



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Board of Supervisors Meeting Date: May 26, 2020

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- PROJECT:** General Plan/Area Plan Amendment No. 2019-184
- PROPOSAL:** Amendments to the text of the Catheys Valley Community Plan relating to the types of businesses that are allowable in the Community Commercial land use classification.
- PROPONENT:** County of Mariposa
- BOARD ACTION:** The Planning Commission recommends that the Board of Supervisors:

Adopt a resolution approving General Plan/Area Plan Amendment No. 2019-184 with findings, including a finding that the project is exempt from environmental review, and direct staff to file a Notice of Exemption for the project.

PROJECT DESCRIPTION AND DISCUSSION:

The term "General Plan Amendment" is included in the title of the project because the Catheys Valley Community Plan (CVCP) is included in Volume II of the General Plan, and therefore any amendment to the CVCP is considered an amendment to the General Plan.

Potential amendments to the text of the CVCP were part of a general CVCP amendment package considered by the Catheys Valley Community Planning Advisory Committee (CVCPAC) at their meetings on August 29, 2019 and October 24, 2019. Although there were other issues and amendments discussed at this (and a future Board of Supervisor's meeting), **the only thing included with this project are text amendments relating to the types of businesses allowable in the Community Commercial land use classification (LUC) of the CVCP.** Currently, the language addressing this issue states that businesses that are conducive to the Catheys Valley area are those that meet local needs, and that businesses requiring tourist or drive-by traffic to be financially successful are not appropriate in Catheys Valley. Based on concerns that this language is too restrictive, a slight "relaxation" of those standards is proposed in order for businesses to be able to remain financially viable by serving tourist and drive-by traffic.

The proposed amendments to the CVCP text for the Community Commercial LUC that were recommended by the Catheys Valley Community Planning Advisory Committee (CVCPAC) and initiated by the Board of Supervisors for consideration are shown as follows.

(Potential deletions were shown in ~~double strikethrough~~ type and additions were shown in double underlined type. Page numbers identifying where the existing text can be found in the CVCP were provided. The full text of each general section was not shown; only the text that could be amended.)

It should be noted that the text in the CVCP that prohibits larger-scale, regional shopping attractions and opportunities from being located in Catheys Valley would remain if the proposed amendments are adopted.)

Table Of Contents

Page 3	Guiding Principles.....	3-1
	3.1.05 Provide Opportunities for locally-oriented Commercial Businesses Meeting <u>primarily</u> Local Needs	3-3

Page 2-2

2.1 ISSUES OF IMPORTANCE

The issues of importance for Catheys Valley have not changed between the mid-1990s and the early 21st Century. The community defines its issues as:

- Keeping commercial development at an appropriate ~~local~~ neighborhood type scale and not as a regional shopping attraction;

Page 3-1

3.1 GUIDING PRINCIPLES

Through the planning process, the community was clear that the “rural character” of Catheys Valley be maintained. Therefore, the CV Plan is founded on the following guiding principles that implement this vision.

- Provide opportunities for ~~locally-oriented~~ neighborhood type commercial businesses meeting primarily local needs.

Page 3-1

3.1.01 ENSURE MANAGED GROWTH

The second tool is focusing commercial development off of and south of Highway 140 in a cluster on or off the Hornitos Road extension. The designated Community Commercial area is of adequate size to provide for a group of stores offering goods and services to meet primarily the local Catheys Valley community’s needs. Locating the commercial off the highway reduces the attractiveness of the site to larger scale businesses servicing a regional population, while meeting primarily the needs of the Catheys Valley community ~~needing to serve highway traffic or direct tourism-related business.~~ Businesses that also serve highway traffic and the touring public will be of an appropriate scale consistent with the purpose and intent of the commercial area.

Page 3-3

3.1.05 PROVIDE OPPORTUNITIES FOR LOCALLY-ORIENTED COMMERCIAL BUSINESSES MEETING PRIMARILY LOCAL NEEDS

The community's desire is to see an increase in businesses primarily serving the local residential and agricultural needs of the Catheys Valley area without ~~dependence on~~ restricting "drive-by" or "capture" shopping traffic. As rural counties have evolved in the Sierra Nevada, many of the lower elevation communities have become extensions of Valley-centered urban areas. With this expansion into the foothills comes the impacts of regional shopping and national chains. A result of the homogenized commercial and retail characteristics is a loss of local community character. The protection of rural character in Catheys Valley limits population growth, which reduces the attractiveness to chain businesses.

Providing opportunities for primarily locally-oriented neighborhood, small scale commercial, and supporting agricultural businesses is part of the County's needs and define Catheys Valley's character. Large commercial activities servicing a regional population are detrimental to the community's character, not only from the impact of stores or businesses that may be out-of-scale to the community, but also because of the competition or draw regional businesses would impose on the Town of Mariposa. Catheys Valley is not seen as the "Mariposa" between Planada and Mariposa; it is seen as a rural crossroads that serves primarily the local community but also highway traffic and the touring public at an appropriate site scale.

