

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2013-012

A resolution recommending approval of Zoning Amendment No. 2013-053 and conditional approval of Conditional Use Permit No. 2013-054; Marla Kertzman and Ken Corallo, applicants. Assessor Parcel Number 020-290-004.

WHEREAS an application for a Zoning Amendment and Conditional Use Permit was received on March 15, 2013 from Marla Kertzman and Ken Corallo for a property located at 2759 Ranchito Drive in the Don Pedro Area, also known as Assessor Parcel Number 020-290-004; and

WHEREAS as the zoning amendment application proposes to amend Section 17.16.010.1.b. of Mariposa County code by adding "...public stables and arenas on parcels of 15 acres in size or greater, where arenas may be used for organized competitive events..." under the Conditional uses section of the Rural Residential Zone; and

WHEREAS the Conditional Use permit application proposes the use of an existing arena for organized and/or competitive equestrian, canine, and livestock events; 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 12th day of July 2013; 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 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 Zoning Amendment No. 2013-053 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 Conditional Use Permit No. 2013-054, based upon the findings set forth in Exhibit 1 and based upon the conditions set forth in Exhibit 2.

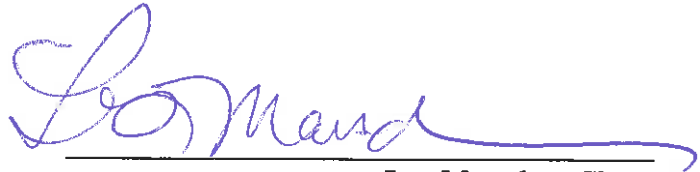
ON MOTION BY Commissioner Harris, seconded by Commissioner Harter, this resolution is duly passed and adopted this 12th day of July 2013 by the following vote:

AYES: Harris, Harter, Marsden, and Becker

NOES:


EXCUSED:

ABSTAIN:



Les Marsden, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Approval

In keeping with Section 2.504 of the Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for Zoning Amendment Application No. 2013-053:

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 a rural competitive events facility of relatively low intensity which will be available to the public. The subject property is located within the Don Pedro area, which has an equestrian history and focus, including equestrian and pedestrian access easements. Current access to the property is obtained from Ranchito Drive. The increased traffic associated with this project will be incorporated into the existing traffic without significant adverse affect. Adequate provisions for water, wastewater, garbage, and parking facilities will be provided on the project site to ensure that the area will not be negatively impacted. Mitigation measures to ensure noise levels do not affect off-site parcels are included.

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: The inclusion of public stables and arenas on parcels 15 acres or greater in size in the conditional uses for the Rural Residential zoning district allows for the development of this use where conditions allow it and is compatible. By listing it under the conditional uses section, a discretionary permit is required which allows environmental review to be conducted to determine the potential impacts of each proposal. The public will have the opportunity to weigh in on each individual proposal and the Planning Commission will be able to condition the project or deny it to ensure that it is compatible with its surroundings and with the General Plan where on-site conditions allow it and is found to be compatible.

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 event facilities and the preservation of open space as proposed by this application are consistent with the Goals, Policies, and Standards of the Mariposa County General Plan. Goal 5-1 of the General Plan is to “Maintain the rural character of Mariposa County.” This zoning amendment helps toward this goal as it provides an area in the county where equestrian and similar related events can take place.

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: Only parcels in the Rural Residential zoning district and 15 acres or greater in size will have the ability to propose public stables and arenas. Each proposal will require a discretionary permit and subject parcels will need to be found to be physically suitable for the proposed public stable or arena; the proposed development is consistent in appearance with the existing development in the area, and the scale of the development will be suitable for the project site. Utilities and infrastructure are available for this property, with access to the project site provided by a County-maintained road. There are no physical constraints on the property that would impede or prohibit the development of the project site, which is already developed with an arena.

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 the proposed development, which provides a basic service to the residents of Mariposa County in that a gathering place will be provided.

In keeping with the provisions of Section 17.112.040 of the Mariposa County Zoning Code, the following findings are made for Conditional Use Permit Application No. 2013-054

1. **FINDING:** Adequate open space is provided by the project.

EVIDENCE: A large majority of the site will be open space. The proposed structures are very minimal when compared to the overall size of the parcel.

