



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 19, 2008

(Meeting Continued from April 15, 2008)



10:04 a.m. Continued meeting from April 15, 2008, called to order at the Mariposa County Government Center.

Pledge of Allegiance

Kris Schenk, Planning Director;

PUBLIC HEARING to Consider the Draft Yosemite West Special Plan, as Recommended by the Planning Commission and Further Changes Recommended by Planning Staff to Make the Document Consistent with the General Plan. The Board will Review the Draft Special Plan, Consider Public Comments and Remand the Plan for Final Adoption

BOARD ACTION: Chair Turpin advised of the hearing process – staff will give its report; Harry Hagan/former Chair of the Yosemite West Advisory Committee will provide comments on the history of the Committee’s review of the issues; input will be accepted from those who support the Plan; and input will be accepted from those who have concerns with the Plan. He hopes to be able to conclude the hearing around 1:00 p.m.

Kris Schenk provided input on the draft Plan. Skip Strathearn, Senior Planner, presented the staff report and reviewed the details of the draft Plan. Staff responded to questions from the Board relative to the amortization period for the closure of legal, non-conforming vacation rental check-in or management businesses and the prohibition of any new businesses of this nature and possible options for the future location of those facilities and monitoring for compliance; existing zoning of the County-owned property in Yosemite West; relative to the 3,600-square foot dwelling size; the average lot size; proposal to allow the rental of three versus five rooms at any one time; whether a conditional use permit could be obtained for the transient rental operations; relative to the secondary dwelling unit that is allowed by law; enforcement of the parking standards and whether there is a time limit for temporary parking; and as to whether the area has always been residential. Skip Strathearn advised of a letter that was received recently that raised a question about being able to park a tractor rig on residential property; and he suggested that this issue may need to be addressed as it wasn’t considered previously. Staff responded to a question from the Board relative to planning for the five-year phase out of the vacation rental check-in and management facilities.

The public portion of the hearing was opened and input was provided by the following:

Harry Hagan provided input on the wide range of alternatives considered by the Advisory Committee over the last eight years relative to the vacation rentals. He responded to a question from the Board as to how the number four was reached as the threshold for the vacation rental check-in or management facilities.

Persons speaking in support of the draft Plan:

Sylvia Owens stated she feels we got to this point because there were not enough inspections; and she supports the Plan. She asked whether inspections and the annual administrative review of the rental facilities would be planned or unscheduled.

Jerry and Rea Jackman advised that they plan to build on their lot in two weeks; and they would like the area to remain as intended – rural residential.

Pete Ulyatt, property owner since 1980, stated he has owned rentals and now is just a residential property owner; and he is a member of the Maintenance District, Advisory Committee, and the Homeowners' Association. He feels this is an important Plan and urged its approval. He feels there have been lots of opportunities and compromises and there is a need to balance the scale of residential and vacation rental use. He referred to the issue of overcrowding and the small lots and he suggested that there should be a limit of eight persons, or some number close to that, to each vacation rental for the existing and future rentals. He presented a photograph of four vehicles parked in the snow at a vacation rental to show the overcrowding that he feels occurs. He referred to the Resort Commercial zoning issue proposed by the Planning Commission for the 59-acres and advised that the Committee never discussed this or received input on the development of this parcel; and he feels this issue should be remanded back to the Advisory Committee to go through the process. He agrees that part of the parcel should be carved out for the transient rental check-in/management facility use. He urged approval of the Plan and stated it is important to them.

Robert Walcott stated he was a ranger in Yosemite in the 1960's and he provided input on the history of the development of the area; and of his understanding that he could have three bedrooms and that he could rent them out, but he never did. He referred to his letter and urged adoption of the Plan because he feels that development is out of control and has caused problems. He referred to letters he has received from the County relative to water and fire issues.

