RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes [X] No

1) Adopt a resolution adopting a Mitigated Negative Declaration for General Plan/Zoning Amendment 2000-8 and Commercial, Industrial, Manufacturing Plan 2000-2, and approving an amendment to the General Plan Land Use Map pursuant to GP/ZA 2000-8 with recommended findings and CIM Plan 2000-2 with recommended findings and conditions. 2) Waive first reading and introduce an ordinance approving a change in the Official County Zoning Map (changing the zoning on APN 008-410-010 from Mountain Home to Resort Commercial) with the recommended findings.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Deny the general plan/zoning amendment
2) Alter the conditions of approval for the CIM Plan
3) Deny the CIM Plan

NEGATIVE ACTION: If amendment is not approved, the property would remain in the Mt. Home zone. If the CIM Plan is denied, the uses proposed in the Plan would not be allowed, except those that would remain legal, nonconforming uses.

COSTS: (X) Not Applicable

| A. Budgeted Current FY | $ |
| B. Total anticipated Costs | $ |
| C. Required additional funding | $ |
| D. Internal transfers | $ |

COSTS: ( ) 4/5th Vote Required

| A. Unanticipated revenues | $ |
| B. Reserve for Contingencies | $ |
| C. Source Description | $ |

Balance in Reserve Contingencies, If Approved: $________________________

SPECIAL INSTRUCTIONS
List the attachments and number the pages consecutively:

Memorandum to Board with Attachments
Attachment 1 Planning Commission Resolution
Attachment 2 Staff Report to commission for project
Attachment 3 Proposed Board Resolution
Attachment 4 Proposed Board Ordinance

CLERK'S USE ONLY

Res. No.: 01-58 [X] Ord. No.: 062

Vote - Ayes: ________ Noes: ________
Absent: ________ Abstained: ________
[ ] Approved [ ] Denied
[ ] 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

By: __________________________
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

[ ] Recommended
[ ] Not Recommended
[ ] For Policy Determination
[ ] Submitted for Comment
[ ] Returned for Further Action

Comment: __________________________

A.O. Initials: __________________________

Action Form Revised 10/95
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:       ERIC TOLL, Planning Director
FROM:  MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Public Hearing to Consider General Plan/Zoning Amendment 2000-8; CIM Plan 2000-2; Churchill, Applicant

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 3, 2001

ACTION AND VOTE:

10:00 a.m. Eric Toll, Planning Director;
     A) PUBLIC HEARING to Consider General Plan/Zoning Amendment 2000-8; CIM Plan 2000-2; Churchill; Applicant
BOARD ACTION: Skip Strathearn, Associate Planner, presented the staff report and he advised that this project is on the Bear Creek Café/campgrounds site. Skip and Sarah Williams, Planning Manager, responded to questions from the Board relative to acoustical noise issues, monitoring and proposed mitigation measures, and whether the monitoring would continue for the life of the project. Staff responded to additional questions relative to the applicant’s intended use of the site; conditions for identifying the boundaries of the property; and location of the project site in relation to neighboring residences and the CalTrans Maintenance Yard and the Post Office.
     Public portion of the hearing was opened and input was provided by the following:
     - Dan and Janice Churchill, applicant, advised they are the property owners and their property boundary is about fifty-feet from a cabin. They provided input on the events and activities they plan to hold and on their work to improve the facilities to build a good business for the community and the tourist industry. They stated it is their goal for people to leave with fond memories of the County. They responded to a question from the Board relative to their interior roads and terrain.
     - Carol Davis, member of the Midpines Advisory Committee, stated she supports this project. She feels the property has been enhanced and it is consistent with the intent of the Wild and Scenic Designation of Highway 140.
     Public portion of the hearing was closed and the Board commenced with deliberations. Further discussion was held relative to the noise monitoring requirements and prohibition of use of amplification equipment, and whether the conditions would be compatible with what is approved in the General Plan Update. Janice Churchill advised of an upcoming church youth group activity of about 200 youth and
stated there will be a need for amplification for the speakers, and she further advised that they do not have any intention of having bands playing outdoors. Chairman Balmain asked if there was any other public input. There was none. Board continued with deliberations. Staff suggested a wording change in the conditions to allow for noise levels for this project as defined in the currently effective General Plan. (M)Parker, (S)Reilly, Res. 01-84 adopted approving a Mitigated Negative Declaration for General Plan/Zoning Amendment 2000-8 and Commercial, Industrial, Manufacturing Plan 2000-2, and approving an amendment to the General Plan Land Use Map with recommended findings and conditions; first reading was waived and an Ordinance introduced approving a change in the Official County Zoning Map for this project with the recommended findings; and direction was given to delete the amplification restriction for outdoor events and with the recommended change by staff to allow for noise levels for this project as defined in the current General Plan. Further discussion was held. Ayes: Unanimous. Hearing was closed.

