

MARIPOSA COUNTY

AGENDA TRANSMITTAL FORM

Instructions: Please complete all areas applicable to your agenda item. Items requiring staff review must be submitted to the appropriate county department within their review time-line before submitting the item to the Clerk of the Board. Incomplete material will be returned. Submit the original of the Transmittal and Action forms to the Clerk of the Board along with thirteen, 3-hole punched, paper clipped copies of supporting documents. Supporting documents should be numbered consecutively with page numbers circled at the bottom of the page. Agenda Items are due by 12 Noon on the Friday eleven days before the Tuesday of the intended Board meeting.

REQUESTED AGENDA OF: April 19, 2008
DEPARTMENT: Planning

APPROVED BY DEPT. HEAD: KAS
BY: Kris Schenk

AGENDA TITLE (REQUESTED ACTION):

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 of Supervisors will Review the Draft Special Plan, Consider Public Comments, and Remand the Plan for Final Adoption.

REQUESTED TO AGENDIZE AS:

IF TIMED:

Consent Agenda _____
Information _____
Attention _____
Timed _____

(X) Public Hearing at: 10:00 a.m.
Copy of Public Notice Attached No
(available upon request _____)
() Indicate Time Required _____

STAFF REVIEW REQUIRED:

CHECK BOX
FOR ROUTING

Yes () No () County Counsel
Yes () No () Auditor
Yes () No () Personnel
Yes () No () Data Processing
Yes () No () Public Works/Facilities
Yes () No () Other

APPROVED

REMARKS

SPECIAL INSTRUCTIONS TO CLERK:

CAO Office Use Only:

4/5's Vote Required: () Yes () No
Change in Policy: () Yes () No
Additional Personnel: () Yes () No

CLERK OF THE BOARD'S USE ONLY:

RECEIVED:

AGENDIZED FOR: _____

Agenda Item No.: _____

By: _____

Consent Agenda _____

Information _____

Attention: _____

Timed At: _____

DEPARTMENT: Planning

BY: Skip Strathearn
PHONE: 209-742-1247

RECOMMENDED ACTION AND JUSTIFICATION:

It is recommended that the Board of Supervisors review project materials, receive public input and provide direction to Planning staff regarding the adoption of the Yosemite West Special Plan. The Board should direct staff to make any necessary changes to the text of the Yosemite West Special Plan and remand the Special Plan, proposed general plan amendment, and zoning amendment that accompany the Plan for final circulation and adoption.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors established the Yosemite West Community Planning Advisory Committee in 1998 (Res. no. 1998-210.) Board resolution 2003-385 renamed the committee to Yosemite West Planning Advisory Committee and described its duties in preparing the Yosemite West Special Plan. The committee held public meetings and received public input over a 7-year period and prepared the Special Plan and submitted it for county review in July of 2005. The Planning Commission held two public hearings on the Plan and adopted a resolution on March 4, 2006 recommending the Board approve the Plan as amended. The areas governed by the Special Plan, units 1 and 2, the single-family and multi-family areas, respectively, are shown as Figure 1 in the memo to the board in this packet. A General Plan Amendment is required to incorporate the Special Plan into Volume II of the county's General Plan and the zoning amendment is required to incorporate the Plan's standards and regulations into Title 17, Mariposa County Zoning Code.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Should the Board not adopt the Yosemite West Special Plan, the Yosemite West Special Planning Area would remain without a Plan and not be consistent with the mandate of General Plan that each Planning Area has a governing area plan.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		A. Memo to Board - circle page 1
Source:		B. Planning Commission Resolution - page 7
Internal Transfer		C. Planning Commission Resolution. on rezoning property in Yosemite West to commercial - page 14
Unanticipated Revenue _____ 4/5's vote		D. Correspondence - 16
Transfer Between Funds _____ 4/5's vote		(NOTE: The Draft Yosemite West Special Plan, Revised Initial Study, Planning Commission Minutes, and Correspondence received by the Planning Commission were submitted to Board members on March 13, 2008.)
Contingency _____ 4/5's vote		
() General () Other _____		

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____
() Approved
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
_____ No Opinion
Comments:

CAO: _____



MARIPOSA PLANNING

COUNTY OF MARIPOSA

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MARIPOSA, CALIFORNIA 95338-2039
209 . 966 . 5151 • FAX 209 . 742 . 5024

Kris Schenk, Director
kschenk@mariposacounty.org
Skip Strathearn, Senior Planner
sstrathearn@mariposacounty.org

MEMORANDUM

Date: August 4, 2008
To: Mariposa County Board of Supervisors
From: Skip Strathearn, Senior Planner
RE: Public hearing on Saturday, April 19, 2008 on the draft Yosemite West Special Plan; General Plan Amendment 2008-002; and Zoning Amendment 2005-166

PROJECT: The draft Special Plan was prepared pursuant to direction by the Mariposa County Board of Supervisors to address land use concerns in the community of Yosemite West. The draft Plan includes guiding principles to guide development of the community, a land use sub-classification, allowable land uses and standards for the uses, standards for legally existing non-conforming uses and vacation rental support businesses, site use regulations and standards, and standards for parking, circulation and lighting. The project also includes a General Plan Amendment (GPA 2008-002) to incorporate the Special Plan into Volume II of the General Plan, and a zoning amendment (ZA 2005-166) to codify the land use regulations and standards into the Mariposa County Zoning Code.

RECOMMENDATION

The purpose of this hearing is to provide the Board with the opportunity to consider the draft Special Plan, hear from the public on the project, and make any necessary changes to the draft Plan. Further, the Board is requested to provide Planning staff with direction to undertake the final review process for the Special Plan, the accompanying General Plan amendment, zoning amendment, and the project's environmental documentation.

