



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, Page 47 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

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.igmp2.com/citizens/calendar.aspx?view=list>.



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES - FINAL

MEETING DATE: July 22, 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 9:00 AM

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	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner McCamman

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – May 20, 2022 9:00 AM

By motion of Commissioner Smith, seconded by Commissioner McCamman, the minutes of May 20, 2022, were approved as presented.

RESULT: (4-0)

AYES: Herman, McCamman, Smith, Wilmeth

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 Numbers 014-400-0050. (ID # 13160)

Planner: Katy Casner

Commissioner Smith recused herself as she is an employee of the applicant.

Planning Director Williams introduced the item as per the agenda and made a recommendation to continue the item to Friday, August 19, 2022 at 9 a.m. or as soon thereafter as possible, as the applicant is unable to attend today's meeting.

Public comment: None

By motion of Commissioner Walls, seconded by Commissioner Wilmeth, the Planning Commission continued the public hearing (ID# 13160) to August 19, 2022 at 9:00 a.m. or as soon thereafter as possible.

RESULT: (4-0)

AYES: McCamman, Wilmeth, Herman, Walls

Commissioner Smith returned to the podium.

6. INFORMATION ITEMS

A. GIS-Training (ID # 13197)

Presentation was given by Ben Ogren, Senior GIS Specialist.

Ogren answered questions and offered more detailed information on an appointment basis, to the Commissioners.

7. Planning Commissioner Information

Information was received from Sarah Williams and Commissioner McCamman.

8. ADJOURN

There being no further business, the meeting was adjourned at 9:47 AM.

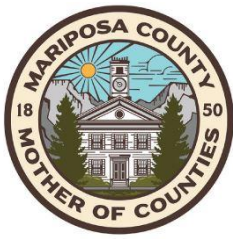
Mick Herman, Chair
Mariposa County Planning Commission

Jil Chiesa, Secretary
Mariposa County Planning Commission

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

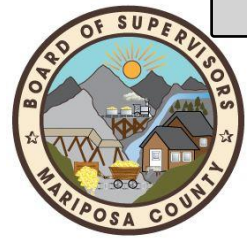
<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>.

Minutes Acceptance: Minutes of Jul 22, 2022 9:00 AM (Minutes Approval)



MARIPOSA COUNTY

Planning • 209-966-5151



5.A

MEETING: August 5, 2022

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Conditional Use Permit No. 2022-067

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

See attached.

ATTACHMENTS:

Staff Report (PDF)

Attachment A - Zoning Vicinity Map (PDF)

Attachment B - Site Plan & Floor Plan (PDF)

Attachment C- Planning Commission Resolution (PDF)

Attachment D - NOE (PDF)

Presentation (PDF)

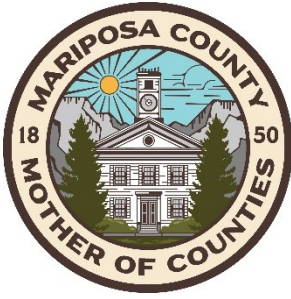
RESULT: ADOPTED [UNANIMOUS]

MOVER: Deni Smith, District IV Planning Commissioner

SECONDER: John McCamman, District V Planning Commissioner

AYES: Jack Wilmeth, Mick Herman, Deni Smith, John McCamman

EXCUSED: Ed Walls



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Kaitlyn Casner, Assistant Planner

Planning Commission Meeting Date: August 5, 2022

PROJECT: Conditional Use Permit (CUP) No. 2022-067

LOCATION: The project is located at 5835 Allred Road in Mariposa.

**ASSESSOR
PARCEL
NUMBER:** 014-070-0070

APPLICANT: Marteen Besteder

NOTICING: Gazette Ad: July 21, 2022
Mailed Notice: July 13, 2022
Posted Notice: July 13, 2022

PROCESS: The process is as follows:

1. Agricultural Advisory Committee review and recommendation to the Planning Commission (**Recommended Approval on June 30, 2022**)
2. Planning Commission consideration and approval (**Current Step**)

**COMMISSION
ACTION:** The Agricultural Advisory Committee recommends the Planning Commission adopt a resolution:

Approving Conditional Use Permit No. 2022-067 with findings and conditions, including a finding that the project is exempt from Environmental Review.

STAFF SUMMARY ANALYSIS:

Project proposes a one-bedroom, 4-person occupancy vacation rental with no onsite manager on a parcel zoned Agricultural Exclusive (AEZ). Vacation rentals with no on-site managers are conditional uses in the AEZ, therefore a Conditional Use Permit (CUP) application was required. When not in use as a vacation rental, the applicant/owner proposes the dwelling be owner occupied or vacant. The property is currently developed with one single family dwelling, well & pumphouse, septic system and fenced garden. No additional development is proposed at this time.

Mariposa County Planning Department Project Vicinity Map



0 400 800 Feet
1:3,675

PROJECT TYPE: Conditional Use Permit 2022-067

APPLICANT/OWNER: Marteen Besteder

SITE ADDRESS: 5835 Allred Road, Mariposa

APN: 014-070-0070

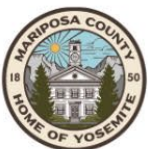
Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Friday, April 08, 2022

Data Source: Mariposa County Planning Department GIS;

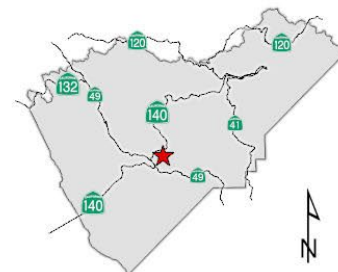
Assessor's Parcel Map Update: 08/2021

Map Credit: jwhite



Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposapanning@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



PROJECT ANALYSIS FOR CUP NO. 2022-067

A. DESCRIPTION OF PROJECT (SEE ATTACHED SITE PLAN)

The project applicant, Marteen Besteder, proposes a one-bedroom vacation rental with no on-site manager on a 26.5 acre Agricultural Exclusive (AEZ) zoned parcel (APN 014-070-0070) located at 5835 Allred Rd. The proposed vacation rental would allow for a maximum occupancy of 4 persons when being used for vacation rental purposes [may be limited by Septic System capacity, as determined by the Mariposa County Health and Human Services Agency – Environmental Health Unit (EHU)]. When the dwelling is not being used as a vacation rental, the applicant/owner proposes it to be owner occupied or vacant. The property is currently developed with one single family dwelling, well & pumphouse, septic system and fenced garden. No additional development is proposed at this time.

Mariposa County Code Section 17.40.010.A.1.a allows vacation rentals on AEZ parcels with permanent on-site manager as a permitted use, in accordance with the standards of Section 17.108.180.

Vacation rentals *without permanent on-site managers* may be considered under the Conditional Use Permit (CUP) application, pursuant to Section 17.40.010.A.1c and in accordance with the standards of Section 17.108.180. The purpose of the conditional use permit is to provide a process to address potential impacts of the use on surrounding commercial agricultural operations. Vacationing public staying in a rental could inadvertently impact an agricultural operation with trespassing or loose dogs.

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

Sewage Disposal: Applicant will be required to have a sewage disposal system that meets current requirements of the EHU.

B. BACKGROUND

General Plan Land Use and The parcel is located in the Residential General Plan land use classification, Agricultural Exclusive zone. The parcel is within the Open Watershed Overlay.

Zoning: Site and Surrounding Land Use and Development: All parcels adjacent to the proposed project site are zoned AEZ with Residential land use classification and Open Watershed Overlay District. Adjacent parcels to the north, east and west of the proposed site are developed with one or more residences each and do not meet the AEZ minimum parcel size requirements (160 acres). The parcel to the south of the proposed site is undeveloped. (Attachment A- Zoning Vicinity Map)

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

C. BASIS FOR APPLICATION

The project parcel is located within the Agricultural Exclusive Zone which requires a Conditional Use Permit (CUP) for vacation rentals without an onsite manager.