5.1.02 LAND USE CLASSIFICATIONS

Page 5-13

C. COMMUNITY COMMERCIAL

C(1) Purpose

The Community Commercial land use classification identifies land for primarily local business, service, and commerce ~~for business~~ with the primary purpose of serving residents of Catheys Valley. Community Commercial lands identify a community center for Catheys Valley and encourage the clustering of commercial and economic activity that can function without the direct need to attract pass-through traffic from Highway 140. The primary purpose of the community commercial area is to serve the local needs of Catheys Valley and vicinity while not restricting "drive-by" or "capture" shopping traffic. The Community Commercial land use classification uses serve primarily the needs of the local population. Businesses ~~requiring~~ that can also serve drive-by, capture, or tourist customers ~~in order to be financially successful are not~~ are appropriate in Catheys Valley provided they are of a scale that meets the intent and purpose of this classification. The Community Commercial land use classification is not intended for the construction of a regional shopping ~~or tourist service~~ center.

C(2) Extent of Uses

Primary uses are retail and commercial businesses primarily supporting the needs of a small community comprised of home businesses, agricultural uses, working families, retired individuals, and commuters. Businesses with a primary market derived from a regional population ~~or tourists~~ are not compatible with the Community Commercial classification. Religious facilities, including those with retail sales consistent with this section and/or including sports and entertainment facilities for organization members and/or the members of the community are allowed subject to a conditional use permit.

(End of proposed amendments)

The full text of the CVCP can be found on Mariposa County's website, on Planning's home page, under the General Plan, Volume II Area Plans.

CVCPAC ACTION:

At an August 29, 2019 meeting, the CVCPAC discussed the potential amendments to the text of the CVPC and received public input. Discussion ensued as to the practical effect of amending its text. No action was taken at that meeting. The CVCPAC requested that staff provide additional information to the committee.

On October 24, 2019, the CVCPAC considered staff information and public input (both written and oral). The CVCPAC recommended the Board initiate the processing of the text amendments to address businesses that could be located in the Community Commercial LUC. The Board initiated the process on November 26, 2019.

CVCP BACKGROUND:

The Catheys Valley Community Plan (CVCP) was adopted by the Mariposa County Board of Supervisors (Resolution 2012-593) on December 4, 2012. This action by the Board followed an extensive preparation and review process conducted by the then Catheys Valley Community Planning Advisory Committee (CVCPAC) beginning in 2000 and running into 2012.

The CVCPAC recommended the Preliminary CVCP to the Planning Commission and Board of Supervisors in 2004. No action was taken on the Preliminary CVCP at that time; discussion on the CVCP was placed on hold temporarily in 2005 pending completion of the Mariposa County General Plan (adopted in December of 2006).

In 2007, after adoption of the General Plan, the CVCPAC resumed discussions on the CVCP. The CVCPAC, Planning Commission, and Board of Supervisors held multiple meetings from 2007 through 2012 to discuss and revise the content of the CVCP, including goals, policies, implementation measures and the CVCP boundary.

The Plan, including the boundary and text, as adopted by the Board in December of 2012, governs land use within the Plan area boundary today. There have been no amendments to the CVCP since the Board acted to approve the document.

PUBLIC COMMENTS:

Prior to the Board's public hearing, a 1/8th page notice was published in the Mariposa Gazette on May 7, 2020. Public hearing notices were mailed to all property owners within the boundary of the CVCP on May 4, 2020. Notices were also posted in four (4) locations on May 6, 2020, three in Mariposa, including the Planning Department, and one at the Catheys Valley Post Office. The notice was also posted on the Planning Department's website.

As of the date of publication of this report, staff has not received any formal written public input. Staff did receive an email prior to the Planning Commission's hearing on the project asking questions about the amendment; those questions are discussed in this report (next section).

If formal comments are received prior to the public hearing, copies will be provided to the Board at or prior to the hearing.

POTENTIAL AREAS OF CONCERN:

The email correspondence to Planning Director Sarah Williams noted above contained questions.

Question one: The first question asked was whether the proposed changes to the CVCP are the same as those discussed at the August 29, 2019 CVCPAC meeting and the November 26, 2019 Board meeting.

Response: Ms. Williams responded that the proposed changes are the same.

Question two: The second question related to the timing of the processing of the proposed changes. Why are the proposed changes being processed in such an expeditious manner when it appeared that such a project was low on Planning's priority list due to workload? Has the priority changed?

Response: Ms. Williams responded that the priority did not change and that much of the work involved in processing the amendment was substantially done and the project could be processed fairly quickly following Board initiation. Planning held it until this date so that it could be heard by the Commission along with another General Plan item, the General Plan Annual Report.

Question three: The third question related to whether the proposed changes would result in the possibility that a hotel could be built (because Ms. Williams had said yes to that question at the CVCPAC meeting). Also asked in the correspondence was whether the changes would allow for chain stores, such as a Dollar General, or fast food establishments. The question was asked if there a way to change the language to allow for more types of businesses but to exclude the aforementioned types of businesses.

