

DEPARTMENT: Planning

By: Sarah Williams, Planning Manager

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Deny property owner's request to allow the temporary use.

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

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On July 9, 1998, the Board of Supervisors 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.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES:

- 1) Approve the temporary use as proposed, or with conditions, and allow the use to remain pending completion of the specific plan process.
- 2) Postpone action on the request and require the property owner to apply for a variance.

NEGATIVE ACTION (denying the request) would mean that existing rental service center use could not remain in the setback area.

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. Correspondence from Public Works
- 3. Correspondence from Public
- 4. Section 17.108.130.D.3, County Code

CLERK'S USE ONLY

Res. No.: 98-397 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: JK



COUNTY of MARIPOSA

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

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

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Temporary Use Request for Frank and Beverly Hutchinson; Res. 98-397

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on October 20, 1998

ACTION AND VOTE:

3:06 p.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider Request for Temporary Use in Yosemite West, Frank and Beverly Hutchinson; APN 006-100-061

BOARD ACTION: Ed Johnson advised that there are two hearings scheduled for this afternoon. Chair Reilly reviewed the hearing procedures. Sarah Williams, Planning Manager, presented the staff report and reviewed the project site characteristics. She advised that the property owners are requesting that the County allow a temporary rental service center use (for transient rentals) to remain in an existing garage which is located in the Zoning Ordinance front yard setback area. She also advised that they hope the Yosemite West Community Planning Advisory Committee will deal with issues of transient rentals in the area and bring recommendations back to the Board which will address the long-term issues of this type of use.

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

Beverly Hutchinson, property owner, advised that until the Community Advisory Committee can be established and make recommendations, they have applied to the Planning Commission and the Board for consideration of their request. She advised that over four years ago, she secured a permit to convert the garage into a workshop. Subsequent to that, they became represented by Yosemite's Scenic Wonders and they felt that this change in use of their garage would be of service to the community – they did not change any features of the workshop except to add a small bathroom. She presented a photograph showing the parking area reflecting adequate parking spaces for this use, and commented on the laundry facilities. She advised that Ken LeBlanc is the operator of Yosemite's Scenic Wonders. This facility serves as a co-op for thirteen properties. The facility houses a residential style washer and dryer, a small desk, fax, and videos, and is only open from 4 to 8 p.m. During the summer months, they pass out keys to guests and no paperwork or money is handled. They feel that this is the best facility for the guests and the area. She

requested a waiver of the regulations in this case for a temporary operating permit until the Specific Plan is adopted for Yosemite West. She advised that they were not aware of the easement in the setback, and commented on the setbacks and location of the facility, and advised that the neighboring property owners approve of their use and are a member of their co-op. She stated the street setback is a problem. She introduced Ken LeBlanc and requested a waiver of the residential setback requirement for this operation.

Ken LeBlanc, Yosemite's Scenic Wonders, stated he is a member of the community and has been in operation since 1991 and has used this facility since 1994. They have never had an automobile accident or a personal injury and they feel that this is a safe location for this operation. He also noted that they have not received any complaints about their operation. He represents eight families and thirteen properties, five of which are his, and they have paid over \$52,000 in transient occupancy taxes to date. They want to comply with the County codes. They received the memorandum from the Planning Department relative to their use of this facility and were shocked to see that their request was recommended to be denied. During their discussion with the Planning staff, they were under the impression that the best procedure would be to apply for a temporary use permit, until the adoption of the Specific Plan. He requested that if the Board denies this use, they be allowed at least six months to find another location or apply for a variance. He stated that this location is perfect for this type of operation and creates the least impact versus individual operation of each rental. He stated he feels that every operation has some code violation due to the environment of the area. He requested that all offices and operations be inspected before a negative decision is made.

Staff responded to a question from the Board relative to clarification of request for a temporary use versus a temporary use permit.

Public portion of the hearing was closed. Staff reviewed their recommendation and responded to questions from the Board relative to alternatives that will enable the operation to continue; setback allowances for garages; whether the residence on this site is used for transient occupancy; consideration of a variance request; whether it would make any difference if the owner of the business lived on-site; whether the operation could be done from within the house itself; and whether a permit was issued for the conversion of the facility. Board commenced with deliberations. (M)Parker, (S)Pickard, Res. 98-397 adopted denying the property owners' request for a temporary use; and directing that staff work with the applicant to bring the property into compliance with current regulations, with six months to be allowed. Request to amend the motion to allow time until the adoption of the Specific Plan was not acceptable to the maker of the motion. Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart. Hearing was closed.

cc: File