RECOMMENDED ACTION AND JUSTIFICATION: Approval of the proposed Specific Plan Amendment to rezone 6.07 acres of land on the Tenaya Lodge site in Fish Camp and to amend the site plan approved for the Tenaya Lodge in order to allow expansion of conference and spa space at the lodge facility. The amendment is necessary because the Findings of Fact for the approval of Conditional Use Permit No. 204 require that all significant structural improvements at the Tenaya Lodge site be located in the Resort Commercial zone. Under current zoning, the expanded structure would be located in the Single Family Residential 2.5-acre minimum zoned portion of the site. The amended site plan is necessary because the conditions of approval for Conditional Use Permit No. 204 require that land not approved for development at the Tenaya Lodge site are to be maintained as open space, and structural improvements in these areas can be only be allowed by a revision to the use permit. Following a public hearing, and review of the staff report and the initial study for the project, the Planning Commission recommended adoption of a mitigated negative declaration and approval of the Specific Plan Amendment and amended site plan with findings, mitigation measure and conditions of approval.

The Board action is to adopt a resolution approving Specific Plan Amendment No. 2008-163 and Amended Site Plan No. 2008-164 and adopting a Mitigated Negative Declaration for environmental review purposes. The action includes waiving the first reading and introducing an ordinance amending the land use map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: The Mariposa County Board of Supervisors adopted the Fish Camp Specific Plan on June 7, 1983. The Plan has been amended from time to time by actions of the Board. The Board of Supervisors has taken no action on these specific applications.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: A denial of either one of these two applications will mean that the Tenaya Lodge cannot be expanded in accordance with the lodge's proposal because the expansion would not be consistent with Conditional Use Permit No. 204, the operative use permit for the project. Grading and building permits for the Tenaya Lodge expansion would not be approved.

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CLERK'S USE ONLY:

Res. No.: Ord. No.:

Vote - Ayes: Noes: Absent: ___

( ) Approved

( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

Revised Dec. 2002

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
No Opinion

Comments:

CAO:
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING to Consider Specific Plan Amendment No. 2008-163 and Amended Site Plan No. 2008-164. Action Includes Adopting a Resolution Approving the Project, Adopting a Mitigated Negative Declaration, Waiving the First Reading and Introducing an Ordinance Amending the Land Use Map in the Fish Camp Specific Plan and Amending the Site Plan Approved for Conditional Use Permit No. 204, the Existing Use Permit for the Tenaya Lodge Site in Fish Camp. The Specific Plan Amendment Proposes to Amend the Land Use Map in the Fish Camp Specific Plan by Rezoning 6.07 Acres of Land Currently in the Single Family Residential 2.5-Acre Minimum Zone to the Resort Commercial Zone on APN 010-410-012. Delaware North Companies, Project Applicant

RESOLUTION 09-26

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 20, 2009

ACTION AND VOTE:

PUBLIC HEARING to Consider Specific Plan Amendment No. 2008-163 and Amended Site Plan No. 2008-164. Action Includes Adopting a Resolution Approving the Project, Adopting a Mitigated Negative Declaration, Waiving the First Reading and Introducing an Ordinance Amending the Land Use Map in the Fish Camp Specific Plan and Amending the Site Plan Approved for Conditional Use Permit No. 204, the Existing Use Permit for the Tenaya Lodge Site in Fish Camp. The Specific Plan Amendment Proposes to Amend the Land Use Map in the Fish Camp Specific Plan by Rezoning 6.07 Acres of Land Currently in the Single Family Residential 2.5-Acre Minimum Zone to the Resort Commercial Zone on APN 010-410-012. Delaware North Companies, Project Applicant

BOARD ACTION: Skip Strathearn, Senior Planner, presented the staff report; and he advised that an updated map/site plan was distributed and that the legal description for the rezone area is currently being prepared. He responded to questions from the Board as to whether the open space was a mitigation measure for approval of the original project – it was a condition of approval; as to whether there is adequate parking to handle the changes; and clarification of the change in the building foot print and whether there is an impact on the open space.