cc: File
MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 01-84

A RESOLUTION APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND
USE MAP PURSUANT TO GENERALPLAN/ZONING AMENDMENT NO. 2000-8, and
COMMERCIAL, INDUSTRIAL, MANUFACTURING PLAN NO. 2000-2

WHEREAS, an application to amend the Mariposa County General Plan Land
Use and Zoning Map has been submitted to the County; and

WHEREAS, in conjunction with the General Plan/Zoning Amendment application
a Commercial, Industrial, Manufacturing (CIM) Plan application was submitted; and

WHEREAS, the General Plan/Zoning Amendment application proposes to
modify the general plan land use and zoning designation for APN 008-410-010 from
Mountain Home to Resort Commercial; and

WHEREAS, the CIM Plan application proposes to allow a tent cabin campground
and entertainment and food services to campground guests and the general public; and

WHEREAS, the Planning Commission held a duly noticed public hearing in
accordance with State Law and County Code, and recommends approval of the project
to the Board of Supervisors; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing
regarding the amendment in accordance with State Law and County Code.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby
approves the amendment to the Mariposa County General Plan Land Use Map for the
property described in Exhibit A, and approves the CIM Plan subject to the conditions of
approval shown in Exhibit B.

BE IT FURTHER RESOLVED, this action is based on the findings mandated by
Section 2.504 of the Mariposa County General Plan and Section 17.88.070 of the
County Zoning Ordinance as stated and discussed in Exhibits C and D.

BE IT FURTHER RESOLVED, the Board of Supervisors hereby adopts a
Negative Declaration with mitigation measures for General Plan/Zoning Amendment
2000-8 and CIM Plan 2000-2 in accordance with the California Environmental Quality
Act.

BE IT FINALLY RESOLVED, this resolution shall be effective the same date as
the effective date of Ordinance No. 962, an Ordinance amending the Mariposa
County Zoning Map for APN 008-410-010.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this
3rd day of April, 2001 by the following vote:
AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: None

ABSTAINED: None

EXCUSED: None

NOT VOTING: None

Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:
MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
JEFFREY G. GREEN
County Counsel
EXHIBIT A

Legal Description for Assessor's Parcel Number
(008-410-010)

Parcel 1:
All that certain real property situate in the County of Mariposa, State of California, described as follows:
A parcel of land situate in the Southeast quarter of the Northwest quarter (Lot 4) of Section 25, Township 4 South, Range 18 East, M.D.B.&M., County of Mariposa, State of California, more particularly described as follows:
COMMENCING at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 25; thence N. 89° 20' W. along the North line of the Southeast quarter of the Northwest quarter of Section 25, 906 feet to a point on the Northeasterly line of the Santa Clara Mining Claim; thence along the Northeast line of the Santa Clara Mining Claim S. 53° 20' E. 832 feet to Corner No. 4 of the Santa Clara Mining Claim; thence along the North line of the Santa Clara mining Claim, S. 89° 35' E. 239 feet, more or less to a point on the East line of the Southeast quarter of the Northwest quarter of Section 25; thence along the East line of the Southeast quarter of the Northwest quarter of Section 25, N. 0° 27' W. 477 feet, more or less to a point of COMMENCEMENT.
EXCEPTING THEREFROM any area contained in the State Highway Right of Way.