2. **FINDING:** The site is physically suited for the proposed development.

EVIDENCE: The site plan provided in this staff report shows that the proposed development fits onto the site without excessive grading, and is located easily within the required setbacks.

3. **FINDING:** Adequate provisions have been made for sewage disposal and handling of solid waste.

EVIDENCE: The Health Department has noted that any sewage disposal system located on the project site will have to be specially designed; this requirement will be met prior to issuance of a building permit for a permanent restroom facility. The Health Department permitting requirements and time limits for the use of portable restrooms will ensure that there is adequate provision for sewage disposal. The Mariposa County landfill has the capacity to serve the solid waste disposal needs of this project.

4. **FINDING:** The proposed development will have adequate potable water for public use and fire protection.

EVIDENCE: There is a fire hydrant located at the front corner of the property. Bottled water will be available during events.

5. **FINDING:** The project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

EVIDENCE: All standard setback requirements have been met, and no special setback standards are applicable to this property.

6. **FINDING:** Appropriate access is available or is proposed to the development.

EVIDENCE: The project takes access from Ranchito Road, a County-maintained road.

7. **FINDING:** The proposed use is consistent with the policies and standards of the general plan and any applicable specific plan.

EVIDENCE: The proposed use will be listed as a conditional use for the zoning classification on the property. Please refer to the findings for the General Plan Zoning Amendment portion of this project for further information; there is no Specific Plan applicable to this property.

8. **FINDING:** The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

EVIDENCE: An Initial Study has been prepared for this project pursuant to the provisions of the California Environmental Quality Act. Mitigation measures have been incorporated into the project approval as a result of this environmental review, and due to the incorporation of these mitigation measures, the potentially significant impacts have been or will be lessened to a level that is less than significant.

9. **FINDING:** The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or the general welfare of the county.

EVIDENCE: The project proposes the public use of a horse arena and appurtenant structures for related events. The Health Department will monitor the installation of a septic system on the project site; the Public Works Department will ensure that the driveway is installed in a safe location; the Building Department will monitor the construction of any structures or facilities. The comfort and general welfare of the residents and employees in the immediate area as well as the county as a whole will not be negatively impacted by this project.

Exhibit 2—Conditions of Approval

1. The project shall be developed in substantial compliance with the approved Site Plan dated March 1, 2013. 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 Conditional Use Permit then an application for amended conditions of the Conditional Use Permit may be required by the Planning Director.
2. **Conditional Use Permit No. 2013-054** is approved for the use of an existing 300' by 150' arena for organized and/or competitive equestrian, canine, and livestock events along with pertinent training and educational events primarily between May 15 and November 15 with the facilities available for use 7 days a week. The project is proposed to be developed in three phases: **Phase 1 (in brown on site plan and write up)** will entail the use of the existing arena and warm up area, up to 34 parking spaces, portable restrooms, a temporary pop-up canopy for use as a snack shack, a self-contained 5th wheel travel trailer with a generator will serve as an announcer's booth, up to 30 competitors and 30 spectators per event, 4-6 employees, 2 days per week maximum lasting no more than 8 hours from 7 am to 9 pm, flood lights will be installed on an existing barn; **Phase 2 (in blue on site plan and write up)** will entail the addition up to 26 more parking spaces, installation of rental stalls, an announcer's booth, portable bleachers, a permanent restroom facility, up to 50 competitors and 50 spectators per event, 6-10 employees, 3 days per week maximum lasting no more than 8 hours from 7 am to 10 pm, some of the events may be 2 day events and competitors will use self contained vehicles overnight with a quiet time between 10 pm and 6 am, lighting is proposed to be used for the arena; **Phase 3 (in green on site plan and write up)** will increase the number of parking spaces used by 20, installation of a snack shack with indoor seating and gates, 2nd set of portable bleachers if needed, up to 80 competitors and 80 spectators, 4 days per week maximum lasting no more than 8 hours per day, some of the events may be 3 day events with competitors staying overnight in self contained vehicles with a quiet time enforced between 10 pm and 6 am, 10-15 employees are expected. The expected employees listed above do not include employees for food service. Access to the property is by way of Ranchito Drive a paved, county maintained road. Secondary access is available to local riders through the pedestrian equestrian easement system, which is located at the rear of the property. Parking spaces are not proposed to be paved or graveled and will be temporarily marked prior to events. Parking areas will be watered down prior to events. The property is located within the Rural Residential zone, within the Residential land use of the Don Pedro Planning Study Area.