The public portion of the hearing was opened and input was provided by the following:

Tom McCann, General Manager for Tenaya Lodge/applicant, addressed the parking issues that were raised – they are the busiest when hosting local government association conferences, many of their guests fly in for conferences; they have many programs for parking and they have been successfully accommodating car shows in the summer in their parking lots by arranging for shuttles
from the Mountain House, and they have back-up plans with neighbors which they have not had to use. He responded to questions from the Board and added input relative to their bus traffic which reduces the parking space needs; they are accommodating parking needs for the stables; and they recently acquired the Apple Tree facility and that staffing is handled from the Tenaya facilities, so that leaves the Apple Tree employee parking available. He further advised that they have incentives/encourage employee car pooling. He responded to questions from the Board and advised that they already have spa facilities so they do not feel the change with the spa will impact the parking. They can valet park all vehicles if needed. He responded to an additional question from the Board and advised that they do not have any concern with the condition for the mitigation measure for the expansion project requiring the Lodge to secure all permitting requirements relating to water supply before obtaining a Certificate of Occupancy.

Don Starchman, Starchman Bryant Law Offices, local counsel for Tenaya Lodge on this project, noted that they are not increasing the number of rooms. He advised that the spa changes are to keep up with changes in the market field. Because their guests are in Yosemite for the day, parking is available for the spa and restaurant. He referred to the term “green path” and noted that they are trying to take an environmental “green path” with their facilities to reduce water usage. He further advised that they are willing to meet any State requirements.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Allen advised that he attended the Fish Camp Town Planning Advisory Committee meeting and they unanimously supported this project. He further commented that he has been in Fish Camp the last four weekends and he has seen the commitment of the General Manager with the community as well as with the Lodge. He thanked Tom McCann and Skip Strathearn for their work on this project. Supervisor Cann commented on his work with Delaware North over the last fifteen years and stated he has been impressed and he doesn’t have any concern about the challenges that this project might bring. He commented that the “green path” is a national certification. Skip Strathearn and Jeff Green responded to a question from the Board relative to the recommended actions and whether separate actions are necessary.

(M)Bibby, (S)Allen, a Mitigated Negative Declaration was adopted; and Res. 09-26 was adopted approving the amendment to the Land Use Map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163 and amending the site plan, with the updated dimensions for the 6.07-acre area to be rezoned on the project site, approved for Conditional Use Permit No. 204 pursuant to Amended Site Plan No. 164 with the recommended findings, mitigation measure, and conditions of approval/Ayes: Unanimous.

(M)Bibby, (S)Allen, the first reading was waived and Ordinance introduced amending the Land Use Map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous. The hearing was closed.

Cc: Jeffrey G. Green, Interim County Counsel
File
MEMORANDUM

Date: January 20, 2009
To: Mariposa County Board of Supervisors
From: Skip Strathearn, Senior Planner
RE: Folder 5 - January 20, 2009 agenda; 10:00 a.m. hearing. Specific Plan Amendment No. 2008-163/Amended Site Plan No. 2008-164 (Tenaya Lodge)

Attached you will find a map/site plan that Mariposa Planning received from the project designer on Monday, January 19, 2009 that shows updated dimensions for the 6.07-acre area to be rezoned on the project site. They are slightly different than the previous mapping as shown on circle page 4. However, the area to be rezoned remains at 6.07 acres.

The resolution and ordinance to be signed by the Board chair will include this updated map as well as a legal description for the rezone area that is currently being prepared.