Response: Ms. Williams responded that when the zoning for the Community Commercial LUC is prepared, there will be more specificity to the types of uses that are appropriate and that comply with the proposed amended purpose statement, which Ms. Williams provided. Catheys Valley Zoning is included in the comprehensive Development Code Update which is funded and currently being worked on by staff and consultants. She further stated that the proposed text amendments "open the door" to tourist serving businesses but not widely, and that businesses serving primarily local needs must be at an appropriate scale. It may be difficult to find that a hotel serves "primarily" local needs; a more likely tourist commercial type development in Catheys Valley would be a dude ranch or guest ranch. Ms. Williams further stated that chain store prohibitions are not included in the text of any plan in Mariposa County. A Dollar General store or a McDonalds would be treated the same as any other retail store or restaurant. Staff further stated that zoning standards for Catheys Valley will contain significant commercial and institutional design review provisions as mandated by Appendix B of the CVCP, which would affect the way any new commercial

development looks. Staff notes that an important purpose of design review provisions is to ensure that new development is visually compatible with an existing community.

NATIVE AMERICAN CONSULTATION:

Since this project is a General Plan amendment, the County was required to provide opportunity for Native American tribes on the Mariposa County contact list to request a consultation on the project. The tribe contact list is maintained by the state Native American Heritage Commission.

In accordance with the process mandated by state Government Code Section 64352.3(2), Planning staff mailed certified letters, dated December 26, 2019, to the County's three prescribed Native American contacts notifying them that they had 90 days, until March 25, 2020, to request a consultation on the project. A certified mail receipt for the letter was not returned by one of the tribal representatives. This representative did not respond to a follow-up email sent by Planning on February 10, 2020 nor a phone message on February 20, 2020. This representative responded to an email from staff on March 12, 2020; a consultation was not requested. The Southern Sierra Miwuk Nation requested a consultation and a site visit, as well as the opportunity to review existing archaeological surveys conducted in the area. Upon receipt of this request, Planning staff attempted to contact the organization's representative via phone and email on February 14, 2020 to set up a time for consultation on the project. A follow-up email was sent on March 12, 2020. A second telephone message was left at the organization's offices on March 13, 2020 requesting that he contact Planning staff. A final email was sent to the organization's office on May 6, 2020. As of the date of publication of this staff report, the representative has not responded to Planning's communications.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on the project on February 28, 2020. The Commission considered the CVCPAC recommendations on the project and the Board's initiation of the amendment on November 26, 2019. The Planning Commission's recommendation resolution is included in this staff report.

ENVIRONMENTAL REVIEW:

The Planning Commission recommends a finding that the project is exempt from environmental review pursuant to a Common Sense Exemption (Section 15061(b)(3)), of the California Environmental Quality Act. It can be found with certainty that there is no possibility that the activity in question may have a significant effect on the environment. An environmental impact report was certified for the CVCP as part of adoption of the project in December of 2012. Planning staff reviewed the amendments to the CVCP for consistency with that document and found that the amended text will not conflict with the conclusions of the EIR.

**Recommended Findings of Approval for
General Plan/Area Plan No. Amendment 2019-184**

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The amendment is in the general public interest and will not have a significant adverse effect on the general public health, safety, peace, and welfare. The Catheys Valley Community Plan (CVCP) is the Catheys Valley area's governing document and amending it to reflect the will and desire of the residents of the area will enhance public health, safety, peace and welfare.

2. **Finding:** The 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.

Evidence: The Catheys Valley Community Plan is defined in the General Plan as a mini-General Plan and is part of Volume II of the General Plan. This amendment will improve the CVCP and the Mariposa County General Plan by providing a guide for the types of businesses that are allowable in the Community Commercial land use classification, which will reflect the will and desire of the area's residents. The amended CVCP text will provide a long term guide for commercial development in Catheys Valley and a short term basis for day-to-day decision making with respect to permit processing and approval.

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

Evidence: This project has been processed in accordance with applicable State Law and county policy relating to general plan amendments. All required public noticing has been adhered to. Mariposa County provided Native American tribes on the Mariposa County contact list as maintained by the state Native American Heritage Commission to request a consultation on the project, in accordance with the process mandated by state Government Code Section 64352.3(2).

4. **Finding:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

Evidence: The amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan. The amendment process was consistent with Section 5.3.01(E) of the General Plan, which states, in part, *"To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee."* Information considered by the county regarding amendments to the text of the CVCP included input from the members of the Catheys Valley community and the recommendation of the Catheys Valley Community Planning Advisory Committee.

Recommended Finding for a Common Sense Exemption

General Plan/Area Plan Amendment No. 2019-184 is exempt from environmental review pursuant to the Common Sense Exemption, Section 15061(b)(3), of CEQA Guidelines. It can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment. An environmental impact report was certified for the Catheys Valley Community Plan (CVCP) as part of adoption of the project in December of 2012. The amended text will not conflict with the conclusions of the EIR.