Section 5.3.01.E of the General Plan provides the process by which Area Plans are to be prepared and adopted. As required by this section, the draft Yosemite West Special Plan was prepared and recommended by the Yosemite West Planning Advisory Committee and submitted to Mariposa County for review and adoption. The Planning Commission held public hearings on the project, and with a few changes, voted to recommend that the Board of Supervisors adopt the plan as amended. This commission action was taken on March 4, 2006, prior to the adoption of the updated Mariposa County General Plan in December of that year.

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.

Staff believes the project still needs to be remanded to the Planning Commission for final review and recommendation based on the following:

- 1) The Planning Commission acted on the project prior to the General Plan's adoption, and the draft Special Plan and the initial study/proposed negative declaration prepared for the project are proposed to be further amended so that the Special Plan and the initial study/proposed negative declaration are consistent with the General Plan and its environmental impact report,
- 2) The action to adopt the Special Plan requires a General Plan Amendment to incorporate the Special Plan into Volume II of the county General Plan and the Commission has not had the opportunity to provide a recommendation on the amendment, and
- 3) The zoning amendment now proposes to incorporate the entirety of the standards and regulations of the Special Plan directly into Title 17, Zoning, and the Commission has not had the opportunity to review this amendment as presently proposed. Staff proposes that the entirety of the standards and regulations for the single-family, vacation rental, and bed and breakfast uses contained in Chapter 3 of the draft Special Plan, and standards and regulations in the non-conformities, site use, circulation and parking, lighting, and glossary chapters be inserted into Title 17 as sub-title 17.400.

STAFF SUMMARY

The following is a brief summary of the goals of the Special Plan.

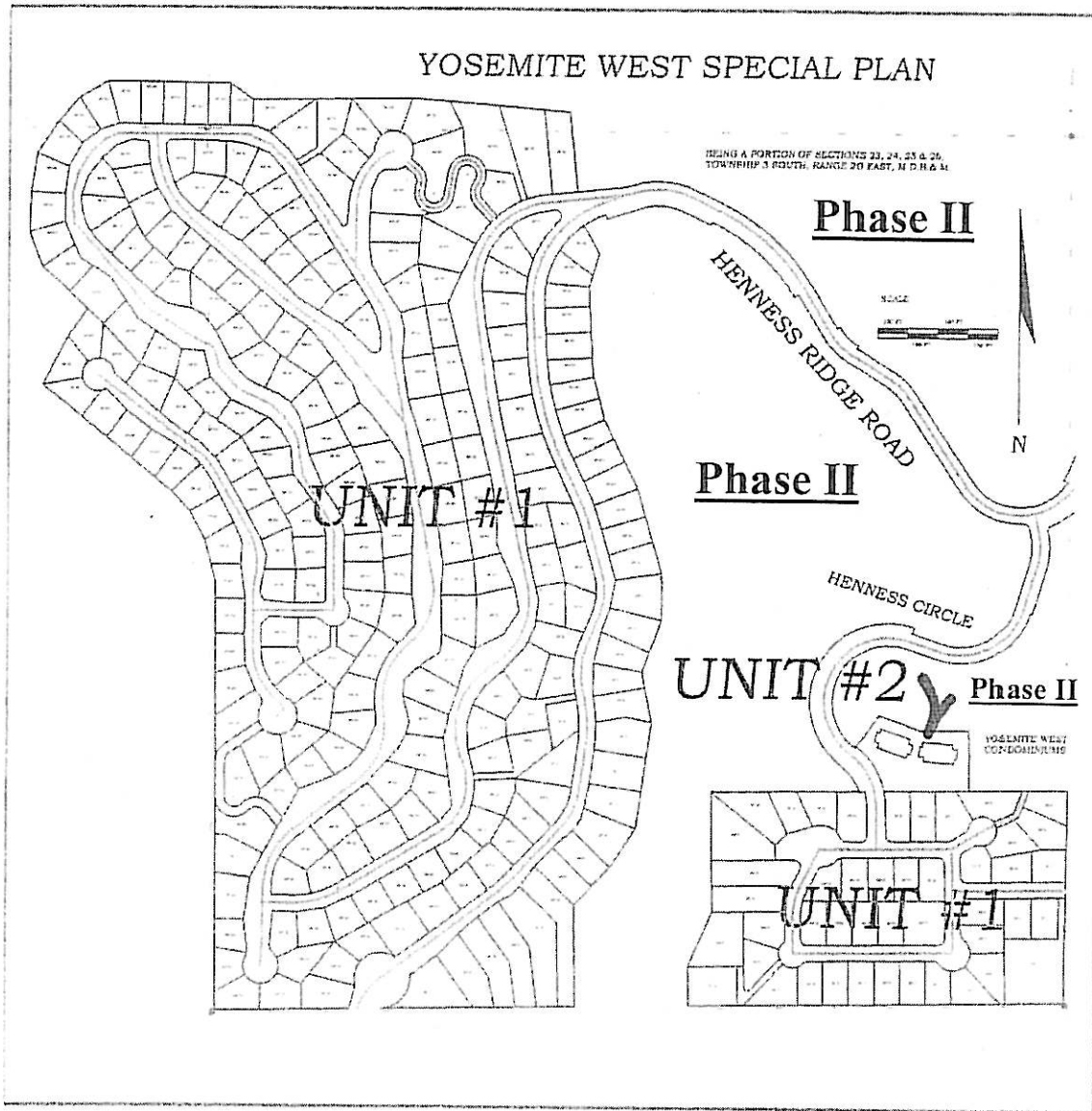
In general, the provisions of the Plan seek to:

- Preserve and protect the rural, rustic nature of the Yosemite West community through the establishment of guiding principles, land uses and standards for those uses, standards for legally existing non-conforming uses, and standards for site development, parking and lighting.
- Continue to allow the operation of businesses in the community that are allowed in the Rural Residential zone, i.e., vacation rentals, bed and breakfasts, and Home Enterprises.
- Balance the uses allowed in the Rural Residential zone with the need to ensure that the community does not become over-commercialized.
- Manage the larger vacation rental support businesses, such as those providing check-in/management services, to ensure that they are compatible with the community. To that end, it introduces the conditional use permit process into land use decisions in the community to provide for a greater public oversight of these support businesses.
- Provide an amortization period for the closure of legally existing, non-conforming vacation rental check-in or management businesses, and prohibit the establishment of any new businesses of this nature.