Existing on-site improvements include a house with appurtenant structures, a barn, fences, and an existing arena. There is a fire hydrant located at the front of the property.

The applicants will live on site and manage the property and business.

In order to reduce impacts, the applicants propose to provide dust control through the use of sprinklers and water wagons as needed; a public address system will only be used as needed and

events will conclude by 10 pm; a quiet time will be enforced commencing by 10 pm; grass in the parking areas will be mowed to 3 inches.

3. The applicant shall verify with the Public Works Department if an encroachment permit is needed for the change in use of the existing encroachment to Ranchito Drive. A commercial encroachment permit from Public Works shall be obtained prior to commencement of *any* work within the Ranchito Drive right-of-way. If a permit is required, all permit requirements shall be met prior to beginning operation of the project.

The applicants shall contact the Building Department to determine building or grading permit requirements for the project.

4. Building permits are required. Project must comply with Building Department requirements for all structures and accessibility requirements.
5. 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.
6. If water from an existing or proposed well is to be provided to visitors of the project the applicant shall either demonstrate to the satisfaction of the Health Department that the existing wells will be sufficient in both quantity and quality to serve the development, or shall make provisions for additional water production and/or storage onsite meeting the Health Department requirements for quantity and quality. 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 then said permit shall be obtained from the California Department of Public Health, the confirmation of adequate water shall be the responsibility of this state agency through their permitting process.

If water from the Lake Don Pedro Community Services District water will be used for the project, the applicant shall contact the Lake Don Pedro Community Services District prior to any use for permitting requirements or restrictions.

7. There shall be adequate restroom facilities to service the project. All sewage shall be disposed of by connection to a public sewage system or a private sewage disposal system approved by the health department. Portable restrooms may be utilized temporarily if approved by the Health Department. If the Health Department approves the use of portable restrooms they shall be provided on the project site at all times during project operation and be serviced regularly as per Health Department permit requirements. A permit for the use of portable restrooms for the project shall be obtained from the Health Department prior to commencing operation of the project. The use of portable restrooms shall be limited to the time period established by the Health Department.
8. Prior to commencement of Phase 2 or expiration of the permit for the use of portable restrooms, a permanent restroom facility along with a wastewater disposal system shall be designed and installed in accordance with the requirements of the County Health and Building Departments, 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 the installation approved by the County Health Department and/or the Regional Water Quality Control Board. The sewage disposal area and 100% reserve area for the restroom facility must be protected from vehicular traffic and may not be used as a parking area in any phase of the project.

9. Prior to commencing Phase 2 of the project or within the first twelve months of operation of the project (only count months project is in actual operation), whichever comes first, the project applicant shall demonstrate to the satisfaction of the Health Department the exact location of the onsite sewage disposal system serving the existing house. The system must be evaluated by a qualified professional to determine if it is functioning properly. If the system is functioning properly an area shall be set aside for future replacement equal to 100 % of the area currently used by the leach field. If the system is not working properly, a permit must be obtained through the County Health Department to repair or replace the system which may require the use of engineering or a special design. The sewage disposal areas both existing and 100% reserve area for the existing house must be protected from vehicular traffic and may not be used as parking area in any phase of the project.
10. The applicant and/or any food vendors will be required to meet all of the requirements of the California Retail Food Code and obtain a separate permit from the Health Department to prepare, sell or give food away.
11. 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)]

12. All structures and activities/uses associated with events shall be located a minimum of twenty five (25) feet from all property lines and 55 feet from the centerline of the easement for Ranchito Drive.
13. 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 beginning operation of the project. These facilities shall be screened from view from Ranchito Drive.
14. All exterior lighting features shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, shall direct light only onto the project site, and shall meet the Dark Sky International Association standards. 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 or lighting.
15. Any lighting used to illuminate the arena or other project features, excluding security lighting, shall be turned off no later than 10:30 PM.
16. The project shall be completed within 5 years of the date of approval for this project (by _____, 2016 all necessary permits shall be issued). The Planning Commission may grant an extension to this deadline for up to 1.5 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.
17. Prior to commencing the project or 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.