Purpose: The Agricultural Exclusive Zone (AEZ), is applied to land considered to be most desirable for agricultural use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

Section 17.4.010, Agricultural Exclusive Zoning (AEZ) of the Mariposa County Zoning Ordinance lists, “...*transient rentals with no on-site manager in accordance with the standards of section 17.108.180...*” as a *Conditionally* permitted use.

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 to secure the purposes of Section 17.112.010. The Planning Commission may impose such requirements 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.

D. ENVIROMENTAL 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.

E. COMMENTS

Public Comments: No public comments have been received at the time of publication of this staff report.

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: The Environmental Health Unit commented that the existing on-site sewage disposal system is more than 40 years old and does not meet current code requirements. It is likely that the system is near the end of its useful life and should be replaced.

Conditions of Approval Number 8 addresses the comment by requiring the applicant obtain a permit from the Environmental Health Unit for evaluation and upgrade/replacement of the existing septic system to the satisfaction of the Environmental Health Unit prior to obtaining a TOT (Transient Occupancy Tax) Certificate.

Public Works Comments: Public Works commented that the existing driveway will need review and may need improvements to bring to the current driveway standards. The existing configuration will have to be reviewed for sight distance. Improvements and an encroachment permit may be required.

Conditions of Approval Number 6 addresses this comment by requiring the Public Works department approve the Vacation Rental application prior to issuance of a Transient Occupancy Tax (TOT) Certificate.

F. Summary Recommendation

Based on the recommendation of the Agricultural Advisory Committee, staff recommends the Commission adopt a resolution, approving Conditional Use Permit No. 2022-067 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 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 amendment.

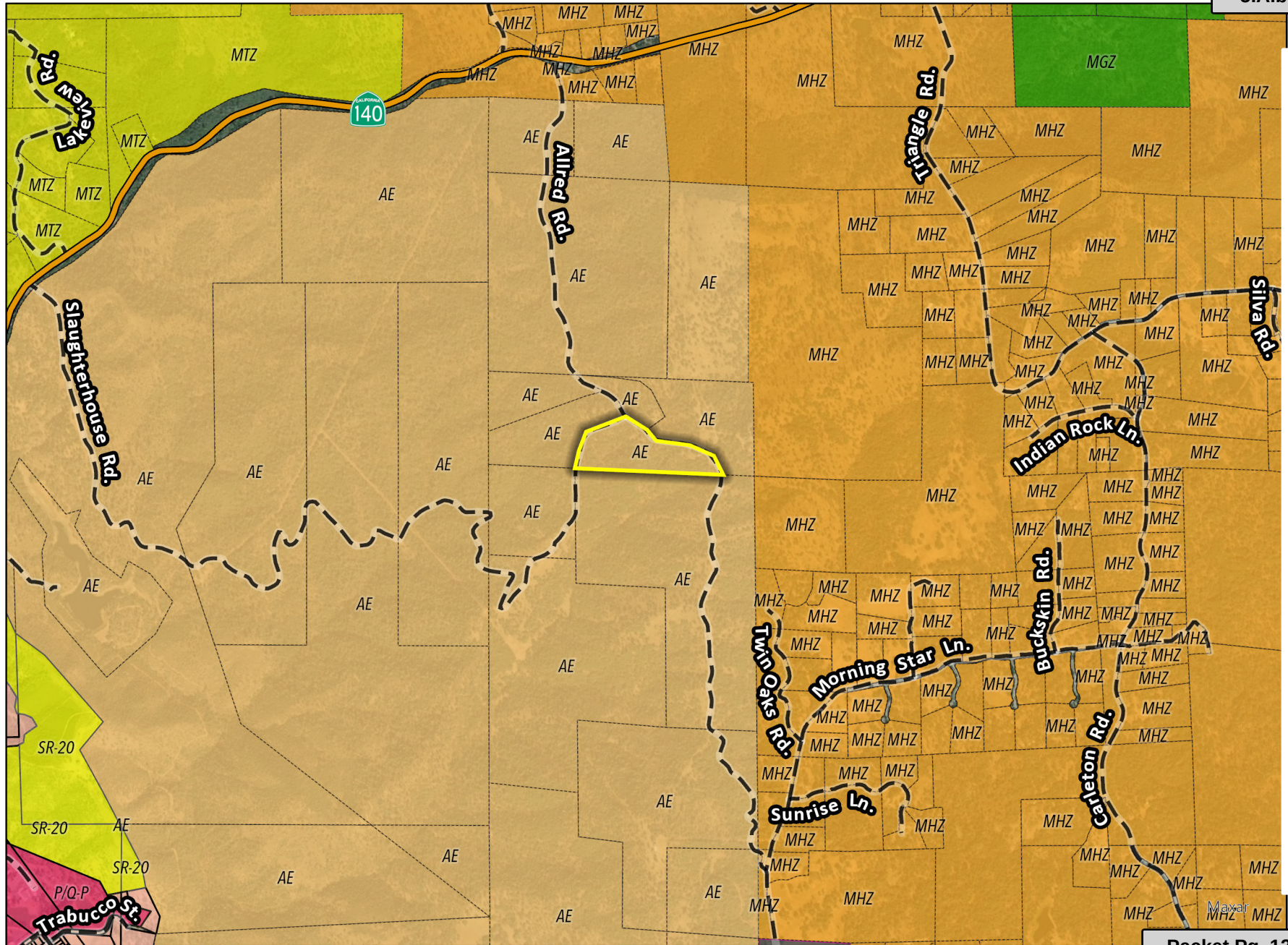
If the Commission denies the request, there should be discussion to support findings for denial; staff will return with an amended resolution with findings based upon the Commission's discussion.

Final Action

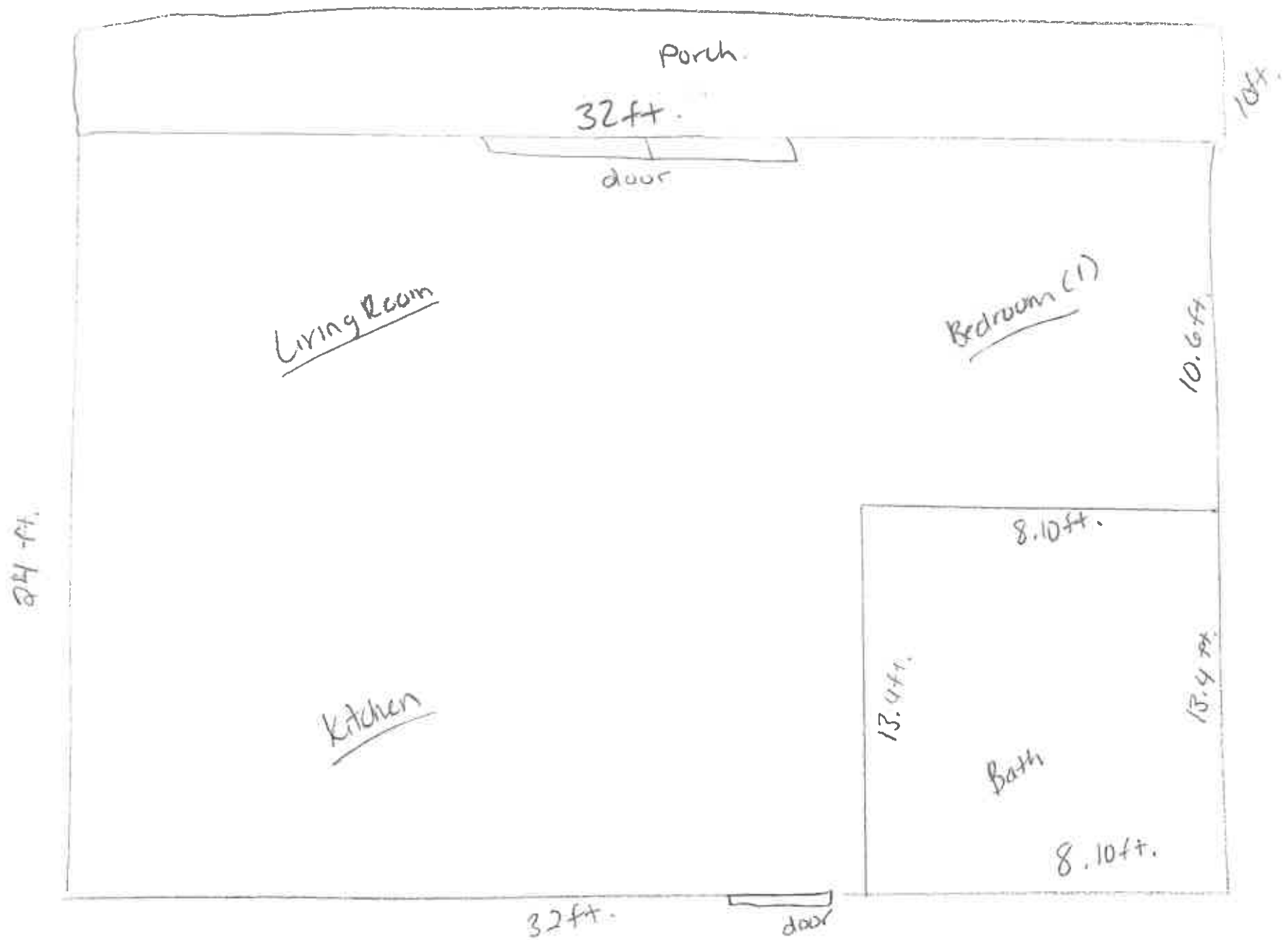
The Planning Commission action is the final action on this application unless the action is appealed to the Board of Supervisors within 20 calendar days from the date of the action. Any interested person may submit an appeal.