It is important to note that the draft Special Plan does not propose nor allow any new entitlements, such as new subdivisions or new commercial uses, not already allowed by the county's zoning ordinance.

Figure 1 on the next page is map that identifies the areas within the Yosemite West Special Planning Area that are governed by this Special Plan. Those areas are units 1 and 2, the single-family and multi-family areas, respectively. There remain approximately 59 privately held acres outside of units 1 and 2 that are not governed by the Special Plan. Planning for those areas will be undertaken during Phase II of the development of the Special Plan.

Figure 1
Yosemite West Special Plan Area



Special Plan Consistency with the Mariposa County General Plan

Section 5.3.01 – Planning Area Land Use Classification in the county’s General Plan provides the authority for the establishment of Special Planning Areas and the preparation of Special Plans for those planning areas. Figure 5-1 on page 5-26 of the General Plan shows that Yosemite West is one on three designated Special Planning areas in the county. Buck Meadows and Foresta are the other two Special Planning areas.

Section 5.3.01B – *Extent of Uses* states the following about the management of Planning Areas in the county:

“A planning area is a defined locality within the county that is managed through an Area Plan adopted by the Board of Supervisors.”

Section 5.3.01B(1) – *Types of Special Planning Areas* states the following about Special Planning Areas:

“Some small locales in the county do not face the full scope of issues warranting a full-scale town plan or community plan. The purpose of a special plan is to address the specific issues of local importance for the planning area. Consistent uses will be defined in the special plan. Special plans may be used within a town plan or community plan to address more focused issues.”

Section 5.3.01E(1) – *Description of Planning Areas* states the following about the Yosemite West Special Planning Area:

“Yosemite West is a subdivision located near Glacier Point Road adjoining Yosemite National Park. This subdivision is primarily resort homes. The only access to the subdivision is through Yosemite National Park and over a county-maintained road for which the National Park Service issued a special use permit. The limited scope of land uses in Yosemite West warrants its classification as a Special Planning Area.”

The draft Yosemite West Special Plan meets the requirements of the Mariposa County General Plan regarding Special Planning Areas in that it addresses a narrow range of issues that are specific to the Yosemite West area.

The provisions of Area Plans, including Special Plans, can be stricter than those in the General Plan. With respect to the number of rooms that can be rented in a bed and breakfast or vacation rental the draft Yosemite West Special Plan is stricter than the General Plan. The General Plan allows that five (5) rooms can be rented in such a facility. The Special Plan restricts the number of rooms to be rented to three (3).

The Yosemite West Special Plan allows for the closure of legally existing, non-conforming vacation rental management businesses, which is a departure from historic practice in Mariposa County regarding legally existing, non-conforming uses. However, Implementation Measure 5-11a(1) in the General Plan provides that amortization, closure, and relocation of any legally existing non-conformity is allowed in adopted planning areas.

Staff draws the Board’s attention to the section of the draft Special plan that addresses the closure/amortization process for the prescribed vacation rental management businesses. This section is 4.4 on page 4-3 of the draft Special Plan that was submitted to the Board on March

13, 2008. The section of text is the most controversial section in the draft Special Plan and commanded a significant amount of the Planning Advisory Committee's time during its public meetings. The majority of the committee voted to insert this language to balance the competing interests of those who desire to see the single family residential area of Yosemite West retain a rural and rustic character and those who operate businesses that provide check-in and management services to vacation rentals in this area. With only insignificant modification, the Planning Commission recommended approval of this language.

Further Edits to the Draft Special Plan

The draft Special Plan was prepared by the Yosemite West Planning Advisory Committee and reviewed by the Mariposa County Planning Commission. As noted above, due to the adoption of the Mariposa County General Plan in December of 2006, it was necessary for further edits to be made to the text of the draft Plan, subsequent to Planning Commission review, in order to ensure consistency with the General Plan. Those further edits are shown in the latest version of the draft Yosemite West Special Plan, and the fact that the draft Plan has been subject to further edits is noted on the front page of the draft Plan. The further changes relate mainly to goals, policies and implementation measures in Chapter 3- *Land Use*. For instance, earlier versions of the draft Plan listed single-family, vacation rental, and bed and breakfast as distinct land use classifications. In the General Plan, the overall Yosemite West Special Planning Area is itself a land use classification. In light of this, staff proposes that a land use "sub-classification" called "Yosemite West Residential" be applied to the single-family and multi-family areas in Yosemite West, units 1 and 2. Under this proposal single-family, vacation rental, and bed and breakfast would simply be called "uses", not classifications. Changes to the text based on this proposal are incorporated into the text of Chapter 3 of the draft Plan. This draft Plan with proposed edits was made available to the Board in the packet submitted on March 13, 2008.

The further edits to the draft Plan after the Planning Commission's review do not substantively change the Plan. The changes deal mainly with changes in terms, definitions, the establishment of an overall land use sub-classification, text updates, and similar changes.

Aside from corrections to the references to section numbers as described in a March 14, 2008 email to the Board and provided to the public, the standards and land use regulations remain the same as reviewed by the Planning Commission.