Parcel 2:
All of that portion of the Santa Clara patented mine as described in mineral survey #5052, and situate in the Northwest quarter of Section 25, Township 4 South, Range 18 East, M.D.B.&M., Mariposa County, California, as described as follows:
Beginning at the most Northerly corner of said Santa Clara patented mine; thence along the Northerly line of said Santa Clara patented mine; S. 53° 20' 00" E., 858.00 feet; thence leaving said Northerly line, S. 77° 42' 12" W., 673.12 feet to the Westerly line of said Santa Clara patented mine; thence along said Westerly line, N. 02° 40' 00" W., 656.43 feet to the point of beginning.
EXHIBIT B
CONDITIONS OF APPROVAL FOR CIM PLAN 2000-2

1. This CIM Plan is approved for:
   - a campground consisting of 15 tent cabin sites, which may include water and/or electrical service in the future.
   - a small camp store which will be available mainly for guests but will also be available for tourist traffic,
   - the use of the existing restaurant for group events such as dinner and music for campground guests and the general public and for providing food services such as sack lunches and barbecue events,
   - outdoor events such as small-scale musical and theatrical events for campground and the general public, and
   - educational activities for grade-school students

2. The bridge currently does not meet the minimum load capacity requirements of the County Fire Department. Therefore, to ensure that at least one ingress/egress point is adequate the applicant shall provide verification to the Mariposa County Fire Chief that Quail Lane has a load capacity of a minimum of 40,000 pounds. The load capacity can be verified by a licensed road construction contractor. A copy of the verification shall also be provided to the Planning Department. The bridge’s load capacity, or adequate signage as approved by the County Fire Chief, shall be posted on both sides of the bridge to notify fire personnel of its capacity. If Quail Lane does not have the capacity to carry a 40,000-pound fire engine either the bridge or Quail Lane shall be improved to meet this standard in order for the site to be serviced by fire fighting equipment. The bridge or Quail Lane shall be maintained to this standard for the life of the CIM Plan.

The access to be used by fire fighting vehicles, including adequate width, condition, etc. shall be approved by the Mariposa County Fire Department by May 1, 2001. Verification of that approval shall be provided to the Planning Department.

Should the applicant improve the bridge to meet the minimum load standard the capacity shall be rated every three (3) years from the date of the original improvement by a state licensed engineer and verification of the rating shall be supplied to the Mariposa County Fire Chief and the Mariposa County Planning Department. The bridge’s load capacity, or adequate signage as approved by the County Fire Chief, shall be required to be posted at all times.

This condition shall be in effect for the life of the project.

3. Prior to occupancy of the tent cabins for each camping season, and no later than May 1st of each year, the applicant shall verify to the satisfaction of the County Fire Chief that the campground facility and the tent cabins comply with all applicable fire code requirements for occupancy of tent/membrane structures contained in Article 32, California Building Code and Chapter 31 E, California Fire Code. The
applicant shall provide the Planning Department with verification that the County Fire Chief has approved the tent cabins for occupancy prior to each camping season.

4. The gate on Quail Lane located on the property line between the subject property and the property to the north shall be unlocked at all times to allow emergency ingress/egress. Quail Lane, between the project’s main accessway and the property to the north shall remain free of vehicles or other obstructions at all times the campground is being used. A sign shall be placed adjacent to the roadway at the northern property line identifying the roadway as an emergency exit. The sign shall be posted by May 1, 2001.

5. All outdoor campground-related group activities, including those involving music, shall terminate no later than 10:00 p.m. Noise levels at the project site’s property lines generated by activities associated with CIM Plan 2000-2 shall not exceed the normally acceptable standard for residential uses as identified and defined in the Mariposa County General Plan currently effective in 2001. Acoustical testing may be required to verify that this condition has been met in the event a complaint from neighboring property owners regarding noise is filed with the Planning Department. The testing shall be performed at the applicant’s expense and the times and locations of the testing and the acoustical consultant to perform the testing shall be approved by the Planning Director.