Attachments:

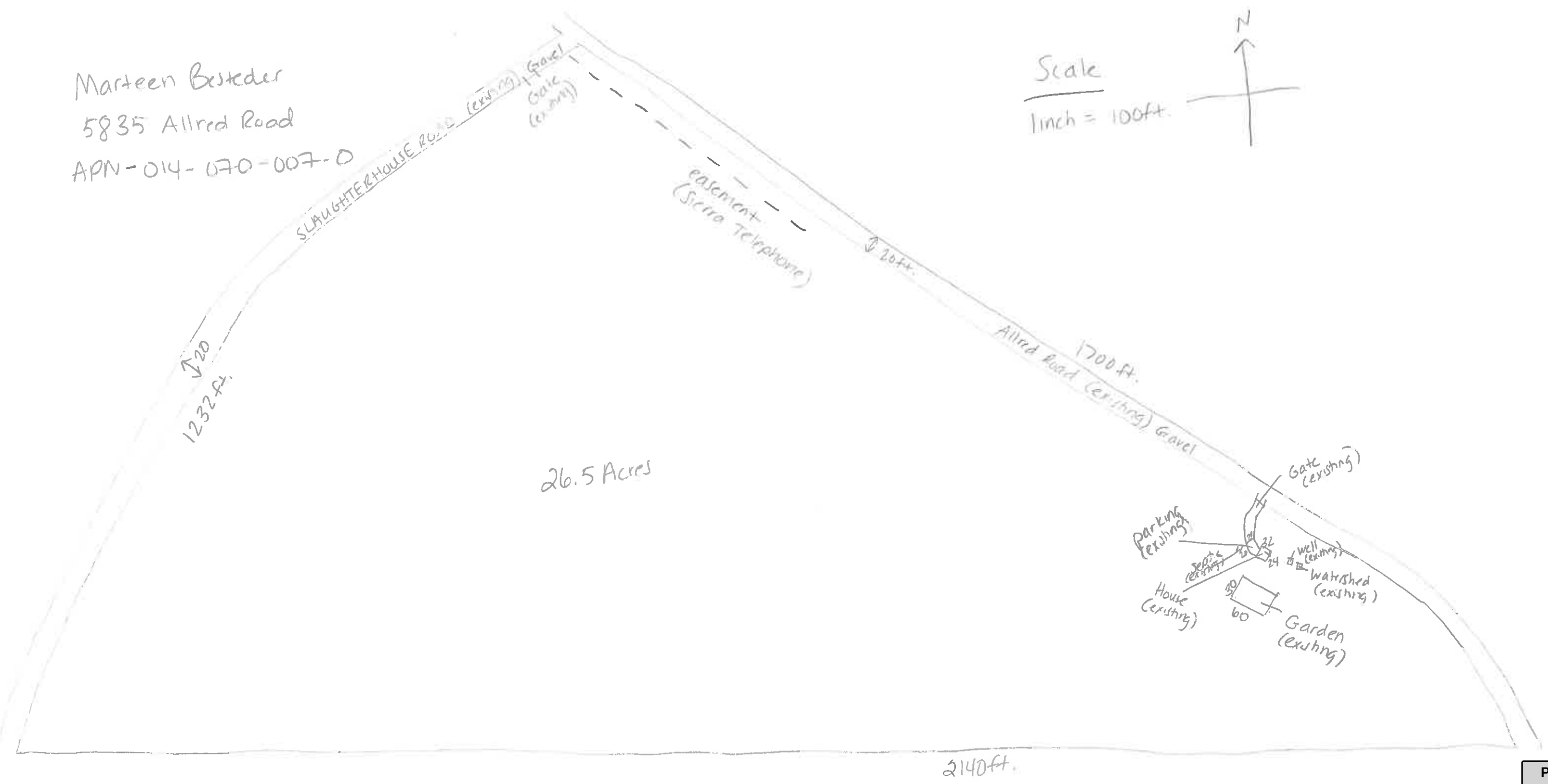
- A. Zoning Vicinity Map
- B. Site Plan & Floor Plan
- C. Planning Commission Resolution
- D. Notice of Exemption (NOE)



Attachment: Attachment A - Zoning Vicinity Map (2022-PCRES-8 : Conditional Use Permit