Staff would also propose changing the introductory section in the Glossary section to reflect the Glossary chapter language that is in the General Plan. This is not a significant change. The proposed changes, if approved by the Board, and any further edits that need to be made, will be included in the document that is to be reviewed by the Planning Commission and, ultimately, the Board.

Basis for the Proposed Negative Declaration

The Initial Study prepared for the draft Special Plan did not find that the adoption of the Special Plan's policies and the implementation of the regulations and standards contained in the Special Plan warrant the preparation of an environmental impact report (EIR). The initial study did not find that the Plan creates significant environmental impacts that require mitigation, or more detailed environmental review in an EIR. As noted repeatedly in the Initial Study, the draft Special Plan does not propose nor allow any new entitlements, i.e. new subdivisions or commercial uses, that would trigger further environmental review. The subdivision maps for Yosemite West Units 1 and 2 are recorded, the condominiums have been constructed in accordance with that project's subdivision map, and the single family residential subdivision is being built out. The only commercial uses allowed in the draft Special Plan are those that are

already allowed under existing zoning. The draft Special Plan merely establishes regulations and standards for the use and development of existing property in the Special Plan area. The proposed Initial Study finds that a Negative Declaration is the appropriate environmental document to be adopted for this project. The Initial Study prepared for the project has been revised to reflect Planning Commission and public input and to reflect the Mariposa County General Plan and its EIR. The Initial Study is an environmental document that "tiers" from the General Plan EIR. This tiering process and the initial study's relationship to the General Plan EIR are explained in detail in the initial study document.

- Attachment B Planning Commission Resolution (including the zoning amendment as proposed at that time) -- circle page 7
- Attachment C Planning Commission Resolution recommending that the Mariposa County Board of Supervisors consider and encourage the rezone of property adjacent to the community of Yosemite West to Resort Commercial. -- circle page 14
- Attachment D Correspondence -- circle page 16

The following items were submitted to the Board on March 13-14, 2008:

- 1) Draft Yosemite West Special Plan (Planning Commission and Planning Staff edit, and email of corrections to the Plan submitted via email to the Board on March 14, 2008)¹
 - 2) Revised Initial Study
 - 3) Planning Commission Minutes
 - 4) The correspondence received by the Mariposa County Planning Commission prior or during commission hearings on October 29, 2005 and March 4, 2006
-

¹ All of the documents submitted to the Board in the March 13, 2008 packet and in the correction email, and noted as incorporated by reference, have been made available to the public

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-7

A resolution recommending adoption of the Yosemite West Special Plan, as amended, as a component of the Mariposa County General Plan 2005 Update, and Zoning Amendment 2005-166; Mariposa County, proponent.

WHEREAS the Mariposa County Board of Supervisors initiated the formation of the Yosemite West Planning Advisory Committee and charged this committee with the duty of preparing a land use plan for the community of Yosemite West to address the community's localized needs; and

WHEREAS the adoption of the Yosemite West Special Plan requires an amendment to the text of the Mariposa County Zoning Ordinance, Title 17, to incorporate the Special Plan land use regulations and standards into the zoning ordinance; and

WHEREAS the Planning Commission is responsible for formulating a recommendation to the Board of Supervisors relative to the Yosemite West Special Plan and Zoning Amendment 2005-166; and

WHEREAS the Planning Commission held duly noticed public hearings regarding the Yosemite West Special Plan and Zoning Amendment 2005-166; and

WHEREAS Staff Reports and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold public hearings on the noticed dates and considered all of the information in the public record, including the Initial Study, Staff Report, and testimony presented by the public concerning the project.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend approval of the Yosemite West Special Plan, as amended, as a component of the Mariposa County General Plan 2005 Update, which is incorporated herein by reference, and Zoning Amendment 2005-166, the text of which is shown in Exhibit 1 of this resolution; and

BE IT THEREFORE FURTHER RESOLVED THAT this recommendation is based on the proposed findings mandated for Zoning Ordinance Amendments by Section 17.128.050(C) of the Zoning Ordinance and the findings for the Yosemite West Special Plan that are stated in Exhibit 2; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt a Negative Declaration for the adoption of the Yosemite West Special Plan and Zoning Amendment 2005-166 as shown in Exhibit 3.

ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ross, this resolution is duly passed and adopted on March 4, 2006 by the following vote:

AYES: Commissioners Ludington, Ross, Rudzik, Skyrud, De Santis

NOES: None

EXCUSED: None

ABSTAIN: None


Robert Rudzik, Chair
Mariposa County Planning Commission

Attest:

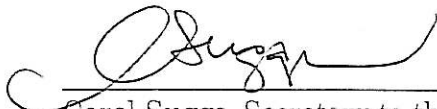

Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1

Zoning Amendment 2005-166 Draft Text

DRAFT TEXT

The following text shall be inserted into Chapter 17.04 of Title 17, Mariposa County Zoning Ordinance:

Chapter 17.04

PURPOSE, ADOPTION, AND COMPLIANCE WITH ORDINANCE

Sections:

- | | | |
|-----------|---|--------------------|
| 17.04.010 | Purpose of zoning ordinance. | (No Change) |
| 17.04.020 | Adoption of zoning ordinance. | (No Change) |
| 17.04.030 | Establishment of zoning districts. | <i>(See Below)</i> |
| 17.04.035 | Zoning maps. | (No Change) |
| 17.04.040 | Interpretation of land use zone boundaries. | (No Change) |
| 17.04.050 | Compliance with ordinance. | (No Change) |
| 17.04.060 | Severability. | (No Change) |

17.04.030 Establishment of zoning districts.

In order to regulate the use of land, buildings, and structures and establish minimum parcel sizes, the following principal zone districts and combining zone districts are established:

- A. Principal Zone Districts (No Change)
- B. Combining Zone Districts (Also referred to as Overlay Zone Districts) (No Change)
- C. (Text) (No Change)
- D. (Text) (No Change)
- E. (Text) (No Change)

F. All land use regulations and standards contained in the adopted Yosemite West Special Plan, including those for the single family residential, Vacation Rental, and Bed and Breakfast land uses; non-conforming uses; vacation rental support businesses; site use; circulation and parking; and exterior lighting are incorporated into this zoning code by reference.

