



# MARIPOSA COUNTY

Planning · 209-966-5151



## RESOLUTION - ACTION REQUESTED 2019-682

MEETING: November 26, 2019

TO: The Board of Supervisors

**MINUTE ORDER ATTACHED**

FROM: Sarah Williams, Planning Director

RE: Initiation of Amendments to Catheys Valley Community Plan

### RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING: Adopt a Resolution initiating boundary and text amendments to the Catheys Valley Community Plan as recommended by the Catheys Valley Community Planning Advisory Committee.

See attached memorandum for information.

### BACKGROUND AND HISTORY OF BOARD ACTIONS:

- 12/2006: Resolution 2006-575 adopting the Mariposa County General Plan
- 12/2012: Resolution 2012-593 adopting the Catheys Valley Community Plan
- 3/2016: Resolution No. 2016-112 adopting the Catheys Valley Community Planning Advisory Committee By-Laws

### ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives:

1. Initiate alternative map amendments or alternative text amendments
2. Do not initiate any amendments
3. Direct staff to process amendments to the Catheys Valley Community Planning Advisory Committee By-Laws
4. Refer matter back to Catheys Valley Community Planning Advisory Committee for additional discussion

Negative Action would mean no amendments are initiated for processing. The Catheys Valley Community Plan would remain as it exists.

### FINANCIAL IMPACT:

**no direct costs, other than staff time for processing (including environmental determination)**

### ATTACHMENTS:

- 1.a 191113 Memo to BOS - Consider Initiation of Amendments (PDF)
- 1.b Resolution\_2016-112 Catheys Valley CPAC by laws (PDF)
- 2 Draft BOS Resolution Initiating Amendments (DOC)

## Resolution - Action Requested 2019-682

- 3 190829 Approved CVCPAC Meeting Minutes (PDF)
- 4 191024 Draft CV PAC Meeting Minutes (PDF)
- 5 190919 CVCP Comments\_Dedini and Schnier (PDF)
- 6 190923 CVCP Comments\_Lobaugh (PDF)
- 7 190926 CVCP Comments\_Saunders (PDF)
- 8 190927 CVCP Comments\_Castleman (PDF)
- 9 190927 CVCP Comments\_Lobaugh (PDF)
- 10 191015 CVCP Comments\_Boze (DOCX)
- 11 191016 CVCP Comments\_Harry (PDF)
- 12 191016 CVCP Comments\_Korn (PDF)
- 13 191023 CVCP Comments\_Helms (PDF)
- 14 191023 CVCP Comments\_Salonen (PDF)
- 15 191024 CVCP Comments\_Kidd (DOCX)
- 16 191024 CVCP Comments\_Sofranek (PDF)
- 17 191024 Memo to CVPAC Cordero (PDF)
- 18 191024 Memo to CVPAC Keeley (PDF)
- 19 191024 Memo to CVPAC McAllister (PDF)
- 20 191024 Memo to CVPAC O'Hagan (PDF)
- 21 191024 Memo to CVPAC Peters (PDF)
- 22 191024 Memo to CVPAC Sinclair (PDF)
- 23 191115 CVCP Comments\_McCord (DOCX)
- 24 191117 CVCP Comments\_Davis (PDF)
- 25 191119 CVCP Comments\_Kelly (PDF)
- 26 191119 CVCP Comments\_Harry (PDF)
- 27 191119 CVCP Comments\_Salonen (PDF)
- 28 191119 CVCP Comments\_DeLouiz (PDF)
- PUBLIC INPUT - Letter from Cathi Boze (PDF)
- PUBLIC INPUT - Letter from Rick and Debbie Lobaugh (PDF)

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]

**MOVER:** Marshall Long, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS**

Resolution  
No. 2019-682

**A Resolution Directing Staff to Process Amendments to the Catheys Valley Community Planning Advisory Committee By-Laws, Sending the Plan Area Boundary Issue Back to the Catheys Valley Community Planning Advisory Committee for Further Discussion and Initiating a General Plan/Community Plan Amendment to Amend the Text in 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 (Resolution 2012-593); and

**WHEREAS**, there have been no amendments to the CVCP since that time; and

**WHEREAS**, to address concerns in the community regarding the plan area boundaries and uses allowed in the Community Commercial Land Use Classification, Supervisor Long and the Board of Supervisors directed Planning staff to schedule the matter for discussion with the Catheys Valley Community Planning Advisory Committee (CVCPAC); and

**WHEREAS**, staff prepared maps showing three potential boundary amendment scenarios and potential amendments to text in the CVCP, and that information was presented to the CVCPAC and community at the committee's duly noticed public meeting on August 29, 2019, which concluded with CVCPAC providing direction; and

**WHEREAS**, staff prepared additional map information and evaluation information, which was presented to the CVCPAC and community at the CVCPAC's October 24, 2019 meeting; and

**WHEREAS**, the CVCPAC received written and oral testimony and discussed the potential amendments to the CVCP and voted 5-4 to recommend the Board of Supervisors:

1. Initiate boundary amendments to the CVCP area to reduce the size of the plan area to 539 acres (Potential Scenario #3), and
2. Initiate text amendments to the CVCP, to allow the potential for additional commercial uses to be developed in the plan area.