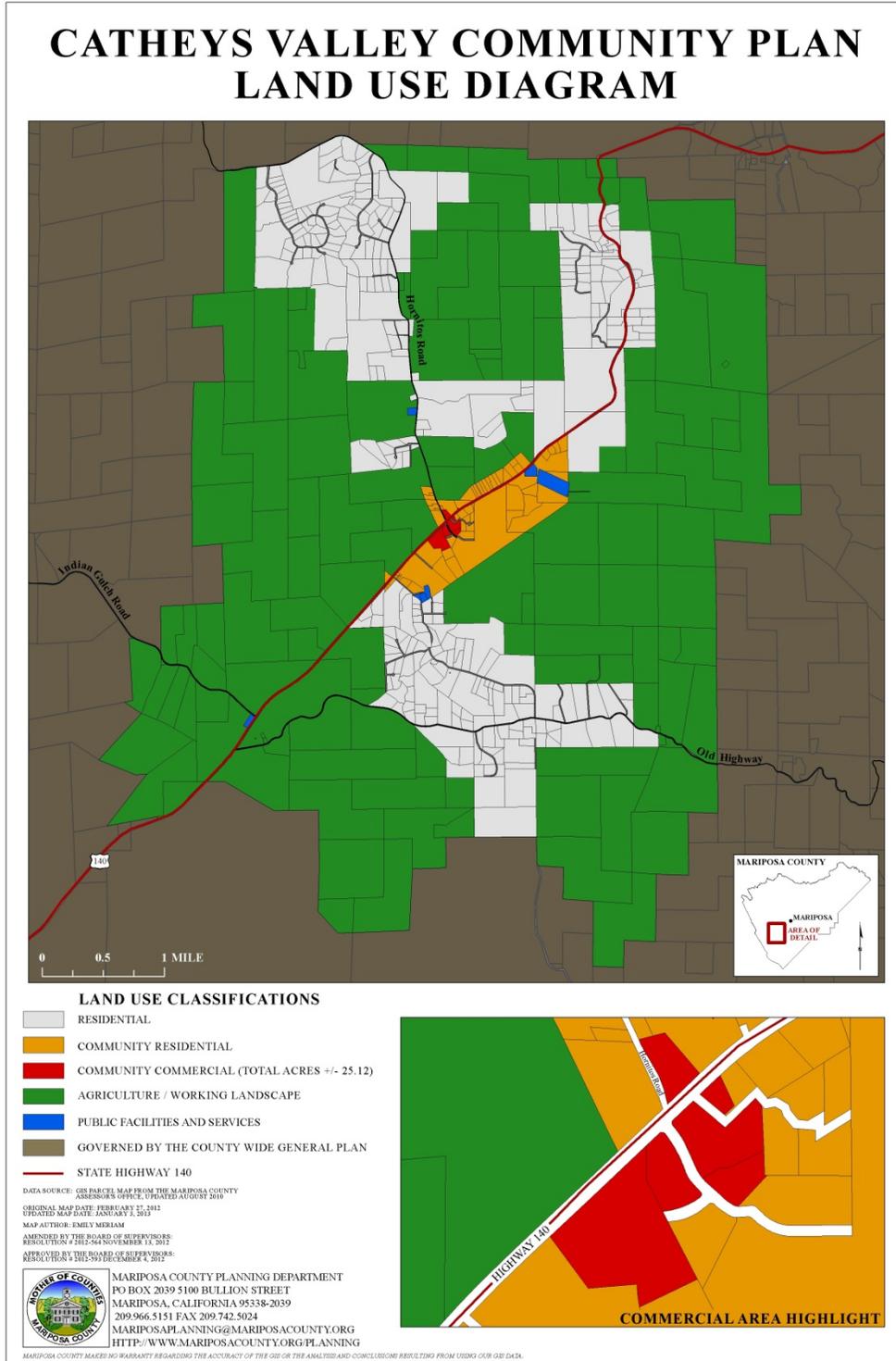
Fish and Wildlife Fees

Because the project is exempt from environmental review, the Department of Fish and Wildlife Fees for the filing of a Negative Declaration do not apply to the project. The County may elect to file a Notice of Exemption.

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- Attachment 1: CVCP Land Use Diagram (showing Community Commercial Land Use Classification – 6 parcels, 25.12 acres total)
Attachment 2: Planning Commission Resolution
Attachment 3: Draft Notice of Exemption
Attachment 4: Draft Board Resolution

Attachment 1

Map from the adopted CVCP showing boundary and land use classifications for the CVCP area. The Community Commercial LUC area, comprised of six parcels, is shown in red, and is located at the intersection of Highway 140 and Hornitos Road.



