RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No) 

1) Adopt resolution adopting Negative Declaration with mitigation measures, approving General Plan/Zoning Amendment No. 91-3 with recommended findings, and approving Commercial-Industrial-Manufacturing Plan No. 91-1 with recommended findings and conditions;

2) Waive first reading and introduce ordinance approving Zoning Amendment No. 91-3.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 21, 1991, the Board of Supervisors approved the preliminary adoption of a Negative Declaration with mitigation measures for the project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives - (1) Continue matter; (2) Deny General Plan/Zoning Amendment; (3) Modify mitigation measures and/or conditions of development for CIM Plan; (4) Require preparation of EIR. Negative action would result in denial of project.

COSTS: (x) Not Applicable
A. Budgeted current FY $_______
B. Total anticipated costs $_______
C. Required Add'l funding $_______
D. Source: ____________________________

SOURCE: ( ) 4/5ths Vote Required
A. Internal transfers $_______
B. Unanticipated revenues $_______
C. Reserve for contingency $_______
D. Description: ____________________________
Balance in Reserve for Contingencies, if approved: $_______

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1) Memo
2) Site Plan and Vicinity Map
3) Draft Ordinance
4) Comments Received
5) Planning Commission Resolution No. 91-11
6) Planning Commission Minutes
7) Planning Commission Staff Report Packet

CLERK'S USE ONLY:
Res. No.: 91-373
Ord. No.: ____________
Vote - Ayes: ____________ Noes: ____________
Absent: ______ Abstained: ______
( ) Approved ( ) Denied (X) Minute Order Attached

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

Date: ____________
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
By: Deputy

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

Recommended (X) Not Recommended
Not Recommended For Policy Determination
Submitted with Comment
Returned for Further Action

Comment: ____________________________

A.O. Initials: ____________

Action Form Revised 12/89
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: PUBLIC HEARING ON MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN UPDATE AND DEIR

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS ORDER on August 6, 1991

ACTION AND VOTE:

Public Hearing to Consider the Adoption of a Negative Declaration and the Approval or Denial of General Plan/Zoning Amendment No. 91-3 and Commercial-Industrial-Manufacturing Plan No. 91-1 (Midpines Lodge & Livery); Gayle and Nancy Jones, Applicant

BOARD ACTION: Duane Hall, Associate Planner, presented staff report. Input supporting project was provided by Don Starchman/Starchman Law Offices representing the applicant; Nancy Jones/applicant; Barry Brouillette/representing Jerry Fischer; Carol Davis; Paul Theiss; Neal O'Donel Browne; Frank Long; Norbert Shea; and Orin Crosby; Input opposing the project was provided by David Booher, Chester Moore; Mrs. Booher and Mrs Moore. Res. 91-373 adopted approving Negative Declaration with mitigation measures, approving General Plan/Zoning Amendment No. 91-3 with recommended findings, and approving Commercial-Industrial-Manufacturing Plan No. 91-1 with recommended findings and conditions/Ayes: (M)Baggett, (S)Erickson, Radanovich; Noes: Punte, Taber. First reading was waived and Ordinance introduced approving Zoning Amendment No. 91-3/Ayes: (M)Baggett, (S)Erickson, Punte, Radanovich; Noes: Taber. Hearing was closed.

cc: File
DEPARTMENT: Planning  BY: Duane Hall  PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item:  Yes  No)

1) Adopt resolution adopting Negative Declaration with mitigation measures, approving General Plan/Zoning Amendment No. 91-3 with recommended findings, and approving Commercial-Industrial-Manufacturing Plan No. 91-1 with recommended findings and conditions;
2) Waive first reading and introduce ordinance approving Zoning Amendment No. 91-3.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 21, 1991, the Board of Supervisors approved the preliminary adoption of a Negative Declaration with mitigation measures for the project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives - (1) Continue matter; (2) Deny General Plan/Zoning Amendment; (3) Modify mitigation measures and/or conditions of development for CIM Plan; (4) Require preparation of EIR.

Negative action would result in denial of project.