The Board action and transmittal forms I prepared are somewhat confusing in that the text states that the Amended Site Plan will be part of the ordinance that is proposed for adoption. The Amended Site Plan is proposed to be approved by resolution, not as part of the ordinance. For clarification, the recommended action for the Board to take on this project is as follows:

a) Adopt a Mitigated Negative Declaration;
b) Adopt a resolution approving the amendment to the land use map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163 and amending the site plan approved for Conditional Use Permit No. 204 pursuant to Amended Site Plan No. 164 with the recommended findings, mitigation measure, and conditions of approval;
c) Waive the first reading and introduce an ordinance amending the land use map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163.
MARIPOSA COUNTY RESOLUTION NO. 2009-026

A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 2008-163
and AMENDED SITE PLAN NO. 2008-164

WHEREAS an application proposing an amendment to the land use map in the Fish Camp Specific Plan and to amend the site plan approved for Conditional Use Permit No. 204, the operative use permit for the Tenaya Lodge project in Fish Camp was received on September 16, 2008; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled before the Planning Commission for the 19th day of December, 2008; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Initial Study 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; and

WHEREAS the Planning Commission adopted Resolution No. 2008-043, recommending that the Board of Supervisors adopt a Mitigated Negative Declaration, and further recommending Board of Supervisors adopt an ordinance amending the land use map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163 and adopt a resolution approving the Specific Plan Amendment and Amended Site Plan No. 2008-164 with recommended findings, mitigation measure, and conditions of approval; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 20th day of January, 2009; and

WHEREAS a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public and the applicant concerning
the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Mitigated Negative Declaration and directing staff to file a Notice of Determination for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and amending the land use map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163 and amending the site plan approved for Conditional Use Permit No. 204 pursuant to Amended Site Plan No. 2008-164.

BE IT FURTHER RESOLVED THAT the legal description for the area to be rezoned is shown in Exhibit 1.

BE IT FURTHER RESOLVED THAT the approved amendment to the land use map in the Fish Camp Specific Plan and the amended site plan (shaded area shows new development area) are shown in Exhibit 2.

BE IT FURTHER RESOLVED THAT the project approval action is based on the findings shown in Exhibit 3, which are supported by substantial evidence in the public record.

BE IT FURTHER RESOLVED THAT the mitigation measure for Amended Site Plan No. 164 is shown in Exhibit 4 and monitoring for the mitigation is also shown in Exhibit 4.

BE IT FURTHER RESOLVED THAT the conditions of approval for Amended Site Plan No. 2008-164 are shown in Exhibit 5.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the adoption date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Bibby, seconded by Supervisor Allen; this resolution is duly passed and adopted this 20th day of January, 2009 by the following vote:

AYES: Aborn, Turpin, Bibby, Cann, Allen

NOES: None

EXCUSED: None

ABSTAIN: None
Resolution 2009-026 · Specific Plan Amendment No. 2008-163/Amended Site Plan No. 2008-164; Delaware North Companies, Project Proponent
20th Day of January, 2009 • Page 3 of 19 pages

Brad Aborn
Chair
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Jeffrey G. Green
Interim County Counsel
Exhibit 1

Legal Description
Area being Rezoned to Resort
Commercial
January 16, 2009

All that portion of Parcel 1 as shown on the Parcel Map for Tenaya Lodge Joint Venture, filed October 4, 1986 in Book 23 of Parcel Maps at Page 50, Mariposa County Records being more particularly described as follows:

Commencing at the Northeast corner of said Parcel 1; thence along the East line thereof S.01°21'27"E. 363.77 feet to the POINT OF BEGINNING; thence continuing along said East line S.01°21'27"E. 264.39 feet to the Southeast Corner of Parcel 4 as shown on the Parcel Map for Dave Brizzolara, filed April 12, 1976 in Book 10 of Parcel Maps at Page 27 Mariposa County Records, thence along the South line thereof S.89°15'08"W. 989.13 feet to the Northwest corner of Parcel 3 of said Parcel Map; thence N.1°25'29"W. 264.39 feet; thence N.89°15'08"E. 989.43 feet to the POINT OF BEGINNING.

Containing 6.00± Acres
Exhibit 3

Findings for Specific Plan Amendment
No. 2008-163

The amendment to the Specific Plan regarding rezoning the property as proposed is subject to the following general policies as stated in Section VIII.B.1 of the Fish Camp Specific Plan:

Policy 1:
Any amendment to this Plan, whether initiated by the County of Mariposa or resident of Fish Camp, shall be evaluated in light of the overall goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan.

