



MARIPOSA PLANNING

COUNTY OF MARIPOSA
5100 BULLION STREET • POST OFFICE BOX 2039
MARIPOSA, CALIFORNIA 95338-2039
209 . 966 . 0302 • FAX 209 . 742 . 5024

Sarah Williams, Director
swilliams@mariposacounty.org
Skip Strathearn, Senior Planner
sstrathearn@mariposacounty.org

MEMORANDUM

Date: April 12, 2004
To: Yosemite West Planning Advisory Committee
From: Skip Strathearn, Senior Planner
Topic: Items for YWPAC meeting of April 19, 2004

As you know, written comments were solicited from the public in September of 2003 on the Preliminary Draft of the Yosemite West Special Plan as written at that time. Twenty-nine correspondences were received by the Planning Department in September and October of 2003.

Some of the comments were general in nature, but the majority were specific and addressed every section of the Plan as written at that point in time. The proposed language of the plan was supported or opposed and, in most cases, detailed reasons were given. Some of the letters propose specific changes to the proposed language of the plan. There were comments on the same subject which were identical or very similar. In the listing below, the number in parentheses after the comments indicates that multiple comments were received.

The following summary of comments is arranged by topic, such as rentals, general, lighting, etc. Many of these topics are *related* to other issues upon which comments were made, so there is something of an overlap. But the comments are listed individually to give the committee an in-depth overview of the comments. The actual letters, copies of which are provided in this packet, provide greater detail and further explanations on comments. (It should be noted that some of the issues that were raised in comments letters were addressed by the committee at subsequent meetings.)

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.

Memo to YWPAC for April 19, 2004 Meeting

RENTALS

1. In favor of mixed residential and commercial uses. (5)
2. Allow four or more bedrooms as long as occupancy limitations are met. (5)
3. Limit # of people to 10 per parcel. (4)
4. Should be able to locate rental in primary or accessory unit. (2)
5. Limit B&B bedrooms to four. (2)
6. Allow only four bedrooms and two kitchens in vacation rental. (2)
7. Central check-in won't work due to management clashes, logistics. etc. (2)
8. Central check-in will result in more miles driven through community. (2)
9. Limiting # of vacation rentals is taking of property. (2)
10. There should no limit on the # of transient rental permits.
11. Continue approved uses in Yosemite West 1, but limit to one employee.
12. If there are more than three bedrooms, no vacation rental permit will be issued.
13. The check-in facility should only be in Yosemite West 3.
14. A B&B should only be allowed in single family dwelling.
15. Allow only one B&B permit per property owner.
16. The maximum occupancy of a B&B should be 10 persons.
17. Vacation rentals help with security issues and property values. Provide income and protect investment.
18. Supports short-term rental permits.
19. The one rental unit per family restriction should be removed.
20. The two persons per bedroom language should be removed and limit occupancy, preferably to nine.
21. There should be a choice on which dwelling unit to rent.
22. Monthly rentals have the biggest maintenance impact, transient rentals are better maintained than monthly rentals.
23. Yosemite West 1 property owners should be polled to determine if they want to be rural residential, vacation residential, or B&B.
24. Transient rentals have created the problem.
25. Against "grandfathering" in perpetuity.
26. Inspections should occur before certifying "grandfathering" to ensure they were extant when existing permit was obtained.
27. Don't use the term "hotel" in reference to check-in; "hotels" are not an acceptable use.
28. Change "dwellings with more than three bedrooms shall not be entitled to a vacation rental permit" to "Dwellings with more than three bedrooms may be rented provided additional bedrooms are locked off and not rented."
29. Clarify "A property owner shall be entitled to one B&B permit" occupancy number of B&B and "owner controlled."
30. The Plan should explicitly address ownership of multiple parcels.
31. Delete reference to "Whole House" concept.
32. Limiting the number of occupants is ridiculous; it is not enforceable and not fair.
33. It is a restraint of trade to prohibit part owners in one property from having a vacation rental related another property.
34. Current residential uses, including vacation rentals are not the problem.
35. Vacation rental property should be limited to five bedrooms plus an accessory unit.
36. Limit a B&B occupancy to six plus owner and immediate family. There should no limit on size due to restraint of trade.

