



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES-FINAL

MEETING DATE: October 21, 2022
TIME: 9:00 AM
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Chair Herman called the meeting to order at 9:01 A.M.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Present	9:00 AM
John McCamman	District V Planning Commissioner	Excused	

2. PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner Wilmeth.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – August 5, 2022 9:00 AM

Commissioner Herman explained that while these minutes were approved previously, it was later determined that they were not complete.

Motion made by Commissioner Smith, seconded by Commissioner Wilmeth to approve the minutes of August 5, 2022 as presented.

RESULT: (3-0)

AYES: Wilmeth, Herman, Smith

ABSTAINED: Walls

B. Planning Commission – Regular Meeting – October 7, 2022 9:00 AM

Motion made by Commissioner Wilmeth, seconded by Commissioner Walls the Planning Commission approved the minutes for October 7, 2022 as presented.

RESULT: (3-0)
AYES: Walls, Wilmeth, Herman
ABSTAINED: Smith

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

A. Public Hearing: Resolution Reapproving Conditional Use Permit Application No. 2022-072 with Findings and Conditions, Including a Finding that the Project is Exempt from Environmental Review. William Brandle, Applicant. Assessor's Parcel Number 015-200-0170. 2022-PCRES-11

Planner: Katy Casner

Kaitlyn Casner, Planner III, presented the project along with a power point presentation and explained why the project was coming back before the Commission.

Public Comment was received by: William Brandle, applicant/owner and Kerri Gibbons, Environmental Health.

Commissioner Herman called for a 10-minute recess at 9:55 A.M.

Commissioner Herman reconvened at 10:13 A.M.

Based on direction from the Planning Commission, staff provided recommended text for an amendment to condition 4.

By Motion of Commissioner Walls, seconded by Commissioner Wilmeth, The Planning Commission re-approved Conditional Use Permit 2022-072 with findings, including an amendment to condition #4, and finding that the project is exempt from Environmental Review.

RESULT: (4-0)
AYES: Walls, Wilmeth, Herman, Smith

6. PLANNING COMMISSIONER INFORMATION

No information was received by the Planning Commission.

7. INFORMATION ITEMS

Information was received by Planning Director, Sarah Williams:

8. ADJOURN

There being no further business, the meeting was adjourned at 10:35 A.M.

Mick Herman, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or online:

<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>.



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY FINAL MINUTES

MEETING DATE: August 5, 2022
TIME: 9:00 AM
LOCATION: Board Chambers
 Mariposa County Government Center
 5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Commissioner Herman called the meeting to Order at 9:00 AM

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Excused	
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Present	9:00 AM
John McCamman	District V Planning Commissioner	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner Herman.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – July 22, 2022 9:00 AM

By motion of Commissioner McCamman, seconded by Commissioner Smith, the minutes of July 22, 2022 were approved as presented.

RESULT: (4-0)

AYES: Herman, McCamman, Smith, Wilmeth

3. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the Agenda. **None.**

5. PUBLIC HEARINGS

A. Public Hearing: a Resolution Approving Conditional Use Permit Application No. 2022-067 with Findings and Conditions, Including a Finding that the Project is Exempt from Environmental Review. Marteen Besteder, Applicant. Assessor's Parcel Number 014-070-0070 2022. PCRES-8

Planner: Katy Casner

Presentation was given by Casner, with a Power Point.

There was no public comment.

By Motion of Commissioner Smith, seconded by Commissioner McCamman, the Planning Commission adopted a Resolution Approving Conditional Use Permit Applications No. 2022-067 with Findings and Conditions, including a Finding that the Project is Exempt from Environmental Review.

RESULT: (4-0)

AYES: Herman, McCamman, Smith, Wilmeth

B. Public Hearing: a Resolution Approving Conditional Use Permit Application No. 2022-072 with Findings and Conditions, Including a Finding that the Project is Exempt from Environmental Review. William Brandle, Applicant. Assessor's Parcel Number 015-200-0170. 2022-PCRES-9

Planner: Katy Casner

Presentation was given by Casner, with a Power Point.

Public Comment was received from William Brandle, project applicant.

Commissioner Wilmeth stated that a correction was needed for Exhibit 2- Conditions of Approval for the Conditional Use Permit Application No. 2022-072, Page47 of the Agenda Packet, Paragraph 3: "the applicant must make this request in writing prior to August 5, 2022", change year to 2025.

By motion of Commissioner McCamman, seconded by Commissioner Smith, the Planning Commission adopted a Resolution Approving Conditional Use Permit Application No. 2022-072 with Findings and Conditions, including a Finding that the Project is exempt for Environmental Review.

RESULT: (4-0)

AYES: Herman, McCamman, Smith, Wilmeth

6. PLANNING COMMISSIONER INFORMATION

None.

7. INFORMATION ITEMS

Minutes Acceptance: Minutes of Aug 5, 2022 9:00 AM (Minutes Approval)

Information was received by Planning Deputy Director, Steve Engfer.

8. ADJOURN

There being no further business, Chair Herman adjourned the meeting at 9:50 AM

Mick Herman, Chair
Mariposa County Planning Commission

Carol Suggs for Jil Chiesa, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or online:

<http://mariposacountyca.ig2.com/citizens/calendar.aspx?view=list>.

Minutes Acceptance: Minutes of Aug 5, 2022 9:00 AM (Minutes Approval)



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES-FINAL

MEETING DATE: October 7, 2022
TIME: 9:00 AM
LOCATION: Board Chambers
 Mariposa County Government Center
 5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Commissioner Herman called the meeting to order at 9:00A.M. and announced that item 4A will be moved to item 5A.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Excused	
John McCamman	District V Planning Commissioner	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

Commissioner Herman led the pledge.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – August 5, 2022 9:00 AM

By motion of Commissioner McCamman, seconded by Commissioner Wilmeth, the minutes of August 5, 2022 were approved as presented.

RESULT: (3-0)

AYES: Wilmeth, Herman, McCamman

ABSTAINED: Walls

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

A. Public Hearing: Resolution Approving Use Permit Determination No. 2022-061 with Findings, Including a Finding that the Project is Exempt from Environmental Review; Allison Sierra Inc., Applicant. the Use Permit Determination Proposes an Office, Shop and Outdoor Storage for a

Construction Company in the Bootjack TPA, located at 5052 Darrah Road in Bootjack, Also Known as Assessor Parcel Number 014-400-0050. This Item was Originally Noticed and Scheduled for 7/22/2022 (MT ID Ref #13160) But Continued to a Meeting that was Canceled. the Item was Publicly Noticed Again and Scheduled for 10/7/2022. 2022-PCRES-9 Planner: Katy Casner

Kaitlyn Casner, Planner II, presented the project along with a power point.

Public comment was heard from Steve Allison, Applicant.

By Motion of Commissioner McCamman, seconded by Commissioner Walls, the Planning Commission adopted a resolution and approved Use Permit Determination No 2022-061 as presented with findings, including a finding that the project is exempt from environmental review.

RESULT: (4-0)

AYES: Walls, Wilmeth, Herman, McCamman

6. PLANNING COMMISSIONER INFORMATION

Information was received by Commissioner Walls and Wilmeth.

7. INFORMATION ITEMS

Information was received by Deputy Director, Steve Engfer and County Surveyor, Russ Marks.

8. ADJOURN

There being no further business the meeting was adjourned at 9:42 A.M.

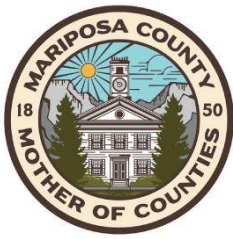
Mick Herman, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

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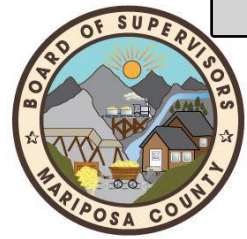
<http://mariposacountyca.igmp2.com/citizens/calendar.aspx?view=list>.

Minutes Acceptance: Minutes of Oct 7, 2022 9:00 AM (Minutes Approval)



MARIPOSA COUNTY

Planning • 209-966-5151



5.A

MEETING: October 21, 2022

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Conditional Use Permit No. 2022-072

Public Hearing: Resolution Reapproving Conditional Use Permit Application No. 2022-072 with Findings and Conditions, Including a Finding that the Project is Exempt from Environmental Review. William Brandle, Applicant. Assessor's Parcel Number 015-200-0170.

