

DEPARTMENT: Planning

BY: Kris Schenk, Deputy Director
PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

Consider additional information from staff. Deliberate.

Adopt a resolution:

- 1) Adopting a Negative Declaration, and
- 2) Approving General Plan Amendment No. 2008-63 as recommended by the Planning Commission and staff (July 2009 version of Catheys Valley Community Plan), or as amended. Action includes: (a) amendment to the Mariposa County General Plan to incorporate the Catheys Valley Community Plan into the Mariposa County General Plan Volume II, and (b) amendment to the Mariposa County General Plan Land Use Diagram – Figure 5-2 to reflect the approved Catheys Valley plan area boundaries.

Recommended action is based upon the Planning Advisory Committee, Planning Commission, and staff's recommendations.

Staff will return with resolution and findings for formal action.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See "Evolution of the Community Plan" on Page 1-5 of the Catheys Valley Community Plan

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

See pages 22 and 23 of Staff Report to Board of Supervisors prepared for July 14, 2009 meeting.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		Staff Report to Board of Supervisors with attachments:
Additional Funding Needed: \$		1. Catheys Valley Comparisons
Source:		2. Catheys Valley Commercial Area Vicinity Study Maps
Internal Transfer		3. Catheys Valley Commercial Reserve Highlight
Unanticipated Revenue _____ 4/5's vote		4. Hauge Brueck Memo "Public Comments on Draft Catheys Valley Community Plan 7/14/09"
Transfer Between Funds _____ 4/5's vote		5. Hauge Brueck Memo "Public Comments on Catheys Valley Community Plan Negative Declaration/Initial Study"
Contingency _____ 4/5's vote		6. Board Minute Order for Public Hearing on General Plan Amendment No. 2008-63; 6/9/09
() General () Other _____		7. July 2009 Catheys Valley Community Plan Draft

CLERK'S USE ONLY:

Res. No. 09-355 Ord. No. _____
 Vote – Ayes: _____ Noes: _____
 Absent: _____
 Approved
 Minute Order Attached No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

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

CAO: 



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Continued PUBLIC HEARING (Deliberation Phase) to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The July 2009 Version of the Catheys Valley Community Plan Contains the Recommendations of the Catheys Valley Planning Advisory Committee, the Planning Commission and Staff. The Community Plan Contains the Plan Area Boundaries, a Land Use Diagram, and Goals and Policies for Land Use and Development in the Community Area. The Board of Supervisors will: (1) Consider the Additional Information Presented by Staff in Response to Issues Raised at the June 9, 2009 Hearing; and (2) Consider Adoption of a Resolution for an Environmental Determination (Negative Declaration) and for Final Action to Approve the Catheys Valley Community Plan – Approving General Plan Amendment No. 2008-63 - Amending the Mariposa County General Plan to Incorporate the Catheys Valley Community Plan into Volume II and to Amend the General Plan Land Use Diagram - Figure 5-2. Staff will Return with the Formal Resolution and Findings for these Actions at a Subsequent Meeting. The Proposed Plan Area is the Catheys Valley Vicinity, Including Areas Along Highway 140, Hornitos Road, Schoolhouse Road and Old Highway. The Proposed Plan Area Encompasses Approximately 26.3 Square Miles. The County of Mariposa is the Project Proponent. (Public Hearing Continued from June 9, 2009)

RESOLUTION 09-355

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 14, 2009

ACTION AND VOTE:

Kris Schenk, Planning Director;
Continued PUBLIC HEARING (Deliberation Phase) to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The July 2009 Version of the Catheys Valley Community Plan Contains the Recommendations of the Catheys Valley Planning Advisory Committee, the Planning Commission and Staff. The Community Plan Contains the Plan Area Boundaries, a Land Use Diagram, and Goals and Policies for Land Use and Development in the Community Area. The Board of Supervisors will: (1) Consider the Additional Information Presented by Staff in Response to Issues Raised at the June 9, 2009 Hearing; and (2) Consider Adoption of a Resolution for an Environmental Determination (Negative Declaration) and for Final Action to Approve the Catheys Valley Community Plan – Approving General Plan Amendment No. 2008-63 - Amending the Mariposa County General Plan

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BOARD ACTION: Kris Schenk, Sarah Williams/Deputy Planning Director, Andy Hauge/Project Manager - Hauge Brueck Associates, and Attorney Bill Abbott/Abbott & Kindermann, were present for the hearing.

Kris Schenk advised that the following information is included in the staff report: a list of the major policy issues that were raised through the public portion of the hearing; a summary of the written and oral comments that were received; and a list of recommended actions for consideration in a shortened format (yellow sheets). He asked that the Board discuss the list of recommended action on the draft Plan, environmental documentation and provide direction.

Sarah Williams reviewed the following list of recommended actions for consideration, and advised that the only additional amendment for consideration (since preparation of the staff report) is the change in reference from church(s) to religious facility(s) throughout the Plan.