Memo to YWPAC for April 19, 2004 Meeting

37. The dwelling unit is to be "owner controlled."
38. A legally existing management should not have to move into the check-in facility.
39. Nightly rentals are more desirable than employee housing.
40. Occupancy should be limited, not bedrooms.
41. If the intent is to encourage full-time residence, then why limit percentage of B&Bs.
42. In Guiding Principles limiting vacation rentals and increase use by owners or full-time renters is to increase overall occupancy impacts.
43. There is no need to rewrite B&B language which already exists in county code.
44. Individual check-in should be maintained.
45. A limit of two people per bedroom is too restrictive.
46. A less restrictive plan should be adopted to deal with non-conforming uses.
47. There should be no limit on vacation rentals, they are an asset that keep the community from becoming a ghost town. They add to security of the community.
48. Define "Vacation Residential" land use classification with standard to be "one primary dwelling unit and one accessory dwelling unit permitted, in accord with CC&Rs and Title 17.
49. B&B land use classification should be defined as per Title 17.
50. "Condominium Residential" land use classification should be as per zoning for current condominiums, with vacation residential usage.
51. In 4.2, "Single Family" bullet 2 add "per unit". It now reads, "One Vacation rental certificate per unit." If there is a limit on the number of people that can be on a parcel, then does it matter if they occupy one unit or two?
52. Central check-in will also force companies to become one big company bring employees from other areas and cause no offices to be around the housing area to keep an eye on rentals.
53. Without a central check-in Yosemite West remains a Mountain Village keeping mom and pop's operation alive creating a more stable community by encouraging more small companies resulting in more full time residents in the community. With home offices around the community renters are bothered less with renters little emergencies. Allow the companies to develop a sign at major intersections to direct guests.
54. In D.(1) remove bullets 1-6 and 8 and 9 because such documents don't exist or are a current requirement.
55. In 4.2.04 Bed and Breakfast Use, remove bullets 3 and 4 because such documents don't exist or are a current requirement.
56. Remove bullet 1,2,3,8 and 9 because such documents don't exist or are a current requirement. Remove bullet 5 add "per lot."
57. Remove "Growth Management" section.
58. In paragraph 2 of Section 6.3 Whole House Vacation Rental, "the cause of the moratorium..." The actual cause of the moratorium was sewer failure, not rentals. In reference to this statement in paragraph 3 of this section "All but one member on the committee is a homeowner and or renter"; over 1/2 of YW is not yet built. On the board there is only one member tat represents the majorityof owners.
59. In a suggested Yosemite West Overlay District the language should be that occupancy is limited to the UBC definition of one family, or a group of not more than 10 persons per dwelling unit; hotel is as defined by the UBC: rental of six bedrooms or more in one building. Hotels are not allowed within the residential zone.

