MARIPOSA COUNTY RESOLUTION NO. 86-349

A RESOLUTION DENYING AN APPEAL OF THE PLANNING COMMISSION'S ADOPTION OF A NEGATIVE DECLARATION (STATEMENT OF NO SIGNIFICANT ENVIRONMENTAL EFFECTS) FOR USE PERMIT NO. 204, MARRIOTT TENAYA LODGE.

WHEREAS, the Mariposa County Planning Commission considered a Use Permit Application No. 204 for the establishment of a hotel in Fish Camp, an unincorporated community within Mariposa County, and

WHEREAS, the Planning Commission performed environmental review on the project in accordance with the California Environmental Quality Act and Mariposa County Environmental Review Policies and Procedures adopted pursuant thereto, and

WHEREAS, the Planning Commission adopted a Negative Declaration (statement of no significant environmental effects) for use permit application No. 204 based upon the following findings:

1. Potential environmental effects of the project will not be significant because the mitigation measures identified in section VI of the Initial Study prepared for the project, which is incorporated into this resolution by reference, will be applied to the project by the County and have been agreed to and incorporated into the project design by the applicant.

2. The mitigation measures proposed in the initial study are adequate to reduce the potential environmental effects identified in the initial study and through the public review and public hearing process to an acceptable level and no further substantial evidence has been provided indicating that the project may have a significant effect on the environment.

The Planning Commission findings relative to adopting the Negative Declaration are supported by the following statements of evidence contained in their Resolution No. 86-20.

A. Safe and adequate access to the project, including emergency
access, will be provided from State Highway 41 and Jackson Road, a County road.

B. Wastewater produced from the project will be safely treated and disposed of by a tertiary level sewage treatment plant and engineered underground leach field. The underground leach field accepting the tertiary treated wastewater will be located a minimum of 600 feet from Big Creek insuring that the surface water quality will not be detrimentally affected. Final design approval by the County Health Department and State Regional Water Quality Control Board will be required prior to the construction of the project to ensure the adequacy of the proposed design. Monitoring of the wastewater system, when in operation, is required to ensure that it will not have a detrimental effect on surface and groundwater quality.

C. Adequate geohydrologic studies have been performed which show that sufficient water is available to serve the project for domestic and fire suppression purposes. Water storage facilities, in accordance with State Standards, for domestic and fire suppression purposes, will be required.

D. Structural improvements will be concentrated in a central area and the majority of the site will remain in open space providing a beneficial buffering effect between the project site and the residential portions of the Fish Camp Community. The improvements are located on the most suitable terrain and the sensitive hillsides and areas closest to Big Creek will be maintained primarily in open space.

E. Special fire suppression improvements and equipment will be required for the project by the County Fire Warden and State Fire Marshal to ensure the safety of the guests and the Fish Camp Community in the event of a structural fire.

F. A comprehensive grading, drainage and erosion control plan will
be prepared by a licensed engineer and implemented on the site to ensure that
the runoff from the site will not detrimentally affect other properties or
Big Creek. Special conditions will be applied to the project which will
require implementation of this plan prior to the winter of 1986-87.

WHEREAS, as an appeal of the Planning Commission action was
submitted and the designated body to hear such appeals is the Mariposa County
Board of Supervisors, and

WHEREAS the Mariposa County Board of Supervisors held a noticed
public hearing on the appeal of the Planning Commission's adoption of a
Negative Declaration for Use Permit No. 204, and

WHEREAS, at the public hearing the Board of Supervisors considered
all evidence considered by the Planning Commission and all additional written
and verbal evidence presented.

NOW THEREFORE be it resolved that the Mariposa County Board of
Supervisors hereby upholds the Planning Commission's adoption of a Negative
Declaration and denies the appeal based upon the following findings of fact:

1. The evidence submitted supports and does not conflict with the
Planning Commission's finding that all potential environmental effects of the
project will not be significant because the mitigation measures identified in
Section VI of the initial study prepared for the project will be applied to
the project by the County and have been agreed to and incorporated into the
project design by the applicant.

2. No evidence was submitted which required further evaluation by
either the applicant or by the County.

3. No substantial evidence, as defined by Section 15384 of the
California Administrative Code, was provided to the Board of Supervisors which
would indicate that the project, following inclusion of all mitigation
measures, will have a significant effect on the environment, or that the
action of the Planning Commission was inappropriate.

PASSED AND ADOPTED this 16th day of September, 1986 by the Mariposa
County Board of Supervisors by the following vote:

AYES: Barrick, Erickson, Taber

NOES: Radanovich

ABSTAINED: None

EXCUSED: Dalton

Beverly Barrick, Chairman
Mariposa County Board of Supervisors

ATTEST:

GERALD McCARTHY, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFRY G. GREEN, County Counsel