Project Consistency: The specific plan amendment is consistent with the overall goals and objectives of the Fish Camp Specific Plan and the goals, policies, and implementation measures of the Mariposa County General Plan. These goals, policies and implementation measures are discussed in the specific findings below.

Policy 2:
Any amendment must be evaluated in light of the environmental impact it may create particularly as that impact is identified and mitigated in this Plan.

Project Consistency: An Initial Study was prepared for the specific plan amendment and accompanying amended site plan in accordance with the California Environmental Quality Act. The study found a potentially significant impact relating to the permitting requirements for the Tenaya Lodge's water supply. Mitigation is adopted to reduce this potentially significant impact to a less than significant level. The environmental impact report certified for the Fish Camp Specific Plan found that the drilling of additional wells in Fish Camp could impact existing wells and that existing water facilities have limited supplies and storage. The EIR proposed mitigation measures requiring that development proposals should be required to demonstrate adequate and reliable sources of water for domestic and fire protection services. The project will be consistent with this mitigation measure upon implementation of all water system requirements.
The following specific findings are required to be made in accordance with Section VIII.B.2 of the Fish Camp Specific Plan. It is found that:

**FINDING 1:**
The amendment will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan.

**Evidence:** The overall goal of the development of the community of Fish Camp as stated in Section IV – Principles of Plan Administration of the Fish Camp Specific Plan, is the following:

“To provide for the greatest obtainable convenience, prosperity, health, safety, comfort, peace, morals and general welfare of the present and future residents and visitors to the County.”

The specific plan amendment, which is necessary to allow the Tenaya Lodge to expand existing uses, was subject to environmental review and the initial study prepared did not find evidence that the implementation of the expansion project that would be allowed by the specific plan amendment would have any potentially significant impact on the issues described above.

The objectives of the Fish Camp Specific Plan as stated in Section V. – Objectives of the Plan are as follows:

1. To provide for an orderly expansion of the community of Fish Camp.
2. To provide for, and promote, planned commercial and residential development within the Fish Camp Town Planning Area.
3. To promote the recreation and tourist industry of the community.
4. To preserve and protect the historical sites and structures of the community for the benefit of future generations.
5. To promote and provide an effective and safe circulation system within the community.
6. To preserve and protect the fragile ecology of the community specifically with respect to the hillsides of the Town Planning Area and Big Creek.
7. To promote and provide adequate and cost effective public services such as fire protection, public roads, water and sewer services, and snow removal.
8. To develop an adequate program for the evaluation of public buildings and facility needs.
9. To ensure a safe and healthful environment for residents and visitors alike.
10. To promote a diversity of housing types to meet the lifestyle of present and future residents.

The expansion of the Tenaya Lodge meets objectives 1-3. It promotes an orderly and planned expansion of the commercial development in the community and promotes the tourist industry of the community. The expansion of existing spa and conference space uses will allow further utilization of the lodge in the shoulder seasons. Objective 4 is not
applicable to this project. The project would not have a negative impact on the community's circulation system and would be consistent with Objective 5.

The project is consistent with Objective 6 in that protection for fish populations of Big Creek that were part of Conditional Use Permit (CUP) No. 204 remain in place with this expansion project. A mitigation measure requiring maintenance of an open space/deer migration corridor through the northern portion of the site remains a part of the conditions of approval for CUP 204. The expansion will have no impact on the deer migration corridor on the project site. The initial study found that the expansion project would have no impact on this corridor.

The project is consistent with Objective 7. The project site has adequate access, parking and emergency ingress/egress via Jackson Road. There is adequate fire protection at the project site. The expansion project will include a mitigation measure that will require the lodge to secure all permitting requirements relating to water supply before obtaining a certificate of occupancy for the expansion structure. The expansion project will not impact the on-site leachfields.

The initial study prepared for the project found that the project would have a less than significant impact on public services. Therefore, it is consistent with Objective 8.

The expansion project will be required to meet all construction standards and the lodge is required to maintain the facility in accordance with all applicable health and safety code requirements. Therefore, the project will be consistent with Objective 9.

