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

Resolution
No. 2012-004

A resolution recommending approval of 2011 Amendments to the Catheys Valley Community Plan; General Plan Amendment No. 2008-63.

WHEREAS, Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term general plan for the physical development of each county; and

WHEREAS, in 1994, Mariposa County initiated the preparation of a specific plan for Catheys Valley to provide a long-term planning framework for the community pursuant to the General Plan in effect at the time; and

WHEREAS, on the 18th day of December 2006, the Board of Supervisors of the County of Mariposa ("County") adopted a comprehensive update of the County's General Plan ("General Plan"), which identified 17 planning areas, including the Catheys Valley Community Planning Area; and

WHEREAS, the General Plan adopted in December 2006 identified the plan to be prepared for the Catheys Valley Community Planning Area as a Community Plan. The Community Plan is intended to be incorporated into and become a part of the General Plan; and

WHEREAS, as a result of numerous public meetings, the Catheys Valley Planning Advisory Committee developed the structure and content of the original draft recommended Catheys Valley Community Plan; and

WHEREAS, the Mariposa County Board of Supervisors and Planning Commission did, on the 1st day of April 2008, conduct a duly noticed and properly advertised public meeting to take public testimony and to consider additional revisions to the preliminary draft Community Plan; and

WHEREAS, the processing of the Community Plan project was assigned a project number and it is known as General Plan Amendment No. 2008-63; and

WHEREAS, the Mariposa County Board of Supervisors did, on the 15th day of July 2008, conduct a duly noticed and properly advertised public meeting to take public testimony and to consider additional revisions to the preliminary draft Community Plan; and

WHEREAS, an Initial Study and Negative Declaration of Environmental Impact were prepared pursuant to the California Government Code, Mariposa County Code, the

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California Environmental Quality Act (CEQA) and local administrative procedures;
and

WHEREAS, the Initial Study and Negative Declaration of Environmental Impact was available on the 30th day of December 2008; and

WHEREAS, on the 15th day of January 2009, the Catheys Valley Planning Advisory Committee conducted a public meeting, and following public comment and discussion, took action to forward the recommended draft Catheys Valley Community Plan to the Planning Commission for their consideration by formal motion; and

WHEREAS, on the 7th day of May 2009, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 2009-10 recommending the Board of Supervisors certify the Negative Declaration and approve the plan; and

WHEREAS, on the 14th day of July 2009, at a duly noticed continued public hearing, the Board of Supervisors adopted Resolution No. 09-355, directing the preparation of a Supplemental Environmental Impact Report (EIR) for the Catheys Valley Community Plan and retaining jurisdiction for purposes of the further processing; and

WHEREAS, the Draft Supplemental Environmental Impact Report (EIR) for the Catheys Valley Community Plan is a program Environmental Impact Report that supplements the program Environmental Impact Report for the adopted General Plan; and

WHEREAS, a Draft Supplemental Environmental Impact Report (DEIR) was prepared and made available for a State Clearinghouse (SCH No. 2008121121) and public comment period which started on the 14th day of January 2010 and ended on the 8th day of March 2010; and

WHEREAS, as a result of the DEIR, amendments were recommended to the community plan; and

WHEREAS, the amendments were contained in the December 2009 Catheys Valley Community Plan; and

WHEREAS, the amendments to the Catheys Valley Community Plan as contained in the December 2009 Catheys Valley Community Plan were referred to the Planning Commission for review pursuant to Government Code Section 65356; and

WHEREAS, on the 19th day of March 2010, at a noticed public meeting, the Planning Commission considered the amendments to the Catheys Valley Community Plan which resulted from preparation of the DEIR; and

WHEREAS, the Planning Commission considered the December 2009 Draft Supplemental EIR as it reviewed the amendments to the Catheys Valley Community Plan; and

WHEREAS, the Planning Commission adopted Resolution No. 2010-004 recommending the Board of Supervisors approve the amendments; and