18. 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.

19. All fees associated with the County's processing of the Zoning Amendment and Conditional Use Permit 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 (\$2,156.25 as of January 1, 2013) and County Clerk fee (\$50 as of January 1, 2013) shall be paid by the applicant within five (5) working days of the approval of the application (by Tuesday, , 2013), 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, , 2013 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 \$2,206.25 (effective January 1, 2013), 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.

20. 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.

21. Signs shall comply with size requirement in the Section 17.76.020.D of the Zoning Ordinance. The signs shall not extend above the peak of the roof of a building or structure on which the sign is located. 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.
22. The facility operator shall use best management practices for odor and vector control at all times. If the operator is unable to control flies then the operator shall retain the services of a licensed vector control service.
23. Prior to commencing operation of the project a parking and circulation plan shall be submitted and approved by the Planning Director and County Fire. The plan shall show proposed parking spaces for both equestrian vehicles and passenger vehicles and interior circulation. The applicant is encouraged to consult with the US Forest Service "Designing Road and Parking Areas" which can be obtained from the Planning Department or online. The parking shall be designed for vehicles towing horse trailers, shall avoid stacked parking, and shall allow entry and exit from the parking space from and to the travel way at all times during an event. Parking spaces and travel way width of sufficient size for vehicles with trailers for horses and considering tie space for horses shall be used. Pull through parking spaces are encouraged. The parking and interior circulation design shall allow for entrance and exit of emergency vehicles to all areas of the site at all times during event. All parking spaces shall be delineated on the ground (marked) prior to each event. The final parking and interior circulation plan will likely reduce the number of available parking spaces from the number originally proposed, which may reduce the capacity of the events center. No off-site parking or street parking shall be allowed.
24. The horse arena, travel ways, and parking lot areas shall be watered down prior to the commencement of events and shall be monitored through out the event to ensure that no dust is being generated. More water shall be applied if necessary during an event.
25. All overnight campers must be self contained units (no connections available). No campfires are allowed. They use of a generator between the hours of 10pm and 6am is prohibited.
26. Upon completion of the first complete events season, the Planning Commission, at its discretion, may require a public hearing to determine if amendments to the conditions of approval are necessary for continuing the use and for ensuring that required findings can be made. Project applicants shall be responsible for all costs associated with the hearing, including public noticing required for the hearing. The Planning Commission may require continued review of the project annually at the public hearing.
27. Prior to commencing operation of the project, an emergency plan to address protocol during emergency events such as accident, wildland fire, etc. shall be submitted and approved by the County Health Officer, County Fire, and Cal Fire. (Where will first aid kits be located? Will there be anybody that is CPR certified onsite during events?...etc.)
28. The applicants shall contact the Public Works Department to determine a temporary signage plan for use during each event to alert traffic traveling on Ranchito Drive to slow down due to large vehicles with trailers turning into or out of the project site. The signs shall be placed prior to each event and remain in place during the entire event. Signs shall be removed after all vehicles have left the project site after the conclusion of each event.

29. All gates within the travel ways of the project site must meet County Fire and Cal Fire requirements.
30. Prior to the commencement of each events season, the applicant shall notify all neighboring property owners within a 600 foot radius of the project site and the Mariposa Planning Department with the proposed schedule of events for the season.
31. Prior to the development of Phase II of the project or in the event that documented noise complaints are received prior to that from property owners or residents within a ½ mile radius of the arena, the applicant/operator shall be required to submit a noise study/acoustical analysis prepared by a person qualified in environmental noise assessment and acoustic analysis to determine:
 - Noise level measurements to adequately describe local conditions prior to events at property lines
 - Noise level measurements during events at property lines
 - Identification of best sound management practices for avoiding impacts to off-site properties
 - Restrictions on the level of amplification of sound systems
 - Mitigation measures to reduce noise to acceptable levels

The applicant/operator will be responsible for all costs associated with this requirement, including the implementation of any suggested mitigation measures made by the acoustical consultant.