Harry Hagan, speaking as an individual, presented photographs showing traffic congestion at a rental check-in facility; and he advised that he has a rental himself. He addressed the amortization issue and advised that he is not sure that a check-in facility is needed as he feels there are options with using lock boxes at the rentals. He advised that no one is being shut down, they are just trying to scale down and spread out the impacts. He stated he feels that Pete Ulyatt is correct relative to the rezoning issue as this matter was never discussed by the Advisory Committee. He noted that the Committee recommended a 3,000-square foot dwelling size limit, and toward the end of the Planning Commission's hearing, someone with a larger lot and plans for a larger dwelling asked that it be changed. He noted that this person has a permit and he urged the Board to change the size limit back to 3,000-square feet. He stated he does not know how a central check-in facility would work. He stated he feels the Plan needs to be adopted and that the problems cannot be allowed to continue.

Louise Bond presented photographs of a log home that is under construction. She advised that she and her husband have owned their house in Yosemite West for twenty years and she was an original member of the Planning Advisory Committee. She noted that originally the rentals did not impact them and they are not against them; but they want them to be limited. She is concerned that the trend is that property is being purchased for rental units versus residential use. She wants to preserve the residential nature of the area; and they would like options to be able to rent their property out in the future. She commented on the increase in the rental units in her area; and she feels the Plan needs to be adopted as soon as possible to cut down on the impacts. She feels that at the end of the five-year time frame, that if someone cannot find another place for their rental check-in or management facility, that the County should review the use to determine whether they are really a home enterprise.

Robert Woolard, homeowner for twenty-one years, stated he has been involved with the Planning Advisory Committee. He began as a total opponent to the rentals; but he feels the Plan is a compromise and urged the Board to support the Plan.

11:33 a.m. Recess

11:44 a.m. Ken Wall stated he began his acquaintance with Yosemite West in 1969; he is a resident and he has built sixteen homes in the area. He noted that everyone would like to have their own way with what is allowed or not allowed. He has been on several committees and there is still disagreement over what is going to happen in Yosemite West. He feels there needs to be a Plan and it must be a compromise and be fair with a clear line for development. He commented on the terrain in the area and

problems with being able to park on some of the lots. He feels that no one is enforcing the parking. He encouraged the Board to support the Plan or a facsimile of it.

Ken Owens stated he feels that Ken Wall built the most quality homes in the area and they are modest in size and they fit into the environment. He referred to the review process and the single family residence he built in 1979. He has not been happy with the huge “hotel-type” structures that are being built. He feels that the Plan is a good compromise and it should not be compromised any more.

Kelly Rich stated he has read and endorses the Plan as a homeowner in Yosemite West. He stated he lives next door to the 5,800-square foot house that is being built and he was surprised that this was approved. He expressed concern with problems with congestion, noise, and late night parties with the vacation rentals. He feels there should be a cap of 3,000-square feet, and someone could apply for a variance. He feels the issue of rezoning the adjacent property to Resort Commercial should be reviewed at the Advisory Committee level with input before being included.

Elizabeth Ringrose stated she purchased her property in 1969 with the understanding that the area was residential only. With the build-out and increase in transient rentals, they have seen an increase in traffic and parking impacts and water use. She advised that they were a part of filing the lawsuit against the developers for the water system. She advised that the Plan doesn't make people happy, but recommended its adoption.

Theresa Ho advised that she just built a house in Yosemite West and she is an employee with Delaware North and is concerned with the sense of the community. She knows that no one is totally happy with the Plan, but recommended that it be adopted. She feels that the parts of the Plan that are controversial will continue to be issues.

Debbie Hagan stated she feels that this Plan has been a long-time coming. She is not really pleased with everything in the Plan, but she can live with it. She is concerned with the impacts of the large operations given the narrow roads and there is only one access road to the community. She does not feel that the large units are home enterprise. She feels it is easy for the people to make changes in the five years being allowed and that only two people are being affected. She objects to the change the Planning Commission made in changing the 3,000-square foot dwelling size to 3,600-square feet. She feels three-bedrooms are a reasonable number for a rental in this community. She is disappointed with the reference to the Resort Commercial zoning as this was not discussed by the public.

