

97-142

DEPARTMENT: Planning By: Jean Clark, Assistant Planner Phone: 966-5151

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

Adoption of a resolution adopting a Negative Declaration and approving Commercial-Industrial-Manufacturing Plan No. 96-1; Lake Shore Ranch, applicant; with findings and conditions of development as contained in Planning Commission Resolution No. 97-2 and an additional condition for landscaping as contained in the April 11, 1997 memorandum to the Board.

This action is based upon the Planning Commission's recommendation and Zoning Ordinance standards.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Approve the application as provided for in the project staff report, 2) Deny the application; 3) Revise the project and/or conditions of development.

NEGATIVE ACTION, or taking no action, would result in no CIM Plan adoption.

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: \_\_\_\_\_

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments:

1. Staff Report to the Planning Commission (April 4, 1997)
2. Planning Commission Resolution
3. Planning Commission Minutes dated April 4, 1997
4. Draft Resolution

Balance in Reserve Contingencies, If Approved:  
\$ \_\_\_\_\_

CLERK'S USE ONLY

Res. No.: 97-142 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: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: ED JOHNSON, Planning & Building Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: LAKE SHORE RANCH; RES. 97-142

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 22, 1997

ACTION AND VOTE:

**10:30 a.m.** Ed Johnson, Planning & Building Director;

**10:54 a.m.** PUBLIC HEARING to Consider Commercial-Industrial-Manufacturing Plan No. 96-1; Lake Shore Ranch, Applicant

**BOARD ACTION:** Ed Johnson and Jean Clark/Assistant Planner, presented staff report and responded to questions from the Board relative to the location of the site and landscaping requirements. Public portion of the hearing was opened. Richard Doscher, father of the applicant, stated he hopes this project is approved, and stated they want to have nice landscaping. Public portion of the hearing was closed. Board commenced with deliberations. (M)Balmain, (S)Pickard, Res. 97-142 adopted approving a Negative Declaration and approving CIM Plan No. 96-1, with findings and conditions of development as adopted by the Planning Commission, with the additional condition for landscaping as recommended by staff/Ayes: Unanimous. Hearing was closed.

cc: File

**MARIPOSA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 97-142**

**A RESOLUTION APPROVING  
COMMERCIAL-INDUSTRIAL-MANUFACTURING (CIM) PLAN NO. 96-1**

**WHEREAS**, an application for a Commercial-Industrial-Manufacturing (CIM) Plan to expand a boat storage facility and to bring existing development into compliance with current zoning has been submitted to the County; and

**WHEREAS**, the development site is in the General Commercial -1 (CG-1) Zone and approval of the CIM Plan by the Planning Commission and Board of Supervisors is mandated by Chapter 17.84 of County Code; and

**WHEREAS**, the Board of Supervisors is responsible for reviewing the proposed CIM Plan and for the approval or denial of the proposed CIM Plan; and

**WHEREAS**, the Planning Commission has reviewed the CIM Plan for compliance with the Mariposa County Zoning Ordinance and other applicable County regulations and standards and recommended to the Board of Supervisors conditional approval of the requested CIM Plan; and

**WHEREAS**, the Board of Supervisors has conducted an environmental review on the amendment in accordance with the California Environmental Quality Act; and

**WHEREAS**, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the matter in accordance with County Code and State Law and have considered all input, written and verbal, delivered to the Commission and Board.

**NOW THEREFORE BE IT RESOLVED**, that the Mariposa County Board of Supervisors hereby adopts a Negative Declaration for the project and approves Commercial-Industrial-Manufacturing Plan No. 96-1 with the Planning Commission's recommended conditions of development and the additional landscaping condition as recommended by Planning Staff as stated in Exhibit A of this resolution.

**BE IT FURTHER RESOLVED:**

1) The recommended conditions of development will allow limited outdoor storage, and landscaping to provide some screening for the storage.

2) The allowance for outdoor storage is based upon interpretations and a similar use determination made in accordance with Sections 17.04.050.G and 17.08.120.B of the County Zoning Ordinance.

**Board of Supervisors Resolution No. 97-142**

3) The landscaping is required in accordance with parking lot standards for the CG-1 Zone as established by the Zoning Ordinance.

4) This action is based upon the findings stated in Exhibit B and the recommendations of the Planning Commission as contained in Planning Commission Resolution No. 97-2.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 22nd day of April, 1997 by the following vote:

**AYES:** Reilly, Balmain, Stewart, Parker, and Pickard

**NOES:** None

**ABSTAINED:** None

**EXCUSED:** None

**NOT VOTING:** None



ROBERT C. STEWART, 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

## EXHIBIT A

# CONDITIONS OF APPROVAL

This CIM Plan may be developed in two phases. The following Conditions of Approval shall be applicable for the life of the project. Non-compliance with any of the conditions of approval may be grounds for revocation of the CIM Plan.

1. The CIM Plan is approved for the 51 unit boat storage development which exists on the project site.

The CIM Plan is approved for the construction of one building of 14 units in Phase I and one building of 16 units in Phase II in general compliance with the approved site plan and building elevations on file at the Planning and Building Department.

The CIM Plan is approved for outdoor boat and RV storage. The amount of outdoor storage shall not exceed the amount of interior storage measured in square feet. All outdoor storage areas shall be located to the north of existing buildings and shall comply with setback requirements established for the CG-1 Zone.

Periods of Operation are approved as follows:

24 hours a day, 7 days a week

Minor amendments in the site layout, configuration, materials, and periods of operation of the boat storage facility 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. The CIM Plan is approved for use of the proposed buildings and facilities for as boat storage and similar equipment (trailers, RVs, campers, etc.). The property is located at 1969 Merced Falls Road (at the intersection of Ranchito Drive) (APN 001-270-33/34).

2. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be removed from the site on a weekly basis to maintain the site in a safe and attractive condition.

3. Prior to the issuance of building permits for the proposed boat storage units, the applicant shall submit a landscaping plan for each phase which complies with the following:

- Phase One: Three (3) trees; Phase Two: Two (2) trees
- Irrigation required
- Fifteen (15) gallon size tree at time of planting
- Trees planted at periphery of parking areas or project site
- Trees shall either be large shade trees or large evergreen screen trees

Landscaping plan must be approved by the Planning Director prior to issuance of a building permit and landscaping must be installed prior to issuance of a Certificate of Occupancy.

4. Prior to establishment of any new outdoor storage areas, the applicant shall submit a site plan which shows the size, location and configuration of the outdoor storage area(s). The site plan shall include a landscaping plan which complies with the following:

- One (1) large shade tree or large evergreen screen tree shall be required for every six (6) parking spaces in the outdoor storage area
- Fifteen (15) gallon size tree at time of planting
- Trees planted at periphery of storage areas or project site.

The site and landscaping plan must be approved by the Planning Director and landscaping must be installed prior to use of any new outdoor storage area.

5. The buildings must maintain all required setbacks from the leach field/septic system for the residence. The Health Department shall review the Building Permit Plans for compliance with this condition and shall approve the site plan prior to issuance of the building or grading permit.

6. 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.

7. Prior to the issuance of a Certificate of Occupancy, all fees associated with the County's processing and filing of associated documents shall be paid.

## EXHIBIT B

### FINDINGS

- 1) That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.**

Provisions incorporated into the project description and conditions contained in the Staff Report will ensure that the use will not be detrimental to the neighbors and neighborhood. The new buildings will be in the immediate area of the existing buildings and will be of the same colors and scale. The buildings will be set back 173 feet from the road. There is adequate open space. There are adequate roads providing access. Landscaping is required; trees will be planted to provide screening. All outdoor storage areas will be located behind existing buildings and shall meet required setbacks.

- 2) That the proposed CIM Plan is consistent with the policies and standards of the general plan and any applicable Specific Plan.**

As proposed and conditioned, this project is consistent with the use, setback, and special design standards of the zoning ordinance and will have no detrimental effect on the policies and standards of the County General Plan. The General Plan provides support for approving the CIM Plan as follows:

The proposed use is suitable for the parcel, based upon access, suitable site area, appropriate site standards, availability of utilities, adjacent land uses, and land use designation (Section 3.300, Land Use Element).

The proposed use promotes and develops the recreational resources of the County by providing related facilities for County citizens and tourists (Section 13.200, Recreation Element).

- 3) That the site is physically suited for the proposed development.**

The site is currently zoned General Commercial and holds a trailer home and 3 buildings containing 51 enclosed boat storage units. Access exists from a County road which has an improved commercial encroachment. There is adequate space on-site to accommodate required parking and maneuvering room for boat trailers. The terrain is flat with little vegetation; the surrounding

development is sparse; and the boat storage units and facilities are located less than a mile from the Lake McClure boat ramp. Based upon these characteristics, the site is physically suited for the project.

**4) That adequate provisions have been made for sewage disposal and handling of solid waste.**

The project site does not require sewage disposal; there are no restroom facilities provided. The boat storage use will not produce solid waste. Provisions for sewage disposal and handling of solid waste are not necessary.

**5) That the proposed development will have adequate potable water for public use and fire protection.**

Residential and business development on the project site are within the Don Pedro water district and are served by district facilities. The boat storage business does not provide water for the use of its customers. The project will be defensible for fire because of buildings constructed of metal and cement and surrounded by gravel, the building permit review, lack of electricity for the project, and lack of human occupancy.

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

The project complies with all standard setback requirements from property lines and the centerline of the highway. The project is compatible with adjacent cattle grazing. Landscaping is required in accordance with Section 17.88.040.C and will provide an aesthetic buffer.

**7) That appropriate access is available or is proposed to the development.**

Access to the project is via Ranchito Drive, a County road. Public Works found the encroachment to be adequate for this project. Consequently, it can be found that appropriate access is available to the development.

**8) That each phase shall be complete enough to stand as an independent unit.**

Phase I consists of the addition of one building containing 14 boat storage units to an existing development. Phase II consists of the addition of one building containing 16 boat storage units. Each phase will comply with all standards of the CG Zone.



- 9) 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.**

The Initial Study has been prepared with a recommendation for a Negative Declaration, identifying no significant impacts on natural communities and wildlife.

- 10) The project will not have an adverse impact on wildlife resources and is not subject to the Department of Fish and Game filing fee for the Negative Declaration (AB 3158).**
- 11) Outdoor storage which is lesser in area than the total enclosed floor area of the principal structure(s) is not specifically listed as permitted or conditionally permitted in either the CG-1 or CG-2 zones, although outdoor storage which is greater in area than the total enclosed floor area of the principal structure utilized is listed as permitted in the CG-2 zone. The CG-1 Zone allows automobile sales and outdoor sales of goods, both of which involve outdoor storage of materials and equipment. In accordance with sections 17.04.050.G and 17.08.120.B of the Zoning Ordinance, based upon characteristics of outdoor storage of boats, the use is similar to the outdoor component of auto sales and outdoor sales of goods and shall therefore be treated in the same manner as a component of the boat storage permitted use in the CG-1 Zone. This determination is based upon a finding that the outdoor storage use for this project is similar to the listed permitted uses in intensity, density, traffic, noise and other environmental factors.**