See attached.

ATTACHMENTS:

Staff Report (PDF)

Attachment A. Emails not previously recieved (PDF)

Attachment B. Site Plan & Floor Plan (PDF)

Attachment C. PC Resolution (PDF)

Attachment D. NOE (PDF)

PP Presentation (PDF)

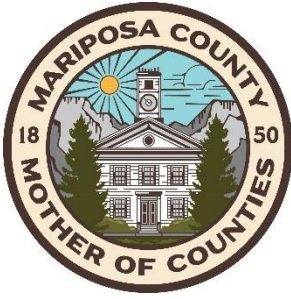
RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Ed Walls, District I Planning Commissioner

SECONDER: Jack Wilmeth, District II Planning Commissioner

AYES: Ed Walls, Jack Wilmeth, Mick Herman, Deni Smith

EXCUSED: John McCamman



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Kaitlyn Casner, Assistant Planner

Planning Commission Meeting Date: October 21, 2022

PROJECT: Conditional Use Permit (CUP) No. 2022-072 (Reconsideration)

LOCATION: The project is located at 3086 Wass Road in Mariposa

**ASSESSOR
PARCEL
NUMBER:** 015-200-0170

APPLICANT: William Brandle

NOTICING: Gazette Ad: October 6, 2022
Mailed Notice: September 30, 2022
Posted Notice: September 30, 2022

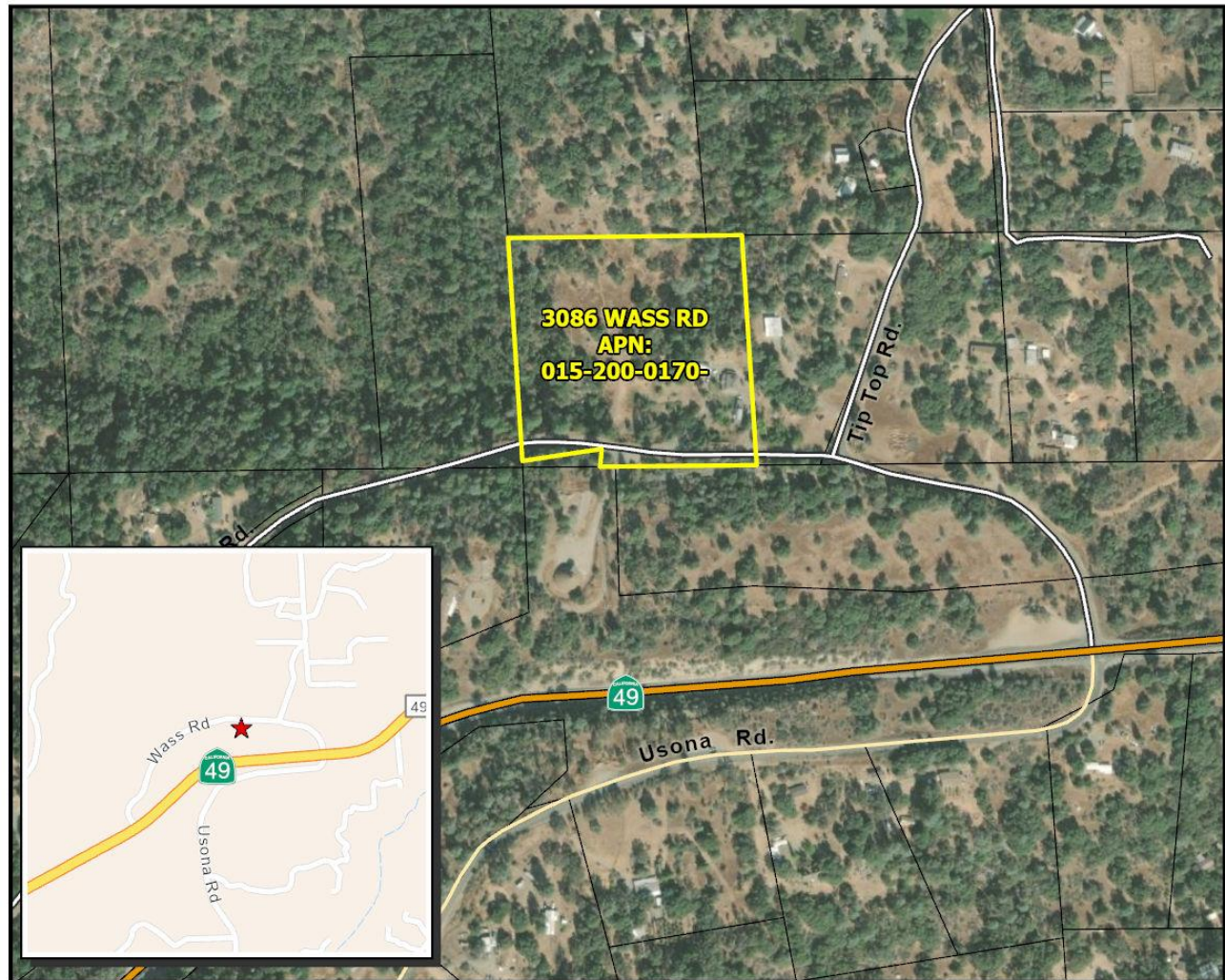
**COMMISSION
ACTION:** Staff recommends the Planning Commission adopt a resolution:

Reapproving Conditional Use Permit Application No. 2022-072 with findings and conditions, including a finding that the project is exempt from Environmental Review.

STAFF SUMMARY ANALYSIS:

Conditional Use Permit Application No. 2022-072 is a request for an increase in bedroom count from 3-bedrooms to 4-bedrooms for an existing vacation rental (VR 2018-021) located at 3086 Wass Road. There is a second dwelling on the parcel, which is owner occupied. There is no additional development proposed at this time. The dwelling is an existing four-bedroom house with one room currently locked off for guest use. The structure is the historic "Tip Top Inn", a former stagecoach stop. At the May 9th, 2022 Historic Sites and Records Preservation Commission (HSRPC) meeting, the HSRPC deemed the structure eligible to be on the List of Historical Resources in Mariposa and recommended the Planning Commission accept staff's recommendation of approval on the project due to the dwelling eligibility to be on the List of Historical Resources in Mariposa. If the conditional use permit is approved, the owner will be required to obtain an amended TOT certificate through the vacation rental application process. Staff considers this project to be in keeping with the surrounding development and recommends approval of the project with the application of the conditions.

Mariposa County Planning Department Project Vicinity Map



0 400 800 Feet

1:5,024

PROJECT TYPE: Conditional Use Permit 2022-072

APPLICANT/OWNER: William Brandle, Trust

SITE ADDRESS: 3086 Wass Road

APN: 015-200-0170

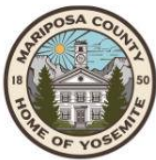
Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Friday, April 15, 2022

Data Source: Mariposa County Planning Department GIS;

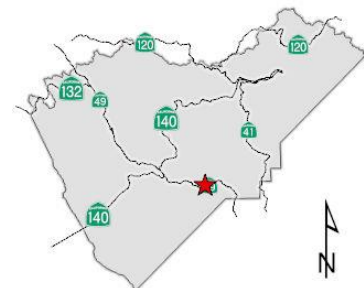
Assessor's Parcel Map Update: 08/2021

Map Credit: jwhite



Mariposa County Planning Department
 PO BOX 2039 5100 Bullion Street
 Mariposa, California 95338-2039
 209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
<http://www.mariposacounty.org/planning>

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



Location in Mariposa County

A. Project History

The project was originally noticed and presented at the August 5th, 2022 Planning Commission meeting. At this meeting, the Planning Commission approved the project with the conditions by Resolution No. 2022-009. After the August 5th Planning Commission meeting, the applicant made the Planning Department aware of public comments he had submitted, regarding his concerns about the recommended conditions to be imposed on the application. The public comments were not received by Planning staff email prior to the August 5th meeting due to the County Server blocking emails containing the words “Tip Top”. The Mariposa County Technical Services Division was notified and is working to correct this issue. The applicant provided the emails to staff again, that were previously blocked (Attachment A. Emails not previously received from William Brandle, Applicant.). This meeting is to provide the public comment to the Planning Commission for consideration regarding the recommended action.