Anita Starchman Bryant, Starchman & Bryant Law Offices, referred to the goal to conclude the hearing around 1:00 p.m.; and she noted that people speaking in support of the Plan have taken over an hour and she requested that those with concerns be given equal time. Chair Turpin agreed with the request.

Persons providing input with concerns on the draft Plan:

David Deto stated he has lived and worked in the County for most of thirty years. He has concerns with the draft Plan and noted that four of the people that spoke in support of the Plan are Advisory Committee members. He does not feel that the findings are findings. He stated that only two of the Committee members are Yosemite West residents and questioned people being able to make rules for the area when they will not be impacted by them. He referred to the forty people who are employed in Yosemite West, but they are not invited here because they are not property owners. Part of his income comes from his rental operation. He does not feel that they are rural, but that they are a subdivision. He referred to the survey that was done several years ago. He questioned why Unit 2 was not considered as a possible solution to the rental check-in and management facilities as they are at the entrance to the subdivision and that would not impact the homeowners. He feels there are ambiguous statements in the Plan; and asked if he leaves to take care of his father for six months, could someone else help with his rental operation. He referred to his observations of the rental check-in facility; and he

noted that the viability of the rentals has allowed the community to get phone service and better snow plowing service. He referred to the impacts of a full-time resident versus the vacation rentals. He referred to the property that is adjacent to the community and advised that it has been known that it is for commercial use and that has been shown on the maps. He feels we need a Plan, but we need to have public workshops so people can hear the other points of view and the impacts. Chair Turpin noted that there would be a complete review of the Plan later in the process.

Jeff Hornacek, landowner, homeowner, and rental owner, stated he lives in Yosemite West and has served on the Advisory Committee. He advised that the Committee was split on most of the issues in the Plan – it was a divided process and it is a divided community. He takes exception to the 59-acres and commented on his efforts in this process. He feels the needs of the community should be considered. He noted that the sign to Yosemite West has a universal sign for rentals. He commented on the building height and the log home that is under construction. He feels the proposed check-in zoning is difficult to enforce and is micro-management. He feels that the impacts of home enterprise should be limited and enforced. He referred to the issue of duplexes and stated he feels that they have a high impact and he would like to see a limit on the number of vehicles that are allowed. He feels the dwelling size limit should be based on a percentage of the size of the parcel. He agrees with the need for a Plan, but feels it needs to be clear and easy to understand. He feels the issue of fire safety is critical and should be addressed, including discussion of maintaining fuel reduction for the vacant land and the fire road gates. He feels the Plan should be looking at forward thinking issues of things like wood burning fire places given safety and air pollution issues; long-term parking on vacant lots; noise control; water run-off; parking requirements and driveway design; snow removal; and easement use. He feels the Plan will have a significant financial impact if it is passed as proposed and that should be evaluated. He agrees that a workshop should be held.

Debra Kroon stated she has been in Yosemite West since 1970 and has been involved in the community and with their family business. They have lived with the home enterprise concept. They have a family operation and manage twenty rental units; and she feels that having a check-in facility in the residences area allows for better management. She does not feel that the four or five unit limit is justified. She feels the central check-in concept does not meet the home enterprise use. She advised that she will provide more information in writing.

Ken LeBlanc, Yosemite Scenic Wonders and member of the Advisory Committee, noted that they are not making very much from the vacation rentals given all of their expenses. He does not feel that serving four vacation rentals is economically viable. He manages 46 properties, and he feels the economy is shifting. He feels that so much will be lost for Yosemite West and for the County if the draft Plan is approved.