COSTS:  (x) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required Add'l funding $________
D. Source: __________________________

SOURCE:  ( ) 4/5ths Vote Required
A. Internal transfers $________
B. Unanticipated revenues $________
C. Reserve for contingency $________
D. Description: __________________________
Balance in Reserve for Contingencies, if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1) Memo
2) Site Plan and Vicinity Map
3) Draft Ordinance
4) Comments Received
5) Planning Commission Resolution No. 91-11
6) Planning Commission Minutes
7) Planning Commission Staff Report Packet

CLERK'S USE ONLY:
Res. No.: 91-373
Ord. No.: __________________________
Vote - Ayes: ______ Noes: ______
Absent: ______ Abstained: ______
( ) Approved  ( ) Denied
(<>) Minute Order Attached

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

Date: __________________________

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
By: __________________________
Deputy

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

  X  Recommended
  ______  Not Recommended
  ______  For Policy Determination
  ______  Submitted with Comment
  ______  Returned for Further Action

Comment: __________________________

A.O. Initials: __________________________

Action Form Revised 12/89
TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: PUBLIC HEARING ON MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN UPDATE AND DEIR

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 6, 1991

ACTION AND VOTE:

Public Hearing to Consider the Adoption of a Negative Declaration and the Approval or Denial of General Plan/Zoning Amendment No. 91-3 and Commercial-Industrial-Manufacturing Plan No. 91-1 (Midpines Lodge & Livery); Gayle and Nancy Jones, Applicant

BOARD ACTION: Duane Hall, Associate Planner, presented staff report. Input supporting project was provided by Don Starchman/Starchman Law Offices representing the applicant; Nancy Jones/applicant; Barry Brouillette/representing Jerry Fischer; Carol Davis; Paul Theiss; Neal O'Donel Browne; Frank Long; Norbert Shea; and Orin Crosby; Input opposing the project was provided by David Booher, Chester Moore; Mrs. Booher and Mrs Moore. Res. 91-373 adopted approving Negative Declaration with mitigation measures, approving General Plan/Zoning Amendment No. 91-3 with recommended findings, and approving Commercial-Industrial-Manufacturing Plan No. 91-1 with recommended findings and conditions/Ayes: (M)Baggett, (S)Erickson, Radanovich; Noes: Punte, Taber. First reading was waived and Ordinance introduced approving Zoning Amendment No. 91-3/Ayes: (M)Baggett, (S)Erickson, Punte, Radanovich; Noes: Taber. Hearing was closed.

cc: File
MARIPOSA COUNTY RESOLUTION NO. 91-373

A RESOLUTION APPROVING GENERAL PLAN/ZONING AMENDMENT NO. 91-3
AND COMMERCIAL-INDUSTRIAL-FINUFACTURING PLAN NO. 91-1

WHEREAS, Mariposa County has received a request for an
amendment to the General Plan Land Use Map and a commercial-
industrial-manufacturing plan application to develop and
operate a 20-unit motel lodge, restaurant, and livery
facilities for guests; and

WHEREAS, environmental review has been conducted on the
project in accordance with the California Environmental Quality
Act and the Mariposa County Environmental Review Policies and
Procedures adopted pursuant thereto; and

WHEREAS, the Mariposa County Planning Commission and Board
of Supervisors have held duly noticed public hearings on the
project in accordance with State Law and County Code.

NOW THEREFORE BE IT RESOLVED that General Plan/Zoning
Amendment No. 91-3 (Gayle and Nancy Jones, applicants) and a
modification to the General Plan Land Use Map as shown in
Exhibit A attached hereto are hereby approved by the Mariposa
County Board of Supervisors. This action of the Board is based
on the findings contained in Exhibit D of Planning Commission
Resolution No. 91-11 which is hereby incorporated by reference.

BE IT FURTHER RESOLVED that Commercial-Industrial-
Manufacturing Plan No. 91-3 (Midpines Lodge & Livery) as shown
and described in Exhibits B and C of Planning Commission
Resolution No. 91-11 and subject to the conditions of
development stated in Exhibit C of Planning Commission
Resolution No. 91-11 is hereby approved by the Board of
Supervisors. This action of the Board is based on the findings
contained in Exhibit E of Planning Commission Resolution No. 91-
11.

BE IT FURTHER RESOLVED that the Mariposa County Board of
Supervisors hereby adopts a Negative Declaration for General
Plan/Zoning Amendment No. 91-3 and Commercial-Industrial-
Manufacturing Plan with the mitigation measures contained in the
Initial Study.

PASSED AND ADOPTED by the Mariposa County Board of
Supervisors on this 6th day of August, 1991 by the following
vote:

AYES: Baggett, Erickson, Radanovich
NOES: Punte, Taber
ABSTAINED: None
EXCUSED: None

GEORGE P. RADANOVICH, 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
LOCATION MAP
GENERAL PLAN/ZONING AMEND.
# 91-3
FROM: MOUNTAIN HOME
TO: COMMERCIAL - RESORT
APN: 09-170-024

SCALE: 1" = 2,000'
ALL ROADS LOCATIONS TO BE DETERMINED IN THE FIELD.

