

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2011-003

**A resolution recommending approval of General Plan/Zoning Amendment No. 2010-128 and conditional approval of Commercial Industrial Multifamily Development Plan No. 2010-150; Victoria and Bryan Imrie, applicants. Assessor Parcel Number 012-180-014.**

WHEREAS an application for a General Plan/Zoning Amendment and Commercial-Industrial-Manufacturing Plan was received on September 3, 2010 from Victoria and Bryan Imrie for a property located at 4808 Highway 140 in Mariposa, also known as Assessor Parcel Number 012-180-014; and

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

WHEREAS a duly noticed public hearing was scheduled for the 18<sup>th</sup> day of February 2011; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report 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 a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicants,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan Zoning Amendment No. 2010-128 based upon the findings set forth in Exhibit 1; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve

Commercial-Industrial-Manufacturing Plan No. 2010-150, based upon the findings set forth in Exhibit 1 and based upon the conditions and mitigation measures set forth in Exhibit 2, as modified at the public hearing.

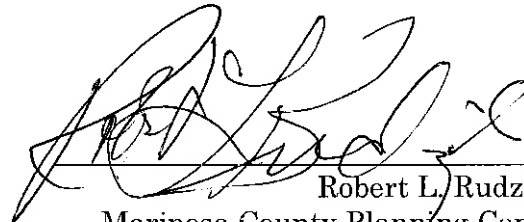
ON MOTION BY Commissioner Francisco, seconded by Commissioner Ross, this resolution is duly passed and adopted this 18<sup>th</sup> day of February 2011 by the following vote:

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

NOES: None


EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the  
Mariposa County Planning Commission

## *Exhibit 1—Findings for Approval*

In accordance with Sections 4.3 and 5.3.03 of the 2006 Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan/Zoning Amendment Application No. 2010-128 and CIM Plan No. 2010-150:

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

**EVIDENCE:** The project will provide additional recreational opportunities for the touring public and the residents of Mariposa. The subject property is located within a short distance of State Highway 140, which constitutes the main tourist route within Mariposa County. Current access to the property is obtained from Highway 140 through a short access easement. The property is located adjacent to the Mariposa Town Planning Area, the area of Mariposa County which serves as the central commercial area providing services to the touring public. Several hotels and motels are located within a mile of the project site. The project site is well buffered from the highway by existing vegetation and will be further screed by additional landscaping required as part of the project approval. Water is not proposed to be provided by an on-site well but rather bottled water will be available for customers. Portable restrooms are proposed to serve the customers of the project. Any proposals to provide water or on-site sewage disposal will be required to obtain the proper permits from the Health Department. Adequate provisions for water, wastewater, garbage, and parking facilities are provided on the project site to ensure that the area will not be negatively impacted.

2. **FINDING:** This 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:** Amending the land use of the site to the Rural Economic/Recreation land use classification and the rezoning of the subject property to the Resort Commercial zoning classification provides a clear plan for the future development of the property in a manner consistent with the General Plan. The amendment will allow for a recreational project to occur on the site, adjacent to the boundaries of the Mariposa Town Planning Area, an area that already provides extensive commercial opportunities.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

**EVIDENCE:** State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and in the Mariposa County Zoning Code. This application has been processed in accordance with all requirements of State laws and local ordinances.

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

**EVIDENCE:** The development of tourist-serving facilities and the recreational use of open space by providing horseback riding opportunities and development of recreational activities with a small footprint such as zip lines as proposed by this application are consistent with the Goals, Policies, and Standards of the Mariposa County General Plan. Section 13.2, Goal 13-3 states, "Increase public access to trails and off-road areas to provide greater opportunities for 'in-County' visitor experience." Goal 13-5 establishes the goal "Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy."

5. **FINDING:** The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

**EVIDENCE:** The subject parcels are found to be physically suitable for the proposed zoning classification and proposed project based upon the existing development immediately adjacent to the project site in the Mariposa Town Planning Area; the proposed development is consistent in appearance with the existing development in the area, and the scale of the development is suitable for the project site. Utilities and infrastructure are available for this property, with access to the project site provided by an access easement to a State highway. There are no physical constraints on the property that would impede or prohibit the proposed development of the project site. The project site is buffered from the highway by existing natural vegetation and provides good topography for the proposed zip line park development.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**EVIDENCE:** The proposed zoning is logical and desirable in that it provides the potential for new employment opportunities and will provide additional recreational activities to the touring public as well as to the residential population of the county. The project proposes to hire several people for operation of the zip line park and the

horseback riding opportunities. The proposed zip lines and horseback riding will give the touring public the opportunity to enjoy other activities in Mariposa County.