6. All advertising signage associated with the Yosemite Trail Camp use shall be in compliance with the Scenic Highway Overlay signage requirements contained in Section 17.65.010 of Title 17, Mariposa County Zoning Ordinance. Existing signage at the site meets this standard, but prior to installation of any additional signage a sign plan shall be submitted to the Planning Department for review and approval. The sign plan shall contain the location, size, highlighting, night lighting, building materials, and facial copy of all signs which are existing or are to be located on-site.

7. All on-site exterior lighting fixtures installed to serve the expanded campsite use shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, and shall direct light only onto the project site. The applicant shall submit an outdoor lighting plan to the Planning Director for review and approval prior to installing any lights on site. The applicant may propose an alternative to hooded lighting providing the alternative achieves the desired goal of restricting light to the premises. The alternative would be required to be approved by the Planning Director. Prior to installation exterior lighting shall be reviewed by the Planning Director for conformance to the recommendations for night light reduction provided by New England Light Pollution Advisory Group and International Dark-Sky Association. These recommendations are available for review at the Mariposa County Planning Department and a copy shall be given to the project applicant for reference.

8. Approved structures on the site under this CIM Plan are 15 tent cabins, one permanent caretaker’s residence, and one cabin residence. The cabin residence on the property shall be used for transient occupancy use in accordance with Section 17.108.180 of Mariposa County Code or as an accessory use to the
permitted campground use. Accessory uses are identified in Section 17.96.020 of the Mariposa County Zoning Ordinance as service stations, swimming pools, small
general services and other uses normally appurtenant to a permitted use, i.e.
clubhouses. The accessory use shall be approved by the Planning Director prior
to the establishment of the use. An additional residence can be placed on the
property provided that the other residences are used for a transient rental or an
accessory use to the campground. Only one of the residences on the property
can be used as a transient rental as allowed by county code. Any transient rental
on the property shall be required to be inspected for compliance with all building
and fire code regulations.

9. The placement of any new parking facility or structure on the site for the purpose
of implementing the CIM Plan, including platforms for the tent cabins, shall meet
all setback requirements stated in Section 17.96.050, Mariposa County Code. Any
new parking area and the tent cabins shall not be located within the 50-foot
property line setback.

10. The project site shall meet all applicable driveway and defensible space standards
of the SRA Firesafe Regulations for the life of the project.

11. Any representations or commitments made by the applicant at the public hearings
before the Planning Commission and Board of Supervisors shall be incorporated
as conditions of project approval.

12. All site development shall be in substantial conformance with the plans presented
to the Planning Commission and Board of Supervisors as amended by the
conditions of approval.

13. To prevent visitors to the campground from entering neighboring private property,
the project site's property lines shall be posted with no trespassing signs that
would be clearly understandable to all visitors at the site, including non-english
speaking visitors. The project applicant shall also provide a handout map to
campers which clearly delineates the campground boundaries and shows the
location of the numbered tent cabins. The signs shall be in place by May 1, 2001
and the handouts shall be available for the start of the camping season.

14. A caretaker responsible for the operation and maintenance of the campground
shall be available to campground guests at all times the campground is occupied,
in accordance with Section 2756 of Title 25, California Code of Regulations.
EXHIBIT C
FINDINGS FOR GENERAL PLAN/ZONING AMENDMENT 2000-8

1. This amendment is in the general public interest because improvements made to the site to allow the tent cabin campground use have the potential to improve general public health. The amendment brings into conformance with county code a use that services the important tourism sector of the county’s economy. The safety, peace and welfare of the general public is not negatively impacted by this project.