WHEREAS, starting on 13th day of April 2010 and continuing through the 14th day of March 14, 2011, the Board of Supervisors conducted a series of duly noticed public hearings, continued hearings and public workshops. The Board of Supervisors considered technical input regarding the DEIR and workshop discussion regarding the content and policies of the plan; and

WHEREAS, as a result of the hearings and workshops, the Board of Supervisors made further amendments to the Catheys Valley Community Plan; and

WHEREAS, the changes to the plan were significant enough to necessitate further amendments be made to the Draft EIR; and

WHEREAS, on the 14th day of March 2011, the Board of Supervisors gave direction to staff to prepare an amended Supplemental EIR based on the Catheys Valley Community Plan dated March 14, 2011 (Board of Supervisors Version); and

WHEREAS, a revised Draft Environmental Impact Report (DEIR) was prepared and made available for a State Clearinghouse (SCH No. 2008121121) and public comment period which started on the 1st day of March 2012 and will end on the 16th day of April 2012; and

WHEREAS, the amendments to the Catheys Valley Community Plan as contained in the Catheys Valley Community Plan dated March 14, 2011 (Board of Supervisors Version) were referred to the Planning Commission for review pursuant to Government Code Section 65356; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 6th day of April 2012; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered the information in the public record, including the Staff Report, the amendments to the Catheys Valley Community Plan as contained in the draft Catheys Valley Community Plan dated March 14, 2012, and public input; and

WHEREAS, the Planning Commission considered the March 2012 Draft Supplemental EIR as it reviewed the amendments to the Catheys Valley Community Plan.

NOW THEREFORE BE IT RESOLVED, the Planning Commission does hereby recommend the Board of Supervisors approve the amendments to the Catheys Valley Community Plan as listed in Exhibit 1 of this Resolution.

NOW THEREFORE BE IT FURTHER RESOLVED the Planning Commission does hereby make the findings as contained in Exhibit 2 of the Resolution in support of their recommendation.

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ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker, this resolution is duly passed and adopted on the 6th day of April, 2012 by the following vote:

AYES: Francisco, Rudzik, Tucker, and Marsden

NOES: None

EXCUSED: Ross

ABSTAIN: None



Les Marsden, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1 – RECOMMENDED AMENDMENTS

The amendments to the Catheys Valley Community Plan which the Planning Commission recommends the Board of Supervisors make include the following:

- 1) Remove all text relative to agriculture policies and the Agricultural/Working Landscape land use. The CVCP references the General Plan for the Agriculture/Working Landscape land use.
- 2) Revise the Catheys Valley Residential Land Use to allow a 5-acre minimum density subdivision with 2.5-acre minimum parcel size (“clustering”, as is allowed in the General Plan). Revise the Community Residential and Community Commercial Land Uses to allow a 2.5-acre minimum parcel size. Require a 5-acre minimum parcel size adjacent to the Agriculture/Working Landscape land use classification.
- 3) Amend the Commercial Land Use classification to include additional parcels as shown on the land use diagram. Amend the location of the Commercial Reserve as shown on the commercial reserve diagram.
- 4) Remove the word “knolls” from the section on hillside/ridgetop development. Text is similar to the General Plan with the exception that the requirement is applied to existing parcels as well as new parcels.
- 5) Remove the section on nonconformities. The General Plan and Zoning Ordinance standards will apply to Catheys Valley Community Plan parcels.
- 6) Remove text which required increased setbacks for residential development adjacent to the Agriculture/Working Landscape Land Use. 5 acres is the minimum parcel size for subdivision of lands adjacent to Agriculture/Working Landscape Land Use lands (see item 2 above).
- 7) Modify text in the air quality standards (to implement greenhouse gas regulations) to clarify how the standards will apply.
- 8) Remove text which identified Planning Advisory Committee responsibilities. Planning Advisory Committee responsibilities are established by the existing Board resolution.
- 9) Amend text establishing the “to do” list for planning staff to delete all requirements except updating the Zoning Ordinance to implement the CVCP and establishing and adopting design review requirements for the CVCP.
- 10) Add text to include reference to state law that 4 or less connections on a well are not regulated as a public water system.
- 11) Remove text regarding outdoor storage. Mobile homes, truck trailers and shipping containers will be regulated by the General Plan and Zoning Ordinance.