7. **FINDING:** The subject property is not subject to a Williamson Act Contract or zoned as a Timber Preserve.

**EVIDENCE:** The subject property is not now, nor has it ever been subject to a Williamson Act contract or zoned as a Timber Preserve. Land located adjacent to the property to the west, south, and east is zoned Agriculture Exclusive (160-acre minimum parcel size) and is governed by Williamson Act contract. The 12-foot wide (average) access road into the project site is contained within a 60-foot wide non-exclusive private access easement which traverses neighboring land governed by a Williamson Act contract. The existing access road within the easement is fenced off from the grazing land and does not interfere with agricultural operations. Approximately two acres of the neighbor's large grazing land holding is fenced off. The project applicant's horses graze this two-acre area. This project will not change the existing conditions on the adjacent contracted property. The private access easement will still exist, as will an access road to the 36-acre parcel. This project will result in a requirement that the access road within the access easement be improved to accommodate the additional traffic for the development. This requirement, however, does not change the status of the existing easement, which, as noted above, exists for the purposes of access. The project site itself is not governed by a Williamson Act contract. The original zoning and land use designation on this property is Mountain General.

8. **FINDING:** The parcel and proposed project meet the criteria for inclusion in the Rural Economic/Recreation classification.

**EVIDENCE:** The project has been reviewed to ensure that it meets all of the criteria for inclusion in the Rural Economic/Recreation classification. The CIM plan submitted provides the development plan for the project as required by Section 5.3.03.E of the Mariposa County General Plan. The project will be accessed through an existing access easement that connects to State Highway 140 where an existing left turn lane is improved for an adjacent development. This easement was created by Parcel Map recorded in Book 27 at Page 20 (processed as Land Division Application No. 1457). The overall design will not obstruct the viewshed, detract from the quality of view, require large amounts of grading, and will be compatible with the rural character. The project does not propose any on-site source of water such as a well or on-site septic sewage disposal, instead providing bottled water and portable restrooms. It is found that the topographic changes between the Mariposa Town Planning Area and the project site and the proximity of the site to the Mariposa Town Planning Area make this site suitable for the proposed use. General Plan Section 5.3.03.F(1) states that Rural Economic/Recreational subclassification should be located at least 3 miles between a Rural Economic/Recreational land use and a Town Planning Area. These guidelines were adopted to encourage these types

of recreational and resort commercial uses either locate within Planning Areas or locate an appropriate distance from a Planning Area and other commercial developments to preserve the rural character of the county and its main thoroughfares. Application of the guidelines will preclude recreational and resort commercial development from monopolizing the main thoroughfares in the County with various commercial uses and will keep the edges of planning and development areas distinct. While the guideline was considered for this project, it is found that application of the 3 mile guideline is not necessary because the project was designed in consideration of the community and the tourist customer base supported by it, and the proposed use requires a larger parcel than is typically found within a Town Planning Area. The property is also surrounded by property that is in a Conservation Easement and Williamson Act Contract, which meets the General Plan strategy of creating a buffer or edge between Planning Areas and Rural Economic land uses. Additionally, based on the site location, it is not visible from the highway and will not impact or detract from the rural character objective. The majority of the proposed project involves outdoor activities with minimal need for substantial structures. The proposed parking area will be approximately 10,000 square feet. The proposed public area, which will contain portable bathrooms, equipment storage buildings, and food concession trailer is approximately 60,000 square feet. There is an existing residence which is approximately 1440 square feet and an existing horse arena that is approximately 37,500 square feet. A large majority of the site will be used for the zip line activities and the horse riding operation, but will not be developed with permanent structures. In accordance with Section 5.3.03.F(2) of the general plan , which establishes acreage and site size constraints that must be met in order to reclassify land to the Rural Economic/Recreation subclassification, the developed portion of the site will not exceed 35 percent of the parcel, but the portion used for the project activities is expected to be larger than five acres overall area.

9. **FINDING:** The subject property has access from a maintained road.

**EVIDENCE:** The project will take access through an access easement that will be required to be improved to a Rural Class II standard. This access easement takes access from State Highway 140, one of the main thoroughfares in the County.

