
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2011-022

**A resolution recommending approval of General Plan Amendment
No. 2011-001, the Wawona Town Planning Area Specific Plan
Update**

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, on December 18, 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 Wawona Town Planning Area; and

WHEREAS, a Specific Plan was adopted for the Wawona Town Planning Area in 1987 under the previous County General Plan, and amendments were made to the Plan in 1990, 1991, and 2007; and

WHEREAS in 2003 as part of the General Plan Update process, the Mariposa County Board of Supervisors affirmed continuation of the Wawona Town Planning Area Specific Plan and authorized completion of a comprehensive revision to the Wawona Specific Plan Update; and

WHEREAS, between June, 2003 and February, 2011, the Wawona Town Planning Advisory Committee held noticed public meetings to consider, debate, evaluate, and develop the structure and content of the draft Wawona Specific Plan Update; and

WHEREAS, on the 11th day of February 2011, the Wawona Town Planning Advisory Committee conducted a public meeting, and following public comment and discussion, took action to forward the recommended draft Wawona Specific Plan Update to the Planning Commission for their consideration; and

WHEREAS, an Initial Study and Negative Declaration of Environmental Impact were prepared for the Wawona Specific Plan Update pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) and local administrative procedures; and

WHEREAS the Initial Study and Negative Declaration of Environmental Impact was available on July 8, 2011; and

WHEREAS, the Plan establishes land use designations and specific policies for the Wawona Town Planning Area; and

WHEREAS, the objective of the Plan is to preserve the residential and recreational character of the area; and

WHEREAS, new zoning classifications, consistent with the Plan land use designations, and adoption of specific design guidelines and development standards for the Wawona Town Planning Area will be considered by the Board of Supervisors under separate future actions; and

WHEREAS, the Planning Department circulated the Wawona General Plan Amendment among trustee and responsible agencies, interested public organizations, Native American contacts, and others as appropriate; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 11th day of October, 2011; 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 Initial Study, and Negative Declaration of Environmental Impact, and the draft Wawona Town Planning Area Specific Plan update.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors certify the Negative Declaration of Environmental Impact and adopt General Plan Amendment No. 2011-001.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Marsden, seconded by Commissioner Francisco, this resolution is duly passed and adopted on the 7th day of October, 2011 by the following vote:

AYES: Ross, Rudzik, Francisco, Marsden

NOES: None

EXCUSED: Tucker

ABSTAIN: None

Bob Rudzik, Chair
Mariposa County Planning Commission

Attest:

Judy Mueller, Secretary to the
Mariposa County Planning Commission

- EXHIBIT 1 -

FINDINGS OF APPROVAL

The Mariposa County Zoning Ordinance, Section 17.128.050 establishes findings that must be approved in order to amend the General Plan. Staff recommends General Plan Amendment Application No. 2011-001 be approved based upon the following findings:

1. *CEQA Finding*

An Initial Study Checklist was prepared for the Wawona Town Planning Area Specific Plan Update. On the basis of this Initial Study Checklist and the certified Environmental Impact Report for the Mariposa County General Plan, the County has prepared a Negative Declaration of Environmental Impact in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. The Negative Declaration of Environmental Impact and Initial Study Checklist were advertised and available for a public comment period of more than forty-five (45) days. The Planning Commission considered comments received during the comment period prior to action on the Negative Declaration and General Plan Amendment. There is no substantial evidence in light of the entire record before the Planning Commission that the General Plan Amendment will have a significant effect on the environment.

2. *The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.*

The General Plan Amendment is in the general public interest because the Wawona Specific Plan Update was prepared by and revised over time to meet the needs of the Wawona community. The General Plan Amendment is in the general public interest as it will result in the establishment of administrative and land use policies and regulations that will maintain the Wawona Community. The Specific Plan reflects community values through the advisory role of the Wawona Town Planning Advisory Committee. There is no evidence that the project will have any significant adverse affect on the general public health, safety, peace, and welfare.

3. *The processing of this application conforms to the requirements of state law and county policy.*

The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

4. *The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows.*

The General Plan Amendment is consistent with Implementation Measure 5-1a(1), which requires the preparation and adoption of area plans to define rural character for the Wawona Town Planning Area. Implementation Measure 5-1a(3) states that, "Land development regulations shall define thresholds within which uses are complementary

to the concept of rural character as defined by the General Plan and in regulations associated with the Area Plans.” The Wawona Specific Plan Update identifies regulations for residential, commercial, open space, and public facilities and services.

In accordance with Implementation Measure 5-4c(2), the Wawona Specific Plan Update provides commercial standards that protect visual character related to structure design, landscaping, and scenic environment, landform grading, site development, and lighting.

Policy 5-11a states that, “No implementation of the General Plan shall be enacted to force amortization, closure, and relocation of any legally existing nonconformity except signs and/or billboards and as otherwise provided in adopted planning areas.” The Specific Plan Update eliminates the 50-year elimination provision (amortization) of nonconforming uses in the 1987 Specific Plan and will make the Specific Plan consistent with the Mariposa County General Plan.

5. *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.*

The proposed amendment to the Wawona Town Planning Area Land Use Map will enhance and support the long-term use of the residential and environmentally sensitive lands in the Wawona Town Planning Area. The addition and application of the Mountain Residential No. 2 Land Use District will provide for periodic assessment of actions that may further protect the community’s private inholdings within the Wawona Town Planning Area. The application of the Flood Plain Overlay, in place of the Floodplain Land Use District, is appropriate and will provide a process to determine the accurate location of the 100 year floodplain on properties, without the unnecessary processing of Zoning and General Plan Amendments.