NOTE: The public comment received did not result in any changes to the recommended findings or conditions of approval on the project, however, it did require the sequence to be memorialized to include the public comment received and project reconsideration hearing information.

B. Project Description

The project applicant, William Brandle, proposes a 4-bedroom vacation rental located at the address referenced above. The property currently contains a vacation rental (VR No. 2018-021) and a second dwelling, which is owner occupied. Current county code allows only three bedrooms within a vacation rental, however, if deemed historic, the increase of over three bedrooms may be considered as a Conditional Use pursuant to Mariposa County Code Section 17.108.230. Approval of the conditional use permit by the Mariposa County Planning Commission would allow for the current vacation rental to be expanded by one Bedroom. (Attachment B. Site Plan & Floor Plan)

C. Background

General Plan: Residential

Zoning: Mountain Home Zone (MHZ)

Site and Surrounding Land Use and Development: All parcels adjacent to the proposed site are zoned MHZ with Residential land use classification. Adjacent parcels to the north, south and east of the proposed site are developed with one or more residences each and the parcel to the east does not meet the MHZ minimum parcel size requirements (5 acres). The parcel to the west of the proposed site is undeveloped.

Site Topography And Vegetation: The 9.68 +/- acre property is approximately 2920 feet in elevation. Vegetation is composed of oak woodlands and has a small pond.

Access: Project access is proposed off Wass Road, through an existing driveway.

C. Environmental Review

Staff recommends filing of a Notice of Exemption for this project based upon Section 15062 of the California Environmental Quality Act (CEQA) pursuant to Exemptions established by CEQA Guidelines Section 15301. This project is covered by the CEQA exemption which applies to projects that propose only minor alterations of existing facilities involving negligible or no expansion of existing or former use.

D. Practical Concerns

Potable Water: There is an existing well on the property. Applicant will be required to provide results of current water analyses to the Environmental Health Unit (EHU) to demonstrate compliance with standards set for transient non-community water systems.

Sewage Disposal: There is an existing septic system on-site that serves the project dwelling and the owner-occupied dwelling. Project be required to have a sewage disposal system that meets current requirements of the EHU.

Setbacks: The locations of the existing structures comply with the setbacks required in the Mountain Home Zone, established by Mariposa County Zoning Ordinance Section 17.108.130.

E. Basis for Application

The project requires a Conditional Use Permit (CUP) under Section 17.108.230 Special Use Provisions for Historic Structures. County Code Section 17.108.230 allows for the increase in bedroom count if the structure is deemed eligible to be on the List of Historical Resources in Mariposa (as determined by the Historic Sites and Records Preservation Commission), and it is found the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state.

The applicant has been actively restoring the structure to preserve the Historic nature of the “Tip Top Inn”, a former stagecoach stop on an historic route that lead into Yosemite National Park. Restoration projects included re-roofing the structure, re-siding the structure and fire-proof painting in parts of the interior of the house. Conditions of approval require inspection to verify the structure restoration work conducted maintains the integrity of the historic structure prior to amended transient occupancy certificate issuance.

At the May 9th, 2022 Historic Sites and Records Preservation Commission (HSRPC) meeting, the Commissioners deemed the structure eligible to be on the List of Historical Structures in Mariposa County and recommended that the Planning Commission accept staff’s recommendation of the project based on the dwelling eligibility to be on the List of Historical Resources in Mariposa.

Section 17.108.230 Special Use Provisions for Historic Structures

The Board of Supervisors adopted Ordinance No. 1171 on January 25, 2022 adding a section to Title 17, Mariposa County Zoning Ordinance, to address special use provisions for historic structures countywide. The goal of the ordinance, which is derived from the code language addressing historic structures in the community of Mariposa, is to allow flexibility on how historic structures can be used, including for commercial purposes, in order to enhance the preservation of such structures. It provides an incentive to owners of historic properties to preserve and maintain the property. The new section 17.108.230 reads as follows (shown in italics):

17.108.230 Special Use Provisions for Historic Structures -

“All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa (or eligible to be on the List of Historical Resources in Mariposa as determined by the Historic Sites and Records Preservation Commission, which may require documentation), with the exception of permitted uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

- A. The planning commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;*
- B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the conditional use permit application, and if approved by the planning commission, are to be made part of the conditions granting the permit;*
- C. The planning commission shall follow standard conditional use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the commission must consider the advantages of preserving a historic structure to the benefit of the county versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures;*
- D. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance.”*

CUP application requests are allowed and processed pursuant to the standards contained in Section 17.112.010 of the Mariposa County Code. The purpose of the CUP Application process is to allow for the proper integration of uses into the community, which may be suitable in specific locations in a zone, or if such use is designated or arranged on the site in a particular manner. The Planning Commission, may approve, deny, or conditionally approve an application for a conditional use permit.

The planning commission may impose conditions as it deems necessary to secure the purposes of Section 17.112.010 and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the conditional use permit, as it deems necessary, for the protection of the property owners and the public interest, and may require tangible guarantees or evidence that such conditions are being, or will be complied with.

Public Comments: Attachment A. provides the public comment received before publication of this packet.

Agency Comments: Request for comments were sent to Mariposa County Health and Human Services - Environmental Health Unit, Fire Department, Building Department, Public Works Department & CAL Fire.

Health Dept. Comments: Comments note that due to the age of the on-site sewage disposal system, the nitrate levels being at or above one half the drinking water standard and the history of bacterial contamination in the water system, the Mariposa County Health and Human Services Agency, Environmental Health Unit is requiring the following conditions:

- Applicant shall submit Coliform and E.Coli water tests to the Mariposa County Health and Human Services Agency, Environmental Health Unit. every three months.
- Applicant shall submit Nitrate and Nitrite tests to the Mariposa County Health and Human Services Agency, Environmental Health Unit once a year.
- Applicant shall have the septic system inspected and certified to be in good working condition once every three years and pumped as necessary.
- If any of the above items indicate a problem with the water or sewage disposal system, the applicant shall correct the problem to the satisfaction of the Mariposa County Health and Human Services Agency, Environmental Health Unit.

Conditions of Approval Number 4 and 5 address the Environmental Health's comments by requiring the applicant to conduct testing and have regular inspections.

Public Works Comments: Comments require that the existing access to Wass Road be reviewed and may require improvements. Potentially the encroachments may require hard surface and drainage improvements.

Conditions of Approval Number 6 addresses this comment by requiring the Public Works department approve the Vacation Rental application prior to issuance of an amended TOT Certificate

Building Dept. Comments: Comments note that a Lodging House (vacation rentals) as defined in Chapter 2 of the California Building Code, with more than 3 but not more than 5 guest rooms, shall meet Accessibility Requirements of the

California Building Code (Section 1102A.1 #3 of California Building Code).

Conditions of Approval Number 9 addresses this comment by requiring the Building Department approve the Vacation Rental application prior to the issuance of an amended TOT Certificate.

F. Summary Recommendation

Based on the recommendation of the Historic Sites and Records Preservation Commission, staff recommends the Commission adopt a resolution, reapproving Conditional Use Permit No. 2022-072 with findings and conditions, including a finding that the project is exempt from Environmental Review.

G. Alternative Actions

The Planning Commission may:

1. Continue the hearing and request additional information; or
2. Amend or add findings or conditions of approval; or
3. Determine that additional environmental review is required pursuant to the California Environmental Quality Act (CEQA); or
4. Deny the request for the Conditional Use Permit.

If the Commission denies the CUP, there should be discussion to support findings for denial; staff will return with an amended resolution with findings based upon the Commission's discussion.

Final Action

The Planning Commission action is the final action on this application unless the action is appealed to the Board of Supervisors within 20 calendar days from the date of the action. Any interested person may submit an appeal.