Marteen Besteder
5835 Allred Road
APN-014-070-007-0

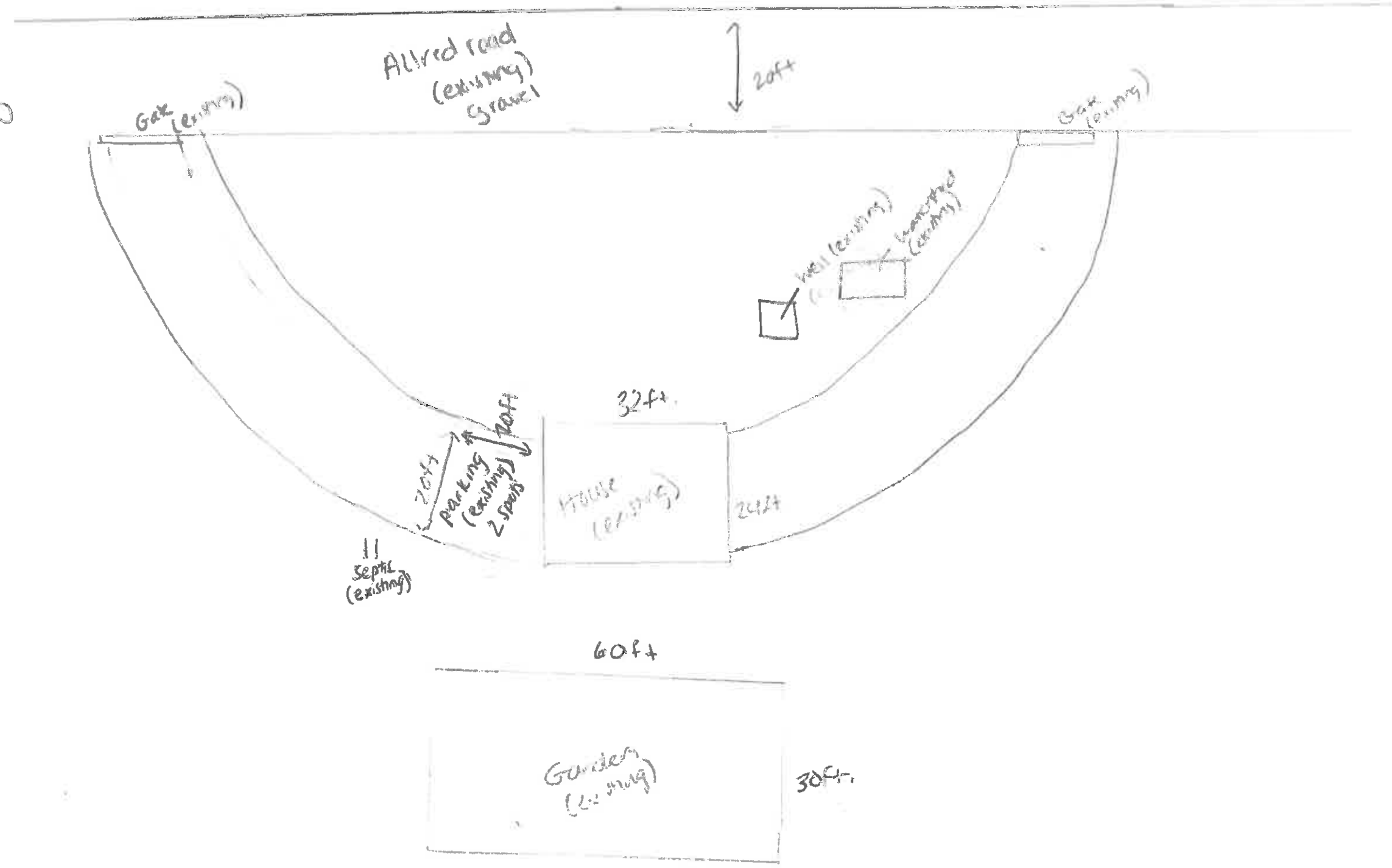


Scale
1 inch = 100 ft.



Marteen Besteder
3835 Allied Road
APN 014-070-007-0

Scale
1 inch = 20 ft.



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 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.

WHEREAS, an application for a Conditional Use Permit was received on the 7th day of April, 2022 from Marteen Besteder for a property located at 5835 Allred Road in the county of Mariposa, also known as Assessor's Parcel Number 014-070-0070; and

WHEREAS, the Conditional Use Permit application proposes a transient rental with no on-site manager on an Agricultural Exclusive Zoned parcel as is required by Mariposa County Code Section 17.108.180; and

WHEREAS, the Agricultural Advisory Committee reviewed the application and recommended approval at their meeting on the 30th day of June, 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, a duly noticed Planning Commission public hearing was scheduled for the 5th day of August, 2022; 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 Notice of Exemption and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

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 approve Conditional Use Permit No. 2022-067.

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 5th day of August, 2022 by the following vote:

Attachment: Attachment C- Planning Commission Resolution (2022-PCRES-8 : Conditional Use Permit No. 2022-067)

AYES:

NOES:

EXCUSED:

ABSTAIN:

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Jil Chiesa, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
CONDITIONAL USE PERMIT NO. 2022-067

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

 EVIDENCE: The development covers approximately 0.097% 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 proposed 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 will be required to meet all Health Department – Environmental Health Unit requirements for transient occupancy certificates, including replacing or upgrading the existing septic system to the satisfaction of the Environmental Health Unit.
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 will be required to meet all Health Department – Environmental Health Unit 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 existing and has frontage on Allred Road, which is a County-maintained Road. The applicant will be required to obtain an encroachment permit and 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. Conditional uses such as the proposed use are conditional uses within the Agricultural Exclusive Zone, and 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: Based on the project proposal involving no expansion to the existing dwelling and a limited scope occupancy allowance of 4 occupants within the vacation rental and together with the implementation of conditions of approval attached to the Conditional Use Permit that require access, water and sewage disposal sufficient to support the vacation rental use, 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

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
CONDITIONAL USE PERMIT APPLICATION NO. 2022-067

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

1. The Conditional Use Permit No. 2022-067 is approved for the use of an existing single-family residence for transient occupancy as a vacation rental, without an on-site manager.
2. Prior to commencement of operation, the applicant shall obtain a transient occupancy tax certificate through the Vacation Rental application process.
3. This project is approved as of August 5, 2022. This approval shall expire August 5, 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 August 5, 2025.
4. 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 (Bear proof containers may be required.) 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.
5. 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.
6. Prior to the issuance of a Transient Occupancy Certificate to operate, all fees associated with the County's processing of this project and filing of associated documents shall be paid.
7. 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.
8. The applicant shall contact the Building Department and obtain all necessary building permits or provided verification from the Building Department that no permits are required.

-
9. 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.
 10. 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 July 22, 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.
 11. Non-compliance with any of the conditions of approval for Conditional Use Permit Application No. 2022-067 may be grounds for revocation of the Conditional Use Permit No. 2022-067.

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. 2022-067, Besteder.

Project Location: Project site is at 5835 Allred Road, Mariposa; APN 014-070-0070.

Description of Project: The applicant has proposed a transient rental, with no on-site manager, within the Agricultural Exclusive Zone.

Name of Public Agency Approving Project: Mariposa County Planning Department

Name of Person Carrying Out Project: Marteen Besteder, 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-8 : Conditional Use Permit No. 2022-067)



Conditional Use Permit Application Number 2022-067

Marteen Besteder,
Applicant/owner

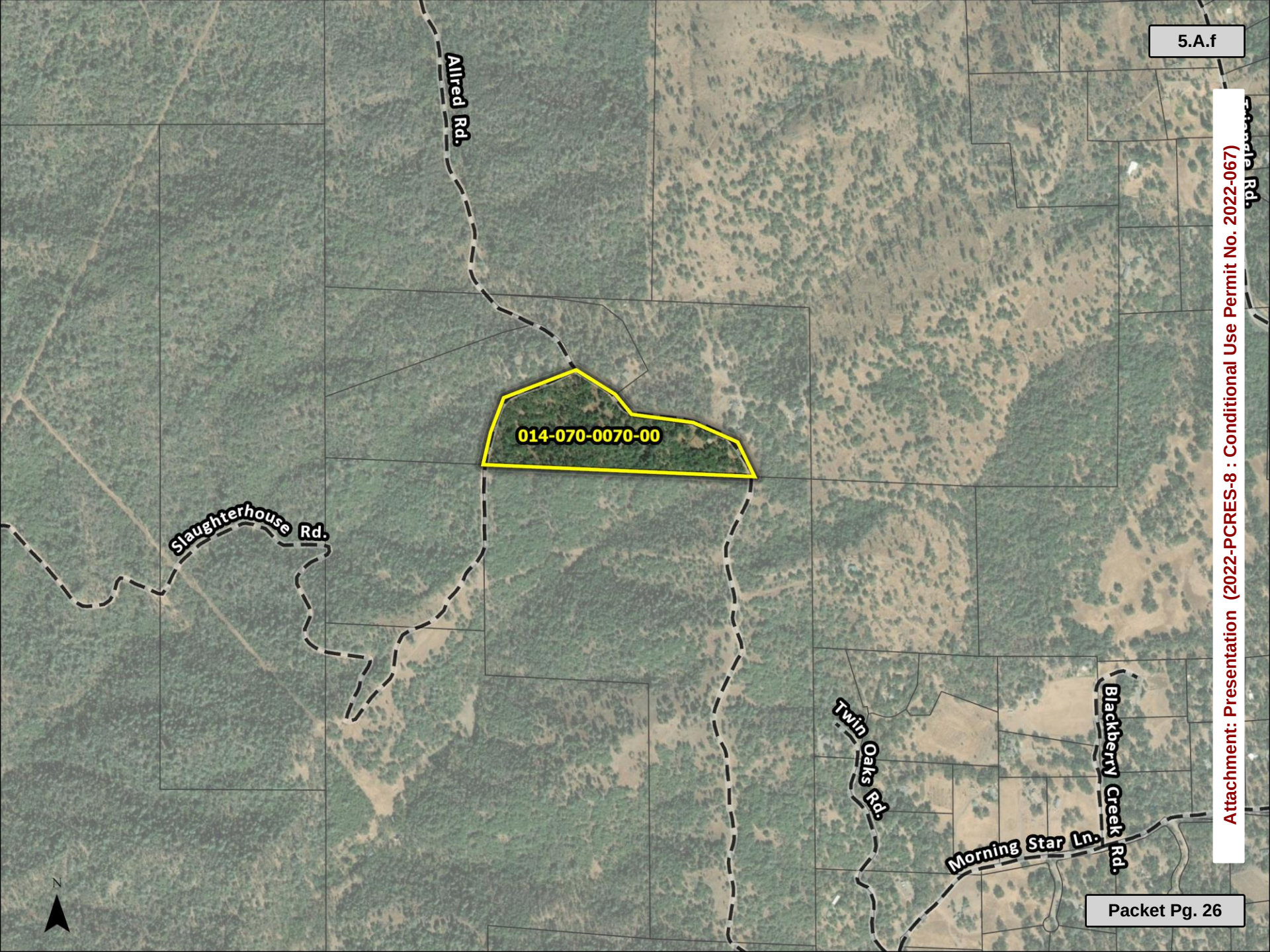
Planning Commission Meeting
August 5, 2022