No housing is proposed under this expansion proposal. Therefore, Objective 10 is not applicable to this project.

**General Plan Issues:**
The project is consistent with the Guiding Principles of the Mariposa County General Plan, including Principle 3.2.11 which states that, "The General Plan capitalizes upon and nurtures the County's unique and diverse human, natural, and physical resources to achieve a sustainable, diverse, and robust economy. This guiding principle further reinforces the ability of the County to leverage its unique capabilities as a partner improving the local economy."

Section 5.3.01 of the Mariposa County General Plan states that Town Planning Areas represent the rural scale "urban" development centers in the county. In describing Town Planning Areas, Section 5.3.01.B(1) states that all residential, commercial, industrial, job-center, recreation, and public uses, as defined in the General Plan, are consistent with the purpose of a Town Planning Area. Section 5.3.01.E(1) states that Fish Camp has an adopted Town Planning Area Specific Plan. The Fish Camp Plan is described as a Town Planning Area Specific Plan to allow a comprehensive mix of zoning and land uses associated with its rural scale "urban" character.

Under Goal 5-4 of the General Plan, which states, "Designate land areas and establish siting criteria to enhance economic opportunities", Policy 5-4a states, "Cluster
commercial and service development in Planning Areas (Fish Camp is a Planning Area) and Rural Economic land use classifications."

Section 6.1.05.A of the General Plan states that "General Plan land use policies and the Economic Development Strategic Plan will encourage the development of destination resorts and hotel facilities in appropriate locations in Mariposa County."

Section 13.3.02 of the General Plan states that, "Expansion of the regional tourism sector of the county's economy is one of the fundamental goals of the Economic Development Element. That element includes policies and implementation measures to expand the visitor-serving economy through a number of different efforts, including extending the "season" from five to nine months or longer, increasing lengths of stay and room occupancy rates....."

Goal 13-5 of the General Plan states, "Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy." Implementation Measure 13-5a(1) states, "In cooperation with the County's tourism industry, implement a tourism marketing and advertising program using the Mariposa County brand designed to:

1. increase the length of visitor stay within the County,
2. expand the tourist season into shoulder seasons, and
3. incorporate special targeted activities for cultural tourism and agri-nature tourism."

The expanded lodge facility, which will provide conference space and spa amenities to attract more visitors to the county in the shoulder seasons and expand the length of stay in the county, is consistent with applicable goals, policies, and implementation measures contained in the Mariposa County General Plan.

**FINDING 2:**
All environmental impacts of the amendment can be satisfactorily mitigated.

**Evidence:** The initial study prepared for the expansion project, which would be allowed by the specific plan amendment, found that the only potentially significant impact from project development related to the water supply for the lodge facility. Mitigation, which requires the lodge's water supply to comply with state permitting requirements under Title 22, California Code of Regulations, will reduce this potentially significant impact to a less than significant level.

**FINDING 3:**
The amendment will not result in the degradation of the community as a residential and commercial center.

**Evidence:** The initial study prepared for the project found that the project would have no potentially significant impacts on the residential component of the community. The expansion project, which will increase conference and spa space, will promote the commercial component in the community of Fish Camp. It will provide additional
amenities that will result in additional use of the lodge facility during the shoulder seasons.

**FINDING 4:**
The proposed amendment is needed to promote orderly growth within the Fish Camp community.

**Evidence:** The specific plan amendment will rezone land in the Single Family Residential (2.5-acre minimum) zone to Resort Commercial. This will ensure that all lodge development is located within the Resort Commercial zoned property on the project site. The amendment will allow the expansion to occur and provide for the orderly development of the Tenaya Lodge. The expansion will occur in an area that has been used for structures and events in the past. The expansion structure, appurtenant uses such as a new patio and deck, and the relocated skating rink and cover will be located at the north end of the existing lodge structure and will not be located in a previously pristine and undeveloped portion of the property.

**FINDING 5:**
The area proposed for amendment is uniquely suited to the proposed use or density and that other areas are not presently available or usable for such use or density.