Attachments:

- A. Public Comment- Emails not previously received from William Brandle, Applicant
- B. Site Plan & Floor Plan
- C. Planning Commission Resolution
- D. Notice of Exemption (NOE)

9/26/22, 9:27 AM

Gmail - CUP2022-072 William Brandle

William Brandle williambrandle@gmail.com

CUP2022-072 William Brandle

William Brandle <william.brandle@gmail.com>

Tue, Jul 5, 2022 at 7:39 PM

To: Wayne Forsythe <wforsythe@mariposacounty.org>, Sarah Williams
<swilliams@mariposacounty.org>

Hello Sarah and Wayne,

I hope you've had the chance to read the email from David Conway.

I find it distressing that after four years of my great effort, expense, and compliance to any request, there is suddenly a

new list of additional requirements and ongoing expenses now being suggested.

Do you know if these same conditions are applied equitably across all vacation rentals, hotels, or other types of lodging in

Mariposa County?

By "history of contamination," is this referring to the one, single test that did pass (albeit with some slightly elevated

numbers) four years ago? Or are there other tests that I am unaware of?

I also find it interesting that being 50% below the standard for nitrate levels warrants frequent testing. Again, is that

standard applied equally across the county?

This is difficult to understand because this property has not actually failed any tests since the original TOT certification.

Therefore, when I review the suggested level and frequency of testing, I have to wonder at the severe and burdensome

requirements being placed on a local business.

Indeed, I fail to see these conditions as being reasonable.

All of this is to simply unlock a door to a room that has existed since the beginning, requiring no structure changes, and

no occupancy limit change?

Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

Your opinions, suggestions, and support are greatly valued. I would appreciate your advice on my next step.

Looking forward to your response.

Kind regards,

William Brandle

[Quoted text hidden]

9/26/22, 9:27 AM

Gmail - CUP2022-072 William Brandle

William Brandle williambrandle@gmail.com

CUP2022-072 William Brandle

William Brandle <william.brandle@gmail.com>

Tue, Jul 13, 2022 at 6:42 PM

To: Wayne Forsythe <wforsythe@mariposacounty.org>, Sarah Williams
<swilliams@mariposacounty.org>

Hello Sarah and Wayne,

Regarding David Conway's responses.

1. This is an older residence, yes, but this is an amended TOT, with no structural changes or changes in the occupancy. Literally, this is to unlock a bedroom door. Without an occupancy change, this will not increase water or sewage use. I worked very hard to restore this piece of Mariposa history, the Tip Top Inn and now all I want to do is unlock a bedroom door without any changes since it was first approved.
2. I am very familiar with all that had to be done to get the fourth bedroom, and I appreciate your help more than you may know. However, to this day, I still don't understand why the county has a county code that restricts bedroom count when occupancy better reflects capacity and utility requirements. Regardless of understanding, at least it was forward progress.
3. When will this hearing be held? I would like to attend.

YOUR QUESTION: Do you know if these same conditions are applied equitably across all vacation rentals, hotels, or other types of lodging in Mariposa County?

RESPONSE: These conditions are applied to all bed and breakfasts in Mariposa County.

WILLIAM BRANDLE RESPONSE: That answer was very vague. Does this answer confirm that you have other vacation rentals, specifically in the county of Mariposa testing their water every three months indefinitely with no end date even though they pass every time? If so, how many? Is that confirmation that you have other vacation rentals, specifically in the county of Mariposa not only emptying their septic every three months but having it re-certified indefinitely with no end date even if it tests good each and every time? If so, how many?

YOUR QUESTION: By "history of contamination" is this referring to the one, single test that did pass (albeit with some slightly elevated numbers) four years ago? Or are there other tests that I am unaware of?

Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

RESPONSE: According to Environmental Health's file, the well serving your vacation rental facility failed two bacteriological tests. One of the failed tests was in February 2018. The second failed test was in April 2018. The bacteriological test is a pass or fail test. There is nothing in the file that says what was done to your water system to make the system pass...it is normal for the county to have this information.

WILLIAM BRANDLE RESPONSE: Good point, what you obviously did not know, and how could you know what I did to get it to pass? For the first test, I thought it was my fault for how I tested the water. In disbelief that it failed, I was convinced that I must have contaminated the test. The second test was to confirm the first test. After I confirmed it indeed failed, I replaced all of the plumbing inside of the pump house including the pressure tank, performed the recommended cleaning procedure provided by Mariposa County water district, and then retested. The retest, after plumbing replacement and cleaning passed, and then again over four years later. That is pretty evident to me that replacing, and cleaning did what it was supposed to do. I was unaware of a procedure for the original permit process to let you know all that I did prior to passing.

YOUR QUESTION: I also find it interesting that being 50% below the standard for nitrate levels warrants frequent testing. Again, is that standard applied equally across the county?

RESPONSE: This requirement is the state standard for transient non-community water systems and is routinely applied to all bed and breakfasts in Mariposa County. You had one nitrate test that was 2 points below the standard; the latest test was a little better.

WILLIAM BRANDLE RESPONSE: So, you're saying it was 2 points below and passed, and the last water test better, and I get requirements that seem more punitive than acknowledgment for it doing better. If the State sets a threshold to pass or fail, that tells me that the State does not consider it a problem if it were even 1 point below, only if it were at or above the threshold, or they would make the threshold lower. So why, if I passed the state threshold twice in a row four years plus apart, what do you (Dave Conway) feel personal to set guidelines lower than what the State does?

YOUR COMMENT: This is difficult to understand because this property has not actually failed any tests since the original TOT certification.

RESPONSE: The recommended conditions for your conditional use permit are applied as a mitigating factor for you not having to do additional work on the facility's septic system. The facility's septic system does not meet current standards and should have been required to be upgraded when your vacation rental application was originally approved in 2018.

The county's current requirements (including those in effect in 2018) require the following (County Code Section 17.108.180.E):

WILLIAM BRANDLE RESPONSE: Section 17.108.180.E states "may be required to be upgraded when the home is being converted to bed and breakfast or vacation rental use." The home is not being converted to a vacation rental; it is already a vacation rental and has been for four years since it was approved. No structural changes to the house or occupancy have been requested, and nothing on the property has changed. The septic tank has never failed, and has always been emptied every three years regardless of

if it needs it or not. Yet again, I recently had it emptied and certified for this amended TOT. Again, this is an amended TOT to just simply unlock a bedroom door.

I am looking forward to your response.

Kind regards,

William Brandle

[Quoted text hidden]

Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

9/26/22, 9:28 AM

Gmail - CUP2022-072 William Brandle

William Brandle williambrandle@gmail.com

CUP2022-072 William Brandle

William Brandle <william.brandle@gmail.com>

Tue, Jul 25, 2022 at 6:36 AM

To: Wayne Forsythe <wforsythe@mariposacounty.org>, Sarah Williams
<swilliams@mariposacounty.org>, Kaitlyn Casner <kcasner@mariposacounty.org>

Hello Sarah, Wayne, Kaitlyn,

I have not received an email from my last few responses with my concerns about the Tip Top Inn.

To summarize, "Environmental expects me to test my water every 3 months even though it has passed your requirements the last two times without an end date even if it passes each and every time. When it did fail prior to receiving my TOT, I spent a lot of money and time replacing plumbing, pressure tank, and even went through the cleaning procedures recommended by the Mariposa water district. Since then, it has always passed, and this is just an amended TOT, not a new TOT application.

I do not think every three months, at considerable cost and time, when it originally passed to get the TOT certificate back in 2018 and then again more than four years later in 2022 for the amended TOT. Going more than four years and still passing should speak volumes.

I don't mind emptying the septic tank every three years as I have always done that anyways, but to have it also certified each and every time increases the cost, why? Your standards for the water is that it has failed in the past, and the septic has never failed, ever since it was installed. As a vacation rental, it is only occupied 60% of the year now, and 95% of those guests are in Yosemite or Mariposa all day not even occupying the home. So, the home now gets far less use compared to the many years it was occupied by my family which never had a septic failure. This does not seem fair if these are subjective by David Conway with no concern for my time or costs, not based on pass or fail policies for an amended TOT. Correct me if I am wrong, but as far as I know, it was a pass or fail, and the water passed. Can you please explain?

Is anyone else in the county with a vacation rental that passed their water test expected to test the water every three months and certify a never failed septic every three years with absolutely no end date even if no problems are found in the future, or am I being singled out here?"

I am looking forward to your response.