Items relative to churches/religious facilities: 1) adding a sentence to Section 5.1.02A(2); 2) adding a sentence to Section 5.1.02B(2), 3) adding language to Section 5.1.02D(2); 4) adding a sentence to Section 5.1.02.C(2); 5) modifying Section 5.1.02.G; and modifying Appendix A to delete "mega church" from the definitions. Staff responded to questions from the Board as to whether junior camps would be allowed with the church use; and relative to the status of the 5,000 square foot size limit for a church. Motion by Turpin to approve the recommended changes in items 1 through 6 was withdrawn following discussion relative to the process for reviewing the recommendations. Steve Dahlem, County Counsel, suggested that the Board reach a consensus or that a poll be taken versus taking formal action on the items. The Board concurred with the recommended changes for items 1 through 6.

Items relative to nonconformities: 7) amend a portion of Section 5.1.02.E(3); and 8) amend a portion of Section 5.1.02.E(2). Staff responded to questions from the Board relative to dealing with nonconformities and whether there are existing violations with mobile home parks and whether they are intentionally being phased out; and clarification that this section refers to vacant spaces and not vacant mobile homes and the timeframes used in the General Plan versus this Plan. The Board concurred with the recommended changes for items 7 and 8.

Items relative to extent of uses for Agriculture/Working Landscape land us: 9) amend Section 5.1.02.C(2)/second paragraph; and 10) amend Section 5.1.02.C(2)/first paragraph. Staff responded to questions from the Board relative to "never" being able to convert to other land use classifications; whether the Plan will be compatible with what is developed for agritourism policies; and relative to defining "limited" agritourism and agricultural home stay uses. The majority of the Board concurred with keeping the word "never" and the Board concurred with the recommended changes for items 9 and 10.

Item 11) inclusion of APN 016-280-017 (11.56 acres owned by Fortner) in the Commercial land use OR substituting this APN for the Thao and Graham parcels in the Commercial Reserve. Staff responded to questions from the Board relative to this recommendation; whether the water supply with the existing storage tank would be allowed to be used on neighboring commercial parcels; relative to the minimum parcel size that would be allowed with outside services; and relative to the status of build-out on the existing commercial property. The majority of the Board concurred with substituting the Fortner parcel for the Thao and Graham parcels in the Commercial Reserve.

Item 12) approval of the recommended amendments throughout the Plan which are in *italicized underlined* font for new text and in ~~strikethrough~~ font for deleted text. Staff responded to a question from the Board and clarified that the recommended amendments are contained in the July 2009 version of the Plan as contained in the agenda package. The Board concurred with the recommended amendments for item 12.

Item 13) amending "church" or churches" to "religious facility" or "religious facilities" throughout the Plan. The Board concurred with the recommended change for item 13.

8:20 p.m. Recess

8:32 p.m. Kris Schenk asked the Board if it wanted to discuss any other changes in the Plan.

Supervisor Turpin initiated discussion relative to the Agriculture/Working Landscape area and suggested that the 2006 General Plan Catheys Valley Community Planning Study Area Land Use Diagram be used versus the May 7, 2009 Land Use Diagram. The majority of the Board concurred with using the 2009 Land Use Diagram as recommended by the Planning Commission.

Supervisor Turpin asked for clarification of the blue areas in the Land Use Diagram – they are for the public sites: County Park, Bureau of Land Management (BLM), School District, Cemetery and CAL FIRE. Staff responded to questions from the Board relative to the location of the BLM parcel with the County Park and relative to the conversion of public facilities and services.

Kris Schenk requested direction relative to further processing the Negative Declaration. Attorney Abbott advised that a number of comments were received in support of the proposed Plan and that letters were received that challenged the Board's ability to proceed on the Negative Declaration. He advised of CEQA's procedural requirements before adopting a community plan, and he noted that letters that were submitted raised legal issues, and he suggested that the County expand its environmental analysis to have a better comfort level under CEQA. He referred to the SilverTip Resort and Seventh Day Adventist Church projects and the County's CEQA process that helped to defend the processing of these projects in Court. He suggested going through the process of developing a supplemental environmental document that is hinged and tied to the County's General Plan and its Environmental Impact Review, and with expanding the global warming/greenhouse analysis that has been submitted. He feels that this reduces the risk of litigation and that if the County is sued, it would help the County to defend its position. He advised of options for the Board to retain jurisdiction throughout this process. He advised that the supplemental environmental document and the final Plan, with changes made that were agreed to during this deliberation, will come back to the Board for final action. He estimated that it could take six months for this process. Discussion was held relative to the suggestions and the process. Attorney Abbott responded to questions from the Board relative to being able to keep projects consistent with the proposed Plan during this processing; and discussion was held relative to the option of placing a moratorium to freeze project approval while going through the planning study. (M)Allen, (S)Cann, Res. 09-355 was adopted directing staff to proceed with a supplemental environmental impact report to the General Plan EIR for the Catheys Valley Community Plan; and that the Board retain jurisdiction for purposes of the further processing/Ayes: Unanimous.

Supervisor Bibby asked about the status of the deliberation phase of this hearing and whether Board members could take input from the public at this point. Attorney Abbott stated he does not feel that it is realistic to embargo any further public comment; and he feels that this round of deliberations has been concluded.

Staff will bring back information on the steps and scope of work for further processing. Attorney Abbott provided additional information relative to further processing. The hearing was closed.

Cc: File