## *Exhibit 2—Conditions of Approval and Mitigation Measures*

1. The Commercial Industrial Multifamily Development Plan is approved for: Yosemite Adventure Ranch has two components; Gold Rush Zip Line Park and Longview Stables. The zip line features dual lines affording an up to ¼ mile descent from a point on the property known as the “Crow’s Nest” to the base and a multi-stage traverse zip line. The zip line has been professionally designed to American Challenge Course Technology standards and will be installed by Adventure Experiences, Inc., an industry leader with 35 years experience constructing courses around the world. Site topography will preclude the necessity to construct towers of platforms. Nine telephone poles 15-20 feet above ground will be utilized along the course and will be secured by guy and anchor systems. The lines will be dual ½ inch galvanized aircraft cable ranging in length from approximately 400 feet to 1321 feet. The stable operation will provide horseback riding opportunities using the existing horses, barn, and arena on the property. Additional horses may be necessary for the stable operation. The graveled parking area will be in the lower elevation portion of the property adjoining the existing driveway and will be approximately 300 feet by 150 feet. The parking area will be located 40 feet from the boundary separating the project site and the Spring Hill Opportunity High School parcel. Lighting will be provided by an existing street light mounted on a wooden pole. Additional facilities include a 102 sq. ft. concession trailer; a 320 sq. ft. picnic tent; a 200 sq. ft. equipment container; a 400 sq. ft. processing tent; and a 200 sq. ft. area containing portable restrooms. The facilities will be located in a 100' by 100' public area. A 37,500 sq. ft. horse arena is in existence and will be used for the Longview Stables operation. An existing 3,600 sq. ft. barn will also be used for this operation. A restroom is located in the vicinity of the horse arena. The CIM Plan proposes shuttle service from hotels in the community of Mariposa or designated pick-up areas for customer convenience and to ease environmental impact. Operating hours are proposed to be 9:00 a.m. to 5:00 p.m. in the winter months and 9:00 a.m. to 9:00 p.m. in the summer. The facility will be opened seven days per week during the peak season with reduced hours/days in the off season, when expected weather conditions will dictate closure. The operation proposes employing 10 to 25 people with seasonal and permanent positions of various skill sets/levels with room for expandability as the business grows. Staff is proposed to be fully appropriately trained and certified. The number of customers shall be limited to 100 persons per day average calculated over a one week time period as long as ADT does not exceed Rural Class II road capacity. The project is located at 4808 Highway 140 in Mariposa, APN 012-180-014.
2. The project shall be developed in substantial compliance with the approved Site Plan dated September 3, 2010. Prior to any modification and/or any deviation from the approved Site Plan, said modification/deviation shall be reviewed and approved by the Planning Director in accordance with the conditions of approval. Minor modifications in the site layout, configuration, size, and materials of the project site may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility, and provided a finding can be

made that the modification does not create impacts which were not addressed in the original project approval. Should any proposed modification(s) result in potential impacts which were not reviewed and conditioned by the original action and approval of this CIM Plan then an application for amended conditions of the CIM Plan may be required by the Planning Director.

3. The project applicant shall improve the access easement to a Rural Class II A (20-foot wide graveled or 18 foot wide paved) standard from Highway 140 to the parking lot as shown on the site plan prior to finalization of the Building Permits and beginning operation of the project. The improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by a Registered Civil Engineer prior to the finalization of the Building Permits and beginning operation of the project. The applicant shall submit a letter signed and stamped by a Registered Civil Engineer stating that the road meets the County's Rural Class II A road standards. Engineered improvement plans may be required to be prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the Building Department prior to commencement of construction work on the required road improvements. This section of roadway shall be maintained to this standard for the life of the project.
4. An encroachment permit from Caltrans shall be obtained prior to commencement of any work within the Highway 140 right-of-way. If a permit is required, all permit requirements shall be met prior to issuance of a finalization of the Buildin permit and beginning operation of the project.
5. Prior to the Building Department final on the building permits for the zip line and proposed structures and prior to beginning operation of the project, the applicant shall install the parking lot with 40 parking spaces as shown on the site plan approved by the Board of Supervisors. The parking lot shall be graveled with a minimum of 2 inches of gravel for erosion and dust control.
6. This project shall meet all standards of PRC 4290 and 4291 as well as all standards established by the County Fire Department. Review shall be through the building permit process.
7. If water from an existing or proposed well is to be provided to visitors of the project the applicant shall either confirm with the Health Department that the existing wells will be sufficient to serve the development, or shall make provisions for additional water production and/or storage onsite. The Health Department shall confirm in writing to the Planning Department that the project has sufficient potable water. Should the Health Department determine that the project necessitates a Public Drinking Water permit from the California Department of Health Services, the confirmation of adequate water shall be the responsibility of this state agency. Additionally, the public drinking water permit shall be obtained.
8. Portable restrooms shall be provided on the project site at all times during project operation and be serviced regularly. If a wastewater disposal system is to be used, it shall be designed in accordance with the requirements of the County Health



Department, which shall include engineering if determined necessary by the Health Department, unless it is determined that a permit from the Regional Water Quality Control Board is required for this project. The wastewater disposal system shall be installed and approved by the County Health Department and/or the Regional Water Quality Control Board.