GENERAL

Memo to YWPAC for April 19, 2004 Meeting

60. Allow legal non-conforming uses. (4)
61. YWPAC is not representative of community. (4)
62. Allow 15 acres of mixed use in Yosemite West Unit 3. (2)
63. There should be less commercialization of Yosemite West. (2)
64. The highest and best use of property must be taken into account. (2)
65. Noise caused by outdoor spas and hot tubs should be mitigated through noise attenuation options. (2)
66. Guiding principles are not appropriate because Yosemite West is not truly "rural" and "rustic." (2)
67. The rural character of Yosemite West should be preserved.
68. Address noise, traffic and density, but protect land use options.
69. Establish parcel size standards for Yosemite West 4.
70. Reduce use conflicts with design restrictions and proper enforcement.
71. "Legal non-conforming" should not be used because it damages resale value.
72. There should no change to the present zoning in Yosemite West.
73. I am pleased with the plan.
74. The problems in the community do not warrant changes proposed by the Plan.
75. A suggested time of quiet might be in order.
76. I concur with the Guiding Principles.
77. Infrastructure needs improvement to achieve buildout and the Plan doesn't address this.
78. The document must be specific to Yosemite West 1, but they are not represented on committee.
79. This planning exercise is futile and a waste of time and money.
80. Is a "Special Plan" a legal document.
81. The committee is in violation of Resolutions 98-210 and ordinance 973.
82. The county has amplified the problems in Yosemite West.
83. A portion of the bed tax should be allocated to Yosemite West.
84. A fire break around Yosemite West is suggested.
85. CC&Rs are the "Specific Plan" for Yosemite West 1.
86. I support the use of the term "Owner Control."
87. Yosemite West was not created as a retreat and respite from daily living in an urban setting, but to enjoy Yosemite NP.
88. Objects to Guiding Principle 2.3.02.
89. Stating the opinion of some people in a zoning document makes the comment appear as fact.
90. The Plan has not been organized into planning periods. Has it been reconciled with the existing General Plan or proposed General Plan?
91. Regulating entitlements is an oxymoron.
92. The use of the land in Yosemite West is residential.
93. The statement that the county honors approval when there are subsequent changes in policy or ownership is not necessarily true.
94. Legally existing non-conforming use includes office at 7288 Yosemite Parkway and cottages.
95. Sections of the Plan are incomplete.
96. Permanently installed stereos and/or speakers should be banned.
97. The 90 acres should be zoned Resort Commercial.
98. Property rights and fairness to all property owners should be considered.
99. Yosemite West abuses have been due to lack of enforcement.
100. This Plan will lower the value of vacant lots. The restrictions unfair.

Memo to YWPAC for April 19, 2004 Meeting

101. Rural Residential land use classification should be retained as per title 17 zoning.
102. "Resort Commercial" land use classification applies to 55 acres and the zoning as per Title 17.
103. Why wasn't September 6 version of Plan mailed out to property owners.
104. The Plan as approved by the committee should come back to the committee for review after Planning Commission consideration and before Board of Supervisors consideration.
105. Tractors should be allowed and are needed in Yosemite West for property maintenance and road work when road department couldn't make it to Yosemite West.
106. One-ton trucks should also be allowed for maintenance due to rough terrain.
107. To maintain the safe use of the Yosemite West road system, fire escape roads should be unlocked when fire season conditions exist.
108. Committee members should test these Plan rules on their own homes prior to approving.
109. In "history of Yosemite West" section, use of Yosemite West was established as a "Second home resort" subdivision is correct. In 2.201 remove "density" and add a coma before, "...in an urban setting." Due to small parcel sizes and homes that are close, Yosemite West will resemble a Suburban Subdivision" or "Mountain Village" at buildout.
110. In Land Use section take out "single family residential" and, "single family home and replace with "Second Home Resort."
111. In 4.3.02 Occupancy, remove paragraph 2 and 3.
112. In paragraph 4 of Section 5, Circulation, Parking and Lighting, use National Weather Service 162.400 mgz atop Bear Mountain east of Fresno to address difficulty in predicting weather. The statement, "Snow when cleared needs physical land area on which to be stored. The road right of way and shoulders are intended for this purpose" is wrong. The unpaved road right-of-way and shoulders are not for storage for road snow.

LIGHTING

113. Don't allow light to reach adjacent properties through shields or being focused. (4)
114. Restrict light pollution in community. (2)
115. Light section is confusing, motion lights are more intrusive than constant light.
116. Lighting restrictions must be uniform and fair.
117. Lighting language should be simplified.
118. Lighting restrictions should simply prohibit lights from shining upward.
119. Lighting is too restrictive.
120. Due to various construction methods, i.e. dirt, wood, concrete for stairs and walkways and different angles it is difficult to determine what light is needed but not too extreme.
121. Floodlights should be allowed with white bulbs limited to 75 watts; porch lights should be yellow bug lights 60 watts max; yellow sodium, mercury vapor, and quartz can be used but directed downward; sign lights should be limited to 25 watts.
122. Using lumens as a measurement of light is awkward and obnoxious.
123. In a suggested Yosemite West Overlay District, the standard should be that lights shall not be directed upward into the sky.