**Evidence:** As noted under Evidence for Finding 4, the expansion structure, appurtenant uses and the relocated skating rink and cover will be located in an area at the north end of the existing lodge structure that has been used for structures and events in the past. It would not be located in a pristine and undeveloped portion of the property. The expanded lodge structure is in compliance with the open space provisions for Resort Commercial development as described in the Fish Camp Specific Plan, and as stated in Resolution 86-20, the approval document for Conditional Use Permit No. 204. Sub-section 3.f in Section VI – Land Use Policies and Standards, of the Specific Plan requires that 15% of the net lot area may be utilized for lodging development. An additional 25% of the net lot area may be utilized for additional development. The remaining 60% of the net lot area is required to remain in open space. The lodging and additional development will be well under that allowed under the Specific Plan and the open space would be 78% of the project site. In accordance with the provisions of Conditional Use Permit No. 204, the portion of the project site zoned Single Family Residential (2.5-acre minimum) is allowed to be used in determining project consistency with the density standards in the Specific Plan.

**FINDING 6:**
The amendment will not result in damage or have an adverse effect on the value of adjacent properties.

**Evidence:** The initial study prepared for the project did not find any potentially significant impacts on adjacent property owners. The expansion project will maintain and adequate buffer between the project and neighboring property owners to the north. The open space buffer will be roughly 500 feet in length.
FINDING 7:
The amendment will not result in an overtaxing of the existing community circulation system or create a traffic hazard.

Evidence: The initial study found that the expansion project may result in additional traffic on Highway 41 and Yosemite National Park during the shoulder and winter seasons. However, the study concluded that the additional traffic is not considered to be significant in relation to the traffic on the highway and other roadways. The expansion project does not include additional guest rooms.

The following findings are required to be made in accordance with Section 17.128.050.C. of Title 17, Mariposa County Zoning Code. It is found:

FINDING 8:
That such an amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The project is in the general public interest in that it serves to implement the Mariposa County General Plan and the Fish Camp Specific Plan as stated in FINDING 1 above, and will promote the orderly growth of the community of Fish Camp as stated in FINDING 4 above. The project will not have a significant adverse effect on the general public health, safety, peace, based on the discussion in the Evidence sections for FINDINGS 2, 3, 6, and 7 above. The text of those sections is incorporated into this section by reference.

FINDING 9:
That such an amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

Evidence: As noted in FINDING 1 above, the project is consistent with land use descriptions, and applicable goals, policies and implementation measures of the Mariposa County General Plan. The general plan is a long term guide for county development, and project consistency with the general plan confirms that it will help to implement the general plan. Specific plans are designed to implement the general plan and provide more area specific land use standards. The project is consistent with the Fish Camp Specific Plan, which specifically directs development within the community and, therefore, provides a short term basis for day-to-day decision making.

FINDING 10:
That such an amendment conforms to the requirements of state law and county policy.

Evidence: State law and the Mariposa County General Plan allow for the amendment to area plans as provided by the adopted Specific Plan for the Fish Camp Town Planning Area. This amendment has been processed in accordance with the requirements of the Mariposa County General Plan, the Title 17, Mariposa County Zoning Code and the Fish Camp Specific Plan. This amendment has also been
processed in accordance with adopted environmental review policies and laws. The public hearings were noticed in accordance with requirements of Section 17.132 of Title 17 and applicable sections of state law.

**FINDING 11:**
That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

**Evidence:** The project is consistent with all applicable guiding policies, goals, policies, and standards of the Mariposa County General Plan. To support this conclusion, the discussion in the Evidence section of FINDING 1 is incorporated into this section by reference.

**FINDING 12:**
Due to the fact that the amendment amends the zoning classification on an individual parcel it must be found that:

12a. The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

**Evidence:** The site is physically suited for the zoning amendment under these and additional criteria, which have been discussed in previous findings. To support this conclusion, the discussion in the Evidence sections of FINDINGS 2, 3, 5, 6, 7, and 8 is incorporated into this section by reference.