**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2020-006

**A resolution recommending the Board of Supervisors approve
General Plan/Area Plan Amendment No. 2019-184; Amendments
to the Catheys Valley Community Plan**

WHEREAS, the Catheys Valley Community Plan (CVCP) was adopted by the Mariposa County Board of Supervisors on December 4, 2012 following review and recommendations by the Catheys Valley Community Planning Advisory Committee (CVCPAC) and Mariposa County Planning Commission; and

WHEREAS, the CVCP was inserted into Volume II (Area Plans and Interim Land Use Plans) of the Mariposa County General Plan upon adoption and any amendment to the CVCP requires approval of a general plan amendment; and

WHEREAS, the general plan and State law allow for Area Plans to be amended from time to time under prescribed general plan amendment procedures; and

WHEREAS, the CVCPAC acts within its mandate to make recommendations to county decision-makers in accordance with its by-laws approved by the Mariposa County Board of Supervisors in Resolution No. 2016-112 and amended in Resolution No. 2019-721, and Section 5.3.01(E) of the General Plan, which states, in part, *“To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee.”*; and

WHEREAS, the CVCPAC considered amendments to text of the CVCP at duly noticed public meetings on August 29, 2019 and October 24, 2019; and

WHEREAS, the CVCPAC took action on October 24, 2019 to recommend that the Board of Supervisors initiate the process to amend the CVCP text to relax standards on the types of businesses that can locate in the Community Commercial LUC to allow businesses that may attract tourist and drive-by traffic that are of an appropriate scale consistent with the purpose and intent of the Community Commercial LUC; and

WHEREAS, the Board held a duly noticed public hearing on November 26, 2019 and adopted Resolution No. 2019-682, initiating the process to amend text in the CVCP; and

WHEREAS, this project is known as General Plan/Area Plan Amendment No. 2019-184; and

WHEREAS, a duly noticed hearing before the Planning Commission was scheduled for the 28th day of February, 2020; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the Draft Notice of Exemption, and public input; and

WHEREAS, the proposed text amendments, staff report, correspondence, and the Draft Notice of Exemption are on file in the office of the Planning Department of Mariposa County.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission does hereby recommend the Board of Supervisors approve General Plan/Area Plan Amendment No. 2019-184, text amendments to the Catheys Valley Community Plan as shown in Exhibit 1.

NOW BE IT THEREFORE FURTHER RESOLVED THAT, the Planning Commission recommends the Board direct staff to file a Notice of Exemption for the project.

BE IT THEREFORE FINALLY RESOLVED THAT, the Planning Commission recommends that the Board of Supervisors approve General Plan/Area Plan No. Amendment 2019-184; Amendments to the Catheys Valley Community Plan, as the first General Plan Amendment in the 2020 Calendar year, based on findings set forth in Exhibit 2.

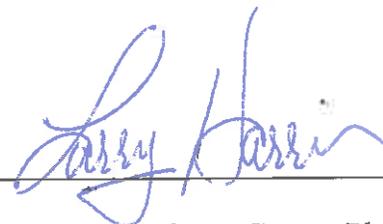
ON MOTION BY Commissioner Sweeney, seconded by Commissioner Herman, this resolution is duly passed and adopted this 28th day of February, 2020 by the following vote:

AYES: Walls, Sweeney, Herman, Harris, McCamman

NOES: None

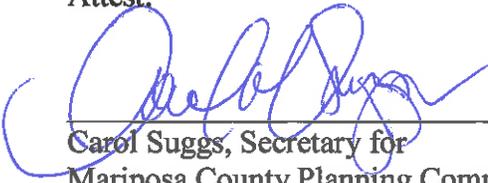
EXCUSED: None

ABSTAIN: None



Larry Harris, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary for
Mariposa County Planning Commission

Exhibit 1

Recommended amendments to the text of the CVCP.

Deletions are shown in ~~double strikethrough~~ type; additions shown in double underline type.

Table Of Contents

Page 3 Guiding Principles.....3-1

3.1.05 Provide Opportunities for ~~locally-oriented~~ Commercial
Businesses Meeting primarily Local Needs..... 3-3

Page 2-2

2.1 ISSUES OF IMPORTANCE

The issues of importance for Catheys Valley have not changed between the mid-1990s and the early 21st Century. The community defines its issues as:

- Keeping commercial development at an appropriate ~~local~~ neighborhood type scale and not as a regional shopping attraction;

Page 3-1

3.1 GUIDING PRINCIPLES

Through the planning process, the community was clear that the “rural character” of Catheys Valley be maintained. Therefore, the CV Plan is founded on the following guiding principles that implement this vision.

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Page 3-1

3.1.01 ENSURE MANAGED GROWTH

The second tool is focusing commercial development off of and south of Highway 140 in a cluster on or off the Hornitos Road extension. The designated Community Commercial area is of adequate size to provide for a group of stores offering goods and services to meet primarily the local Catheys Valley community’s needs. Locating the commercial off the highway reduces the attractiveness of the site to larger scale businesses servicing a regional population, while meeting primarily the needs of the Catheys Valley community needing to serve highway traffic or direct tourism-related business. Businesses that also serve highway traffic and the touring public will be of an appropriate scale consistent with the purpose and intent of the commercial area.