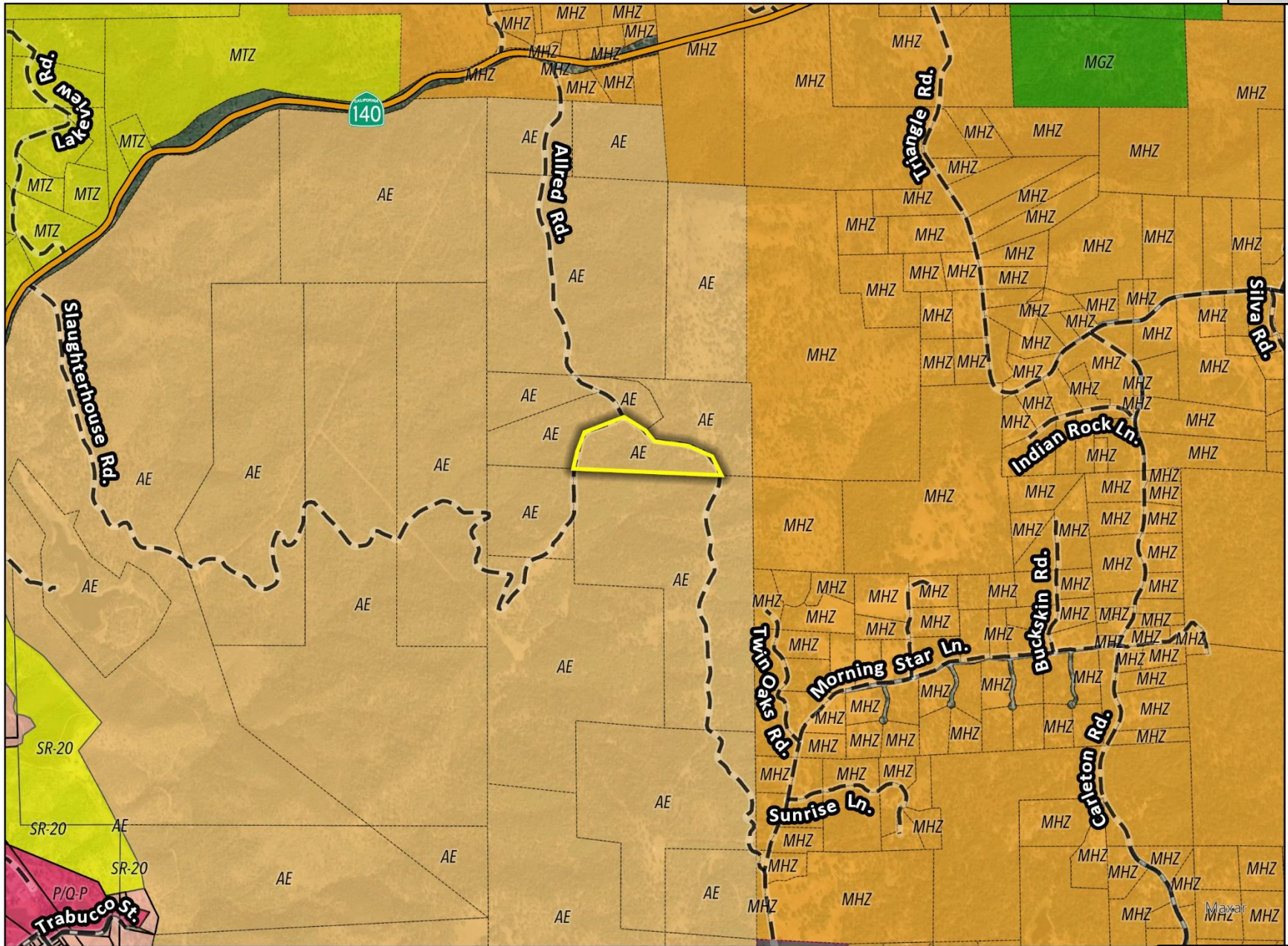
Project Description

- ❖ Conditional Use Permit application for a vacation rental with no on-site manager located at 5835 Allred Road
- ❖ 1 bedroom dwelling ,4 proposed occupants
- ❖ Approval of Conditional Use Permit would allow for a vacation rental on Agricultural Exclusive Zoned parcel, with no on-site manager

Site Characteristics

- ◆ Zoning: Agricultural Exclusive
 - ◆ Parcel is not in LCA (Williamson Act)
- ◆ Overlay: Open Watershed Overlay
- ◆ Land Use Classification: Residential
- ◆ 26.50+/- acre parcel (APN 014-070-0070) with 1 existing dwelling
 - ◆ Dwelling served by well & septic system
 - ◆ No additional development proposed





- ❖ Mariposa County Code Section 17.40.010.A.1.a allows vacation rentals on AEZ parcels with permanent on-site manager as a permitted use, in accordance with the standards of Section 17.108.180.
- ❖ 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).”
- ❖ Vacation rentals *without permanent on-site managers* may be considered under the Conditional Use Permit (CUP) application, pursuant to Section 17.40.010.A.1c and in accordance with the standards of Section 17.108.180.

Background

If the CUP is approved, a Transient Occupancy Tax (TOT)
Certificate will be required



Applicant will be required to meet all current requirements for
TOT applications

Public Works

County Fire

Health and Human
Services -
Environmental
Health Unit

Building
Department

Planning
Department

AAC Action

On June 30, 2022 the AAC reviewed the project and recommended approval to the Planning Commission.

Environmental Review

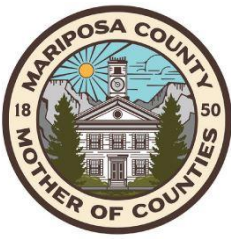
- ◆ Staff recommends filing of a Notice of Exemption for this project based upon Section 15062 of the California Environmental Quality Act (CEQA) pursuant to Exemptions established by CEQA Guidelines Section 15301. This project is covered by the CEQA exemption which applies to projects that propose only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

Comments

- ◆ Public Works & Mariposa County Health and Human Services Agency – Environmental Health Unit provided comments
- ◆ No public comment received

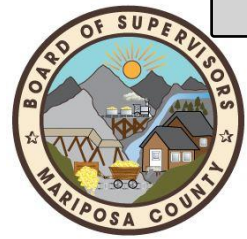
Staff Recommendation

- ◆ Based on the recommendation of the Agricultural Advisory Committee, staff recommends the Commission adopt a resolution, approving Conditional Use Permit No. 2022-067 with findings and conditions, including a finding that the project is exempt from Environmental Review.