12b. The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**Evidence:** The amendment will allow the Tenaya Lodge to expand and provide more conference and spa space. The expansion project will allow additional amenities to the touring public resulting in expanded tourist visits to Mariposa County and draw more tourists to the County during shoulder seasons. It will provide services to the touring public and is, therefore, consistent with this finding.
Findings for Amended Site Plan No.
2008-164

Due to the fact that the amended site plan application amends the original site plan for the Tenaya Lodge approved under Conditional Use Permit No. 204, findings that need to be made for an amended site plan are those required for Conditional Use Permits in accordance with Section 17.112.040, Title 17, Mariposa County Zoning Code. It is found:

FINDING A:
That adequate open space is being provided.

Evidence: The amended site plan is consistent with the requirements of Sub-section 3.f in Section VI – Land Use Policies and Standards for the Resort Commercial zone as described in the Fish Camp Specific Plan. This section requires that 60% of a resort commercial site be kept in open space. The amended site plan meets this requirement as 78% of the total 34.87 (net) lot area will remain in open space. In accordance with the provisions of Conditional Use Permit No. 204, the land in both the Single Family Residential (2.5-acre minimum) and Resort Commercial zoned portions of the property can be included in determining a project’s consistency with development density standards. Additional development can only occur on the project site through an amended site plan in accordance with Condition of Approval No. 20 in Resolution 86-20 which states:

“This use permit covers the entire 37 acres involved with the hotel development. Areas not designated for development on the approved site plan shall be maintained as open space. Structural improvements shall not be permitted in these open spaces areas without a formal revision to the use permit.”

In addition, the Single Family Residential (2.5-acre minimum) portion of the property, which is not used for leach field, access road, and original parking space, is required to remain in open space in accordance with Finding of Fact 2.F.5. in Resolution No. 86-20, the approval document for Conditional Use Permit No. 204. The project is consistent with Section VI.B.3.b.3. of the Fish Camp Specific Plan in that land in the Single Family Residential (2.5-acre minimum) zone can be used for open space.

FINDING B:
That the site is physically suited for the proposed development.

Evidence: The expanded structure and uses proposed under this amended site plan will be located in an area that has been used for structures (skating rink and cover) and special events. The majority of the expansion site is graded. The site is physically suited for the proposed development and the expansion project will be required to comply with all applicable construction code standards.
FINDING C:
That adequate provisions have been made for sewage disposal and handling of solid waste.

Evidence: The expanded lodge will be required to adhere to all state permitting requirements relating to sewage treatment and disposal. The waste generated at the lodge is required to comply with federal, state and local statutes and regulations relating to solid waste.

FINDING D:
That the proposed development will have adequate potable water for public use and fire protection.

Evidence: The initial study prepared for the project found there is a potentially significant impact relating to the lodge’s maximum day water demand exceeding the production of the project’s wells. A mitigation measure, which will require the lodge’s water supply to comply with all applicable permitting requirements contained in Title 22 of the California Code of Regulations prior to the issuance of a certificate of occupancy for the expansion, will ensure that the expansion project’s impact on the on-site water supply is reduced to a less than significant level.

FINDING E:
That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

Evidence: The expanded lodge will meet the setback requirements contained in Section VI.3.b. of the Fish Camp Specific Plan. The minimum property line setback requirement for Resort Commercial projects is 15 feet when the property borders residential property. The expanded structure and uses will be well outside of the setback area. The buffer between the expanded structure and the residential properties to the north will be roughly 500 feet in length.

FINDING F:
That appropriate access is available or is proposed to the development.

Evidence: The Tenaya Lodge project site is accessed by a driveway off of Highway 41. This access is adequate to serve the expanded facility.

FINDING G:
That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan.

