“That the proposed development will have adequate potable water for public use and fire protection”*

The enforcement of State public drinking water standards and County standards will insure that adequate water is available for drinking and fire purposes.

4. *“That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses”*

County Code requires a minimum 50' setback from all property lines adjoining property within a residential zone. Additionally the conditions of approval will provide a 50' minimum setback from the centerline of Italian Creek and a 25' minimum setback from the centerline of the unnamed on-site drainage. The subject properties location provides for good buffering of adjacent uses by the location of Brooks Road, Highway 49S, and Italian Creek surrounding the development on all sides.

5. *“That appropriate access is available or is proposed to the development”*

Access to the site comes directly from Brooks Road (a County Road). The enforcement of Mariposa County encroachment permit conditions and the construction adequate internal driveways and parking areas will insure that adequate access is available to developed areas of the project site.

6. *“That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns”*

As discussed in the attached Initial Study the project will not have a significant effect on the environment upon imposition of the proposed mitigation measures. The project will not have an adverse impact on wildlife or plant resources and is not subject to the Department of Fish and Game filing fee for the Negative Declaration (AB 3158).

7. *“That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan”*

The development of tourist serving facilities and the preservation of open space provided by this development are consistent with the Goals, Policies, and Standards of the County general plan. Section 3.200.4 provides for “The strengthening of the economic and employment opportunities of Mariposa County through encouragement of appropriate commercial” development.

8. *“A different time limit is necessary and not detrimental to the public health, safety, and welfare” (17.08.170)*

The proposed 5 year time limit will allow the applicant additional time to finance and construct the improvements. This time will not result in the generation of any negative impact to public health, safety, or welfare.