

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

Resolution
No. 2020-006

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

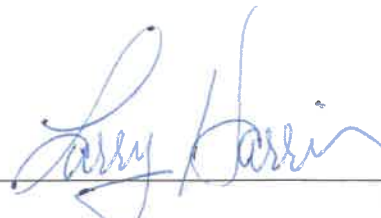
ON MOTION BY Commissioner Sweeney, seconded by Commissioner Herman, this resolution is duly passed and adopted this 28th day of February, 2020 by the following vote:

AYES: Walls, Sweeney, Herman, Harris, McCamman

NOES: None

EXCUSED: None

ABSTAIN: None



Larry Harris, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary for
Mariposa County Planning Commission

Exhibit 1

Recommended amendments to the text of the CVCP.

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

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2.1 ISSUES OF IMPORTANCE

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

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

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3.1 GUIDING PRINCIPLES

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

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

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3.1.01 ENSURE MANAGED GROWTH

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

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

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

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

5.1.02 LAND USE CLASSIFICATIONS

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C. COMMUNITY COMMERCIAL

C(1) Purpose

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

C(2) Extent of Uses

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

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

Exhibit 2

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

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

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

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

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

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

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

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

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

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

5. Finding: Common Sense Exemption

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