Page 3-3

3.1.05 PROVIDE OPPORTUNITIES FOR LOCALLY-ORIENTED COMMERCIAL BUSINESSES MEETING PRIMARILY LOCAL NEEDS

The community's desire is to see an increase in businesses primarily serving the local residential and agricultural needs of the Catheys Valley area without ~~dependence on~~ restricting "drive-by" or "capture" shopping traffic. As rural counties have evolved in the Sierra Nevada, many of the lower elevation communities have become extensions of Valley-centered urban areas. With this expansion into the foothills comes the impacts of regional shopping and national chains. A result of the homogenized commercial and retail characteristics is a loss of local community character. The protection of rural character in Catheys Valley limits population growth, which reduces the attractiveness to chain businesses.

Providing opportunities for primarily locally-oriented neighborhood, small scale commercial, and supporting agricultural businesses is part of the County's needs and define Catheys Valley's character. Large commercial activities servicing a regional population are detrimental to the community's character, not only from the impact of stores or businesses that may be out-of-scale to the community, but also because of the competition or draw regional businesses would impose on the Town of Mariposa. Catheys Valley is not seen as the "Mariposa" between Planada and Mariposa; it is seen as a rural crossroads that serves primarily the local community but also highway traffic and the touring public at an appropriate site scale.

5.1.02 LAND USE CLASSIFICATIONS

Page 5-13

C. COMMUNITY COMMERCIAL

C(1) Purpose

The Community Commercial land use classification identifies land for primarily local business, service, and commerce ~~for business~~ with the primary purpose of serving residents of Catheys Valley. Community Commercial lands identify a community center for Catheys Valley and encourage the clustering of commercial and economic activity that can function without the direct need to attract pass-through traffic from Highway 140. The primary purpose of the community commercial area is to serve the local needs of Catheys Valley and vicinity while not restricting "drive-by" or "capture" shopping traffic. The Community Commercial land use classification uses serve primarily the needs of the local population. Businesses requiring that can also serve drive-by, capture, or tourist customers ~~in order to be financially successful are not~~ are appropriate in Catheys Valley provided they are of a scale that meets the intent and purpose of this classification. The Community Commercial land use classification is not intended for the construction of a regional shopping ~~or tourist service~~ center.

C(2) Extent of Uses

Primary uses are retail and commercial businesses primarily supporting the needs of a small community comprised of home businesses, agricultural uses, working families, retired individuals, and commuters. Businesses with a primary market derived from a regional population ~~or tourists~~ are not compatible with

the Community Commercial classification. Religious facilities, including those with retail sales consistent with this section and/or including sports and entertainment facilities for organization members and/or the members of the community are allowed subject to a conditional use permit.

DRAFT
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: General Plan/Area Plan Amendment No. 2019-184

Project Location: Community Commercial land use classification, generally located at or near the intersection of Highway 140 and Hornitos Road within the Catheys Valley Community Plan area

Project Parcels: Five parcels or portions of parcels totaling 25.12 ± acres.

Description of Project: Amendments to the Catheys Valley Community Plan text relating to the types of businesses that are allowable within the Community Commercial land use classification (LUC). The amendments relax the prior standard which stated that businesses that are dependent on tourist and drive-by traffic to be financially successful are not appropriate in Catheys Valley. Businesses that attract tourist and drive-by traffic are now allowable providing they are of an appropriate scale that is consistent with the purpose and intent of the Community Commercial LUC.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Project Proponent: Mariposa County

Exempt Status: Common Sense Exemption; Section 15061(b)(3), CEQA Guidelines

Reason Why Project Is Exempt:

General Plan/Area Plan Amendment No. 2019-184 is exempt from environmental review pursuant to the Common Sense Exemption, Section 15061(b)(3), of CEQA Guidelines. It can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment. An environmental impact report was certified for the Catheys Valley Community Plan (CVCP) as part of adoption of the project in December of 2012. The amended text will not conflict with the conclusions of the EIR.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 966-5151

Mariposa County Board of Supervisors by:

Sarah Williams
Planning Director

Date

Exhibit 2

Recommended findings of approval for General Plan/Area Plan Amendment No. 2019-184

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The amendment is in the general public interest and will have not have a significant adverse effect on the general public health, safety, peace, and welfare. The Catheys Valley Community Plan (CVCP) is the Catheys Valley area's governing document and amending it to reflect the will and desire of the residents of the area will enhance public health, safety, peace and welfare.

2. **Finding:** The 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.

Evidence: The Catheys Valley Community Plan is defined in the General Plan as a mini-General Plan and is part of Volume II of the General Plan. This amendment will improve the CVCP and the Mariposa County General Plan by providing a guide for the types of businesses allowable in the Community Commercial land use classification that will reflect the will and desire of the area's residents. The amended CVCP text will provide a long term guide for commercial development in Catheys Valley and a short term basis for day-to-day decision making with respect to permit processing and approval.

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

Evidence: This project has been processed in accordance with applicable State Law and county policy relating to general plan amendments. All required public noticing has been adhered to. Mariposa County provided Native American tribes on the Mariposa County contact list as maintained by the state Native American Heritage Commission to request a consultation on the project, in accordance with the process mandated by state Government Code Section 64352.3(2).

