

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2019-002

A Resolution Recommending that the Board of Supervisors Approve Amended Site Plan/Conditions Application No. 2018-211 (Tenaya Cabins Project- GPZA No. 2014-163, LDA No. 2014-165, CUP No. 2014-164 and EIR) with Recommended Findings, Amended Conditions and EIR Addendum (Tenaya Cabins EIR SCH2015021032). Delaware North , Applicant. The Project Site is Located at 1152 Highway 41, Fish Camp. APN 010-350-010.

WHEREAS, an application for Amended Site Plan/Conditions Application No. 2018-211 (Tenaya Cabins Project- GPZA No. 2014-163, LDA No. 2014-165, CUP No. 2014-164 and EIR) was received from Delaware North, for a property located at, 1152 Highway 41, Fish Camp CA. also known as Assessor Parcel Number (APN) APN 010-350-010; and

WHEREAS, Amended Site Plan/Conditions Application No. 2018-211 proposes:

1. To amend the previously approved Tenaya Cabins Project site plan (CUP No. 2014-164 and LDA No. 2014-165) to widen the primary Highway 41 access encroachment to meet the minimum required fire access standards and removal of the secondary emergency access including its encroachment on Highway 41.
2. Front entrance sign changes.

The purpose of the Amended Site Plan/Conditions project is for an alternative secondary emergency access option while minimizing site impacts in conformance with the project EIR; and

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

WHEREAS, a duly noticed Fish Camp Planning Advisory Council public meeting was scheduled for the 12th day of January 2019; and

WHEREAS, the Fish Camp Planning Advisory Council conducted a public meeting on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS, the Fish Camp Planning Advisory Council recommended the Planning Commission recommend that the Board of Supervisors approve the project with an EIR Addendum at their meeting of 12th day of January 2019; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 22nd day of February, 2019; 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 an EIR addendum 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 EIR addendum, notice of determination and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution finding the EIR Addendum to the Tenaya Cabins EIR SCH 2015021032 and filing of a Notice of Determination is in compliance pursuant to CEQA Guidelines §15162 and §15164; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend the Board of Supervisors adopt a resolution approving Amended Site Plan/Conditions Application No. 2018-211 (Tenaya Cabins Project- GPZA No. 2014-163, LDA No. 2014-165, CUP No. 2014-164 and EIR), and denying the proposed amended sign based on sign size.

BE IT THEREFORE FURTHER RESOLVED THAT the project recommendation of approval to the Board of Supervisors is based upon the findings set forth in Exhibit 1 with the existing terms and conditions set forth in Exhibit 2 and the new terms and amended conditions set forth in Exhibit 3.

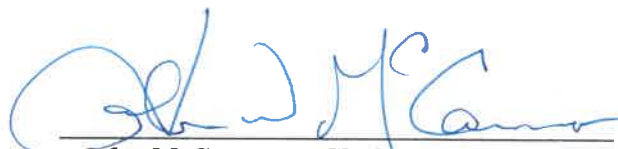
ON MOTION BY Commissioner Harris, seconded by Commissioner Walls, this resolution is duly passed and adopted this 22nd day of February 2019 by the following vote:

AYES: Becker, Harris, Herman, McCamman, Walls

NOES: None

EXCUSED: None

ABSTAIN: None



John McCamman, Chair
Mariposa County Planning Commission

Attest:



Danielle Wardle, Secretary
Mariposa County Planning Commission

Exhibit 1 - Findings

(Amendments to Conditional Use Permit Application No. 2014-164 Land Division Application No. 2014-165)

Findings for Amendments to CUP No. 2014-164 and Land Division No. 2014-165

The findings as set forth in Board of Supervisors Resolution No. 2017-434 approval of the Tenaya Cabins Project (GPZA No. 2014-163, CUP No. 2014-164, LDA No. 2014-165 and EIR) are incorporated herein by reference and Amended Site Plan/Conditions Application No. 2018-211 amends the site plan of the previously approved Tenaya Cabins project.

The proposed amendments to the approved development are minor, being the relocation of the secondary emergency access utilizing the Highway 41 access that was determined to be at a physically suitable location and sufficient to serve the site. The project both before and after the proposed secondary emergency access relocation does not change any of the findings as previously approved as evidenced in the Amended Site Plan/Conditions Application No. 2018-211 evaluation and EIR addendum.

Exhibit 2 – Existing Project Conditions and Mitigation Measures
(Amendments to Conditional Use Permit Application No. 2014-164 Land Division Application No. 2014-165)

*All Conditions and Mitigation Measures approved by Board of Supervisors Resolution No. 2017-434 (Tenaya Cabins Project- GPZA No. 2014-163, CUP No. 2014-164, LDA No. 2014-165 and EIR) are incorporated herein by reference, except Conditions No. 60 and 95, which are modified by this resolution (Exhibit 3).

EXHIBIT 3
AMENDED CONDITIONS
(TENAYA CABINS PROJECT- GPZA NO. 2014-163, CUP NO. 2014-164, LDA NO. 2014-165 AND EIR),

*All conditions and mitigation pursuant to Board of Supervisors Resolution No. 2017-434 (Tenaya Cabins Project- GPZA No. 2014-163, CUP No. 2014-164, LDA No. 2014-165 and EIR) shall remain in full force and effect and are not modified by this action except as follows:

Conditions of Approval Nos. 60 and 95 text is amended and *shown in italics text as follows:*

“Access Segment 5: A 20-foot wide paved road for secondary emergency access to serve the project is required. The emergency access road shall be improved to meet CALFIRE requirements, and shall be approved by County Fire and CALFIRE prior to building permit issuance. Security measures and gates for this segment shall meet County, CALTRANS (if in highway right-of-way) and CALFIRE requirements.”

OR in lieu of the Access Segment 5, an alternate design of the main entrance may be provided to include an additional 20-foot wide paved access road with median island to function as a secondary emergency access. The alternate design shall meet CALFIRE, County Fire and CALTRANS requirements. CALFIRE, County Fire, CALTRANS and Public Works approval of the design plans prior to site prep and utility permit No. 17-33026 (grading permit plan) revision approvals shall occur. Improvement of the alternate encroachment and approval of the improvements by CALFIRE, County Fire, CALTRANS, and Public Works shall be required prior to occupancy of any structure.