Kind regards,

William Brandle

[Quoted text hidden]

Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

9/26/22, 9:28 AM

Gmail - CUP2022-072 William Brandle

William Brandle williambrandle@gmail.com

CUP2022-072 William Brandle

William Brandle <william.brandle@gmail.com>

Tue, Aug 1, 2022 at 6:44 AM

To: Wayne Forsythe <wforsythe@mariposacounty.org>, Sarah Williams
<swilliams@mariposacounty.org>, Kaitlyn Casner <kcasner@mariposacounty.org>

Hello Sarah, Wayne, Kaitlyn,

I still have not received any email or written correspondence to any of my concerns about the Tip Top Inn.

Not sure what I need to do, when is the planning commission meeting taking up the Tip Top Inn? I would like to be there at the meeting. Please advise.

Looking forward to your response.

Kind regards,

William Brandle

[Quoted text hidden]

Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

William Brandle

From: Kaitlyn Casner <kcasner@mariposacounty.org>
Sent: Friday, August 5, 2022 08:02
To: William Brandle
Subject: RE: Delivery Status Notification (Failure)

Thank you William!

I will let IT know what is happening. Hopefully they can get this resolved.

Kaitlyn Casner | Assistant Planner

Mariposa County Planning Department
 5100 Bullion Street | P.O. Box 2039 |
 Mariposa, CA 95338
 Main: (209) 966-5151 | Direct: (209) 742-1217
kcasner@mariposacounty.org



From: William Brandle <william.brandle@ckc.com>
Sent: Thursday, August 4, 2022 5:09 PM
To: Kaitlyn Casner <kcasner@mariposacounty.org>
Subject: FW: Delivery Status Notification (Failure)

You don't often get email from william.brandle@ckc.com. [Learn why this is important](#)

What I have done to the Tip Top Inn to preserve it into the future.

1. I had all asbestos siding removed and replaced with fireproof Hardiplank.
2. I replace the roof with fireproof steel standing seam roofing.
3. I painted the inside of the home with fireproof paint and installed egress windows to avoid structural changes suggested by the county.
4. I had the original outdoor well pump restored, which again pumps water from the original well.
5. I had an automated standby generator installed to ensure water will be available in the event defense from fire is needed.
6. I preserved all artifacts found inside the house during restoration and keep them in a locked glass cabinet inside the house for visitors to view.
7. I researched, interviewed many people, and documented the history.
8. Clampers verified the history and erected a monument in front of the house.

I do not have before-restoration pictures.

Kind regards,

William Brandle

Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

----- Forwarded message -----

From: **Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Date: Thu, Aug 4, 2022 at 12:04 PM

Subject: Delivery Status Notification (Failure)

To: <williambrandle@gmail.com>



Message blocked

Your message to kcasner@mariposacounty.org has been blocked. See technical details below for more information.

The response from the remote server was:

554 rejecting banned content

----- Forwarded message -----

From: William Brandle <william.brandle@gmail.com>

To: Kaitlyn Casner <kcasner@mariposacounty.org>

Cc:

Bcc:

Date: Thu, 4 Aug 2022 12:03:24 -0700

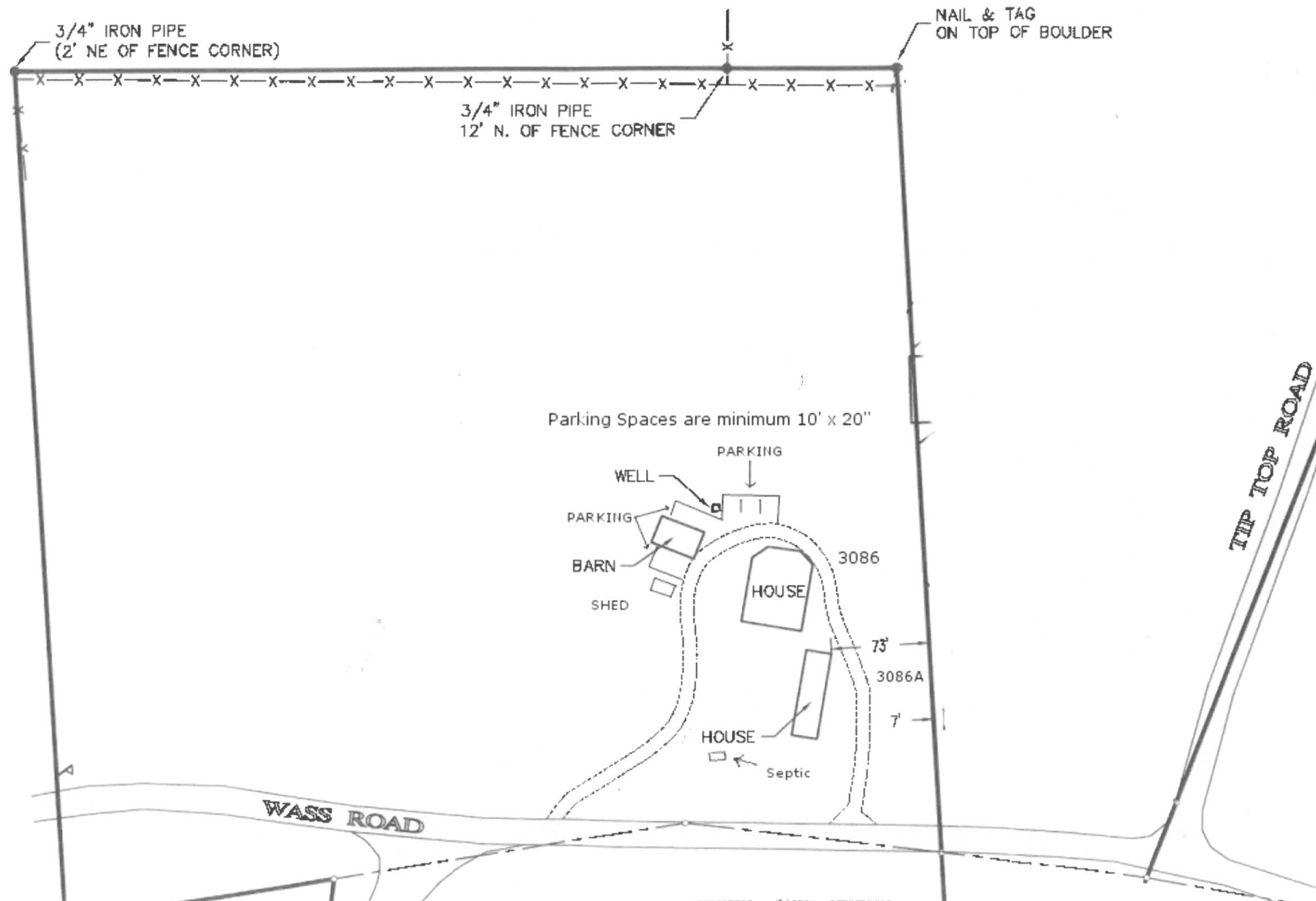
Subject: Re: Restoration information for Tip Top Inn