Exhibit 2

Proposed Findings for Yosemite West Special Plan

1. The Yosemite West Special Plan was prepared by the Yosemite West Planning Advisory Committee under the direction of the Mariposa County Board of Supervisors. The committee received extensive public input as the Special Plan was being prepared. Members of the public were allowed to provide input and converse with the committee regarding the contents of the Special Plan.
2. The Yosemite West Planning Advisory Committee prepared the Yosemite West Special Plan in accordance with the mandates specified in County Resolution 2003-385 adopted on October 21, 2003.
3. The Yosemite West Special Plan contains standards and regulations that ensure that the rural residential character of the Special Plan area is maintained while allowing property owners the opportunity to derive an economic benefit from their property in a manner that is consistent with the community's character.
4. Section 5.4.01.B. of the Mariposa County General Plan Update 2005 contains the following statement:

"Area Plans may be adopted for purposes of maintaining rural character, protecting agriculture land, or addressing localized issues in greater detail than is possible in the countywide General Plan."

The Yosemite West Special Plan is consistent with this statement. The two guiding principles in the Special Plan that underlie the land use regulations and standards state:

1. *To preserve the rural and rustic nature of Yosemite West.*
2. *To manage vacation rental impacts on owners and residents.*

Both of these guiding principles meet the Special Plan adoption criteria as outlined in the Mariposa County General Plan Update 2005. The Special Plan was prepared and adopted to maintain the rural, rustic nature of Yosemite West and to address the impacts of vacation rental impacts in the community.

5. The Yosemite West Special Plan is designed to address specific, localized planning needs of the Special Plan area, in accordance with the Mariposa County General Plan Update 2005. The General Plan Update 2005 states in Section 5.4.01.B(1):

"Some small locales in the County do not face the full scope of issues warranting a full-scale town plan or community plan. The purpose of a Special Plan is to address the specific issues of local importance for the planning area. Consistent uses will be defined in the Special plan. Special plans may be used within a town plan or community plan to address more focused issues."

The Special Plan addresses localized needs of the Yosemite West community and is consistent with the text of the General Plan Update 2005.

6. The Yosemite West Special Plan was reviewed by the Mariposa County Planning Commission and Mariposa County Board of Supervisors under properly noticed public hearings.
7. The initial study prepared for the adoption and implementation of the Yosemite West Special Plan found that the project would have no significant environmental effects and adoption of a Negative Declaration is warranted, in accordance with the California Environmental Quality Act.

Proposed Findings for Zoning Amendment 2005-166

1. The amendment will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendment merely codifies the land use regulations and standards contained in the adopted Yosemite West Special Plan in the Mariposa County Zoning Code, Title 17.
2. 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 guide for day-to-day decision making. The land use regulations and standards contained in the Yosemite West Special Plan were prepared to address concerns that are of a localized nature to the Yosemite West Special Plan area, in accordance with the General Plan Update 2005. The standards and regulations provide a long term guide for site development and the operation of businesses in the community. The standards and regulations provide for greater oversight of how the community develops. They also provide a short term guide for day-to-day decision-making by providing the Planning Department with additional tools to use when reviewing building permits for the Yosemite West community. Site development must be found to be consistent with the adopted standards and regulations.
3. The amendment was processed in accordance with state law and county code with respect to noticing, hearings and findings.
4. The amendment is consistent with the guiding policies, goals, policies, standards, and implementation measures contained in the General Plan Update 2005. Section 3.2 of the General Plan provides the guiding principle that *"Development focus is area-centered."* Section 3.2.06 states that the General Plan establishes planning areas that are managed through adoption of "area plans." Area plans include Special Plan areas. Section 5.2.03 – General Plan Implementation (Goal 5-1) states: *"Maintain the rural character of Mariposa County."* Policy 5-1a: states: *"New development shall be in keeping with the County's rural character."* This policy's Implementation Measure (5-1a(1) states: *"Rural character for each of the planning areas is to be defined by Area Plans."*

The land use regulations and standards contained in the Yosemite West Special Plan are based, in part, on one of the Special Plan's guiding principles that states:

"To preserve the rural, rustic nature of Yosemite West." The standards and regulations are consistent with the guiding principles, goals, policies, and implementation measures contained in the General Plan.

5. The initial study prepared for the adoption and implementation of Zoning Amendment 2005-166 found that this action would have no significant environmental effects and adoption of a Negative Declaration is warranted in accordance with the California Environmental Quality Act.

Exhibit 3

PROPOSED

MARIPOSA COUNTY NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070)

PROPONENT/APPLICATION: *Yosemite West Special Plan/Zoning
Amendment 2005-166
Mariposa County, Proponent*

PROJECT DESCRIPTION: The Special Plan was prepared pursuant to direction by the Mariposa County Board of Supervisors to address land use concerns in the community of Yosemite West. The Plan includes guiding principles to guide development of the community, land use classifications and standards of use for the classifications, standards for legally existing non-conforming uses and vacation rental support businesses, site use regulations and standards, and standards for parking, circulation and lighting. A zoning amendment is required to codify the land use regulations and standards contained in the Special Plan into Title 17, Mariposa County Zoning Ordinance. The Yosemite West Special Plan will govern Yosemite West Units 1 and 2, the single family residential subdivision and the condominiums. The Yosemite West Special Plan area is accessed from Wawona Road within Yosemite National Park and by a roadway, Henness Ridge Road, that extends across Park property to Yosemite West from Wawona Road. The project site is located in portions of sections 23, 24, 25 and 26, T.3S., R.20E., MDB&M.