LODGE DIMENSIONS = 2 SECTIONS @ 30' X 60'
1 SECTION @ 40' X 60'
MAX. HEIGHT @ ENTRANCE = 32'

NOTE:
COLONIALS WILL BE LOCATED ON-SITE AFTER
FINAL SEPTIC SYSTEM LOCATION IS DETERMINED.

DRIVEWAY LOCATION

TOWNSHIP MAP
FOR REFERENCE USE
INCHES 1/4" OF PARCEL MAP
RECORDED IN BOOK 31 PAGES
MARISCHEA COUNTY RECORDS

FIGURE 1

DATE: 1-7-75

TREES

EXHIBIT B
EXHIBIT C

CIM PLAN CONDITIONS OF DEVELOPMENT

1) The project shall comply with all applicable Federal, State, and County regulations and the conditions of development. Non-compliance with any applicable regulations or conditions of development shall be considered a violation of the approved Commercial-Industrial-Manufacturing Plan and the County Zoning Ordinance.

2) The Commercial-Industrial-Manufacturing Plan is approved for the construction and operation of a 20-unit motel lodge, restaurant, and livery facilities as shown and described in the approved site plan and project description on file in the Planning Department on the 7.75 acre project site (APN 09-170-24). The restaurant and livery facilities shall be utilized by guests of the motel lodge only, and general public use is not permitted. A minimum of 20,000 gallons of water storage for domestic use shall be provided. Laundry facilities for the lodge and restaurant shall not be permitted within the project site. Minor modifications to the site plan and project description that do not increase the number of motel units or increase the overall building size of an individual building by 10% or more may be approved by the Planning Director based upon a finding that the modification substantially conforms with the approved site plan and project description.

3) All structures, including water storage tanks, shall comply with the setback standards of the Resort Commercial Zone. No structures shall be located and no grading shall be done in the Bear Creek drainage easement as shown on Parcel Map--Book 22 at Page 33.

4) All grading shall be done in accordance with the County Grading Ordinance (Chapter 15.28 County Code). An engineered grading plan shall be prepared by the applicant and submitted to the Planning Director in accordance with Section 15.28.060.C.2. The grading plan shall be approved by the Planning Director prior to commencement of grading work and the issuance of building permits to the motel lodge structure. The engineered grading plan shall contain a storm drainage plan as contained in Section 15.28.110.D and an erosion control plan as contained in Section 15.28.120. Provisions shall be developed by the applicant and approved by the Planning Director to control airborne particulate matter generated by grading. These provisions shall be incorporated into the grading permit.

All grading and construction delineated in the approved grading permit shall be completed and approved by the
Planning Director prior to issuance of certificates of occupancy (temporary or permanent) to any portion of the motel lodge structure.

5) The septic system and leach field shall comply with all applicable standards of the County and State and shall be approved and permitted by the County Sanitarian prior to the issuance of certificates of occupancy (temporary or permanent) for any portion of the motel lodge structure. The sewage disposal system shall be designed by a licensed civil engineer or other qualified individual.

6) All building plans shall be submitted to and approved by the County Health Department for compliance with all applicable County Health Department regulations prior to issuance of building permits for the motel lodge structure. A permit to operate a food establishment shall be obtained from the County Health Department prior to issuance of a certificate of occupancy for the restaurant.

7) The private water system shall comply with all applicable standards of the County and State and shall be approved and permitted by the Department of Health Services prior to the issuance of certificates of occupancy (temporary or permanent) for any portion of the motel lodge structure. Evidence of such approval by the Department of Health Services shall be submitted to the Planning Director.

8) Fire protection devices as required by the State Fire Marshal's Office shall be installed in the motel lodge structure. Water storage shall be provided on-site to furnish an adequate water supply and pressure for fire protection including the fire protection devices installed in the motel lodge structure. The amount and type of water storage shall be determined by the County Fire Warden. In addition, the water shall be accessible to fire protection vehicles as determined by the County Fire Warden. A plan showing the above improvements and provisions shall be submitted to and approved by the County Fire Warden and State Fire Marshal's Office prior to issuance of building permits to the motel lodge structure. These improvements and provisions shall be completed prior to issuance of certificates of occupancy (temporary or permanent) to the motel lodge structure.