**WHEREAS**, the amendment to the CVCP boundary as recommended by the CVCPAC, which would remove all Residential and Agriculture/Working Landscape land use classification land from the CVCP boundary, would require substantial amendments to the entirety of the CVCP text and a review the environmental impact report (EIR) prepared for the CVCP adoption in 2012, to determine consistency with the proposed amendments; and

**WHEREAS**, this project requires a general plan amendment because the CVCP is included in Volume II of the General Plan; and

**WHEREAS**, Board of Supervisors considered the CVCPAC's recommendations, public input, and alternative actions presented by staff, while also considering:

1. An objective of the recommendations of the CVCPAC is to minimize overlying government entities having review authority regarding discretionary and legislative projects on lands in the Agriculture/Working Landscape land use classification within the CVCP area.
2. In 2012, the Board of Supervisors removed from the then-draft CVCP those policies for the Agriculture/Working Landscape land use that were more restrictive than those mandated by the General Plan; the Board of Supervisors directed the General Plan standards to apply to the Agriculture/Working Landscape land use within the CVCP.
3. The Planning Department has a significant work program and there are many communities that do not yet have an area plan adopted.

**NOW BE IT THEREFORE RESOLVED THAT,** the Board of Supervisors does hereby direct staff to process amendments to County Resolution No. 2016-112, the CVCPAC By-Laws, Article II, "Purposes of the Committee," as described in Attachment 1 of this resolution.

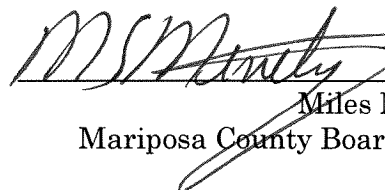
**BE IT FURTHER RESOLVED THAT,** the Board of Supervisors does hereby send the Plan Area boundary issue back to the CVCPAC for further discussion.

**BE IT FURTHER RESOLVED THAT,** the Board of Supervisors does hereby initiate a general plan/community plan amendment to modify the text contained in the CVCP as recommended by the CVCPAC and as described in Attachment 2 of this resolution.

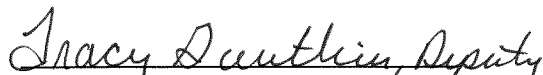
**BE IT FINALLY RESOLVED THAT,** the Board of Supervisors directs that these tasks be moved forward at the discretion of the Planning Director,

**ON MOTION BY** Supervisor Long, seconded by Supervisor Menetrey, this resolution is duly passed and adopted this 26<sup>th</sup> day of November, 2019 by the following vote:

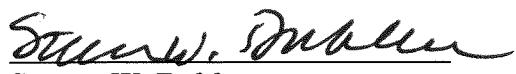
AYES:	Smallcombe, Jones, Long, Cann, Menetrey
NOES:	None
EXCUSED:	None
ABSTAINED:	None

  
 \_\_\_\_\_  
 Miles Menetrey, Chair  
 Mariposa County Board of Supervisors

Attest:

  
 René LaRoche  
 Clerk of the Board of Supervisors

Approved as to Form:

  
 Steven W. Dahlem  
 County Counsel

**ATTACHMENT 1 – Catheys Valley Community Planning Advisory Committee By-Laws, Article II – Amendments to Process**

Proposed deletions are shown in ~~striketrough~~ type and additions are shown in underlined type.

Purposes of the Committee

Section 1: The Committee has the following purposes:

- (a) to prepare and recommend a Community Plan,
- (b) to prepare and recommend applicable implementation regulations – such as zoning and design review – for the Plan to be adopted by the Board of Supervisors, and
- (c) to make recommendations to the Planning Commission and ~~other bodies on planning-related projects and other matters as directed by~~ the Board of Supervisors as follows:
  - i. Discretionary and legislative projects and significant design review projects on lands within the Community Commercial Land Use classification,
  - ii. Discretionary and legislative projects on lands within the Community Residential Land Use, and
  - iii. Discretionary and legislative projects on lands within the Residential Land Use classifications.
- (d) The Committee shall have no authority or role in reviewing any projects on lands within the Agriculture/Working Landscape Land Use classification.

**ATTACHMENT 2 – Catheys Valley Community Plan Text Amendment Initiated for Processing**

Proposed deletions are shown in ~~double strikethrough~~ type and additions are shown in double underlined type.

**Table Of Contents**

		Page
3	Guiding Principles.....	3-1
	3.1.05 Provide Opportunities for <del>locally-oriented</del> Commercial Businesses Meeting primarily Local Needs.....	3-3

**2.1 ISSUES OF IMPORTANCE**

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

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

**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.

**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 serving 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.

**3.1.05 PROVIDE OPPORTUNITIES FOR LOCALLY-ORIENTED COMMERCIAL BUSINESSES MEETING PRIMARILY 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

### 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.