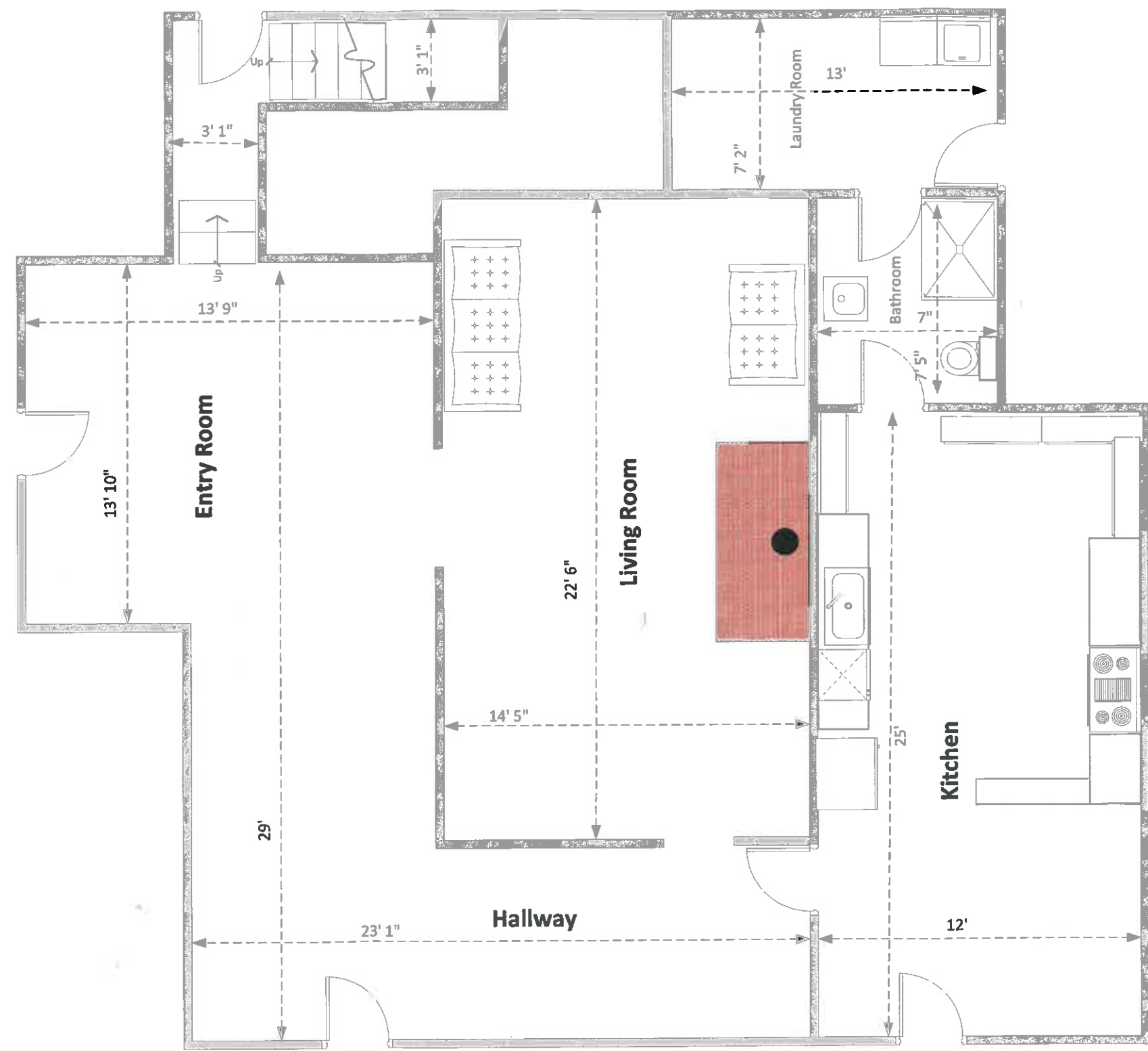
----- Message truncated -----

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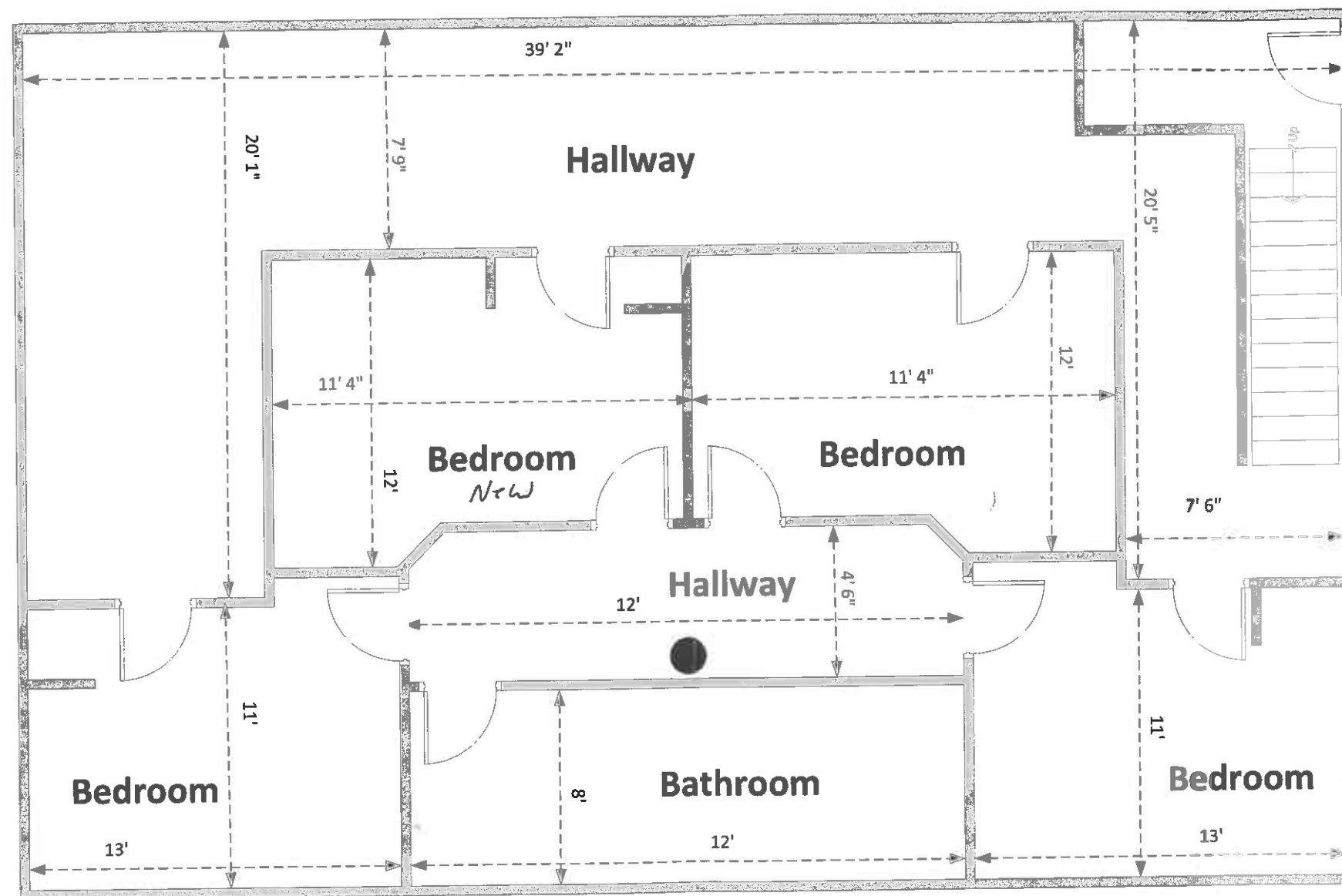
Attachment: Attachment A. Emails not previously recieved (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

Tip Top Inn Vacation Rental
APN 015-200-0170 ASMT# 015-200-017-000 FEE# 015-200-017-000 TaxArea 051-000
TRANSIENT OCCUPANCY CERTIFICATE NO. 2018021





Tip Top Inn First Floor



Tip Top Inn Second Floor Plan

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

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

Resolution
 No. 2022-

A resolution reapproving Conditional Use Permit Application No. 2022-072 with findings and conditions, including a finding that the project is exempt from environmental review. William Brandle, applicant. Assessor's Parcel Number 015-200-0170.

WHEREAS, an application for a Conditional Use Permit was received on the 5th day of April, 2022 from William Brandle for a property located at 3086 Wass Road in the county of Mariposa, also known as Assessor's Parcel Number 015-200-0170; and

WHEREAS, the Conditional Use Permit proposes to allow for a four-bedroom vacation rental within a structure that was deemed eligible to be on the List of Historical Resources in Mariposa by the Historic Sites and Records Preservation Commission at their meeting on the 9th of May, 2022; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August, 2022; and

WHEREAS, a Staff Report and Notice of Exemption 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 California Environmental Quality Act Notice of Exemption and Staff Report, and the comments of the applicant presented at the meeting; and

WHEREAS, the Planning Commission did find the project exempt from environmental review and did approve Conditional Use Permit No. 2022-072 as presented on the 5th day of August, 2022 via Resolution No. 2022-009; and

WHEREAS, public comment from the applicant was not received prior to the Planning Commission meeting of the 5th day of August, 2022, due to emails being blocked by the Mariposa County server; and

WHEREAS, the public comment received by the Applicant expressed concerns regarding conditions imposed on the project; and

Attachment: Attachment C. PC Resolution (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

WHEREAS, Conditional Use Permit application No. 2022-072 was rescheduled and noticed for the 21st day of October, 2022 too allow the applicant an opportunity to provide comments that were previously blocked by the Mariposa County email server; and

WHEREAS, an amended Staff Report and Notice of Exemption 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 California Environmental Quality Act Notice of Exemption and Staff Report, and the comments of the applicant; and

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby reapprove Conditional Use Permit No. 2022-072.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and with the conditions set forth in Exhibit 2.