9) The intersection of State Highway 140 and Carstens Road shall be improved as required by the Public Works Director to allow for safe and proper turning of vehicles onto Carstens Road. Carstens Road from State Highway 140 to the project's driveway encroachment shall be improved to a Rural Class IVB standard.
All required road improvements shall be completed in accordance with applicable County Improvement Standards and CalTrans standards. Encroachment permits shall be obtained from the Public Works Department and CalTrans prior to any work being done on or adjacent to State Highway 140 right-of-way and Carstens Road and prior to issuance of grading or building permits for the project. The County Engineer and/or CalTrans may require engineered improvement plans for the required road improvements. The required road improvements shall be completed prior to issuance of certificates of occupancy to any portions of the motel lodge structure.

10) Prior to grading, construction and the issuance of grading and building permits, a driveway and parking plan delineating driveways and parking spaces shall be prepared by the applicant and submitted to the Planning Director. The driveway and parking plan shall be approved by the Planning Director and comply with the parking standards and design criteria of Section 17.80.040.C of the Zoning Ordinance. In addition, the parking area shall provide a minimum of 20 vehicle parking spaces and 5 trailer storage spaces, and the parking area and driveway aisles shall be constructed in accordance with the County Improvement Standards and surfaced with a minimum of 2" of Asphalt/Concrete material. The driveway aisles and parking spaces shall be approved by the Planning Director for compliance with the approved site plan and parking plan and County Improvement Standards prior to issuance of certificates of occupancy (temporary or permanent) to the motel lodge structure.

11) The animal enclosure areas shall be located a minimum of 100 feet from any well and outside the Bear Creek drainage easement as shown on Parcel Map--Book 22 at Page 33. All grading for the animal enclosure areas shall comply with Condition of Development No. 4. In addition, sediment traps shall be installed to prevent the runoff of sediments within the enclosure area into Bear Creek.

12) The project, including all grading, structures, water tanks, and parking areas shall comply with the standards of Chapter 17.65 (Scenic Highway Overlay District) of the County Zoning Ordinance. The applicant shall submit a complete design review application to the Planning Department, and the design review application shall be approved by the Planning Director prior to issuance of grading or building permits for the project.

13) Prior to the issuance of grading permits or building permits for the project, the applicant shall submit a site plan designating a minimum of 40% of the project site as open
area in which structures, driveways, and parking areas are prohibited.

14) Prior to the issuance of certificates of occupancy for any portions of the motel lodge structure, all fees associated with the County's processing of the application and filing of associated documents shall be paid. The Department of Fish and Game filing fee ($1,250) shall be paid within five (5) days of the Board's approval of the project. Certificates of occupancy shall not be issued until this fee is paid.

15) Signage shall be installed both on-site and off-site to direct guests to public riding/hiking trails and the Sierra National Forest in order to prevent trespassing onto private property. Information and maps shall be available to guests to show the location of public riding/hiking trails and the Sierra National Forest and request guests to respect the rights of private property owners and not trespass onto private property. A plan demonstrating how this condition will be met shall be submitted to the Planning Director and shall be approved by the Planning Director prior to issuance of certificates of occupancy to the structures.

16) The livery facilities shall be kept in a clean and sanitary manner and animals kept in the facilities shall not generate excessive noise. The livery facilities and animals shall not constitute a nuisance to adjacent property owners.
Section 2.504 of the General Plan establishes four mandatory findings that must be made prior to approval of a General Plan Amendment. The required findings and a discussion in support of each finding follow:

1. The amendment is in the general public interest and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

   It is in the general public interest to designate appropriate land adjacent to Highway 140 between Mariposa and Yosemite National Park for resort commercial uses in order to promote tourism in the County and provide tourists visiting Yosemite National Park and the surrounding National Forests and public lands with resort commercial services. A Negative Declaration has been adopted for the project which found the amendment and resulting commercial development will not have any significant environmental effects. In addition, a Commercial-Industrial-Manufacturing (CIM) Plan has been prepared and adopted by the Board concurrently with the amendment, and this and future CIM Plans will ensure development resulting from the amendment will not significantly affect residents of the surrounding area and the general public.

2. The amendment is desirable for the purpose of improving the General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making.

   The amendment will improve the commercial land use goals and policies of the General Plan by designating land outside the Town Planning Areas for resort commercial development in an appropriate area along a major tourist access route. Tourists visiting Yosemite National Park and surrounding National Forests and public lands will be provided with local commercial services, and tourism-related services in Mariposa County will be improved thereby promoting one of the major economic sectors of the County.