Evidence: The project will allow expansion of the Tenaya Lodge facility in the community of Fish Camp. Fish Camp is a Town Planning Area as described in the Mariposa County General Plan. Section 5.3.01.B(1) of the General Plan states that “All residential, commercial, industrial, job-center, recreation, and public uses, as defined in
the General Plan, are consistent with the purpose of a town planning area." This project is consistent with this description of a Town Planning Area. The project is consistent with all applicable goals, policies, and implementation measures contained in the Mariposa County General Plan. (See "Evidence" in Finding 1 above.) The project is consistent with the goals and objectives of the Fish Camp Specific Plan (See "Evidence" in Finding 1 above) and with the development standards contained in Section IV.A. for Resort Commercial uses in the Fish Camp Specific Plan, as interpreted in the project approval for Conditional Use Permit No. 204.

Finding H:
That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

Evidence: The project will not have a significant effect on the environment. An initial study was prepared for the project. The potentially significant impact of the expansion on the lodge's water supply, which is required to meet state code regulations, is mitigated to a less than significant level. This was the only significant impact identified in the initial study.

Finding I:
That 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, and 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.

Evidence: The initial study prepared for the project did not find that project implementation would have a potentially significant impact on persons working or residing in the neighborhood. The project will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the county.

Additional Finding:
The project is consistent with the applicable approval standards and conditions of approval contained in Resolution 86-20 for Conditional Use Permit No. 204.

Evidence:
All applicable and remaining conditions of approval for Conditional Use Permit No. 204 as stated in Resolution 86-20 remain in effect for this amended site plan proposal. Resolution Finding of Fact 2.C states that "All significant structural improvements will be located on that portion of the project site in the Resort Commercial land use as designated by the Fish Camp Specific Plan...." The approval of the Specific Plan Amendment to rezone a portion of the property to Resort Commercial ensures that this requirement is met. The application to amend the site plan for the Tenaya Lodge is consistent with Condition of Approval No. 20. This condition mandates that any structural improvements are not permitted in open space areas, which are those areas
not proposed for development under CUP No. 204. County approval of the amended site plan meets this requirement.
Exhibit 4

Mitigation Measure and Mitigation Monitoring for Amended Site Plan No. 2008-164

Hydrology and Water Quality/Utilities and Service Systems

8.b.1: Prior to the issuance of a Certificate of Occupancy for the expansion of the Tenaya Lodge pursuant to Amended Site Plan No. 2008-164 the project proponent shall provide the Mariposa County Planning Department written verification from the California Department of Public Health that the capacity of the lodge's water well(s) meets all requirements of Title 22, Division 4. Environmental Health, Chapter 16. California Waterworks Standards, Article 2. Permit Requirements (California Code of Regulations).

Monitoring for Mitigation Measure 8.b.1: This mitigation measure will be a condition of approval for Amended Site Plan No. 2008-164 and will be monitored by the Mariposa County Planning Department through the project construction permitting process.
Exhibit 5

Conditions of Approval for Amended Site Plan No. 2008-164

Condition No. 1

Prior to the issuance of a Certificate of Occupancy for the expansion of the Tenaya Lodge pursuant to Amended Site Plan No. 2008-164 the project proponent shall provide the Regional Water Quality Control Board (RWQCB) certification from a registered civil engineer that the lodge's wastewater treatment and leachfield system has adequate capacity for the proposed expansion and is not causing a localized groundwater mounding problem leading to an offsite surface discharge. The project proponent shall provide evidence of RWQCB approval/acceptance of the certification to Mariposa Planning.

Condition No. 2

The project proponent shall utilize Best Management Practices during construction activities pursuant to Amended Site Plan No. 2008-164 to address impacts related to storm water runoff.

Condition No. 3

Prior to the issuance of a construction or grading permit for the expansion of the Tenaya Lodge pursuant to Amended Site Plan No. 164, the project proponent shall contact the Regional Water Quality Control Board (RWQCB) to determine if the project is required to obtain a Section 401 Water Quality Certification from the RWQCB, and shall contact the U.S. Army Corps of Engineers to determine if the project is required to obtain a Section 404 permit under the Clean Water Act. If these permits are not required, the project applicant shall provide Mariposa Planning with written verification of the determination(s). If permits are required the project applicant shall provide Mariposa Planning a copy of the permits prior to the issuance of a construction or grading permit.