ON MOTION BY Commissioner, seconded by Commissioner, this resolution is duly passed and adopted this 21st day of October, 2022 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

Mick Herman, Chair
 Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
 Mariposa County Planning Commission

Attachment: Attachment C. PC Resolution (2022-PCRES-11 : Conditional Use Permit No. 2022-072)

EXHIBIT 1
PROJECT FINDINGS
FOR
CONDITIONAL USE PERMIT NO. 2022-072

1. FINDING: Adequate open space is provided by this proposal. (§17.112.040.A, Mariposa County Zoning Code)

 EVIDENCE: The development covers approximately 0.91% of the total area of the parcel, including the existing dwelling and parking. The applicant is not proposing any additional structures or expansion of existing structures.
2. FINDING: The site is physically suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

 EVIDENCE: Based on the scale of the project as proposed, the applicant will be able to locate the improvements entirely onsite. No new structures are being proposed.
3. FINDING: Adequate provisions have been made for sewage disposal and the handling of solid waste. (§17.112.040.C, Mariposa County Zoning Code)

 EVIDENCE: The project is served by an existing septic for sewage disposal; The project shall meet all Mariposa County Health and Human Services Agency – Environmental Health Unit requirements for transient occupancy certificates.
4. FINDING: The proposed development will have adequate potable water for public use and fire protection. (§17.112.040.D, Mariposa County Zoning Code)

 EVIDENCE: The project is served by an on-site private well. The project shall meet all Mariposa County Health and Human Services Agency – Environmental Health Unit and Mariposa County Fire Department requirements prior to commencing operation
5. FINDING: The project proposal complies with all standard and special setback requirements and adequate buffers have been provided for adjacent land uses. (§17.112.040.E, Mariposa County Zoning Code)

 EVIDENCE: The project as proposed meets the minimum applicable County setback standards. There are no special setbacks required for this project.
6. FINDING: Appropriate access is available or is proposed to the development. (§17.112.040.F, Mariposa County Zoning Code)

EVIDENCE: The project will not conflict with any public easement. The project is proposed in an existing dwelling on a parcel that has frontage on Wass Road, which is a County-maintained Road. The applicant shall meet all Public Works requirements.

7. FINDING: The proposed use is consistent with the policies and standards of the General Plan and any applicable specific plan. (§17.112.040.G, Mariposa County Zoning Code)

EVIDENCE: The proposed use is consistent with the policies and standards of the General Plan as related to Residential Land Use. The proposed use is the expansion of a three-bedroom vacation rental to a four-bedroom vacation rental, a use within a single family residence. The proposal is consistent with the policies and standards of the General Plan regarding the processing of conditional use permits.

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 it has been determined that the significant effects are unavoidable and acceptable due to overriding concerns. (§17.112.040.H, Mariposa County Zoning Code)

EVIDENCE: The project is exempt from Environmental Review as it uses existing structures with no expansion of development.

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, or general welfare of the persons residing or working in the neighborhood of such proposed use and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. (§17.112.040.I, Mariposa County Zoning Code)

EVIDENCE: With the implementation of conditions of approval attached to the Conditional Use Permit, it can be found that the project is not detrimental to health, safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property. It also can be found that the use will not be injurious or detrimental to property and improvements in the neighborhood.

10. FINDING: The special use of the historic structure will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state.

EVIDENCE: The project structure (Tip Top Inn, a former stagecoach stop) has been in the restoration process by the applicant in previous years which includes the following:

- Re-roof
- Re-siding
- Gable front added to structure
- Interior fire-proof paint for parts of the interior

The project shall meet the Planning Department's requirement of restoration and preservation of the historic structure to reflect its original state.

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
CONDITIONAL USE PERMIT APPLICATION NO. 2022-072

The following amended conditions of approval were approved for this project in order to ensure compliance with county codes and policies.

1. The approved Conditional Use Permit No. 2022-072 project consists of the use of an existing single-family residence for transient occupancy as a vacation rental, with four bedrooms. There is no expansion of the dwelling or development on site proposed.
2. Prior to commencement of operation, the applicant shall obtain an amended transient occupancy tax certificate through the Vacation Rental application process.
3. This project is approved as of October 21, 2022. This approval shall expire October 21, 2025. If the conditions of approval are not completed by that date, the applicant may request one or more-time extensions of up to eighteen (18) months. The applicant must make this request in writing prior to October 21, 2025.
4. Coliform and E.Coli water tests shall be submitted to the Mariposa County Health and Human Services Agency, Environmental Health Unit quarterly (once every 3 months). Nitrate and Nitrite water tests shall be submitted to the Mariposa County Health and Human Services Agency, Environmental Health Unit annually (once per year). The septic system shall be inspected and certified to be in good working condition once every three years and pumped as necessary. If any of the above items indicate a problem with the water or sewage disposal system the applicant shall correct the problem to the satisfaction of the Mariposa County Health and Human Services Agency, Environmental Health Unit.
5. Prior to the issuance of a Transient Occupancy Certificate to operate, the applicant shall obtain and provide verification to the Planning Department that the applicant has obtained all required health permits and met all Health Department requirements. Additionally, the project must remain in compliance with all Health Department Requirements.
6. Proposed driveway access shall meet county requirements and approved by the Public Works Department. An encroachment permit may be required. Verification of this condition shall be provided to the Planning Department prior to issuance of a Transient Occupancy Tax Certificate.
7. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be placed in trash bins to maintain the site in a safe and attractive condition. Solid waste which cannot be contained in trash bins on site shall be removed from the site on a weekly basis. All solid waste shall be removed regularly and disposed of at an appropriately licensed facility.

8. Prior to the issuance of an amended Transient Occupancy Certificate to operate, all fees associated with the County's processing of this project and filing of associated documents shall be paid.
9. Prior to the issuance of an amended Transient Occupancy Certificate to operate, the applicant shall obtain and provide verification to the Planning Department that the applicant has obtained all required Building Department permits and met all Building Department requirements which may include California Building Code Accessibility requirements. Additionally, the project must remain in compliance with all Building Department Requirements.
10. Prior to the issuance of an amended Transient Occupancy Certificate to operate, the applicant shall provide verification of the restoration and preservation of the historic structure to its original state to the Planning Department and the Planning Department shall preform an inspection at the project to verify.
11. The applicant may opt to have the Planning Department file the Notice of Exemption (NOE). This filing notifies the public that Mariposa County has determined that the project is exempt from the California Environmental Quality Act (CEQA). While filing is not required, it is advisable if the applicant wants to minimize legal exposure to the project, since the action of filing shortens the statute of limitations on appeals from 180-days to 35-days. If the applicant opts to file, the NOE must be posted within five days of October 21, 2022. The County Clerk's Office requires a fee of \$50.00 for the filing of the NOE for the project. If the applicant opts to file, cash or a money order made payable to the Mariposa County Clerk's Office shall be submitted to the Planning Department for that amount within 4-days of the approval of the Conditional Use Permit.
12. Non-compliance with any of the conditions of approval for Conditional Use Permit Application No. 2022-072 may be grounds for revocation of the Conditional Use Permit No. 2022-072.
13. The project site shall be maintained and operated in such a manner as to not create nuisances in the form of odors, noise, dust, solid waste, or light. The project site shall be maintained in a neat, clean, and orderly manner at all times.

MARIPOSA COUNTY NOTICE OF EXEMPTION

TO: County Clerk
County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Sarah Williams
Planning Director
5100 Bullion Street
Mariposa, CA 95338

Project Title: Conditional Use Permit Application No. 2022-072, Brandle.

Project Location: Project site is at 3086 Wass Road, Mariposa; APN 015-200-0170.