3. The amendment conforms with the requirements of State law and County policy.

   The amendment has been processed in accordance with the requirements of State law and County regulations and established policy. A Negative Declaration has been prepared and adopted in accordance with the California Environmental Quality Act.
4. The amendment is consistent with other guiding policies, goals, policies, and standards of the General Plan.

The amendment will not create a nuisance or be detrimental to property, residents, and property values of the surrounding area. The amendment site is a logical and desirable location for commercial uses being located adjacent to Highway 140, and the amendment will result in the provision of commercial services to the touring public. As such, the amendment is consistent with the commercial development goals, policies, and standards of the General Plan. The amendment does not conflict with other goals, policies, and standards of the General Plan.
EXHIBIT E

CIM PLAN FINDINGS OF APPROVAL

1) The proposed project, upon approval of the general plan/zoning amendment, is located in the Commercial-Resort Land Use established by the Mariposa County General Plan and has been reviewed relative to the goals, policies, and standards established by the General Plan. The project, upon compliance with the required conditions of development, is found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole, and will not obstruct the achievement of the General Plan's purpose. This finding is made in accordance with Section 2.500 et. seq. of the General Plan.

2) The project, upon compliance with the required conditions of development, complies with all standards of the Mariposa County Zoning Ordinance including the findings and standards of the Scenic Highway Overlay District. The Board of Supervisors has determined that this project will not have a significant effect on the environment and has adopted a Negative Declaration based upon the mitigation measures identified in the Initial Study and incorporated into the project design.

3) Based on the comments of the Department of Fish and Game and discussion in the staff report, the project may have an adverse effect on wildlife resources and is subject to the Department of Fish and Game filing fee for the Negative Declaration (AB 3158).
LOCATION MAP
GENERAL PLAN/ZONING AMEND.
# 91-3
FROM: MOUNTAIN HOME
TO: COMMERCIAL - RESORT
APN: 09-170-024
Declaration with mitigation measures for the project, approve
the amendment to the Mariposa County General Plan Land Use Map
and Mariposa County Zoning Map as shown in Exhibit A attached
hereto, and approve Commercial-Industrial-Manufacturing Plan No.
91-1 as shown and described in Exhibits B and C with conditions
of development as stated in Exhibit C attached hereto.

BE IT FURTHER RESOLVED this recommendation is based on the
mandatory general plan amendment findings established by Section
2.504 of the Mariposa County General Plan as stated and
discussed in Exhibit D attached hereto and the CIM Plan findings
stated in Exhibit E attached hereto.

PASSED AND ADOPTED by the Mariposa County Planning
Commission on this 12th day of July, 1991 by the following vote:

AYES: Balmain, Cromell, Eskra, Fall, Hotchkine

NOES: None

ABSTAINED: None

EXCUSED: None

___________________________________________
CHARLES R. FALL, Chairman
Mariposa County Planning Commission

ATTEST:

___________________________________________
BETTY CRISP, Secretary
Mariposa County Planning Commission
MARIPOSA COUNTY PLANNING COMMISSION

RESOLUTION NO. 91-11

A RESOLUTION RECOMMENDING APPROVAL OF GENERAL PLAN/ZONING
AMENDMENT NO. 91-3 AND COMMERCIAL-INDUSTRIAL-MANUFACTURING
PLAN NO. 91-1; GAYLE AND NANCY JONES, APPLICANTS.

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

WHEREAS, an application for a Commercial-Industrial-
Manufacturing (CIM) Plan to construct and operate a 20-unit
motel, restaurant, and livery facilities for guests has been
submitted to the County in conjunction with the amendment; and

WHEREAS, the Planning Commission is responsible for
reviewing the requested amendment and reviewing the CIM Plan for
compliance with the Mariposa County Zoning Ordinance and other
applicable County regulations and standards and formulating a
recommendation to the Board of Supervisors relative to the
approval or denial of the requested amendment and the approval,
conditional approval, or denial of the requested CIM Plan; and

WHEREAS, the Board of Supervisors has adopted a preliminary
Negative Declaration for the project and established a public
review period; and

WHEREAS, the Planning Commission has held a duly noticed
public hearing on the matter in accordance with State Law and
County Code.

NOW THEREFORE BE IT RESOLVED the Planning Commission

recommends that the Board of Supervisors adopt a Negative