Robert Kroon stated he has been very involved in attending meetings for ten years and he questioned where this is coming from. He doesn't believe that good records were kept of the committee meetings, so he kept his own documentation. He noted that there are restrictions for parking in the snow removal areas and with the building permits, and he does not feel that we need more laws. He advised that they have never had complaints about their operations. He referred to the information he provided to the Board and to the maps showing the full-time residents and the rental related residents. He feels that we are a tourist County and that they are in a tourist area. He questioned the recommendation for street lights. He feels that the rental people are the community and that the committee overlooked this. He sees the Plan as a complete phase-out of rentals in Yosemite West. He questioned the rural residential and resort residential terms being used. He noted that they do not have a volunteer fire department or emergency services, and that it is the rental community that responds.

Anita Starchman Bryant advised that she represents a number of individuals in Yosemite West. She does not feel that the Plan is a compromise, but that it is biased and one-sided. She referred to the exclusion of language that this is a resort community and to the language relative to phasing out rentals. She stated she feels that the demographics have changed and asked for a fresh look at this document.

She feels the amortization scheduled is unreasonable and is unlawful. She noted that fifteen years was given for businesses to be in conformance with the sign ordinance and only five years is being given for the vacation rental check-in and management facilities and they have no place to go in the community. She does not feel that a conditional use permit could be obtained that would meet the guiding points. She noted that the Plan also applies to management services even if they do not have the impacts of central check-in. She feels that people will go out of business as the Plan is written. She provided input on the inconsistencies that she sees with the Plan and the General Plan – lot size; fair share of relocation; protection of tourism opportunities and resources; the history of recognizing and grandfathering legal non-conforming uses; expanding the visitor service economy; encouraging home enterprise; and she feels the financial impacts of the Plan should be considered. She feels the Plan is confusing and it should be simple, clear and easy to understand. She requested that the Board allow an opportunity for further discussion and consideration through a series of public workshops to get a Plan that is respectful of the community; and she recognized everyone's efforts in this process.

Justin Kroon provided input on his experience in the planning process; and he advised that he feels the renters are the community. He would like to see the Plan go to a new committee that represents the people that live in Yosemite West full-time. He referred to a fire incident and advised that it was the rental community that responded.

1:17 p.m. Recess

1:28 p.m. Chair Turpin advised that at the close of the public comment period, the Board will discuss how it is going to continue the process.

Robert Kroon referred to their experiences under former Planning Director Eric Toll and his statements that they could create plans and policies that are so narrow that people will not be able to do things.

Carol Misener, Cozy Bear Cottages, advised that they have a 1600-square foot duplex with 800-square feet on each side and they have had great experiences with their renters. The visitors are coming to enjoy the Park. She advised that when they were permitted, they were not told that in sixteen years that they would need to give up one side of the duplex; and there is no way economically that they could do that. She expressed concern with unscheduled inspections and noted that their guest privacy is very important. She does not have a problem with scheduled inspections. She referred to efforts to discuss the adjacent property; and she feels that the votes on the committee were anti-rental. She wanted fire protection issues to be addressed in the Plan.

Jeff Hornacek read a letter from Barbara Summers, vacation rental operator, stating she feels the following should be addressed in the Plan: fire safety, wood burning fireplaces, trash, speed limits, noise controls, and clarification of how the Plan applies to duplexes.

Neal Misener, Cozy Bear Cottages, noted that people who come to Yosemite West come to spend their money in the County. He stated he feels that the rentals help to keep the water and sewer rates from being raised out of sight. They would like to see this Plan go back to a committee that represents the community.

Todd Carantos stated his family has been in Yosemite West since 1975 and it is a special place to them. They do not want to see it overrun and they want to be able to develop their lots tastefully. They like the way Wawona is set up and he noted that they have services there. He referred to his experience in the area in 1990 with the large fires and with the fire threat to Yosemite West, he feels they should have fire protection services available. He feels the impact of the Plan would provide less for services in the future; and he would agree to pay for things with an increase in the bed tax. He agrees with size restrictions; but he feels the financial impacts of this Plan need to be considered.