No significant effect is based on the following findings:

(Findings as shown in Staff Report)

No significant effect is based on review procedures of the following County Departments or Divisions:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Building Division | <input type="checkbox"/> County Health Department |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Public Works Department |

Other: *(list if applicable)*

An Initial Study was prepared by Skip Strathearn, Senior Planner and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

KRIS SCHENK, Director
Mariposa Planning

Date

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-8

A resolution recommending that the Mariposa County Board of Supervisors consider and encourage the rezone of property adjacent to the community of Yosemite West to Resort Commercial.

WHEREAS the Mariposa County Board of Supervisors initiated the formation of the Yosemite West Planning Advisory Committee and charged this committee with the duty of preparing a land use plan for the community of Yosemite West to address the community's localized needs; and

WHEREAS the Advisory Committee attempted to achieve a compromise between competing interests in the community of Yosemite West and to strike a balance in the Yosemite West Special Plan between the interests of those who desire the community to be a rural, rustic residential area with those who desire to use property for commercial purposes; and

WHEREAS in the attempt to preserve the rural, rustic nature of the community the Advisory Committee adopted a provision to require the amortization or phasing out of larger-scale vacation rental support businesses within five years of the date of adoption of the Yosemite West Special Plan due to the over-commercialization of this residential area; and

WHEREAS the Planning Commission has recommended that the Board retain this provision and approve the Special Plan as amended by the Commission; and

WHEREAS if a business subject to the five-year phase-out is forced to close there is no area currently in or adjacent to the Yosemite West community in which it could relocate due to conflict with underlying zoning standards; and

WHEREAS the Planning Commission, following significant public input from the aforementioned competing interests while considering the Special Plan, acknowledges that vacation rental support businesses provide valuable guest check-in and other management services to vacation rental units ; and

WHEREAS the governing zone in Yosemite West is Rural Residential, a zone allowing commercial development only if it is consistent with Home Enterprise standards, a standard with which certain vacation rental support businesses find it difficult to comply; and

WHEREAS the Planning Commission sees the necessity for an area in the general Yosemite West area where a central vacation rental check-in and management facility or facilities would be allowed to locate.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission believes the County of Mariposa should be involved in helping to find and/or mediate solutions to the issue of locating check-in and management facilities in the Yosemite West area while also ensuring that the rural, rustic nature of the existing residential area is preserved in accordance with the Special Plan, and

NOW THEREFORE, BE IT FURTHER AND FINALLY RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Mariposa County Board of Supervisors consider and encourage the rezone of property adjacent to Yosemite West to the Resort Commercial zone to allow for the placement of vacation rental support businesses.

ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ross, this resolution is duly passed and adopted on March 4, 2006 by the following vote:

AYES: Commissioners Ludington, Ross, Rudzik, Skyrud, De Santis

NOES: None

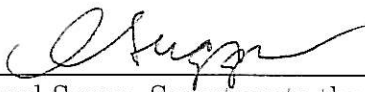
EXCUSED: None

ABSTAIN: None



Robert Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

ANNE ADAMS HELMS

Attachment D

RECEIVED

MAR 26 2008

Mariposa County Planning Dept.

March 26, 2008

Skip Strathearn, Senior Planner
Mariposa County Planning Department
P. O. Box 2039
Mariposa, CA 95338-2039

Dear Mr. Strathern:

I support the Yosemite West Special Plan pursuant to Section 5.3.01.E of the Mariposa County General Plan. It appears that this thoughtfully developed plan will help preserve the unique quality of Yosemite West. I will be unable to attend the meeting on April 19 but wish to be counted among the supporters of the plan.

Thank you.



Anne Adams Helms
(part owner of several lots in Yosemite West)

16

25350 CAMINO DE CHAMISAL, CORRAL DE TIERRA, CA 93908

anneh2@comcast.net

PHONE: 831-484-6534 • FAX: 831-484-5106

Skip Strathearn

From: John Mock PhD & Kimberley O'Neil [info@mockandoneil.com]
Sent: Saturday, March 29, 2008 11:27 AM
To: Kris Schenk; Skip Strathearn
Subject: comments on public review draft of Yosemite West Special Plan

We read the public review draft of the Yosemite West Special Plan and support its immediate adoption by the Board of Supervisors. We have the following specific comments relating to the documents.

Yosemite West Special Plan

1. The term "Yosemite West Special Planning Area" needs a more specific definition beyond ". . . encompasses areas outside of Units 1 and 2" (Section 1.1, Page 1-1). We suggest:
 - naming and/or defining the parcels (that total 62 acres) by their APN; and
 - adding another map to the Plan that shows these areas in relation to Units 1 and 2.

2. The relationship of the Plan to the "Yosemite West Special Planning Area" is unclear (Section 1.1, Page 1-1) . The last sentence (added in Courier-font) seemingly contradicts the previous sentence, which says that no areas outside Units 1 and 2 are governed by the Plan.

3. Section 1.3, Page 1-2, third paragraph, last sentence reads "The Yosemite West area is zoned Rural Residential as of the adoption of this Special Plan."
 - (a) Isn't Yosemite West already zoned Rural Residential before adoption of the Plan (i.e., is this sentence merely reiterating a fact)?
 - (b) Does the "Yosemite West area" mean the same as the "Yosemite West Special Planning Area?" Section 1.1 defines "Yosemite West" (as Units 1 and 2). The use of "Yosemite West area" here is possible confusing - does it mean "Yosemite West" or "Yosemite West Special Planning Area?" Suggest consistent language use.