4. **Finding:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

Evidence: The amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan. The amendment process was consistent with Section 5.3.01(E) of the General Plan, which states, in part, *"To ensure area plans reflect local values, planning advisory committees are formed of local residents, property*

owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee.” Information considered by the county regarding amendments to the text of the CVCP included input from the recommendation of the Catheys Valley Community Planning Advisory Committee.

5. Finding: Common Sense Exemption

General Plan/Area Plan Amendment No. 2019-184 is exempt from environmental review pursuant to the Common Sense Exemption, Section 15061(b)(3), of CEQA Guidelines. It can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment. An environmental impact report was certified for the Catheys Valley Community Plan (CVCP) as part of adoption of the project in December of 2012. The amended text will not conflict with the conclusions of the EIR.

DRAFT

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No. 2020-____

**A resolution approving General Plan/Area Plan Amendment
No. 2019-184; Amendments to the Catheys Valley Community
Plan**

WHEREAS, the Catheys Valley Community Plan (CVCP) was adopted by the Mariposa County Board of Supervisors on December 4, 2012 following review and recommendations by the Catheys Valley Community Planning Advisory Committee (CVCPAC) and Mariposa County Planning Commission; and

WHEREAS, the CVCP was inserted into Volume II (Area Plans and Interim Land Use Plans) of the Mariposa County General Plan upon adoption and any amendment to the CVCP requires approval of a general plan amendment; and

WHEREAS, the general plan and State law allow for Area Plans to be amended from time to time under prescribed general plan amendment procedures; and

WHEREAS, the CVCPAC acts within its mandate to make recommendations to county decision-makers in accordance with its by-laws approved by the Mariposa County Board of Supervisors in Resolution No. 2016-112 and amended in Resolution No. 2019-721, and Section 5.3.01(E) of the General Plan, which states, in part, *“To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee.”*; and

WHEREAS, the CVCPAC considered amendments to text of the CVCP at duly noticed public meetings on August 29, 2019 and October 24, 2019; and

WHEREAS, the CVCPAC took action on October 24, 2019 to recommend that the Board of Supervisors initiate the process to amend the CVCP text to relax standards on the types of businesses that can locate in the Community Commercial LUC to allow businesses that may attract tourist and drive-by traffic that are of an appropriate scale consistent with the purpose and intent of the Community Commercial LUC; and

WHEREAS, the Board held a duly noticed public hearing on November 26, 2019 and

May 26, 2020 Page 2 of 8 pages

adopted Resolution No. 2019-682, initiating the process to amend text in the CVCP;
and

WHEREAS, this project is known as General Plan/Area Plan Amendment No. 2019-184;
and

WHEREAS, a duly noticed hearing before the Planning Commission was scheduled for
the 28th day of February 2020; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code,
Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and
considered all information in the public record, including the Staff Report, the
Draft Notice of Exemption, and public input; and

WHEREAS, the Planning Commission did recommend that the Board of Supervisors
approve General Plan Amendment No. 2019-184 with findings, including a finding
the project is exempt from environmental review, and direct staff to file a Notice of
Exemption for the project; and

WHEREAS, a duly noticed Board of Supervisors' public hearing was scheduled for the
26th day of May 2020; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code,
Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and
considered all of the information in the public record, including the staff report
packet and testimony.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the
County of Mariposa does hereby approve General Plan/Area Plan Amendment No.
2019-184, text amendments to the Catheys Valley Community Plan as shown in
Exhibit 1.

NOW BE IT THEREFORE FURTHER RESOLVED THAT, the project approval is
based on the findings as shown in Exhibit 2.

BE IT THEREFORE FINALLY RESOLVED THAT, the Board of Supervisors directs
staff to file a Notice of Exemption for the project.

ON MOTION BY Supervisor _____, seconded by Supervisor _____, this resolution is duly

May 26, 2020 Page 3 of 8 pages

passed and adopted this 26th day of May, 2020 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

Kevin Cann, Chair
Mariposa County Board of Supervisors

Attest:

René LaRoche,
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM

Steven W. Dahlem
County Counsel

Exhibit 1

Amendments to the text of the CVCP.

Deletions are shown in ~~double strikethrough~~ type; additions shown in double underline type.

Table Of Contents

Page 3 Guiding Principles.....3-1

3.1.05 Provide Opportunities for ~~locally-oriented~~ Commercial
Businesses Meeting primarily Local Needs..... 3-3

Page 2-2

2.1 ISSUES OF IMPORTANCE

The issues of importance for Catheys Valley have not changed between the mid-1990s and the early 21st Century. The community defines its issues as:

- Keeping commercial development at an appropriate ~~local~~ neighborhood type scale and not as a regional shopping attraction;

Page 3-1

3.1 GUIDING PRINCIPLES

Through the planning process, the community was clear that the “rural character” of Catheys Valley be maintained. Therefore, the CV Plan is founded on the following guiding principles that implement this vision.

- Provide opportunities for ~~locally-oriented~~ neighborhood type commercial businesses meeting primarily local needs.