MARIPOSA COUNTY

Planning • 209-966-5151



5.B

MEETING: August 5, 2022

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Conditional Use Permit No. 2022-072

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.

See attached.

ATTACHMENTS:

Staff Report (PDF)

Attachment A. Site Plan & Floor Plan (PDF)

Attachment B. Planning Commission Resolution (PDF)

Attachment C. NOE (PDF)

Presentation (PDF)

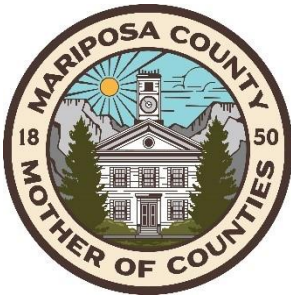
RESULT: ADOPTED [UNANIMOUS]

MOVER: John McCamman, District V Planning Commissioner

SECONDER: Deni Smith, District IV Planning Commissioner

AYES: Jack Wilmeth, Mick Herman, Deni Smith, John McCamman

EXCUSED: Ed Walls



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Kaitlyn Casner, Assistant Planner

Planning Commission Meeting Date: August 5, 2022

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

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

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

APPLICANT: William Brandle

NOTICING: Gazette Ad: July 21, 2022
Mailed Notice: July 15, 2022
Posted Notice: July 15, 2022

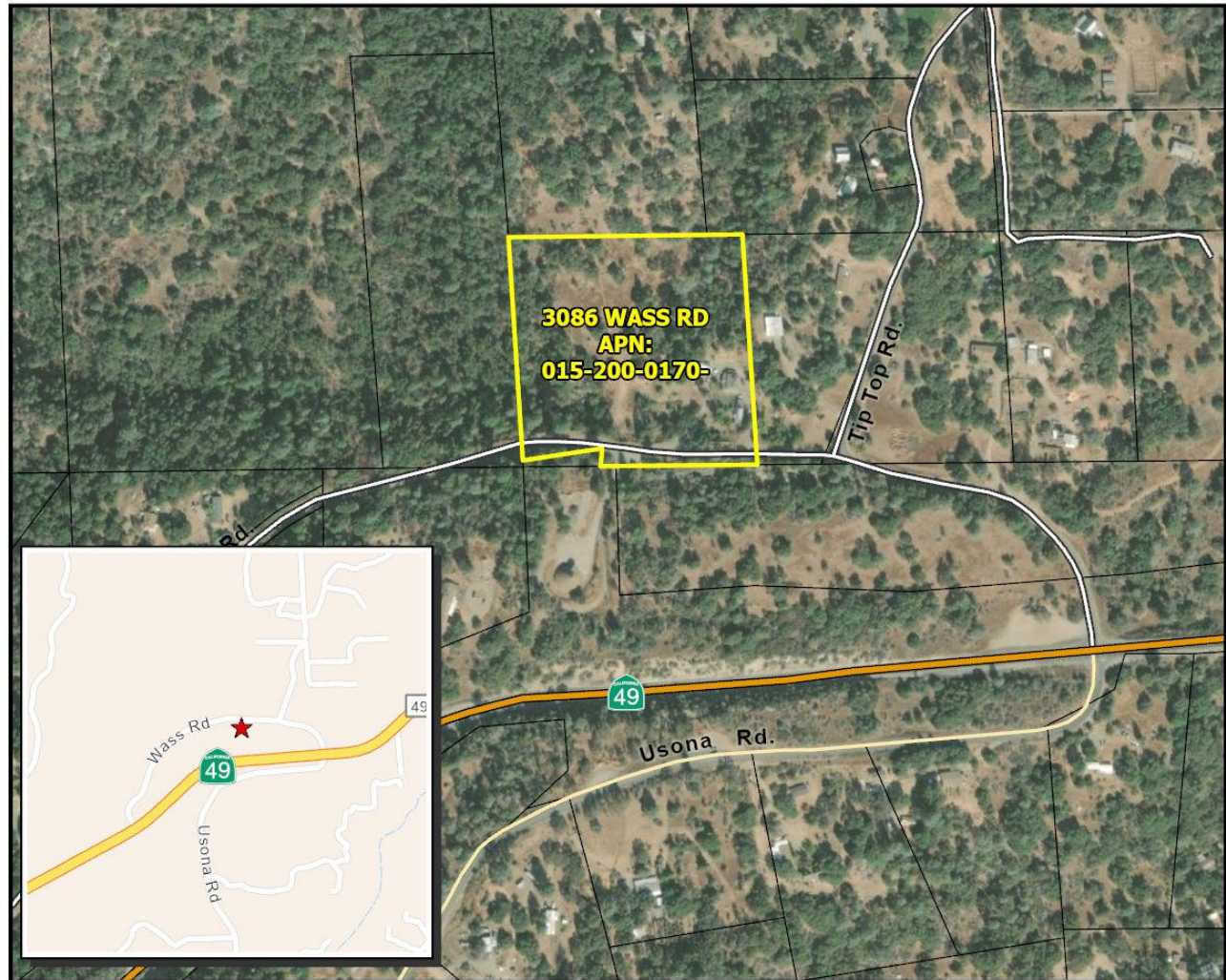
**COMMISSION
ACTION:** Staff recommends the Planning Commission adopt a resolution:

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

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

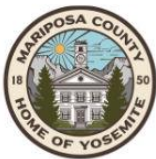
Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Friday, April 15, 2022

Data Source: Mariposa County Planning Department GIS;

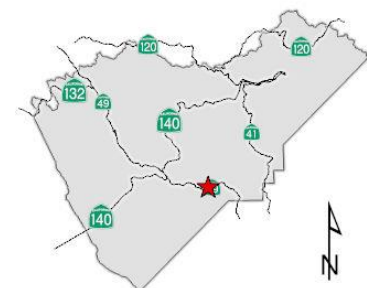
Assessor's Parcel Map Update: 08/2021

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.



N

Attachment: Staff Report [Revision 1] (2022-PCRES-9 : Conditional Use Permit No. 2022-072)

A. 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 A. Site Plan & Floor Plan)

B. 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: No public comments have been received at the time of publication of this Staff Report.

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 addresses the comment by requiring the applicant obtain a permit from the Environmental Health Unit for evaluation and upgrade/replacement of the existing septic system to the satisfaction of the Environmental Health Unit prior to obtaining an amended TOT (Transient Occupancy Tax) Certificate.

**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, approving 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 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 amendment.

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

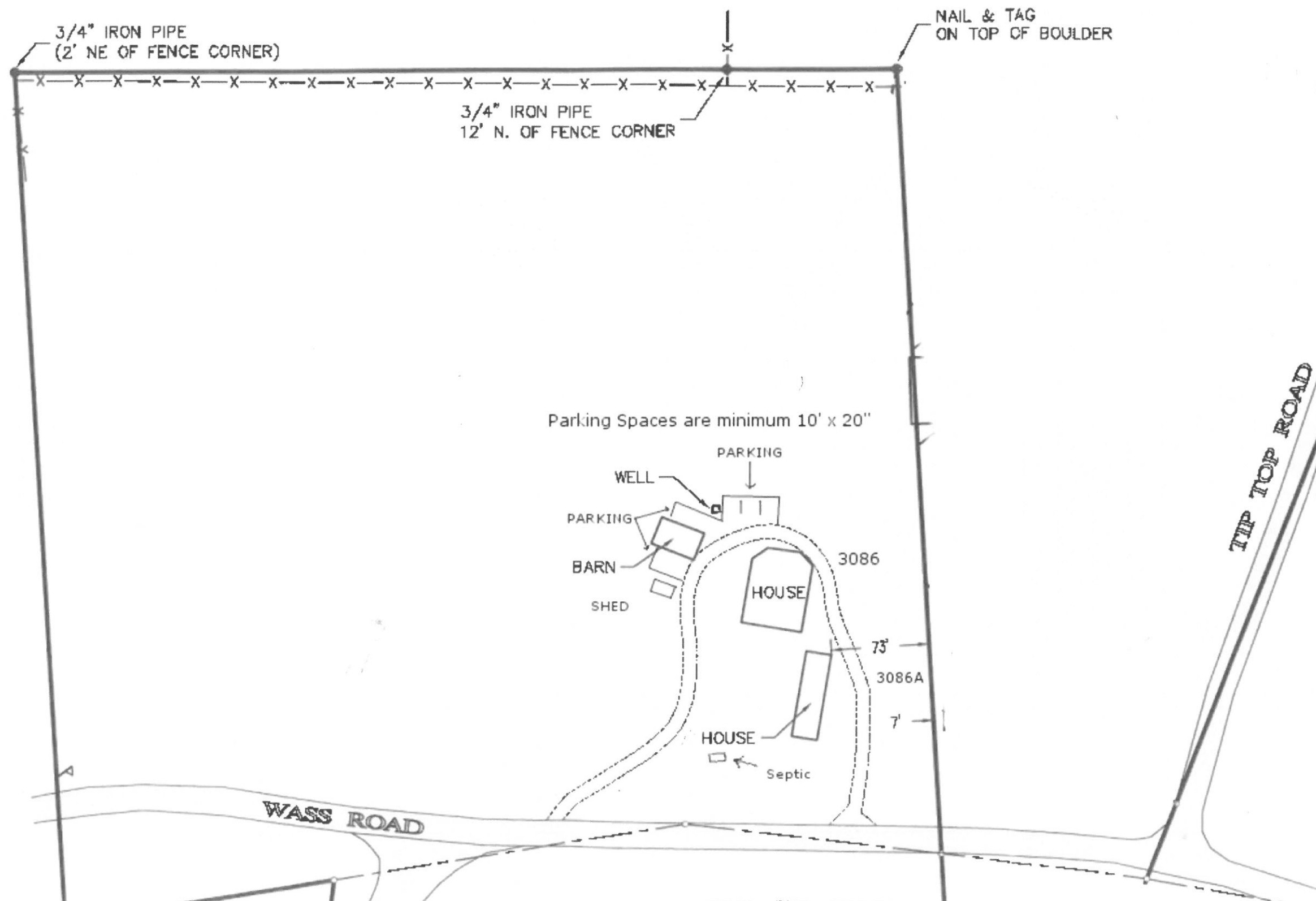
Final Action

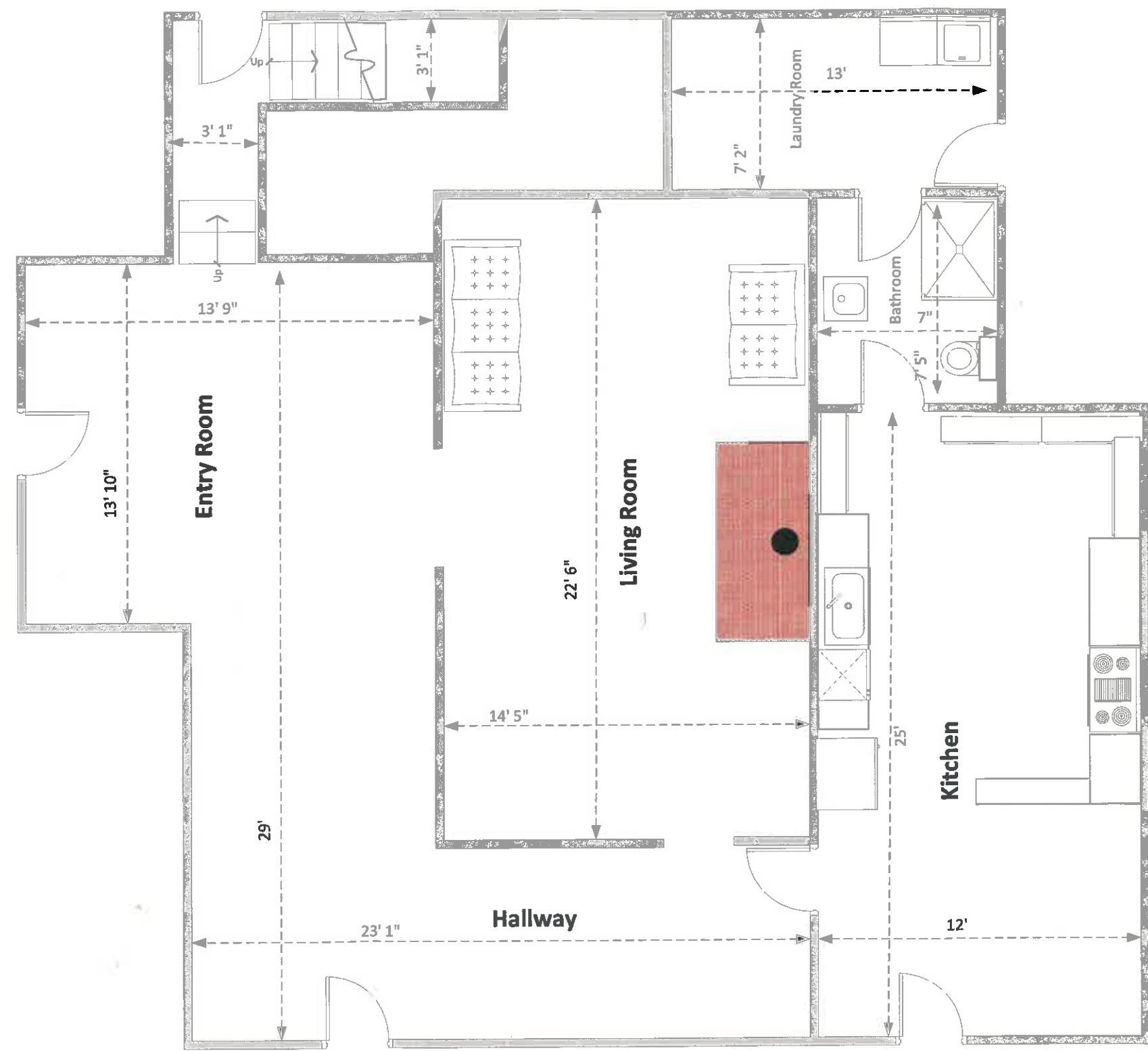
The Planning Commission action is the final action on this application unless the action is appealed to the Board of Supervisors within 20 calendar days from the date of the action. Any interested person may submit an appeal.