Description of Project: The applicant has proposed a vacation rental, with four bedrooms, in a structure deemed to be eligible to be on the List of Historical Resources in Mariposa.

Name of Public Agency

Approving Project: Mariposa County Planning Department

**Name of Person
Carrying Out
Project:**

William Brandle, Applicant

Exempt Status: Categorical Exemptions Section 15301, CEQA Guidelines

**Reason Why Project
Is Exempt:**

This project is not subject to the California Environmental Quality Act (CEQA) pursuant to Exemptions established by CEQA Guidelines Section 15301. This project is covered by the CEQA exemption which applies to projects that propose only minor alterations of existing facilities involving negligible or no expansion of existing or former use.

Lead Agency

Contact Person: Kaitlyn Casner, Assistant Planner (CEQA Determination)

Phone Number: (209) 966-5151

Sarah Williams
Planning Director

Date

Attachment: Attachment D. NOE (2022-PCRES-11 : Conditional Use Permit No. 2022-072)



Reconsideration of Conditional Use Permit Application Number 2022-072

William Brandle, applicant/owner
Planning Commission Meeting
October 21, 2022

Project History

- ◆ Reconsideration due to Public Comments from applicant not being received due to Mariposa County email server blocking “Tip Top”
- ◆ No changes to findings or conditions of approval

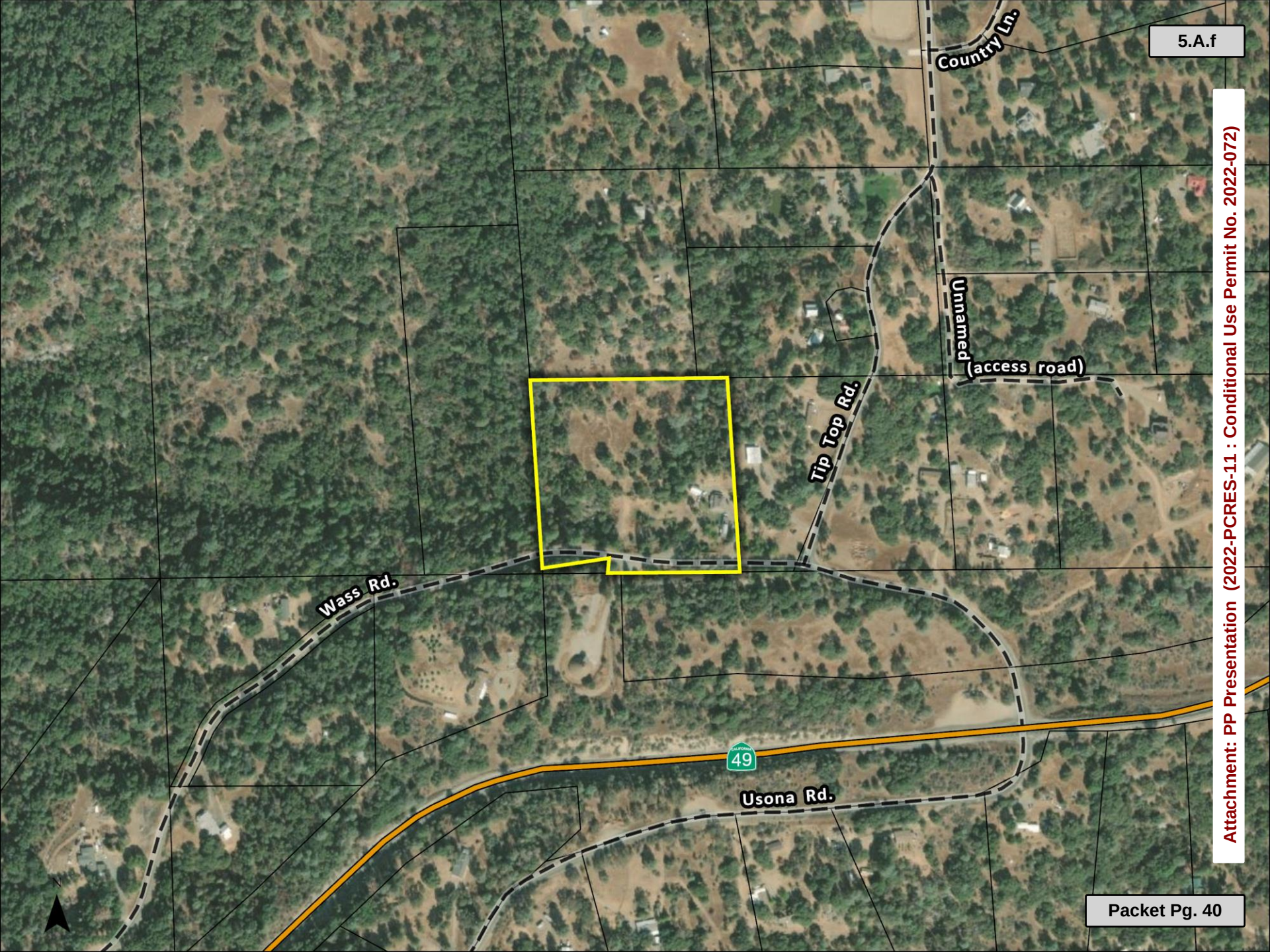
Project Description

- ❖ Conditional Use Permit application for a 4-bedroom vacation rental located at 3086 A Wass Road.
- ❖ Dwelling is currently a 3-bedroom vacation rental (VR 2018-021).
- ❖ Approval of Conditional Use Permit would allow for existing vacation rental to be expanded by one bedroom.



Site Characteristics

- ◆ Zoning: Mountain Home
- ◆ Land Use Classification: Residential
- ◆ 9.68+/- acre parcel (APN 015-200-017) with 2 existing dwellings
 - ◆ 3086 Wass Rd. – Current Vacation rental and proposed project
 - ◆ 3086A Wass Rd - Owner Occupied
 - ◆ Various outbuildings
 - ◆ Dwellings served by well & shared septic system



- ❖ Current Mariposa County Code (§17.108.180) allows for vacation rentals to have up to three bedrooms with a maximum of ten occupants (limited by dwellings septic system).
- ❖ Vacation rental – “A single family structure or a single-family dwelling unit of a duplex rented or leased for periods of 30 or less days and complying with the standards contained herein. A vacation rental is a single family structure which is available for rental to a family or a group on a transient basis. Such structures meet the definition of “boardinghouse” as shown in this chapter. (Ord. 1116 Sec. II, 2016).”

Background

- ◆ Ordinance 1171 – Adopted January 25, 2022
 - ◆ Added §17.108.230 Special Use Provisions for Historic Structures
 - ◆ To address special use provisions for historic structures countywide
 - ◆ Goal of ordinance is to allow flexibility on how historic structures can be used, including for commercial purposes, in order to enhance the preservation of such structure
 - ◆ Provides an incentive to owners of historic properties to preserve and maintain the property
 - ◆ Derived from the code language addressing historic structures in the community of Mariposa

Background

- ◇ In order for the proposed special use to be allowed under CUP -
 - ◇ Must be found that the structure is eligible to be on the List of Historical Resources in Mariposa
 - ◇ As determined by Historic Sites and Records Preservation Commission (HSRPC)
 - ◇ Must be found that the special use will be of benefit to the community by requiring the restoration and preservation of historic structure to reflect its original state
- ◇ On May 9, 2022 HSRPC determined the structure to be eligible to be on the list of historical resources in Mariposa

Background

Environmental Review

- ◆ Staff recommends filing of a Notice of Exemption for this project based upon Section 15062 of the California Environmental Quality Act (CEQA) pursuant to Exemptions established by CEQA Guidelines Section 15301. This project is covered by the CEQA exemption which applies to projects that propose only minor alterations of existing facilities involving negligible or no expansion of existing or former use.

Comments

- ◆ Public Works, Building Department & Mariposa County Health and Human Services Agency – Environmental Health Unit provided comments
- ◆ Public Comment received from applicant

Staff Recommendation

Based on the recommendation of the Historic Sites and Records Preservation Commission, staff recommends the Commission adopt a resolution, reapproving Conditional Use Permit No. 2022-072 with findings and conditions, including a finding that the project is exempt from Environmental Review.