Page 3-1

3.1.01 ENSURE MANAGED GROWTH

The second tool is focusing commercial development off of and south of Highway 140 in a cluster on or off the Hornitos Road extension. The designated Community Commercial area is of adequate size to provide for a group of stores offering goods and services to meet primarily the local Catheys Valley community’s needs. Locating the commercial off the highway reduces the attractiveness of the site to larger scale businesses servicing a regional population, while meeting primarily the needs of the Catheys Valley community ~~needing to serve highway traffic or direct tourism-related business.~~ Businesses that also serve highway traffic and the touring public will be of an appropriate scale consistent with the purpose and intent of the commercial area.

Page 3-3**3.1.05 PROVIDE OPPORTUNITIES FOR LOCALLY-ORIENTED COMMERCIAL BUSINESSES MEETING PRIMARILY LOCAL NEEDS**

The community's desire is to see an increase in businesses primarily serving the local residential and agricultural needs of the Catheys Valley area without ~~dependence on~~ restricting "drive-by" or "capture" shopping traffic. As rural counties have evolved in the Sierra Nevada, many of the lower elevation communities have become extensions of Valley-centered urban areas. With this expansion into the foothills comes the impacts of regional shopping and national chains. A result of the homogenized commercial and retail characteristics is a loss of local community character. The protection of rural character in Catheys Valley limits population growth, which reduces the attractiveness to chain businesses.

Providing opportunities for primarily locally-oriented neighborhood, small scale commercial, and supporting agricultural businesses is part of the County's needs and define Catheys Valley's character. Large commercial activities servicing a regional population are detrimental to the community's character, not only from the impact of stores or businesses that may be out-of-scale to the community, but also because of the competition or draw regional businesses would impose on the Town of Mariposa. Catheys Valley is not seen as the "Mariposa" between Planada and Mariposa; it is seen as a rural crossroads that serves primarily the local community but also highway traffic and the touring public at an appropriate site scale.

5.1.02 LAND USE CLASSIFICATIONSPage 5-13**C. COMMUNITY COMMERCIAL****C(1) Purpose**

The Community Commercial land use classification identifies land for primarily local business, service, and commerce ~~for business~~ with the primary purpose of serving residents of Catheys Valley. Community Commercial lands identify a community center for Catheys Valley and encourage the clustering of commercial and economic activity that can function without the direct need to attract pass-through traffic from Highway 140. The primary purpose of the community commercial area is to serve the local needs of Catheys Valley and vicinity while not restricting "drive-by" or "capture" shopping traffic. The Community Commercial land use classification uses serve primarily the needs of the local population. Businesses requiring that can also serve drive-by, capture, or tourist customers ~~in order to be financially successful are not~~ are appropriate in Catheys Valley provided they are of a scale that meets the intent and purpose of this classification. The Community Commercial land use classification is not intended for the construction of a regional shopping ~~or tourist service~~ center.

C(2) Extent of Uses

Primary uses are retail and commercial businesses primarily supporting the needs of a small community comprised of home businesses, agricultural uses, working families, retired individuals, and commuters. Businesses with a primary market derived from a regional population ~~or tourists~~ are not compatible with the Community Commercial classification. Religious facilities, including those with retail sales consistent with this section and/or including sports and entertainment facilities for organization members and/or the members of the community are allowed subject to a conditional use permit.

Exhibit 2

Findings of approval for General Plan/Area Plan Amendment No. 2019-184

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The amendment is in the general public interest and will not have a significant adverse effect on the general public health, safety, peace, and welfare. The Catheys Valley Community Plan (CVCP) is the Catheys Valley area's governing document and amending it to reflect the will and desire of the residents of the area will enhance public health, safety, peace and welfare.

2. **Finding:** The 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.

Evidence: The Catheys Valley Community Plan is defined in the General Plan as a mini-General Plan and is part of Volume II of the General Plan. This amendment will improve the CVCP and the Mariposa County General Plan by providing a guide for the types of businesses allowable in the Community Commercial land use classification that will reflect the will and desire of the area's residents. The amended CVCP text will provide a long term guide for commercial development in Catheys Valley and a short term basis for day-to-day decision making with respect to permit processing and approval.

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

Evidence: This project has been processed in accordance with applicable State Law and county policy relating to general plan amendments. All required public noticing has been adhered to. Mariposa County provided Native American tribes on the Mariposa County contact list as maintained by the state Native American Heritage Commission to request a consultation on the project, in accordance with the process mandated by state Government Code Section 64352.3(2).

4. **Finding:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

Evidence: The amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan. The amendment process was

consistent with Section 5.3.01(E) of the General Plan, which states, in part, *“To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee.”* Information considered by the county regarding amendments to the text of the CVCP included input from the recommendation of the Catheys Valley Community Planning Advisory Committee.

5. Finding: Common Sense Exemption

General Plan/Area Plan Amendment No. 2019-184 is exempt from environmental review pursuant to the Common Sense Exemption, Section 15061(b)(3), of CEQA Guidelines. It can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment. An environmental impact report was certified for the Catheys Valley Community Plan (CVCP) as part of adoption of the project in December of 2012. The amended text will not conflict with the conclusions of the EIR.