9. Prior to the commencement of any grading on the project site, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County prior to the initiation of grading activities.

**[State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES)]**

10. All structures shall be located a minimum of twenty five (25) feet from all property lines.
11. The applicant shall provide adequate facilities for solid waste disposal. Planning shall confirm that these facilities have been provided on the project site prior to the building permits being finalized and beginning operation of the project. These facilities shall be screened from view from Highway 140.
12. All onsite lighting features shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, and shall direct light only onto the project site. The applicant shall submit an outdoor lighting plan to the Planning Director for review and approval prior to issuance of a building permit for any onsite structure. Staff recommends use of the Dark Sky International Association reference materials and recommendations for full cut-off fixtures.
13. The project shall be completed within 3 years of the date of approval for this project (by \_\_\_\_\_, 2014 all necessary permits shall be issued). The Planning Commission may grant an extension to this deadline for up to three years, provided that the Planning Director is able to find that substantial progress has been made toward satisfying the conditions of approval and that there are no new impacts associated with the project development.
14. Prior to issuance of a Building Permit and prior to issuance of a Certificate of Occupancy for any onsite structure, all outstanding fees associated with the processing of this application and the review of plans for any subsequent permit, shall be paid. Payments are due within sixty (60) days of billing.
15. During road grading and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning

Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning in consultation with a representative of the American Indian Council of Mariposa County has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains. Should any Native American artifact or human remains be discovered, a representative of the American Indian Council of Mariposa County shall be on-site to monitor the remainder of excavation activities.

16. Any tree removal or pruning that is necessary to implement the Yosemite Adventure Ranch project shall occur between September 15 and January 31, the time-frame which is outside of the general avian nesting season. Should such tree removal or pruning occur between February 1 and September 15 a pre-construction survey conducted by a qualified biologist/botanist shall be required to determine if such removal violates the provisions of Fish and Game Code sections 3503, 3503.5 and 3513. The survey shall be conducted no more than 30 days prior to tree removal or pruning. A copy of the survey shall be submitted to the California Department of Fish and Game, Region 4. If these code sections will be violated by tree removal or pruning between February 1 and September 15, mitigation measures established by the qualified biologist/botanist in consultation with the California Department of Fish and Game shall be implemented to reduce impacts of this tree removal or pruning to less than significant levels. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to such tree removal/pruning on the site.
17. A landscaping plan designed to provide a noise buffer between the project site and the Spring Hill Opportunity High School parcel shall be submitted to the Mariposa County Planning Director for review and approval prior to the issuance of construction or grading permits for the project. The landscape buffer shall be located between the southern boundary of the Spring Hill Opportunity High School site and the entire length of the parking area as shown on the submitted site plan for the Yosemite Adventure Ranch project, an area of roughly 250 feet in length. Trees used in the buffer area shall be evergreen and sufficiently dense and staggered to provide a solid screen. Trees used as screening shall be native to the area or drought tolerant or low water using species and 15 gallons in size at the time of planting and shall be planted prior to the sign-off of any construction or grading permit or issuance of a certificate of occupancy for the project. The landscaping plan shall show and/or describe the irrigation system to be used for watering the trees.
18. All fees associated with the County's processing of the General Plan Amendment/CIM Plan and filing of associated documents shall be paid within Sixty (60) days from the date of project approval (.....) or billing. The Department

of Fish and Game filing fee (\$2,044.00 as of January 1, 2011) and County Clerk fee (\$50 as of January 1, 2011) shall be paid by the applicant within five (5) working days of the approval of the application (by Tuesday, , 2011), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Tuesday, , 2011 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code). The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,094.00 (effective January 1, 2011), and that it be in the form of a cashiers check or money order payable to "Mariposa County." The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

19. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

20. Any proposed signs shall comply with Section 17.108.190. Prior to installation of any sign, a sign plan shall be submitted to the Planning Department and approved by the Planning Director. No off-site signs are allowed.
21. Lighting was not proposed with this application. Prior to installation of any proposed lighting, a lighting plan shall be submitted to the Planning Department and approved by the Planning Director. Lighting shall comply with the International Dark Sky Association standards. Lights shall not be directed towards other off-site buildings or any off-site parcels. Lighting shall be full cut-off fixtures and shall not create off-site impacts.