4. Section 1.3, Page 1-2, footnote 1
 Why was the term "transient rental" replaced by "vacation rental" when the County still uses the term "transient rentals," "transient rentals permits" (e.g., on the Planning Department's website)?

5. Section 3, Page 3-1, footnote 2
 - (a) Footnote 2 seems to contradict Section 1.1, which says no areas outside of Units 1 and 2 are governed by the Plan, as the footnote suggests other areas will be covered by the Plan.
 - (b) Footnote 2 suggests the Plan will be expanded "to cover additional property outside of Units 1 and 2," but there is no discussion of when this would occur. Would it occur only if the property owners wanted and planned to develop those parcels?

6. Section 3.5.05, Page 3-4, numbered item 3.
 Suggest editing sentence to read "and/or" not "and" (i.e., "All vacation rental check-in and/or management services . . .") so it is consistent with numbered items 1., 2., and 4. in this section.

7. Section 6.1, Page 6-1 and Section 6.3, Page 6-2

Referring to the snow season, Section 6.1 gives a date range starting with November 1 whereas Section 6.3 gives a date range starting with October 15. Suggest using the same start date for both date ranges.

Initial Study for the Yosemite West Special Plan

8. Page 22, "The general plan EIR's conclusions regarding potential impacts from wildland fires do not specifically apply to the Yosemite West Special Plan."

Yes, but Yosemite West is in a Cal Fire Very High Fire Hazard Severity Zone! The fire hazard in Yosemite West is greater than or equal to other Mariposa County areas.

John Mock Ph.D. & Kimberley O'Neil
7292 Buck Brush Lane
Yosemite National Park, CA 95389-9103
Tel: (209) 372-4325
www.MockandONeil.com

Skip Strathearn

From: Kris Schenk
Sent: Wednesday, April 02, 2008 8:29 AM
To: Carol Suggs; Skip Strathearn
Subject: FW: Request that the county adopts the Yosemite West Special Plan

More FYI.

-----Original Message-----

From: Carolyn Fierson [mailto:cfierson@yahoo.com]
Sent: Tuesday, April 01, 2008 11:35 PM
To: Kris Schenk
Subject: Request that the county adopts the Yosemite West Special Plan

Ms Kris Schenk
Planning Director
Mariposa County

April 1, 2008

Dear Ms Williams:

Thank you for permitting me to express my view of the Yosemite West Plan.

My husband, Walter, and I have been residents of Yosemite West since 1986.

We would greatly appreciate if you would adopt the "Yosemite West Special Plan."

We are located very far from the people who would otherwise regulate a division of Mariposa County. As a result, some of the people who own property have been able to build and do things to and in Yosemite West that have been unfavorable that they would never be allowed to do in a more central area of Mariposa County. We, thus, desperately need more modern regulations that would make it more difficult for those who wish to change the current rural nature of Yosemite West.

Thank you for your attention and for permitting the "silent majority" to express our opinion.

Sincerely,

Carolyn C. Fierson, Ph.D.

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Pete Ulyatt

7309 Yosemite Park Way ~ Yosemite, California 95389
Home phone (209) 372-4355
e mail – ulyatt1@sbcglobal.net

Mariposa County
Board of Supervisors

2 April 2008

Re: Yosemite West Special Plan

This proposed Special Plan comes to you after 7 years of public meetings held on a monthly basis. There has been ample opportunity for Yosemite West property owners to express their ideas and opinions to the Yosemite West Community Planning Advisory Committee. The resulting plan is nobody's idea of the perfect plan – but a series of ongoing compromises between varying viewpoints. It has been approved by the Mariposa County Planning Commission after a public hearing and is now before you.

Please approve the Yosemite West Special Plan.

Should you consider modifications to the proposed Yosemite West Special Plan, I would suggest you consider the following:

1. Under section 3.5 Vacation Rental Use, subsection 3.5.04 Standards Applicable to New Applications - #2 *"In no case shall a dwelling unit be rented to more than eight people, which is the maximum rental occupancy allowed."*

I would recommend that this standard should be moved to subsection 3.5.02 Generally Applicable Standards for Vacation Rentals as it should apply to **all** Vacation Rentals in Yosemite West, not just newly permitted ones.

I believe that this was the intent of the Yosemite West Community Planning Advisory Committee.

Additionally it will be hard to enforce the initially proposed Standard because when a Vacation Rental Home is overcrowded, it is virtually impossible to know if the Vacation Rental Permit was issued before or after the approval of this Special Plan .

Again, I **strongly encourage** you to approve the Yosemite West Special Plan.

Pete Ulyatt

Member – Yosemite West Community Planning Advisory Committee
Member – Yosemite West Maintenance District Advisory Committee
Member – Yosemite West Property & Homeowners, Inc.

Skip Strathearn

From: Sarah Williams
Sent: Thursday, April 03, 2008 10:13 AM
To: Shari Allen; Carol Suggs
Cc: Skip Strathearn
Subject: FW: Request that the county adopts the Yosemite West Special Plan

For File

-----Original Message-----

From: Margie Williams
Sent: Wednesday, April 02, 2008 9:43 AM
To: Kris Schenk; Sarah Williams
Subject: FW: Request that the county adopts the Yosemite West Special Plan

-----Original Message-----

From: Carolyn Fierson [mailto:cfierson@yahoo.com]
Sent: Tuesday, April 01, 2008 11:32 PM
To: Margie Williams
Subject: Request that the county adopts the Yosemite West Special Plan

Margie Williams
Clerk, Board of Supervisors,

April 1, 2008

Dear Ms Williams:

Thank you for permitting me to express my view of the Yosemite West Plan.

My husband, Walter, and I have been residents of Yosemite West since 1986.

We would greatly appreciate if you would adopt the "Yosemite West Special Plan."

