
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2009-10

**A resolution recommending approval of General Plan Amendment No. 2008-63,
the Catheys Valley Community Plan.**

WHEREAS Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term general plan for the physical development of each county; and

WHEREAS on December 18, 2006, the Board of Supervisors of the County of Mariposa ("County") adopted a comprehensive update of the County's General Plan ("General Plan"), which identified 17 planning areas, including the Catheys Valley Community Planning Area; and

WHEREAS in 1994, Mariposa County initiated the preparation of the Catheys Valley Community Plan ("Community Plan") to provide a long-term planning framework for the community. The Community Plan is intended to be incorporated into and become a part of the General Plan; and

WHEREAS, between 1994 and 2009, the Catheys Valley Planning Advisory Committee convened eighty-six (86) noticed public meetings and a community planning fair to consider, debate, evaluate, and develop the structure and content of the draft Community Plan; and

WHEREAS, the Mariposa County Board of Supervisors and Planning Commission did, on April 1, 2008, conduct a duly noticed and properly advertised public meeting to take public testimony and to consider additional revisions to the preliminary draft Community Plan; and

WHEREAS the processing of the Community Plan project was assigned a project number and is known as General Plan Amendment No. 2008-63; and

WHEREAS, the Mariposa County Board of Supervisors did, on July 15, 2008, conduct a duly noticed and properly advertised public meeting to take public testimony and to consider additional revisions to the preliminary draft Community Plan; and

WHEREAS an Initial Study and Negative Declaration of Environmental Impact were prepared pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) and local administrative procedures; and

WHEREAS the Initial Study and Negative Declaration of Environmental Impact was available on December 30, 2008; and

WHEREAS, on the 15th day of January 2009, the Catheys Valley Planning Advisory Committee conducted a public meeting, and following public comment and discussion, took action to forward the recommended draft Catheys Valley Community Plan to the Planning Commission for their consideration by formal motion; and

WHEREAS the Community Plan establishes land use designations and specific policies for the Catheys Valley Community Planning Area; and

WHEREAS the objective of the Community Plan is to preserve the rural and ranching lifestyle and character of the area. The land within the boundaries of the Catheys Valley Community Planning Area is rural and not to be used for urban scale development or regional commercial development; and

WHEREAS new zoning classifications, consistent with the Community Plan land use designations, and adoption of specific design guidelines and development standards for the Catheys Valley Community Planning Area will be considered under separate future actions; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, Native American contacts, and others as appropriate; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 7th day of May 2009; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered the information in the public record, including the Staff Report memo, the Initial Study, and Negative Declaration of Environmental Impact, and the draft Catheys Valley Community Plan.

WHEREAS the Planning Commission considered the environmental effects of the adoption of the Catheys Valley Community Plan on global climate change as documented in the minutes of the Planning Commission meeting dated May 7th, 2009; and

WHEREAS additional discussion about the Planning Commission's May 7th, 2009 action on the Community Plan occurred at the Planning Commission meeting on May 8th, 2009.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors certify the Negative Declaration of Environmental Impact and adopt General Plan Amendment No. 2008-63.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

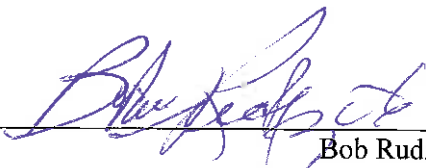
ON MOTION BY Commissioner Marsden, seconded by Commissioner Tucker, this resolution is duly passed and adopted on the 7th day of May, 2009 by the following vote:

AYES: Francisco, Ross, Rudzik, Tucker, and Marsden

NOES: None

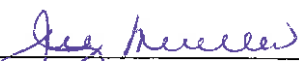
EXCUSED: None

ABSTAIN: None



Bob Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Muefler, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1 – RECOMMENDED FINDINGS OF APPROVAL

1. *CEQA Finding*

An Initial Study Checklist was prepared for the Catheys Valley Community Plan. On the basis of this Initial Study Checklist and the certified Environmental Impact Report for the 2006 Mariposa County General Plan, the County prepared a Negative Declaration of Environmental Impact in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. The Negative Declaration of Environmental Impact and Initial Study Checklist were advertised and available for a public comment period of forty-five (45) days. The Planning Commission considered comments received during the comment period prior to action on the Negative Declaration and General Plan Amendment. The Planning Commission considered a comment received after the close of the comment period regarding global climate change and finds that the Catheys Valley Community Plan reduces the potential Vehicle Miles Traveled, a contributor to global climate change, through the reduction of approximately 490 acres of commercial land uses and reduction of the potential for approximately 160 single family dwelling units by the elimination of the interim TPA designation to residential land use designation. There is no substantial evidence in light of the whole record before the Planning Commission that the General Plan Amendment will have a significant effect on the environment.

2. *The General Plan Amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.*

The General Plan Amendment is in the general public interest because the Catheys Valley Community Plan was developed to meet the needs of the Catheys Valley community. The Community Plan reflects community values through the advisory role of the Catheys Valley Planning Advisory Committee. There is no evidence that the project will have any significant adverse affect on the general public health, safety, peace, and welfare.