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- 12) Amend text to make maximum building intensity and maximum dwelling units for the Residential Land Use consistent with the General Plan.
- 13) Amend text to ensure consistency with past actions by the Board to disallow community sewer systems for new lots. The document is "silent" on shared systems for existing lots.
- 14) Make text concerning the requirement for a Conditional Use Permit (CUP) when (Average Daily Traffic) ADT is tripled consistent with text of General Plan.
- 15) Remove text which required a frontage road for commercial development.
- 16) Remove text which referenced timberlands and timber.
- 17) Make text consistent with current processing requirements for design review by Zoning Ordinance. Design review does not apply to residential development.
- 18) Make text consistent with General Plan for access requirements for subdivisions.
- 19) Amend text to remove all requirements for a bed & breakfast other than to reference General Plan.
- 20) Amend text to remove reference to agritourism, Williamson Act policies, and resort development other than to reference General Plan.
- 21) Amend definitions for central sewer and water systems in Appendix A by deleting reference to sewer systems and clarifying definitions for water systems.
- 22) Amend text for internal consistency relative to grading and cuts and fills.

EXHIBIT 2 – FINDINGS OF APPROVAL

1. ***CEQA Finding***

The Planning Commission considered the Draft Supplemental Environmental Impact Report (EIR) released on the 1st day of March 2012 in their review of the amendments to the Catheys Valley Community Plan as contained in the Catheys Valley Community Plan dated March 14, 2011 (Board of Supervisors Version). A recommendation on the Draft EIR is not made, based on Board of Supervisors Resolution No. 09-355.

2. ***The amendments made to the Catheys Valley Community Plan are in the general public interest, and will not have an impact on the general public health, safety, peace, and welfare.***

The amendments made to the Catheys Valley Community Plan are in the general public interest because the Catheys Valley Community Plan was developed to meet the needs of the Catheys Valley community. The amendments are made considering the community of Catheys Valley and community values as expressed during the conduct of 2010 and 2011 Board of Supervisors public hearings and workshops. There is no evidence that the proposed amendments to the Catheys Valley Community Plan as shown in Exhibit 1 will have any significant or adverse impacts on the general public health, safety, peace, and welfare. The Planning Commission considers evidence from the Director of Environmental Health in making this finding.

3. ***The processing of the amendments made to the Catheys Valley Community Plan conforms to the requirements of state law.***

The processing of the referral of the amendments made to the Catheys Valley Community Plan has been in accordance with all requirements pursuant to state law.

The amendments are consistent with the General Plan. The Planning Commission considers the difference between a “Town Planning Area” and a “Community Planning Area” as defined in Section 5.3.01.B(1) of the General Plan:

- **Town Planning Area:** All residential, commercial, industrial, job-center, recreation, and public uses, as defined in the General Plan, are consistent with the purpose of a town planning area.
- **Community Planning Area:** Single-family residential, rural commercial, recreation/resort-oriented, small business, and public are land uses consistent with the purpose of a community planning area. Multi-family residential uses with more than two attached dwelling units per structure are not consistent residential uses within community planning areas; live-work commercial/residential uses are acceptable.

The Planning Commission considers the Description of Planning Areas in Section 5.3.01.E(1) of the General Plan:

- **Catheys Valley Community Planning Area.** The Catheys Valley Community Plan provides for a broad vision maintaining the Catheys Valley Planning Area as a “rural crossroads” and not a “town.” Catheys Valley was never a town at any point in the County’s history. A cluster of commercial enterprises to serve local residents meets community needs. The community preference is to preclude any special districts and rely on individual wells, individual onsite sewage disposal systems, and agriculture preservation as the anchors maintaining rural character.