We are located very far from the people who would otherwise regulate a division of Mariposa County. As a result, some of the people who own property have been able to build and do things to and in Yosemite West that have been unfavorable that they would never be allowed to do in a more central area of Mariposa County. We, thus, desperately need more modern regulations that would make it more difficult for those who wish to change the current rural nature of Yosemite West.

Thank you for your attention and for permitting the "silent majority" to express our opinion.

Sincerely,

Carolyn C. Fierson, Ph.D.

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Skip Strathearn

From: Sarah Williams
Sent: Thursday, April 03, 2008 10:12 AM
To: Carol Suggs; Shari Allen
Cc: Skip Strathearn
Subject: FW: Yosemite West Special Plan

For File

From: Margie Williams
Sent: Thursday, April 03, 2008 7:20 AM
To: Kris Schenk; Sarah Williams
Subject: FW: Yosemite West Special Plan

From: Susan Rogers [mailto:srogers778@yahoo.com]
Sent: Thursday, April 03, 2008 12:40 AM
To: Brad Aborn; Lyle Turpin; Janet Bibby; Dianne Fritz; Bob Pickard
Cc: Margie Williams
Subject: Yosemite West Special Plan

Ms Williams - could you kindly ensure that the following reaches the inboxes of the 5 members of the Board of Supervisors. Apologies for the email as we are overseas and want to ensure our comments are heard. Thank you.

To the Honorable members of the Board of Supervisors, Mariposa County

We are long time owners of a Lot on Henness Circle in Yosemite West. And at long last we are finally able to start our dream home after waiting out the sewer problems, moratorium, various reports, bond issue, construction, permit issues etc. We have this past year been able to afford to start our project. It was our hope to have this home not only for our family but also as a vacation rental. We wanted this as a vacation rental for two reasons.

First, years ago my parents took our family to Yosemite and we had the glorious experience of being in Yosemite for a week every year for about 20 years. My husband and I were married on the Valley Floor. We think the chance for others to experience Yosemite in all its beauty is a wonderful experience. However, not everyone can afford the Ahwahnee Hotel. We were grateful that people in Wawona had purchased homes and let them out as we visited each year. We have so many memories of visiting these various homes year after year. It was our hope that our house when built could bring the same type of memory to others. If you have a chance to read the "guest books" of some of the rental homes, you will easily see how important these vacation homes are to people who have such great experiences in this very special place.

Secondly, in an era where so much has eroded away financially, we had always been hopeful to use the stream of revenue as our retirement funds. As vacation rentals have long been a part of Yosemite West,

(22)

it is inconceivable to try and change this concept now for those of us who have counted on it.

In fact, there doesn't seem to be any real reason to oppose Vacation Rentals. In our personal observation owners of these rentals work hard to tend to the upkeep. They have a majority of families or visiting tourists in their units. There seems to be a lot of comments about the sizes of the lots and the houses. Referring back to our Wawona experiences, the cabins / houses were closely knitted together in a relatively small area. That did not detract from our experience at all. There was a wonderful sense of community within the cabins. This is the same sense of community felt at Yosemite West.

We are hopeful that you will be guided by some of the input to continue the Vacation Rentals without such difficult requirements that it becomes impossible to do. We are hopeful that our positive experiences with Yosemite will be shared with others that ultimately rent our home in Yosemite West and have the incredible opportunity to see this magnificent place.

With regards,
Susan Rogers
John Roosen

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Skip Strathearn

From: Sarah Williams
Sent: Thursday, April 03, 2008 10:13 AM
To: Shari Allen; Carol Suggs
Cc: Skip Strathearn
Subject: FW: Yosemite West Special Plan

For File

From: Margie Williams
Sent: Wednesday, April 02, 2008 9:45 AM
To: Kris Schenk; Sarah Williams
Subject: FW: Yosemite West Special Plan

From: JERRY REA [mailto:jerryrea@cox.net]
Sent: Tuesday, April 01, 2008 8:15 PM
To: Margie Williams
Cc: Kris Schenk
Subject: Yosemite West Special Plan

April 1, 2008

Margie Williams, Clerk
Mariposa County Board of Supervisors
P.O. Box 784
Mariposa, Ca 95338

Re: Yosemite West Special Plan; General Plan Amendment 2008-002; Zoning Amendment 2005-166
Public Hearing Saturday April 19, 2008

Dear Supervisors:

Please approve and adopt without delay the Yosemite West Special Plan. Help is long over due to stop the adverse impact of rental operations, they are so large that they have detrimental effects on the non-commercial residences and the intended nature of Yosemite West.

We purchased our lot in 1986 and will complete our 1800 sq. ft. home in 2008. During this course of time, as more and more rental units have emerged we have seen an increase in traffic, noise and obnoxious outdoor lighting as well as inoperable vehicles parked by the side of the road.

Directly across the street are three 2 story rentals. We observed when the people servicing the rentals would drive up the road they would swing across the road over the dike onto our lot in order to make a u-turn to access their driveway - 6 to 8 times a day. The dike was destroyed and had to be repaired in October 2007. Prior to the repair we purchased (1) ton of sand and bagged it. Placing the bags along

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4/3/2008

the destroyed dike to prevent water runoff across our lot. We also see rental employees frequently driving recklessly.

On more than one occasion we were stopped while walking by people looking for a rental office, their only choice was to drive up and down the street until they found the right office.

Yosemite West is a very rural and secluded area, this is what drew us to it. More commercial activity (rentals) are incompatible with this atmosphere. There will be more adverse effects and the altering of the community character with each new rental units.

PLEASE, PLEASE approve the Yosemite West Special Plan.

Jerry and Rea Jackman
7431 Yosemite Park Way, Yosemite West

cc: Kris Schenk, Planning Director

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