PARKING

124. Allow commercial vehicles for personal use since some need for work. (5)
125. Hillside properties should be able to use road for parking. (3)

Memo to YWPAC for April 19, 2004 Meeting

126. Allow construction vehicles on lot with active and construction is underway. No CofC until equipment is removed. (2)
127. The proposed parking requirements are too restrictive (2)
128. Parking should not be permitted on road from 1 a.m. to 5 a.m.
129. No parking of construction vehicles overnight on road or residential property.
130. The county ordinance is sufficient to address parking during snow removal.
131. One parking space per bedroom conflicts with desire for maintaining forest atmosphere.
132. Use the Uniform Building Code definitions limiting occupancy to solve the car problem.
133. Stating that “commercial vehicles and construction equipment shall not be parked on residential property or public right of way...” is too restrictive on personal use of such equipment.
134. Change Implementation Measure 5.2 to read “All commercial equipment and vehicles with a GVWR of 15,000 lbs. shall be camouflaged, or screened, when not in use on a daily basis.”
135. In paragraph 6 of Section 5, Circulation, Parking, and Lighting, remove “in consideration of the number of vacation rentals” and “not only for the basis residential use, but also for the vacation rental occupancies.” Vacation rentals parking spaces are held to a high county standard.
136. Paragraphs 7 and 8 of Section 5 should be removed. Commercial vehicles and commercial equipment are needed.
137. Who will enforce parking standards in 5.2? Remove “or its shoulders” in 4-1a.2.
138. Remove 4-1a.5-1 because removal of equipment would include things such as saws, hammers, etc.

SITE STANDARDS

139. Buildings should have a maximum height of 35 feet, a maximum size of 33% of parcel and maximum footprint of 20% of parcel. (3)
140. Changing setbacks makes developing parcels more difficult. (2)
141. Use the CC&Rs for site use standards. (2)
142. New setback standards need to be established.
143. Density issues should not be changed at this point.
144. Limiting # of residential structures on property may be reasonable.
145. Limiting the number of porches, walks, and other structures should be the business of property owners.
146. Dwelling units can be accessory dwelling units; duplexes are allowed, but not triplexes and fourplexes.
147. The CC&R setback standards should be used.
148. FAR and lot coverage are not workable in light of varying property shapes.
149. Use the two-story limit in CC&Rs as opposed to 35-foot height restriction because it more adequately addresses A-frame houses.
150. Camping is already prohibited by the county code.
151. Building footprint should not be more than 50%. The CC&Rs are adequate.
152. In 4.3.01 Site Development Standards, change “side” to 15 feet. If not homes could be as close as 16 feet. Remove “Garages” language.
153. A “35’ sight distance triangle” is nearly impossible on some lots.
154. In a suggested Yosemite West Overlay District, the language should be that each homesite may have a primary dwelling unit and one accessory unit. Multi-family structures (three

Memo to YWPAC for April 19, 2004 Meeting

separate units or more) are NOT permitted at Yosemite West Unit #1; Buildings shall be 25 feet from the front property line, 15 feet from each side property line, 20 feet from the rear property line, and 30 feet from the Yosemite National Park or Sierra National forest boundary; Garages may be located on-site, as per Mariposa County Code, 6 feet from the edge of pavement (not in right-of-way.)

CLARIFICATION

155. Cross reference 4.2.01 B(2) and 4.2.03 with 4.1.01 re: whole house rental terminology.
156. More clearly define "owner" "ownership" and "rental unit."
157. "Vacation rental" "occupancy" need to be more clearly defined.
158. Inspection parameters need to be clarified.
159. Clarify "a property owner shall be entitled to a Vacation Rental permit."
160. The committee needs to add justification for regulations; "Why are they needed."
161. "Construction equipment" needs to be more clearly defined.
162. What is the purpose of the light curfew?
163. Clarification of the 35-foot light triangle is needed.
164. 2.3 and 4.1 are in conflict with 4.2.02.D(3).
165. "Maintain Balance" needs to be defined.