Attachments:

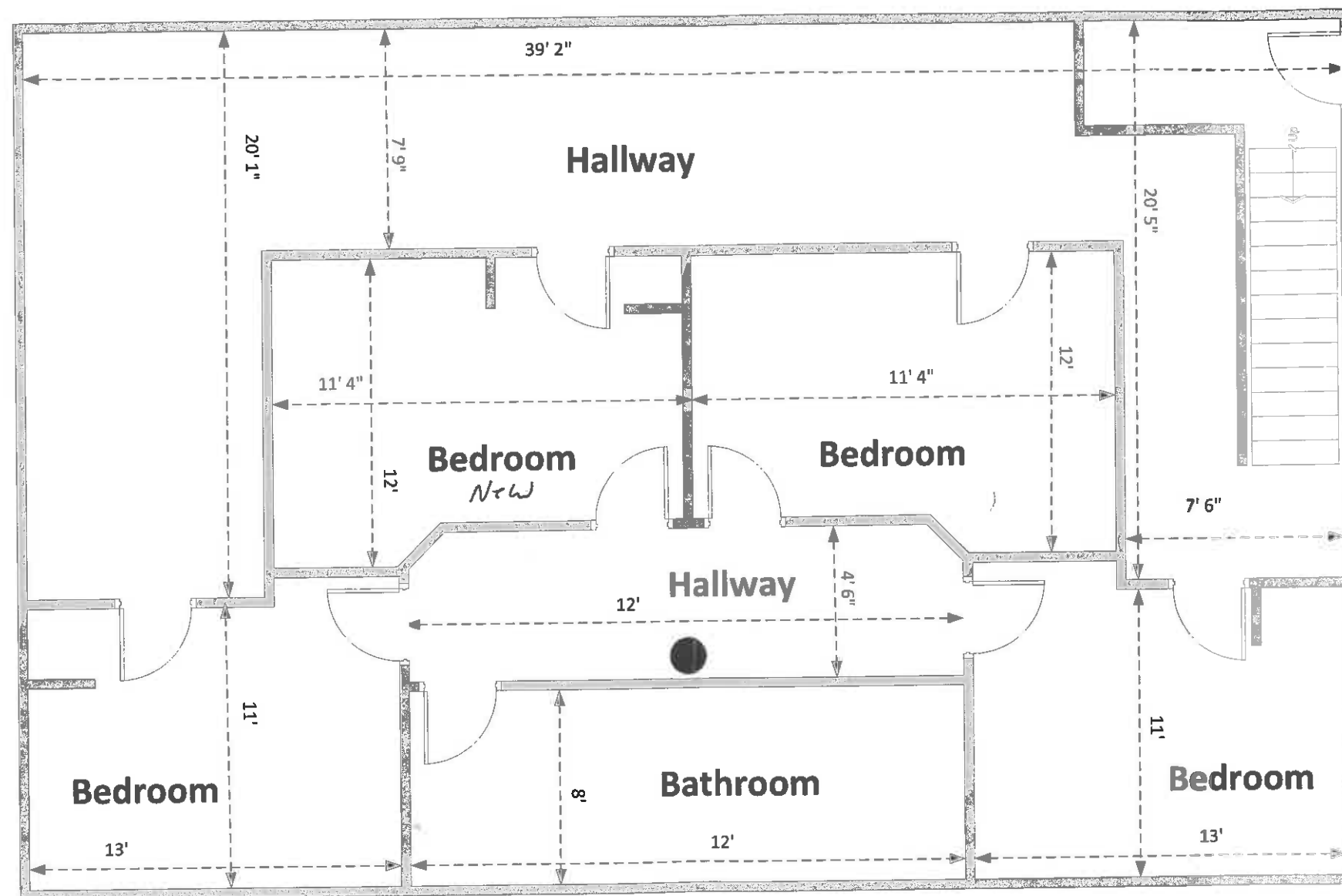
- A. Site Plan & Floor Plan
- B. Planning Commission Resolution
- C. Notice of Exemption (NOE)

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 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.

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 transient 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 Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

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 approve 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 5th day of August, 2022 by the following vote:

AYES:

Attachment: Attachment B. Planning Commission Resolution (2022-PCRES-9 : Conditional Use Permit No. 2022-072)

NOES:

EXCUSED:

ABSTAIN:

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Jil Chiesa, Secretary to the
Mariposa County Planning Commission

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 August 5, 2022. This approval shall expire August 5, 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 August 5, 2022.
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 July 22, 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 transient 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 C. NOE (2022-PCRES-9 : Conditional Use Permit No. 2022-072)



Conditional Use Permit Application Number 2022-072

William Brandle, applicant/owner
Planning Commission Meeting
August 5, 2022

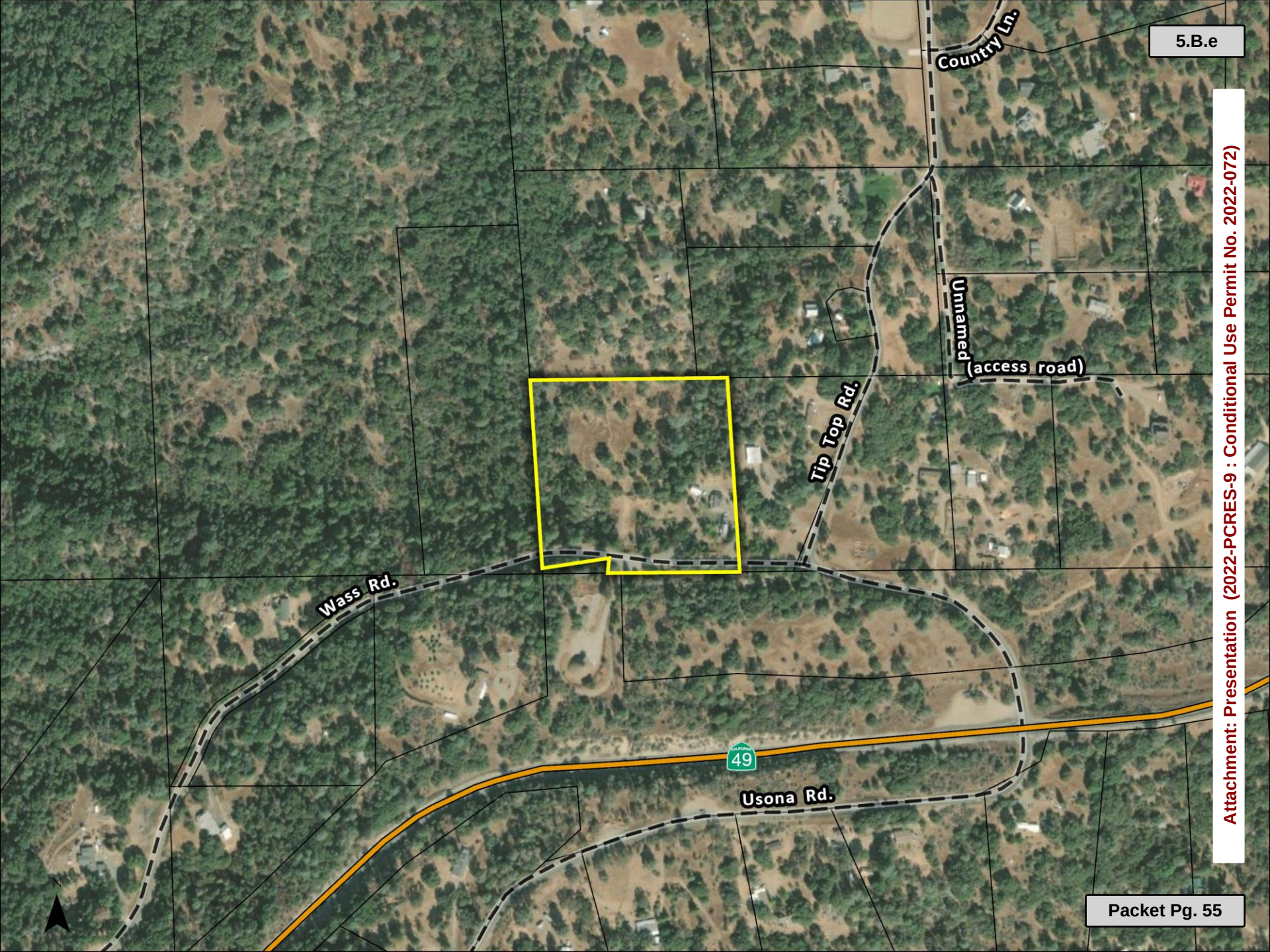
Project Description

- ❖ 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 & Mariposa County Health and Human Services Agency – Environmental Health Unit provided comments
- ◆ No public comment received

Staff Recommendation

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