Richard Long, property owner in Yosemite West since 1980, referred to his previous development experiences. He agreed that rentals impact Yosemite West and that they should be regulated, but they should not be told to get out. He feels that Yosemite West is dependent on the adjacent acreage for future services. He feels that the County has been “no growth” and that we are the second poorest County and should be the wealthiest. He referred to water issues and provided input on the sewer system. He questioned having the same people on all of the committees. He referred to his experience with the Government issuing a criminal complaint. He stated he feels that we need to develop.

Dan Yates noted that their renters are first class people from all over the world. He advised that when the Plan is implemented in five years, he can rent his property to someone on a full-time basis and that will create more congestion and impact than the current vacation rental as it is only occupied about thirty percent of the time; and he will make more money, but the County will not get any revenue.

The public portion of the hearing was closed. Chair Turpin advised that all of the comments and written input are a part of the record. He suggested that the next step would be for the information to be compiled for review by the public and the Board and to come back for a Saturday workshop to go through the Plan thoroughly.

Staff responded to a question from the Board as to whether walk-ins were accepted for the rentals or if rental was by previous arrangement. Staff and the Board agreed that more issues can be brought forward during the workshop.

Robert Kroon responded to a question from the Board relative to providing information on the location of the check-in facilities.

Supervisor Bibby asked that staff provide the Board with a copy of the CC&Rs (Covenants, Conditions and Restrictions) for the subdivision so that the Board would have information on what was in place and what the landowners were expecting. She asked that staff provide information on noise issues, parking complaints and lighting, and emergency vehicle access issues that they have received; and information relative to check-in hours. She asked that the citizens provide input to staff on these questions. She asked whether there are certain areas of management operations that have generated more problems than others. She asked for more information on why the building height restriction was raised from 35-feet to 45-feet. She asked if staff could highlight the variances and provide information on the requests that are being received. She asked that staff provide information on whether the new restrictions by CalFire could be met; and whether a conditional use permit could be obtained. Staff responded to her question relative to the three-bedroom rental unit limit in Yosemite West; however, the General Plan allows for five. Staff responded to her question and advised that they would not do unscheduled inspections, and noted the travel distance to Yosemite West; and advised that they would solicit comments from CalFire on the Plan. Supervisor Bibby asked for clarification of the temporary parking requirements for commercial vehicles and why the first preference isn't that they be parked off of the roadway. She asked staff to briefly review whether the 59-acres adjacent to Yosemite West could be developed for the check-in and management facilities. Staff responded to a question and advised that the Plan could not be amended more than four times a year.

Pete Uylatt responded to a question from the Board and advised that Public Works has information on how many homes exceed the 3,000-square foot size in the sewer study that was done.

Supervisor Bibby asked the public to provide recommended solutions for areas of the Plan that they are not happy with. Supervisor Turpin asked for feedback from the residents on the traffic congestion and how that could be addressed; and for addressing the fire protection issues and the defensible area. Supervisor Bibby asked for information on the total population, including rentals, at the peak summer and winter season.

2:24 p.m. Recess

2:29 p.m. Discussion was held relative to scheduling a workshop. Chair Turpin asked that staff bring back an item to schedule the workshop within 90 days, and to try for 60 days, and to strive to schedule the workshop on a Saturday, with time to be allowed at the beginning of the workshop for new information to be provided.

David Deto suggested that the workshop be scheduled in the Fall versus their busy summer season.

Supervisor Bibby stated that if she has asked question(s) for which the information is not easily accessible to let her know and she will pursue obtaining the information. It was clarified that the Planning Commission's resolution addressed adjacent property, but a specific spot was not identified, and that the reference meant a portion of the 59-acres – something within the Yosemite West area but outside of Units 1 and 2.

Chair Turpin suggested that the community get together and designate a couple of spokespersons for the issues for the workshop.

2:34 p.m. Adjournment.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors