



RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

Norman L. Allinder, AICP
Director

- 2037 W. Cleveland Avenue
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- Madera, CA 93637
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- mc_planning@madera-county.com

PLANNING COMMISSION DATE: March 4, 2014

AGENDA ITEM: #1

CUP	#92-38	Request to Rescind Conditional Use Permit allowing Bed & Breakfast
APN	#059-270-024	Applicant/Owner: Nita Kiehimeier
CEQA	ND #129-92	Mitigated Negative Declaration

REQUEST:

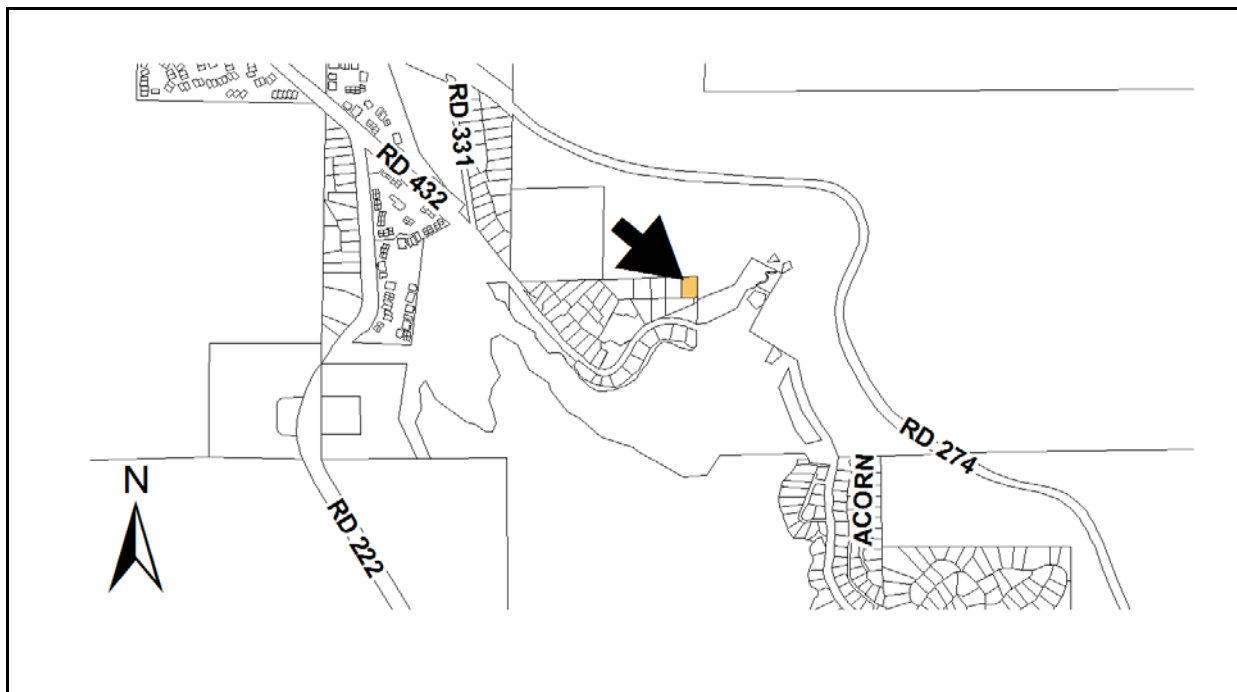
The applicant is requesting to rescind Conditional Use Permit #92-38 which allowed for a Bed & Breakfast operation.

LOCATION:

The subject property is located approximately 250 feet north of Road 432 (53489 Road 432), Bass Lake

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (ND #129-92) has previously been approved and is subject to rescinding by the Planning Commission.



RECOMMENDATION: Staff recommends approval of rescinding of Conditional Use Permit #92-38 and Mitigated Negative Declaration ND #129-92.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: LDR (Low Density Residential) Designation

SURROUNDING: LDR (Low Density Residential) Designation; OS (Open Space) Designation

ZONING (Exhibit B):

SITE: RMS (Residential Mountain Single Family) District

SURROUNDING: RMS (Residential Mountain Single Family) District; POS (Public Open Space)

LAND USE:

SITE: Bed and Breakfast

SURROUNDING: North, and East: Vacant land; West: Residential; South: Bass Lake

SIZE OF PROPERTY: 0.39 acres

ACCESS (Exhibit A): Access to the site is via Road 432

BACKGROUND AND PRIOR ACTIONS:

Conditional Use Permit #92-38 was approved by the Planning Commission on December 1, 1992 to allow for a Bed & Breakfast Operation.

PROJECT DESCRIPTION:

To rescind, at applicants request, Conditional Use Permit #92-38 and its' associated Mitigated Negative Declaration ND 129-92. The request is due to non-use, as operations no longer exist.

ORDINANCES/POLICIES:

Section 18.04.083 of the Madera County Zoning Ordinance defines a Bed & Breakfast operation in a single family residential zone.

Section 18.22 of the Madera County Zoning Ordinance outlines the uses and regulations of the RMS (Residential Mountain Single Family) District.

Section 18.92.060 of the Madera County Zoning Ordinance outlines the procedures for revoking Conditional Use Permits.

Section 18.108 of the Madera County Zoning Ordinance outlines the procedures for revoking Conditional Use Permits.

ANALYSIS:

This is a request by the applicant to rescind an approved Conditional Use Permit that originally allowed for a Bed and Breakfast operation. The applicant is requesting a rescinding of the permit due to non-use.

The operation was allowed to utilize three separate sleeping areas, not counting the owners of the homes' room, for up to six guests. Check in time would be 3:00PM, and check-out time would be 10:00AM. A continental breakfast would be served. These operational standards are consistent with the zoning ordinance covering Bed and Breakfast operations in this zone. The applicant ran the Bed and Breakfast operation from when the Conditional Use Permit was approved until sometime in 2004, when personal issues arose such that the applicants' could no longer operate the business.

As a condition of approval, the applicant was required to obtain a partial sewer unit to accommodate the increased usage as a result of the Bed and Breakfast facility. Recently, the applicant received an assessment from Department of Engineering in relation to Bass Lakes' assessment to upgrade the sewer system. In that assessment, the applicant was reminded of their purchase of partial sewer units that were to serve the Bed and Breakfast operation. The applicant has not run the operation since 2004. They no longer need the additional partial sewer unit. The Department of Engineering instructed the applicant to have the Planning Department rescind the CUP for the Bed and Breakfast. In doing so, Engineering would be able to evaluate the residence and potentially remove the partial sewer unit.

In review of the original project file and parcel history, Staff has concluded that there have been no complaints or violations of the conditions of approval or mitigation measures of the project. No nuisance complaints (noise, dust, odor, etc.) have been received by the County. It is, therefore, Staff's belief that the operation has been in compliance of the Conditional Use Permit since issuance until cessation of operations.

FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to make a finding of approval of this conditional use permit application. Should the Planning Commission vote to approve the project, Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *The proposed project does not violate the spirit or intent of the zoning ordinance* in that pursuant to Section 18.22.010 of the Madera County Zoning Ordinance, the proposed use is allowed in the RMS (Residential Mountain Single Family) Zone District subject to a conditional use permit

**CUP #92-38
STAFF REPORT**

March 4, 2014

for a Church facility. The Bed and Breakfast operations were in conformity to the zoning ordinance by obtaining a Conditional Use Permit.

2. *The proposed project is not contrary to the public health, safety, or general welfare* in that the facility had adhered to all conditions of approval and mitigations as approved as they relate to the operations. There are no known complaints that were filed against the operations during the time period it was providing the services.
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors*, in that the project had adhered to local and state health and building codes. In addition, any potential environmental impacts had been mitigated to a level of less than significant through mitigation measures as outlined by the mitigated negative declaration and conditions of approval for the conditional use permit.
4. *The proposed project will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The project was compatible with the nature of adjacent uses while it was in operations.

WILLIAMSON ACT:

The property is not subject to a Williamson Act contract.

GENERAL PLAN CONSISTENCY:

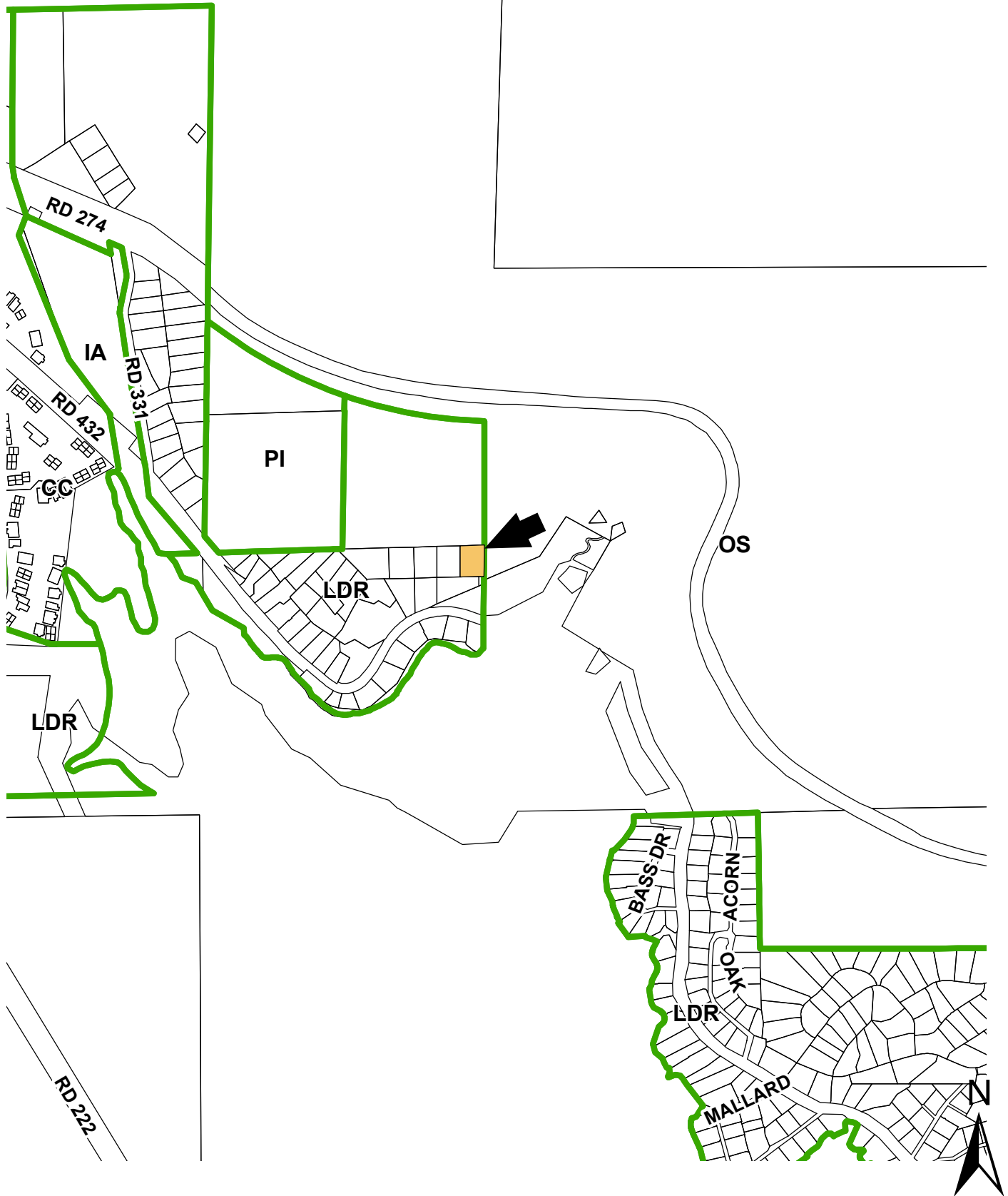
The General Plan designates the site as LDR (Low Density Residential) which allows for similar uses as to that being proposed. The property is zoned RMS (Residential Mountain Single Family) District. The proposed project was consistent with the designations.

RECOMMENDATION:

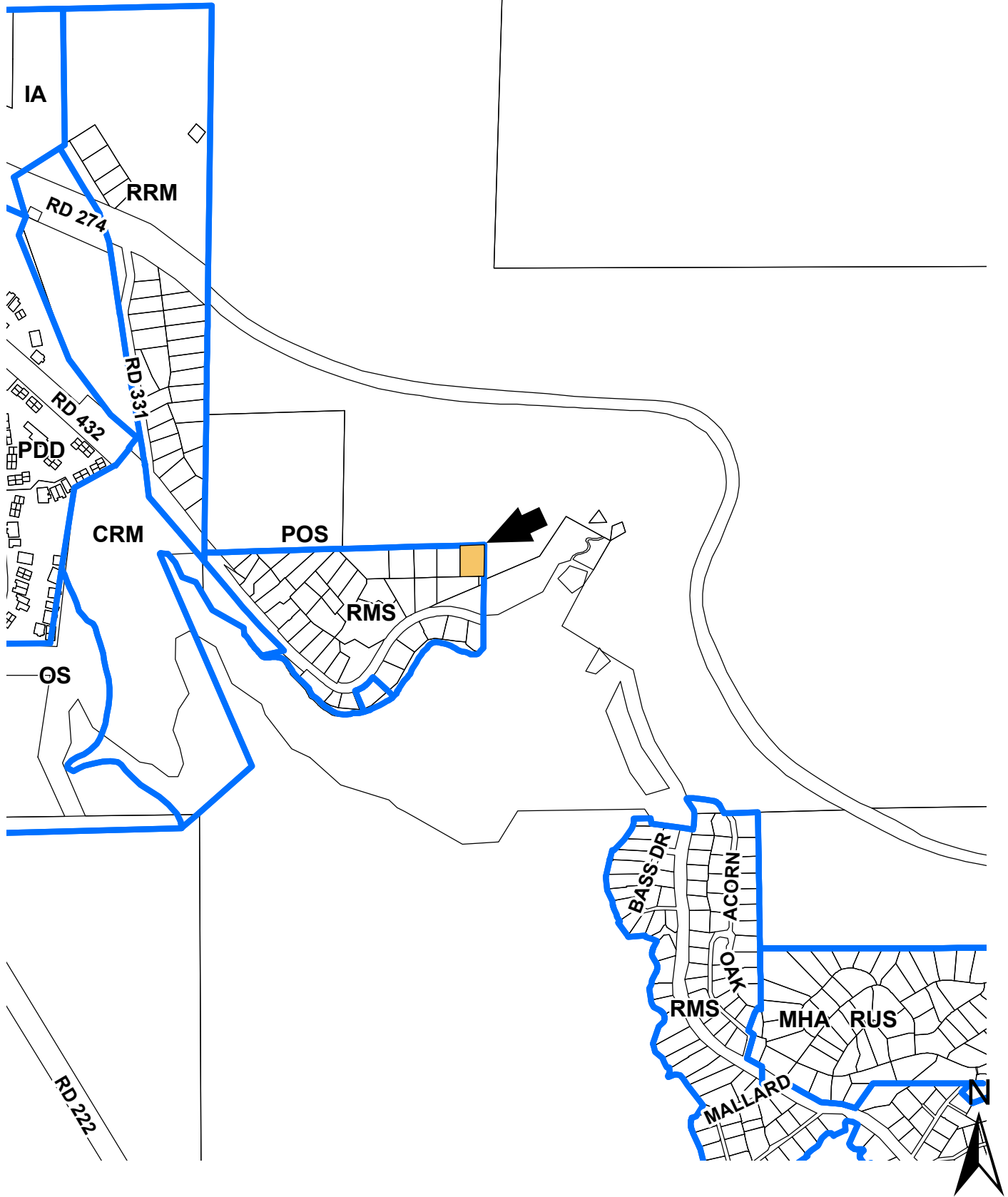
The analysis provided in this report supports approval of the request to rescind Conditional Use Permit #92-38 and its' associated Mitigated Negative Declaration (ND #129-92) as presented.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D, Site Plan Map
5. Exhibit E, Aerial Map
6. Exhibit F, Topographical Map
7. Exhibit G, Applicants' Letter requesting to rescind CUP #92-38



GENERAL PLAN MAP



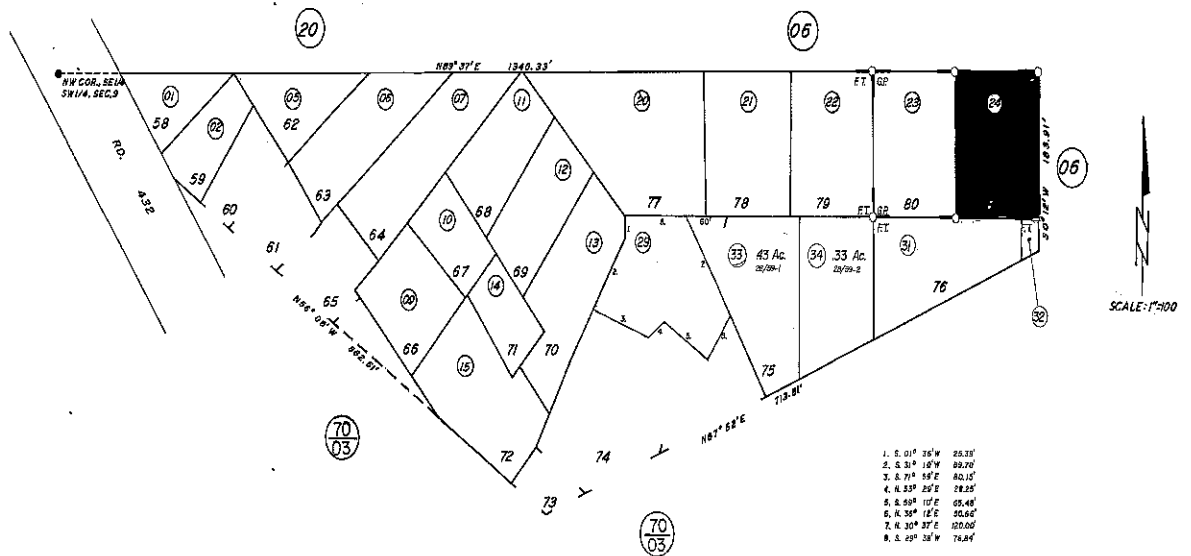
ZONING MAP

EXHIBIT C

FALLS TRACT SEC. 9 T. 7 R. 22

59-27

TAX AREA NO. 56-003



Vol. 14, Pg. 31 - Record of Survey "Falls Tract"
 Vol. 24, Pg. 35 - Record of Survey for Goodwin & Parola

92219 -34- LLM

ASSESSOR'S MAP NO. 59-27
 BASS LAKE
 COUNTY OF MADERA, CALIF.
 1968

ASSESSOR'S MAP



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

AERIAL MAP



TOPOGRAPHICAL MAP

December 16, 2013

Planning Department
135 W Yosemite Ave.
Madera Ca.93637

Bass Lake has been assessed for an upgrade to our sewer system. When I received my assessment letter I was reminded that I had purchased a partial sewer unit in order to open a part time Bed in Breakfast in 1999. I did not continue the business after 2004 as my husband illness prevented my continuing this venture.

I no longer need the additional sewer units and asked the Department of Engineering to evaluate my home in order to have the opportunity to return to the original one sewer unit for my property.

The enclosed letter states that the assessment for additional sewer units can be released once the Planning Department removes the conditional use permit attached to my property.

I am requesting that the conditional use permit be removed. Your assistance in handling this request is greatly appreciated.

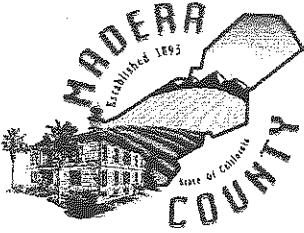
Thank you in advance for your assistance in removing the conditional use permit, should you need additional information please contact me at 559 676 3618.

Sincerely



Nita Kiehlmeier
53489 Road 432
Bass Lake, Ca. 93604

RECEIVED
JAN 13 2014
MADERA COUNTY
PLANNING DEPARTMENT



RESOURCE MANAGEMENT AGENCY
DEPARTMENT OF ENGINEERING
AND GENERAL SERVICES
Kheng Vang, P.E., County Engineer

2037 W. Cleveland Ave.
Madera, CA 93637
(559)675-7817

DATE: November 27, 2013

TO: NITA KIEHLMEIER
53489 ROAD 432
BASS LAKE, CA 93604

SUBJECT: BASS LAKE WWTP IMPROVEMENTS- SEWER ASSESSMENT CHALLENGE

Dear Mrs. Kiehlmeier,

Enclosed is a copy of the Assessment Challenge Request Site Investigation form for your records. The County has made a decision in regards to your challenge on 10/31/2013. If you have any questions or concerns, please contact me by phone at (559)675-7817 Ext. 3230, or by email at vang.thao@madera-county.com. Thank you.

Sincerely,

Vang Y. Thao

Enclosures: (1)



RESOURCE MANAGEMENT AGENCY
 DEPARTMENT OF ENGINEERING
 KEN VANG, PE - COUNTY ENGINEER

2037 W. Cleveland Avenue
 Madera, CA 93637
 T: (559) 675-7817
 F: (559) 675-7639

NITA KIEHLMEIER
 53489 ROAD 432
 BASS LAKE, CA 93604

This form is being provided to you because a request was made challenging the Bass Lake Sewer Assessment No. 2013-01. Below are the findings from your request.

ASSESSMENT CHALLENGE REQUEST

Request Date: 10/31/2013 District: CSA 2A-2B, Bass Lake
 Name of Person Making Request: NITA KIEHLMEIER
 Situs Address: 53489 Road 432, Bass Lake (559) 676-3618

Reason for Challenge: Once had a bed and breakfast (B&B). The County required them to buy an additional 0.4 sewer unit. No longer runs the B&B and would like to sell 0.4 sewer unit, if possible.

APN or Assessment No: 059-270-024 Number of Sewer Units: 1.4

SITE INSPECTION

Investigator: VANG THAO
 Date of Inspection: 11/1/13

Site Evaluation Note(s):
 MULTI-LEVEL SFD UNIT. PER PROPERTY OWNER, BED/BREAKFAST IS NO LONGER RUNNING; WOULD LIKE TO SELL (.4) UNITS; CUP 92-38 PULLED FOR B&B.

Final Determination of Sewer Units:
 BASED ON CUP# 92-38, (.4) SEWER UNITS IS CORRECT. OWNER NEEDS TO HAVE CUP REVOKED IN ORDER FOR (.4) UNITS TO BE REMOVED. REQUEST TO CHANGE SEWER UNITS HAS BEEN DENIED

Ken Vang
 Ken Vang, PE - County Engineer