2. The amendment brings into conformance a use that satisfies General Plan Land Use Element Goal (I), which states that a goal of this element is to “establish clear policies that will encourage the private sector economy.” The project is in an area that has other commercial development which coexists with residential uses. This land use compatibility provides a long term guide for county development and day-to-day decision making by defining the types of commercial development which can locate in residential areas.

3. The amendment was processed in accordance with state law and county code with respect to notice, hearings and findings.

4. In addition to the Land Use Element cited in Finding No. 2, the amendment is consistent with Land Use Element Goal (D) which outlines a goal to “establish site standards and adopt procedures that provide for commercial and industrial development based upon suitability of access, terrain conditions, utility availability, and compatibility with adjoining uses.” The General Plan states that the intent of the Resort Commercial classification is to “provide for highway-related and tourist commercial services and uses along road heavily traveled by tourists.” The intent further states that the Resort Commercial classification is appropriate in areas located adjacent to or easily accessible to a County Primary Road or a State Highway.” The amendment is not inconsistent with guiding policies, goals, policies, and standards of the Mariposa County General Plan. The legal non-conforming aspects of the project, such as location of some of the parking spaces and one of the campsites is consistent with the non-conforming use standards contained in the General Plan.

The amendment is consistent with the Recreation Element of the General Plan.

5. The subject parcel has historically been used as a campground and is physically suitable for such a use. Access to the site is adequate for customers of the campground, utilities are available, the application of project conditions will ensure that the project is compatible with adjoining land uses and there are no physical constraints for this type of development. The amendment will have no adverse impacts on wildlife resources.

6. This amendment will allow the potential for uses that would provide basic services, such as restaurants and campgrounds to the residents in the area and touring public. There may also be employment opportunities offered at the site depending upon the type of Resort Commercial use proposed.
EXHIBIT D
FINDINGS FOR CIM PLAN 2000-2

1. This project has been modified and amended by proposed conditions of approval to reduce potentially significant environmental impacts to less than significant thresholds.

2. The site has historically been used for campsites and has shown to be suitable for this type of use. Access to the site for customers and residents is adequate, utilities are available, the application of project conditions will ensure that the project is compatible with adjoining land uses and there are no physical constraints for this type of development.

3. A new engineered septic system is being installed on the property and the design has been approved by the County Health Department. Solid waste is hauled away from the site on a regular basis.

4. The campground operates under an annual permit from the state Department of Housing and Community Development and a condition of the permit requires that the water be tested for potability.

5. There are special setback standards for campgrounds. In general the campground complies with setbacks as established by County Code. The paved parking area located adjacent to Highway 140 may not meet the requirement that parking areas must be a minimum of 100 feet from the centerline of the state highway. Another parking area for the campground use would allow cars to park within 50 feet from the northern property line. This use was established well before the implementation of the county zoning ordinance and is, therefore, a legal, non-conforming use. The placement of any new structures on the property to implement this CIM Plan, including tent cabins and appurtenant campground uses will be required to meet setback requirements as a condition of approval for the project.

6. With the implementation of project mitigation the development will have appropriate main and secondary ingress/egress points for visitors to the site.

7. The project has historically operated as a campground. The current proposal upgrades the campsites from tent uses to tent cabin uses. The project significantly reduces the potential for sewage contamination of Bear Creek by abandoning the existing restroom facility that was in close proximity to Bear Creek and installing a new restroom/septic system in accordance with all County Health Department requirements, including setbacks from the creek. There is the potential for a significant impact from noise on neighboring properties due to events such as barbecues and music events. Implementation of mitigation will reduce this potentially significant impact to a less than significant level. Due to the fact that fencing separates the campground from Bear Creek, that dense vegetation and bank steepness make accessing the creek difficult, and that there will be no new construction in the proximity of Bear Creek, it is found that the project would not
have a significant impact on Bear Creek nor an adverse impact on wildlife resources in general.

8. As noted in the Findings for the General Plan/Zoning Amendment, the project is consistent with General Plan Land Use Goals I and D. The project is not inconsistent with other policies and standards of the General Plan. The project is not located in an area which has a Specific Plan.