3. *The General Plan Amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows.*

The General Plan Amendment is consistent with Implementation Measure 5-1a(1), which requires the preparation and adoption of area plans to define rural character for the Catheys Valley Community Planning Area. Implementation Measure 5-1a(3) states that, "Land development regulations shall define thresholds within which uses are complementary to the concept of rural character as defined by the General Plan and in regulations associated with the Area Plans." The Community Plan identifies regulations for residential, commercial, agriculture/working landscape, and public facilities and services.

Implementation Measure 5-4a(3) states that, "All community plans should include land area to accommodate local rural home industries that out-grow their home-based location." The Community Plan allows rural home industries throughout the Catheys Valley Community Planning Area.

In accordance with Implementation Measure 5-4c(2), the Community Plan provides commercial and institutional standards that protect visual character related to viewsheds, structure design, landscaping, and scenic environment, landform grading, site development, and lighting.

Policy 5-11a states that, "No implementation of the General Plan shall be enacted to force amortization, closure, and relocation of any legally existing nonconformity except signs and/or

billboards and as otherwise provided in adopted planning areas.” The Community Plan provides criteria for nonconformities that are more restrictive than the General Plan. These include:

1. A nonconforming use or structure may be re-established in conformance with Community Plan provisions and County code for a maximum of one year, with the possibility of one one-year time extension.
2. Residential nonconformities may not be expanded and increase density beyond those units in existence at the time the residential use becomes nonconforming.
3. For mobile home parks, any space left vacant for more than one year from the time of initial vacancy shall not be reoccupied.
4. Changing from one non-conforming use to another requires public review.

The text in the General Plan Agriculture Element, including goals, policies, and implementation measures, is repeated in the Community Plan to emphasize the importance of agriculture in Catheys Valley.

4. *The General Plan Amendment enhances the Mariposa County General Plan to reflect the unique character of the Catheys Valley.*

Community Plan goals, policies, and implementation measures are directly tiered from or are related to General Plan policies for land use, agriculture, and infrastructure and services. Community Plan policies (numbered using the prefix “CV”) reflect community needs and values through the advisory role of the Catheys Valley Planning Advisory Committee.

- Goal CV5.1-1, Policy CV5.1-1a, and Implementation Measure CV5.1-1a(1) is related to General Plan Goal 5-1 and Implementation Measure 5-1a(1).
- Goal CV5.1-2, Policy CV5.1-2a, and Implementation Measure CV5.1-2a(1) is related to but not directly equivalent to General Plan Goal 5-2 and Policy 5-2a.
- Goal CV5.1-3, Policy CV5.1-3a, and Implementation Measures CV5.1-3a(1) and CV5.1-3a(2) is related to General Plan Goal 5-1 and Implementation Measure 5-1a(1).
- Goal CV5.1-4, Policy CV5.1-4a, and Implementation Measures CV5.1-4a(1) and CV5.1-4a(2) is related to General Plan Goal 5-1 and Implementation Measure 5-1a(1).
- Goal CV5.1-5, Policies CV5.1-5a and CV5.1-5b, and Implementation Measures CV5.1-5a(1), CV5.1-5b(1), and CV5.1-5b(2) tiers from General Plan Policy 5-5a.
- Implementation Measures CV5.2-1a(1), CV5.2-1b(1), CV5.2-1b(2), CV5.2-1c(1), CV5.2-2a(1), CV5.2-2a(3), CV5.2-12a(4), CV5.2-3a(1), CV5.2-3a(2), CV5.2-3b(1), CV5.2-3c(1), CV5.2-5a(1), CV5.2-5b(1), CV5.2-5b(2), CV5.2-6a(1), and CV5.2-6a(3) include the Catheys Valley Planning Advisory Committee as a responsible party for the corresponding General Plan Agriculture Element implementation measures.
- Goal CV5.3-1, Policy CV5.3-1a, and Implementation Measures CV5.3-1a(1), CV5.3-1b(1), and CV5.3-1c(1) is related to General Plan Goal 5-1 and Implementation Measure 5-1a(1).

- Goal CV5.3-2, Policies CV5.3-2a and 5.3-2b, and Implementation Measures CV5.3-2a(1) and CV5.3-2b(1) is related to General Plan Goal 5-1 and Implementation Measure 5-1a(1).

5. ***The General Plan Amendment improves the Mariposa County General Plan because the boundaries of the Catheys Valley Community Planning Area represent a recognized, identifiable, and socially cohesive area.***

The boundaries for the Catheys Valley Community Planning Area in the Community Plan differ from those for the Catheys Valley Community Planning Study Area shown in the 2006 General Plan. The Community Planning Area includes agriculture/working landscape land that is adjacent to residential land. The Planning Advisory Committee found that the revised boundaries reflect an "Area of Influence" or "Greater Catheys Valley" and is "the minimum area most residents believe is necessary to protect the community from encroachment by densities and uses that are resource intensive, incompatible with, or unsuitable to the rural nature of Catheys Valley."

6. ***The General Plan Amendment conforms to the requirements of state law and county policy.***

The General Plan Amendment has been developed in accordance with all requirements pursuant to state law and county policy, including the State General Plan guidelines.